Box 1576
Grand Coulee, Washington
December 7,1952

Watchtower Bible and Tract Society
117 Adams Street
Brooklyn 1, N. Y.

Dear Brothers,

I have just recently filled out my Qusetioneer and Conscientious Objector form and sent them in. Now I am preparing affidavits in support of my claims of being a Minister and Conscientious Objector. If you are still issuing Letters of Ordination to Pioneers I would like to make request for one of these to file with my other Selective Service papers.

Yours in Jehovah's Service,

Richard M Rawe

Selective Service No. 45-22-34-183
Box 1576
Grand Coulee, Washington
Dec. 17, 1952

Selective Service System
Local Board No. 22
Chelan Co. Court House
Wenatchee, Washington

Notice Of Appeal

I wish to make this written notice of appeal of my classification. The reason I feel my classification should be IV-D instead of I-O is because I am primarily an ordained minister of religion, (measuring up fully to the requirements of the law in order to receive such a classification) and secondly a conscientious objector. The reason I made the claim of conscientious objector is because I have conscientious objections to training and service in both combatant and non-combatant service because of my status and duties as a full-time ordained minister.

If the Board does not wish to change my classification to IV-D after considerning this statement them I wish to make this request:

Request For Personal Appearance

I wish to make request for a personal appearance Before the Board to review my case.

If the personal appearance is necessary, then when you send me the date when this meeting is to take place I would also like a brief statement as to why the Board feels it can not give me a IV-D.

Sincerely yours,

Richard M Rawe

Richard M Rawe

Selective Service No. 45-22-34-183
Box 1576
Grand Coulee, Washington
DEC 17, 1951 Mayfair Dec 19

Selective Service System
Local Board No. 22
Chelan Co. Court House
Wenatchee, Washington

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If the personal appearance is necessary, then when you send me the date when this meeting is to take place I would also like a brief statement as to why the Board feels it can not give me a IV-D.

Sincerely yours,

Richard M Rawe

Box 1576
Grand Coulee, Wash.
June 9, 1953

Selective Service
Local Board No.22
Wenatchee, Wash.

Dear Sir:

Enclosed please find a copy of a letter to the State and National Directors requesting them to take an appeal to the President in my behalf. Please include these 2 letters in my file.

I also want to ask the local board to delay any futher action in my case untill the Director's have acted on my request.

There are inclosed also in this letter 5 other letters from different persons stating how they view me in relation to my ministry. Please include these 5 other letters in my file also.

Sincerely yours,

Richard M Rawe

Enclosures: 7

Box 1576
Grand Coulee, Wash.
June 10, 1953

General Lewis B. Hershey
Director Of Selective Service
Washington 25, D. C.

Dear Sir:

I would like to request you to request my local draft board to reconsider the classification of I-O they gave me and determine whether a classification of IV-D should be given.

Their adress is: Selective Service, Local Board No. 22, Chelan Co. Court House, Wenatchee, Washington.

I believe that in view of the facts that I gave you in my previous letter this request will be substantiated.

Thank you for your kind consideration.

Sincerely yours,

Richard M Rawe

(Copy of)
Local Board Meeting
Jan. 5, 1954

Rawe, Richard, M. 45-22-34-183

After postponing dexision of above registrant's case, the local board at the direction of the State Director, reopened and considered anew the classification, and because there was no substantial change in the registrant's status since consideration of case by the Presidential Appeal Board, the decision of that board was affirmed and registrant continued in I-A classification.

Florance W. Allen
Asst. Clerk

Amended Minutes Local Board Meeting

January 5, 1954 — Prepared after Jan. 20, 1954

Rawe, Richard Martin- 45-22-34-183

Complying with the request of State Director dated January 20,1954 Local Board makes these amended and epanded minutes of the January 5,1954 meeting for the purpose of informing those who maybe concerned with the reasons for action taken at said meeting.

****

In compliance with the State Director's request of December 1, 1953 the local board reopened the classification of the above registrant and considered it anew, using as a guide the Supreme Court decision in the case of Dickinson vs United States.

The registrant's principal claim is for classification as a minister of religion. Information submitted b y the registrant in support of this claim was carefully studied to determine whether he is the leader of his particular religious organization, as referred to in the Dickinson case. He is a member of the Ephrata congregation or company of Jehovah's Witnesses. In his seven-page summary of informantion, sworn to b y him on November 30,1953, he states he has been assigned the duties of "Territory Servant and Theocratic Ministry School instructor in Ephrata, Wash. Congregation of Jehovah's Witnesses". In a letter dated Jene 7, 1953, Clifton Webb, who identifies himself as "Congregation Servant" states "the Watchtower Bible and Tract Society recognizes him As Assistant Congregation Servant and Theocratic Ministry School Servant to the Ephrata Congregation of Jehovah's Witnesses". In an undated letter received b this local board on June 11, 1953, Laurence L. Woodall, who identifies himself as "Company Servant of Grand Coulee Company of Jehovah's Witnesses", states "At present he holds the servant's position of School servant with the Ephrata Washington company of Jehovah's Witnesses". In a letter dated June 7, 1953 Verne D. Woodall, who identifies himself as "Assis. Cong. Servant, Grand CouLee, Wash", states "He has been appointed by the Watchtower Bible and Tract Soc. as Assis. Congregation Servant and Theocratic Ministry School Servant in th Ephrata, Wash. Congregation of Jehovah's Witnesses". The file contains seven other letters from persons not identified as having official positions in the organization, whose addresses are shown as follows: one from Ephrata, one from Spokane, one from Coulee Dam, one from Electric City, and three from Grand Coulee. The file does not contain a document or a copy thereof issued by the Watchtower Bible and Tract Society or any official of Jehovah's Witnesses identifying the registrant as having been appointed to the principal position in any congregation or company of Jehovah's Witnesses.

The local board's conclusion is that the registrant has submitted voluminous evidence that identifies him as having spent a large amount of time in the activities of the religious organization of which he is a member, but that his induction would not "leave a congregation without a cleric" in the words of the Dickinson decision.

The local board also noted that the rigistrant, in his own hand, in Item 25 of Report of Medical History (Standard Form 89) completed by him at the

Armed Forces Examination Station, Seattle, Washington, on August 27,1953, showed "wood working" as his usual occupation.

The local board has not sought information from other sources to contradict or controvert the registrant's claims. He has had ample opportunity to submit evidence which would fully establish his eligibility for classification in Class IV-D. The information he has submitted falls short of convincing the local board that in the light of the definitations in Section 16 of the Act the registrant is other than an active lay person who has given evidence of considerable devotion to the tenets of his religious belief.

Consideration was also given to the registrant's claim of being conscientiously opposed to participation in war in any form. In attachments made a part of his Special Form for Conscientious Objector (SSS Form No. 150) The registrant subscribes to the belief that Jehovah's Witnesses will fight NOT WITH CARNAL WEPONS under certain circumstances and that they will fight in defence of their ministry and their brothers. The local board does not believe that ~~when the board granted this registrant classification in Class I-O~~ this is conscientious objection to war in any form. It was also noted that when the local board granted this registrant classification in Class I-O he appealed to the appeal board from that determination, and that when the appeal board classified the registrant in class I-O he requested the Director of Selective Service and the State Director of Selective Service to appeal to the President in his behalf from that classification. The local board fails to see how it could classify the registrant in Class I-O when he has indicated his dissatisfaction with that classification on two separate occasions and exercised a statutory right in appealing to the appeal board against that classification when it was made b y the local board.

The local board therefore voted, in view of the above, that the registrant be classified in Class I-A.

(signed)
James A. O'Connor
Chairman

Box 1576
Grand Coulee, Wash.
Jan. 12, 1954

Selective Service System
Local Board No. 22
Wenatchee, Washington

Dear Sirs:

Please put in my file the enclosed NOTICE OF APPEAL TO APPEAL BOARD and the notes I took on the "Proceddings of Personal Appearance Before Local Board No. 22, Dec. 1, 1953"

Sincerely yours,

Richard M. Rawe

Box 1576
Grand Coulee, Washington
Jan. 12, 1954

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

On Jan. 7, 1954 the Local Board sent me annotice of classification card that informed me that the board has decieded to continue me in class I-A.

Enclosed please find a copy of the NOTICE OF APPEAL TO APPEAL BOARD and copies of the notes of the two board meetings for your file.

As soon as I receive the classification from the Appeal Board I will send this information to you.

Your brother,

Richard M. Rawe

Form 3811
Rev. 1-4-40

Article Sent to Agent

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Selective Service System
(Signature or name of addressee)

2 Mrs Edgar A Allen (Florence M.)
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery JAN 15 1954, 19—

U. S. GOVERNMENT PRINTING OFFICE 16—17421

Post Office Department

OFFICIAL BUSINESS

(PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE $300)

(GPO)



POSTMASTER OR DELIVERING OFFICE

Return to Alexander Orchards

(NAME OF SENDER)

Street and Number, or Post Office Box, 1815 7th

REGISTERED ARTICLE

No. 128

Post Office Wenatchee

INSURED PARCEL

State Wash.

No.

16—1221

Box 1576
Grand Coulee, Wash.
Jan. 12, 1954

Selective Service System
Local Board No.22
Wenatchee, Washington

NOTICE OF APPEAL TO APPEAL BOARD

I wish to have my I-A classification charged to IV-D. I believe that recent court decisions and the evidence in my file will support my claim to a IV-D classification. I believe the reason why the local board did not classify me IV-D is because of the age at which I was ordained and because of the March 9,1953 decision in the Dickinson case, which is now reversed. These points were raised in a letter to me from Charles M. Toynbee, Deputy State Director, on June 11, 1953, he said, " Your letter states that a document you have submitted to the local board shows that you were""ordained in a public ceremony on September 20, 1942". At that time you were approximately 8 years of age. In a recent case before the United States Court of Appeals for the Ninth District, (Dickinson vs U.S.) a decision was handed down on March 9, 1953. It it the Court pointed out the position of the draft board when confronted with a situation which required that it give the appellant's claim rather careful scrutiny. The entire language of that certain portion of the Court's decision and the result of the consideration given to your case by your local board and by the Appeal Board appear to be consonant."

I would like to point out that the Selective Service Regulations provide that it is the persons status at the time of his classification that determines what his classification shall be. Regardless of the age at which I began my ministry there is nothing to show not that I am not a minister and entitled to such a classification. (For more information on this see pages 3,4 of the seven page report I left with the board on Dec.1, 1953) I believe the Supreme Court backs me up in this regard when it said in its majority opinion on the Dickinson case: "That the ordination, doctrines, or manner of preaching that his sect employs diverge from the orthodox and traditional is no concern of ours; of course the statute does not purport to impose a test of orthodoxy." (Emphasis added).

Mr. Toynbee applied the results of the March 9, 1953 decision of the Dickinson case to my case. On November 30, 1953 the Supreme Court of The United States reversed this decision. The important points in the Dickinson case are consonant with my case. Dickinson is a full time "pioneer minister", I am too. Said the Court: "The principal and decisive issue before us is whether there was a basis in fact for denying Dickinson's claim to a ministerial exemption under Sec. 6(g) of the Universal Military Training and Service Act," The Court found that there was no basis for denying Dickinson's claim to ministerial exemption.

If there be any doubt as to whether I am now a pioneer minister inquiry can be made to the Watchtower Society.

Sincerely yours,

Richard M. Rawe

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

January 15, 1954 MAIN 5-1240

Richard M. Rawe
Box 1576
Grand Coulee,
Washington

Dear Brother Rawe:

Thank you very much for your letter of January 12, 1954, informing me as to your present draft status.

Since the local board reopened and reconsidered your classification you should have requested a personal appearance in the usual way. In your letter you say that the classification card was mailed January 7, 1954. Therefore the request should have been filed within ten days. However, since you have filed the notice of appeal your file will be sent to the appeal board and in turn reviewed and referred to the Department of Justice for an appropriate investigation and hearing and recommendation as to your conscientious objections to participation in war.

Did you prepare a written summary of the personal appearance? This suggestion is found on page 17 of the Booklet "Procedure for Jehovah's Witnesses under Selective Service." Since December 18, 1952, it has been the responsibility of the registrant to prepare the written summary of the oral evidence presented at the personal appearance. I make mention of this because of the summary prepared by the clerk of the oral information presented to the local board on December 1, 1953. Actually, according to the law, you were not afforded a personal appearance at that time, since such appearance must follow a reopening of a classification, not just preceding the reopening.

However, if the information in the summary by the clerk is correct then and it was a personal appearance, you should have prepared a written summary of the oral evidence and outlined all the information that you presented which would support

the ministerial position that you are claiming and which has not been stated elsewhere in your file. Such information is always prepared for the benefit of the appeal board when considering the registrant's classification. Otherwise he is denied the benefits of a full and fair hearing.

In the event that the classification by the appeal board is unfavorable you should follow the suggestions on pages 24 through 27 of the Procedure booklet.

Please keep me informed of the developments in your case.

Your brother,

Hayden C. Covington

HCC:fb

To open pricing request by the Navy should after the president for more information as to claimers and as well as how [illegible] the [illegible]
Mr. Clerk suggest [illegible] explain on the Rules

UNITED STATES ATTORNEY'S OFFICE
REC'D.
MAR 26 1954
SPOKANE, WASH.

Resume of the Investigative Report

Re: Richard Martin Rawe

Conscientious Objector

Registrant's father was interviewed and he advised that his son had been employed on a part-time basis for the past three years in the informant's lumber mill at Grand Coulee, Washington. The informant continued that registrant had been working in this capacity three days a week and it was noted that he devoted the remainder of the week to the performance of his ministerial duties in the Watchtower Bible and Tract Society.

One interviewee in Miles City, Montana, who is an ordained minister in the Jehovah's Witnesses organization, stated that he had known the registrant since 1948. According to this interviewee registrant had received instruction in the teachings of the Watchtower Bible and Tract Society since early childhood and there was no reason to question the registrant's bona fide affiliation with this religious sect.

Registrant and other members of his family have resided for many years in Grand Coulee, Washington. Persons who were interviewed stated that registrant was a hard worker and they described him as a conscientious student. He and his family are well regarded in the Grand Coulee, Washington area. Former instructors advised that registrant would not salute the flag or enter into social or athletic events while a high school student. His refusal to do so was based upon his religious training and convictions. Associates of the registrant in the Jehovah's Witnesses organization and references said that he was an active and devout member of the Watchtower Bible and Tract Society and they had no reason to question the sincerity of his professed religious convictions. One church official said that registrant was presently serving as the Theocratic Ministry School conductor and it was further noted that registrant was holding the office of Bible Study Servant. Several interviewees explained that

THIS COPY TO BE FORWARDED BY HEARING OFFICER TO REGISTRANT WITH NOTICE OF HEARING

registrant was also classified as a "pioneer" minister and in this capacity he was required to devote at least one hundred hours a month to the performance of public church duties. Credit and criminal records are negative.

Prepared: March 22, 1954

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NOTICE OF HEARING

909 Paulsen Building
Spokane 1 (City) Washington (State) April 20, 1954 (Date)

TO: Richard Martin Rawe
(Name of Registrant)

Box 1576 (Street Address) Grand Coulee (City) Washington (State)

You are hereby notified that before the undersigned Hearing Officer at

Room 334 (Room), Federal Building (Building) Riverside Ave. & Lincoln Street (Street Address)

Spokane (City) Washington (State), at 10:00 A. M. (Hour)

o'clock on May (Month), 4 (Day), 19 54, a hearing, at which you are requested to be present, will be held by the Department of Justice to consider your claim to exemption from training and service under the Universal Military Training and Service Act by reason of your alleged conscientious objection to participation in war in any form.

Harry T. Ommundsen, Hearing Officer
Special Assistant to the Attorney General

Box 1576
Grand Coulee, Wash.
April 23,1954

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

In your last letter to me of Jan. 15,1954 you asked the question: "Did you prepare a written summary of the personal appearance?" I would like to inform you that I did and also that I sent a copy of it to the local board (registered letter, return redeipt requested) and this copy is now in my file.

My case has been referred to the Department of Justice and from Feb. 20 to March 22,1954 an agent of the F. B. I. was making an investigation of me talking to every one. On April 20,1954 I received a notice from the hearing officer that the hearing would be held on May 4,1954 at Spokane Wash.

I will continue to follow the suggestions on pages 19-23 of the Procedure booklet and keep you informed on developments.

Yours in Praising Jah,

Richard M. Rawe

Richard M. Rawe

Box 1576
Grand Coulee, Wash.
April 23, 1954

Harry T. Davenport,
Special Assistant to the Attorney General

Dear Sir:

Received your notice of Hearing and Instructions, also Resume of the Investigative Report.

I note the date of the Hearing has been set for 10:00 A.M. May4,1954. Jehovah's Witnesses are holding their assembly in Spokane May 7-9,1954. I would like to make the request that, if possiable, the hearing date be set at May 6or7, preferable Friday, May 7, 1954. This would save an extra trip and expenses not only for me but also for any witnesses I may have to testify in support of my claim. If the hearing date can not be changed I will be glad to come on May 4,1954. Please notify me as soon as possiable when and if the hearing can be changed.

In reading over the Resume of the Investigative Report I noted that there was no unfavorable evidence. I would like to make the request that if there is any unfavorable evidence in the entire Investigative Report that you would please inform me of this.

Sincerely yours,

Richard M. Rawe

Richard M. Rawe

909 Paulsen Building
Spokane 1, Washington
April 26, 1954

Mr. Richard M. Rawe
Box 1576
Grand Coulee, Wash.

Dear Mr. Rawe:

Pursuant to your letter of April 23, 1954, the hearing upon your claim to exemption from training and service under the Universal Military Training and Service Act by reason of your alleged conscientious objection to war in any form, is continued from May 4, 1954, to May 7, 1954, at Room 334 Federal Building, Spokane, Wash.

Yours truly,

Harry T. Davenport

Hearing Officer
Eastern District of Washington

HTD:am

Substance of Hearing Before
Hearing Officer
Eastern District of Washington
(Harry T. Davenport)
May 7, 1954

Hearing was started by hearing officer making refference to letter of appeal that I had written and which was contained in my file which he had before him. Statements were made by registrant as to present clasification, 1-A, classification appealed for, IV-D, date of birth, May 10, 1934, the nutral stand taken by Jehovah's witnesses, Missionary assignment I hold in Ephrata, Washington, and my position on non-combantant service, all "pioneers" of Jehovah's witnesses being full-time ministers and seeking IV-D. All of this was in responce to questions asked by hearing officer.

Questions were next asked as to howmany of Jehovah's witnesses there were at Grand Coulee, (24) and I was asked to name the different servant positions in the congregation and what each of their duties were, which was done. Questions were asked and answered as to Congregation Committee.

In responce to questions the difference between a Pioneer and a Congregation Publisher was explained. Also number of Witnesses at Ephrata(18), and servant positions I am holding which are, Bible Study Servant, Theocratic Ministry School Servant, Territory Servant, and Area Study Conductor. More statements were made as to time spent and activities of the pioneer work I am doing.

Discussions on where I live, what work I do, compensation derived, and other questions as to standard of living were asked and answered.

Questions next were asked as to what occasioned my missionary work in Ephrata. It was my assignment there by the Watchtower Society upon the acceptance of my application to be a pioneer. At the time I started there there was no active group which there is now. Application for a Congregation were made to the Society in October, 1952, I started to pioneer there May 1, 1952. The Society has assigned the Ephrata Congregation surrounding towns and rurals which I am also working.

After a discussion of the "Certificate For Pioneer" a discussion followed on the acceptability of a 1-O classification in which it was pointed out that I was a conscientious objector as well as a minister and that section 1623.2 of the Selective Service Regulations states that a registrant shall be placed in one or more of the classes listed and that he shall be placed in the lowest class for which he is determined to be eligible. The Dickinson case was also pointed to as substantial backing for a IV-D.

Mrs. H. C. Green of Electric City, Wash. was presented as a witnesses and testified that all that I had said was true and that she knew of no reason to doubt my sincerity and convictions., She stated she had known me from childhood. Mrs. Green also took notes on the hearing for me.

With this the hearing ended.

Box 1576
Grand Coulee, Washington
May 10,1954

Attorney General
United States Department of Justice
Washington 25, D. C.

Sir:

I have just had a hearing before Mr. Harry T. Davenport, Hearing Officer, Eastern District of Washington.

It is my understanding that Mr. Davenport will make a recommendation to you which will be based on this hearing and the secret investigative report of the F. B. I.

May I make the request that along with your recommendation to the board of appeal that you include a copy of the hearing officer's report and, if there is any, a copy of all of the adverse evidence appearing in the F.B.I. secret investigative report.

Thank you for this service.

Very truly yours,

Richard M. Rasa

Box 1576
Grand Coulee, Washington
May 10, 1954

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

Please find enclosed a copy of "Substance of Hearing", the letter to the Attorney General, and a letter to the local board requesting these to be put in my file.

The date of my hearing was changed from May 4,1954, at my request, to May 7,1954 because we had our circuit assembly at that date in Spokane and would save on expenses.

There was no adverse or unfavorable evidence and the hearing officer seemed to be very nice.

In the event that the appeal board dose not give me a IV-D, and is unanimous, I will again write letters to the State and National Directors of the Selective Service,as mentioned on pages 24-25 of the Procedure blt., unless you advise otherwise.

In writting to the Directors, would you suggest that, in giving reasons why they should appeal to the president for me, I should mention the Dickinson case as well giving the reason of doing it "in the national interest or necessary to avoid an injustice"? Would you suggest I put strong emphasis on the Dickinson case?

I will continue to keep you informed on developments.

Your brother
Richard M. Rawe
Richard M. Rawe

Box 1576
Grand Coulee, Washington
May 10,1954

Selective Service System
Local Board No. 22
Wenatchee, Washington

Dear Sir:

Please put in my file when it is returned to you the encloused copies of the "Substance ofHearing" and the letter to the Attorney General. Thank you.

Sincerely yours,

Richard M. Rawe

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

June 13, 1956

Mr. Richard Rawe
Box 1576
Grand Coulee, Washington

Dear Brother Rawe:

The hearing officer is correct--he is not permitted to give out the FBI report.

However, the request should be made for it anyway, even though you will not get it. That way, the request is in your file and it may be useful at a later date.

Your brother,

Hayden C. Covington

HCC:gh

Box 1576
Grand Coulee, Wash.
June 11, 1956

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, New York

Dear brother,

Recently my brother (William Dale Rawe) had a hearing before the Department of Justice. In following the 'new procedure' he ask for the entire F B I report even though the was no actual adverse evidence in the summary. Instead of receiving it they sent the enclosed letter.

I have not yet received notice of my hearing but it may be held soon so would like to know the following information in order to be prepared for it.

I feel it is necessary to have both complete F B I reports (I have been investigated twice) contained in my draft file because of the large amount of favorable evidence. Especially the second report because it gives a 'favorable testimony' from those not wittnesses such as back-calls and Bible studies I have been conducting. Would it be proper to insist on both reports?

Is it true he is 'not permitted to' give this complete F B I report or have it put in the file? If not, how should I attack this problem in writting to him for the reports?

Thank you for your consideration of these questions on proper procedure.

Your brother,

Richard Rawe

Richard Rawe

Enclosure:

(Copy)
DEPARTMENT OF JUSTICE

909 Paulsen Building
Spokane 1, Washington
April 24, 1956

Mr. William Dale Rawe
Box 1576
Grand Coulee, Washington

Dear Sir:

I have received your letter of April 20, 1956, requesting that I supply you with the Fedoral Bureau of Investigation report. I have to advise that I am not permitted to do so.

Receipt of your other letter of the same date, requesting that the Department of Justice send to the Appeal Board a copy of the Resume' and the Hearing Officer's report, is also acknowledged.

Yours truly,

(signed)

Harry T. Davenport
Special Hearing Officer
Eastern District of Washington

HTD:AM

Summary of hearing before hearing officer, April 30, 1956

Do you have a brother who was here for a hearing about a year ago?

Yes, I believe it was about a year ago.

How many are there in your family besides yourself?

My brother, mother, and father.

Is your brother still doing ministerial work in Ephrata?

Yes.

You received your first classification while you were still in school, which was I-S until your graduation?

Yes.

Then you were classified I-A? Yes. Have you ever has any other classification? No.

What is the basis of your conscientious objections?

The basis of my conscientious objections is my conscience trained by the Bible.

Yes, but what are the reasons for your conscientious objections?

One reason why I have conscientious objections to participation in war in any form is because sharing in war means taking human life without authorization from Jehovah; that means it is murder, which, of course, is condemned by the Bible.

Another reason Why I have conscientious objections to participation in war in any form is because if involves the use of carnal weapons, which also is condemned by the Scriptures. The says that a Christians are not carnal.

By carnal weapons you meant fleshly weapons?

Yes, weapons such as knives, guns, bombs, planes, etc.

Another reason why I conscientiously object to participation in war in any form either as a combatant or noncombatant is because to do so would mean that I would be a part of this world, and the Bible says that a Christian should be no part of this world.

Another reason is that I would be giving to Caesar, of a worldly government what belong only to God, and the Bible says that a Christian should give to Caesar what belongs to Caesar, but to give to God what belongs to God. Caesar can't give me life; that comes only from Jehovah, so I must not give my life to any earthly government, but only to God. The same is true of worship, fear, and allegiance: they belong only to Jehovah.

Another reason is that if I would participate in war in any way, thereby killing some of my brothers in the organization, I would be causing a division in the organization, and the Scriptures say that one of the things that God hates, the thing that is any abomination to him, is he who causes a division among brothers.

Another reason is that participating in war in any form, either as a combatant or a noncombatant, would constitute an act of treason against God's kingdom. The Bible speaks of Christians as ambassadors, for the kingdom; if a worldly ambassador were to forsake the cause of the country he was representing and join the country to which he was sent, it would be treason. The same is my position as an ambassador for God's kingdom: if I would take up the cause of any country on earth, it would be an act of treason against the kingdom of God. This is true because all nations are opposed to the kingdom. The Bible says that the whole world is lying in the power of the evil one, Satan, who is opposed to Jehovah. And Jesus said that his kingdom is no part of this world.

Is this country opposed to God's kingdom?

Yes, this country along with all others are opposed to God's kingdom. They show this by refusing to recognize the kingdom and Jehovah's witnesses as its ambassadors. They show this by their treatment of Jehovah's witnesses.

But hasn't the government recognized Jehovah's witnesses as ministers and given them the same rights as ambassadors?

No, it hasn't recognized all of Jehovah's witnesses as ministers, only some of them.

But haven't you people been given the same rights as other religious groups?

We haven't been given those rights with as little trouble as others; it's been only after long and costly court battles. No other organization has had to go through as much as we have.

Where are you employed at the present?

I have a business of my own in Moses Lake, a tree service business.

Are you married? No.

Is there a congregation of Jehovah's witnesses in Moses Lake? Yes. Do you hold any position in that congregation? No. Do you engage in the work there? Yes. Do you conduct any of the congregation meetings or home Bible studies? No. You mentioned that you engage in the work, selling magazines, books-------

Our work is not selling. You take money for it don't you? Not necessarily; sometimes we give our literature away free when a person cannot afford to pay for it. Well, but when you stand on street with your magazines, you expect people to pay for them don't you? Not necessarily.

Did your mother train you as one of Jehovah's witnesses? She tried to.

Has your father even opposed you in this regard? No.

What are your plans for the future?

I plan to enter the pioneer, or full time, service some time this year. It will probably be about the same time as does Mr. Butler, who is my partner in the tree service business.

Is Mr. Butler one of Jehovah's witnesses? Yes. How old is he? I don't know exactly, but I guess about in his thirties.

Are your conscëentious objections based primarily on the matter of how you spend your time?

They are not based on that primarily, but that is one of the reasons; if I would devote my time to anything else, I would be breaking a vow to Jehovah, in which I have vowed to give him everything I have, money, time, energy, etc.

Then you have no intention of going back to work in your father's sawmill? No.

Does this change in your career and moving to Moses Lake indicate any difficulty between you and your parents? None whatsoever.

What is your belief about the use of force? Under what circumstance would you use force?

My belief in the use of force is determined by the Scriptures. I would use it only when God permits it to be used., such as to defend my brothers, meetings, preaching, myself, and my property.

What about to defend your country?

No, I wouldn't use force to defend any country. Why wouldn't you? Because it's forbidden by the Bible, Where does the Bible forbid it? It forbids it when it says that a Christian is not to murder, not to be a part of this world, not to give to Caesar what is God's, and those other things that I've already mentioned.

When did you begin attending the meetings? About 1950. How old were you then? About 12 or 13. When were you baptëzed? On Oct. 28; 1951.

You have said that instead of combatant non-combatant service you would perform civilian work only if it is exactly the kind you want, work for the Watchtower Society. To do that wouldn't you have to go to Brooklyn? Not necessarily. What I mean by work for the Watchtower Society is the pioneer service.

Isn't this being rather arbitrary? Since my eternal destiny is involved, I have to be arbitrary. You're not in the fulltime service now are you? No, but anytime I see that I can stay in it the longest, then I will; but if I agreed to any other work I would not be able to enter the fulltime service anytime I want to.

Box 1576
Grand Coulee, Wash.
April 2, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

In having my Income Tax prepared the question arose as to wheather my ministerial expenses could be deducted as a business expense or only as a contribution which would have a 20 % limit.

We considered the letters as per December 14th Kingdom Ministry but to them it didn't seem clear enough especially as to the conclusion drawen from the ruling by the federal government as to the depreciation on the automobile.

Enclosed please find a copy of income tax return which may be of help in considering this matter. Please return . Any help on the above would appreciated.

As to my draft case, nothing has been done since the F. B. I. invistigated me the second time in Nov. of 1955. I am still awaiting a hearing before the hearing officer which it looks like would be the next logical step.

With you in telling the good news from day to day.

Your brother,

Richard Rowe

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

April 4, 1957

Mr. Richard Rawe
Box 1576
Grand Coulee, Washington

Dear Brother Rawe:

Returned to you herewith is the copy of your 1956 income tax return. Since you are a pioneer, the ministry is your vocation, and you can therefore count your ministerial expenses as expenses rather than contributions.

If you were a part time minister, a congregation publisher, then you would have to list them as contributions because the ministry would not be your vocation. But since the ministry is your vocation you can count your expenses and also the depreciation on the car as an expense from your business which is the ministry.

When something develops in your draft case, remember to keep me informed. Since you have been pioneering going on five years now it is ridiculous that your ministerial claims have not been recognized.

Your brother,

Hayden C. Covington

HCC:gh

Box 1576
Grand Coulee, Washington
May 2, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

If it is possiable please send me two copies of the Pate opinion as I would like one for my personal file.

Since my file has been in the hands of the Appeal Board since August of 1955 and no action has been taken except that the F. B. I. invistagated again, would you suggest that I send a copie of the Pate opinion to the Local draft board and request them to send it on to the appeal board or should I waite untill the appeal board makes a desicion, when ever that will be, and then send it to the Local board?

Your brother,

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

May 8, 1957

Mr. Richard Rawe
Box 1576
Grand Coulee, Washington

Dear Brother Rawe:

Enclosed are two Patē opinions that you requested. There is no point in filing them now, because they will not be forwarded to the appeal board. Hold them until you receive the recommendation of the Department of Justice to the appeal board. Then when you answer the recommendation, you can use them.

The only thing that you can do is remain in the full time service enjoying the blessings of that activity, until the Department of Justice finally comes through with a recommendation. When you receive it you will have 30 days in which to answer it. Send it to me immediately upon receipt and I will give you some suggestions for replying to the appeal board concerning it.

Your brother,

Hayden C. Covington

HCC:gh
Enclosures

September 9, 1957

Received
Local Board No. 22
Sept. 11, 1957
Chelan Co. Court House
Wenatchee, Washington

Director of Selective Service
State of Washington
State Armory
South Tenth & Yakima Streets
Tacoma 5, Washington

Re: Richard Martin Rawe, SSN 45-22-34-183
Conscientious Objector

Dear Sir:

Pursuant to the request of our Department dated August 20, 1957, the selective service file in the captioned case is returned for further processing/

Very truly yours,

WILLIAM B. BANTZ
United States Attorney

GG
Encls.

cc: Conscientious Objector Section
Department of Justice
Washington 25, D. C.

Washington State Headquarters
SELECTIVE SERVICE SYSTEM
Tacoma 5, Wash.
September 10, 1957

In replay refer.
142

The Chairman
Local Board No. 22
Wenatchee, Washington

Re: RAWE, Richard Martin
45-22-34-183

Dear Sir:

The Cover Sheet (SSS Form No. 101) and contents pertaining to the subject-named registrant is returned.

The Director of Sleective Service has requested, in accordance with the provisions of section 1625.3, Selective Service Regulations, that your local board reopen and consider the subject-named registrant's classification anew. This action is considered desirable in view of the length of time that has elapsed since this case was referred to the United States Attorney.

Prior to reopening the registrant's classification please advise him that his case is being reppened, and furnished him a reasonable period of time to submit current information which might affect his classification.

For the State Director,

(signed)

DAVID J, MANSFIELD
Major, AGC
Chief, Manpower Division

Inclosure - 2
Cover sheet and contents
9/9/57 US Atty ltr to SD

SELECTIVE SERVICE SYSTEM

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

(LOCAL BOARD STAMP)

September 11, 1957

IN REPLY, REFER TO.

Mr. Richard Martin Rawe
Box 1576
Grand Coulee, Washington

Re: 45-22-34-183

Dear Sir:

Your case is being reopened at the request of the Director of Selective Service and will be considered at our November meeting. This meeting will probably take place during the first week in November.

If you have any new information to submit to us at this time you should do so before November 1st so that we may fully consider same.

For the Local Board

James A. O'Connor

James A. O'Connor
Chairman

JAO/fa

Box 1576
Grand Coulee, Wash.
Sept 16, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

Enclosed please find copies of letters which I copied from my file at the draft board office when I was down there.

You will notice that "The Director of Selective Service has requested, in accordance with the provisions of section 1625.3 Selective Service Regulations, that your local board reppen and consider the subject-named registrant's classification anew."

In November of 1955 I was investigated for the second time by the F. B. I. My case went to the Appeal Board. However I have never had a second hearing before the hearing officer. Neither have I received the decision from the appeal board. Now they want the local board to reopen the case. My question is: Is this proper procedure? Should not the appeal board first act on the case? Should I proceed as they have instructed or should I insist that the appeal board render a decision first?

Your brother,

Richard Rawe

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

September 18, 1957

Richard Rawe
Box 1576
Grand Coulee, Wash.

Dear brother:

I have your letter of September 16, 1957. I do not know what classification the local board gave you in August 1955 after you had your personal appearance. I do know that you apparently appealed from such classification. If it was I-O, then, according to the amended regulations you would not have a hearing before a hearing officer if the appeal board determined to give you I-O.

The reason for the local board to reopen your classification is apparently that shown in the State Director's letter, namely, "in view of the length of time that has elapsed since this case was referred to the United States Attorney."

Concerning the determination of the local board at the hearing on August 8, 1955, that the "Congregational Servant and perhaps the Assistant Congregational Servant are the Ministers of that particular Jehovah Witness Congregation, and that the other officers of the congregation are not qualified for ministerial deferments" should be answered in writing when you appear, and you can also argue orally. It is an arbitrary and capricious and illegal denial of your rights under the law, because the board employed artificial standards in determining what constitutes a minister of religion within the meaning of the Act and the Regulations and they did not follow the definition of the term used in the Act and Regulations in determining your claim as a minister of religion. See

the cases of Dickinson v. United States, Hull v. Stalter, Niznik v. United States (both opinions), Arpaia v. Alexander, Flakowicz v. Alexander, United States v. Kose, United States v. Burnett and United States v. Brandt. I send a copy of each of these opinions by separate mail. Also I send to you a copy of the Ransom opinion, and Jewell.

There may be other information that you can glean from the Counsel memorandum to aid you in presenting your case to the local board. Anything you tell them orally you should also hand to them in writing to be placed in your file for their consideration in reaching your proper classification. The enclosed BUSH letter may also be of some aid to you in preparing the information you will file at the time of the personal appearance. Please return this letter to me as soon as you get your material ready, and you do not need to wait until the hearing in order to do so; do it right away and have it in readiness.

Your brother,

Hayden C. Covington

C-j

PS: When you prepare the material for filing, please make an extra copy (or two if possible) for me.

Box 1576
Grand Coulee, Wash.
Sept. 26, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear brother,

Have at hand your letter of Sept. 18, 1957 which I thank you for. Some complications seem to have arisen in my case and to get to the bottom of them I would like to review my case for you:

On March 9, 1955 I received a I-A classification from the President. On March 16 and 28, 1955 I wrote letters to the Local Board to try to get a personal appearance before the board. I failed in this. That is to say I did not get a personal appearance before the board. Now comes July 14, 1955 on which date I received a Classification Card (SSS Form No. 110) Which informed me that the local board had classified me I-A. I wondered why they should do this since just prior to this they refused me a personal appearance to discuss my case with them. I requested a personal appearance which I received on Aug. 8, 1955. At this personal appearance I found out that they had reopened and considered anew my case on July 14, 1955 because of a 'procedural defect in the Department of Justice review of my case' ~~(see~~ and their Operations Bulletin No. 123 instructed them to reopen and consider anew my case. (See SUMMARY OF ORAL INFORMATION PRESENTED TO LOCAL BOARD Aug. 8,1955) From this personal appearance I understood that the F.B.I2 would investigate again and that I would have another hearing before the hearing officer and then the Appeal board would act on my case. In a cover letter dated Aug. 11, 1955 it said: "We would appreciate your immediate attention to this so that your file may be forwarded on Appeal, as requested in your letter of July 20, 1955." However, following the Aug. 8, 1955 appearance I did not receive a Classification Card (SSS Form No. 110) telling me what the decision of the board was. The last classification card I have is dated July 14,1955. (I am writing the Local Board to see if they were supposed to have sent me such a classification card as seems to be indicated in the letter dated Aug. 26,1955)

But at any rate, my file was evidently sent to the Appeal Board which in turn gave it to The Justice Department so they could correct the 'procedural defect'(what ever that was?) as per Operations Bulletin No. 123 (whatever that said?) because during Nov. 1955 the F. B. I. investigated me for the second time. So up to Sept. 1957 I was waiting for a ~~hearing before the hearing~~ second hearing before the hearing officer as a result of the second invistigation by the F. B. I. in Nov. of 1955. I was also waiting for the decision of the Appeal Board. But till now I have received neither the second hearing before the hearing officer or the decision of the Appeal Board. (I am also writing the Local Board to see if the Appeal Board had acted and if they were supposed to have sent me a Notice of Classification (SSS Form No.110) and to find out what the decision was if they made one)

Then on Sept. 11, 1957 comes a letter from the Local Board telling me "Your case is being reopened at the request of the Director of Sleective Service and will be considered at our Nov. (1957) meeting."

Now because I have not received any word from the hearing officer or the appeal board this reopening of my case looks like improper proceedure, dose it not? However if the Appeal board did act and give me a I-O (which if they did I have no knowledge of) then of course like you mentioned in your letter of Sept. 18, 1957 I would have no hearing before the hearing officer.

When I receive an answer from the Local Board as to the Classification Cards mentioned above I will notify you at once. till then I will prepare for the ~~personal appearance I am to have before~~ RECEIPT OF MY CARD BY the Board in Nov. as per your letter of Sept. 18,1957.

Enclosed please find the copy of the BUSH letter you sent to me.

Another matter. Is the Local Board required to keep all letters pertaing to my case in my file? I supect that many letters between the State Selectve Service Headquarters and the Local Board Chairman concerning my case are not kept in MY file which is rather a handicap to knowing exactly that which is going on concerning my case. For example some time ago I was in the local Board's office copying things out of my file so I would have a complete file at home and so you would have a complete file to which to refer to and there was a letter in my file which made reference to another letter pertaing to my case whish was not in my file at the boards office. I ask the clerk about this letter and where it was. She was rather nervious and said there was no such letter, but when I pressed the issue she called in the Board Chairman to talk with me about the matter (he was up stairs in his law office) as we were discussing the matter the Clerk was going through papers in another file in the cabinate and had her fingers on this letter in question. Just at the time the time I brought the matter to a head with him and ask him where the letter was she (the Clerk) pulled this letter out of this other file and handing it to him said: " Is this it"? (which also indicated to me there was others) The letter she took out of the other file was then put in my file, but there was still a question in my mind as to whether this was the only or all the letters in that other file. If they are holding someting back that they shouldn't please tell me how I should go about getting them all in my file.

I will keep you informed on all developments.

Your Brother,

Richard Rawe

Richard Rawe

ENCLOSURES.

Box 1576
Grand Coulee, Wash.
Sept. 26, 1957

Selective Service System
Local Board No. 22
Chelan Co. Court House
Wenatchee, Washington

Dear Sirs:

In reviewing my draft board file several questions have come up which I would appreciate clarification on.

Following the August 8, 1955 personal appearance before the board was I sent a Classification Card (SSS Form No. 110)? According to a letter in my file dated August 26, 1955 I was apparently sent one, but if I was I did not receive it. The last Classification Card I received is dated July 14, 1955 (I-A).

I have been waiting for the decision of the Appeal Board and to date have received none. Has the Appeal Board acted on my case? If so would you kindly inform me of the results.

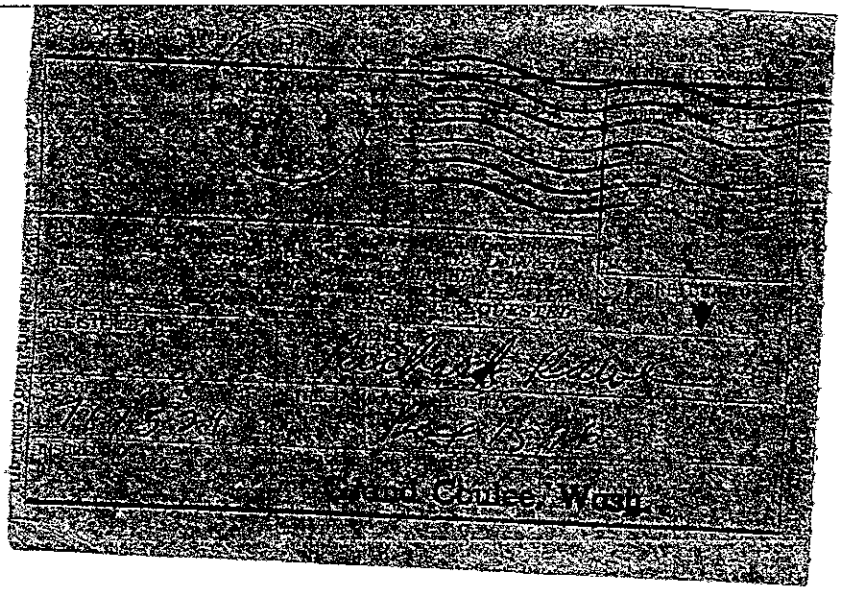
In your September 11, 1957 letter it was not clear as to whether or not I was to appear befor the local board in the November meeting or if I was just to submit written information. If it is proper I would also like to appear before the board at that time. Please notify me as to the date of that meeting when you have decided on it.

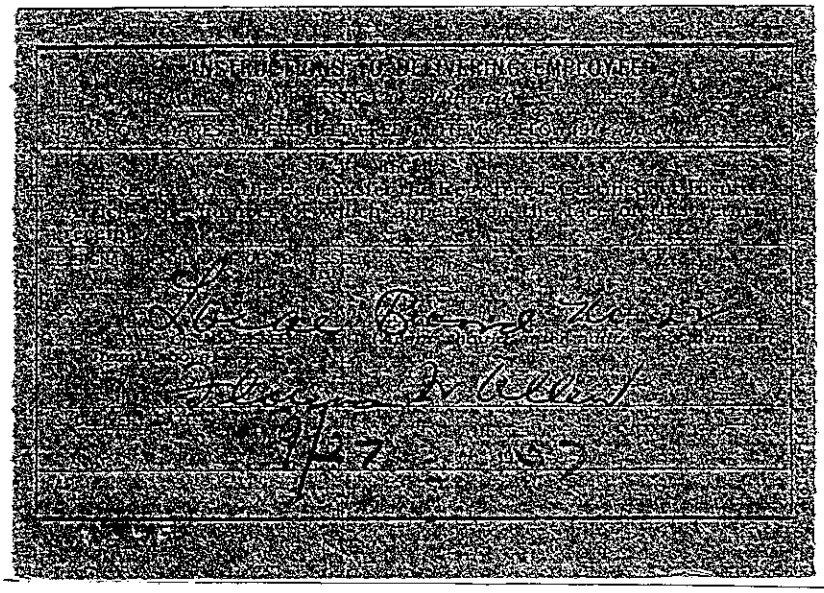
Sincerely yours,

Richard Rawe

Hayden C. Covington
124 Columbia St.
New York 23, N.Y.

Box 1576
Grand Coulee, Wash.
Sept. 27, 1957





RECEIPT FOR CERTIFIED MAIL—~~15¢~~ 20

No. 717521

SENT TO: Selective Service System

STREET AND NO.: Local Board #22

CITY AND STATE: Ephrata Court House
Ill erected

POSTMARK AND DATE: GRAND COULEE WASH. SEP 26 1957

If you want a return receipt, check which
☐ 15¢ shows to whom and when delivered
☐ 31¢ shows to whom, when, and address where delivered

If you want restricted delivery, check here
☐ 20¢ fee

POD Form 3800 Mar. 1956 Replaces previous editions of this form which MAY be used.

Box 1576
Grand Coulee, Wash.
Sept. 26, 1957

Watchtower
117 Adams Street
Brooklyn 1, New York

Dear brothers:

Thank you very much for the enclosed letter of September 20, 1957. The reason I am returning it is because there seems to be an error in the first paragraph. Is says that I have been pioneering "since October 1, 1952"

According to my records I was appointed Vacation pioneer May 1, 1952 with the Grand Coulee Congregation of Jehovah's witnesses. On June 30 I was appointed Vacation pioneer with the Moses Lake Congregation. September 1, 1952 I received a Regular pioneer assignment with the Moses Lake Congregation and on May 20, 1953 an assignment with the Ephrata Congregation, where I am working now.

My "CERTIFICATE FOR PIONEER" (issued Dec. 31, 1952) states I was appointed a pioneer on May 1, 1952. In order that this "TO WHOM IT MAY CONCERN" may be in harmony with this and other draft board records I am returning it so that if there is an error it may be corrected.

Thank you very much for your attention on this matter.

Your brother,

Richard Rawe

SELECTIVE SERVICE SYSTEM

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

(LOCAL BOARD STAMP)

September 27, 1957

IN REPLY, REFER TO.

Mr. Richard Martin Rawe
Box 1576
Grand Coulee, Washington

Re: 45-22-34-183

Dear Mr. Rawe:

In answer to your letter of September 26th we reply as follows.

Notices of Classification (SSS Form No. 110) mailed to registrants and not returned to us are deemed to have been received by the registrant. The fact that you say you did not receive the classification card sent you on August 11, 1955 does not alter your classification, as your classification of I-A was not changed. I believe the August 26, 1955 letter to which you refer is a letter to the board from State Headquarters and has no bearing on the matter.

Why the appeal board did not act upon your appeal, I do not know. Presumably that is why we are being requested to reopen classification at the present time.

If you desire to come before the board you may do so at our meeting, October 3rd. It will begin at 1:30 P. M.

For the Local Board

James A. O'Connor F.A.

James A. O'Connor
Chairman

JAO/fa

MAIN 5-1840

WATCHTOWER
BIBLE AND TRACT SOCIETY
OF NEW YORK, INC.

CABLE WATCHTOWER

117 ADAMS STREET, BROOKLYN 1, NEW YORK, U.S.A.

SCA:SSA September 30, 1957

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that RICHARD RAWE, who was duly ordained on September 20, 1942, has continuously served as a full-time minister, Pioneer, of Jehovah's Witnesses since May 1, 1952.

Mr. Rawe's missionary congregation is made up of many groups of listeners and interested people living within the area officially assigned by this Society to the Ephrata, Washington, Congregation of Jehovah's Witnesses. He serves as spiritual advisor and religious leader for this group of interested people. They are his congregation. He regularly provides them with spiritual aid and guidance. He is fully authorized by this Society to perform such public worship and to do missionary work. His vocation is the Christian ministry. He regularly teaches and preaches to his congregation the principles prescribed by Jehovah God, outlined in his Word, the Bible, and practiced by Jehovah's Witnesses under the direction of the Watchtower Bible and Tract Society, Inc. He is fully authorized to represent this Society as a Pioneer minister preaching to such congregation full-time.

Sincerely,

WATCHTOWER BIBLE AND TRACT SOCIETY, INCORPORATED

By N. H. Knorr
Superintendent of Ministers and Evangelists

Subscribed and sworn to before me in Kings County, New York, on this 30th day of September, 1957:

Benj. P. Geyer

BENJ. P. GEYER
Notary Public, State of New York
No. 24-6501750
Qualified in Kings County
Commission Expires March 30, 1958

SELECTIVE SERVICE SYSTEM

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

(LOCAL BOARD STAMP)

October 1, 1957

IN REPLY, REFER TO.

Mr. Richard Martin Rawe
Box 1576
Grand Coulee, Washington

Re: 45-22-34-183

Dear Sir:

It has been necessary to postpone the date of next meeting of local board which was scheduled for October 3, 1957.

We shall advise you of the date of meeting in either October or November, when it has been determined.

By Direction of the Local Board

Florence W. Allen

Florence W. Allen
Clerk

Box 1576
Grand Coulee, Washington
Oct. 8, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, New York

Dear brother,

Enclosed please find two copies of the material I plan to send to the Draft Board for their next meeting when they consider my case. I do not plan to be at this meeting but if the decision they make is not IV-D then I will request a personal appearance at which time I will argue orally before the board. As you will note from enclosed letters from the draft board on Sept. 27 and Oct. 1, they are willing to have me come to this first meeting but it seems better just to submit the written material and afterward if their decision is not IV-d to then have a regular personal appearance in accord with the Regulations. What do you think, would it be better to go to the first meeting or just submit the material and then, if the decision is not favorable, to request a personal appearance?

I will not be able to submit all the written material for about ten days as I will not have a photographic copy of the "TO WHOM IT MAY CONCERN." till then. In the mean time I will be waiting any instruction from you.

Your brother,

Richard Rawe

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

October 10, 1957

Richard Rawe
Box 1576
Grand Coulee, Wash.

Dear brother:

I have your letter of October 8.

It seems all right for you to follow the procedure you have outlined. The local board will have certain information from you. If, based on it, they do not give you 4-D, then you will have some basis for argument, and then you can file such additional material as you then have when you appear for the personal appearance. I return one of the copies of your letter of October 17 that you sent to me. You might correct the mis-spelling in the first line of paragraph five on page 1 and last word in the first line of paragraph two on page 2.

Having in mind that Selective Service 'harps' on the administering of rites and ceremonies, you might be prepared with written and oral information on this subject as suggested in the Counsel memorandum, copy of which is enclosed.

Your brother,

Hayden C. Covington

C-j

Box 1576
Grand Coulee, Washington
October 17, 1957

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

Dear Sirs:

The following information is to be considered at the next meeting of the Local Board (in Oct. or Nov.) when it considers my case.

The Act and Regulations make the following test for a Minister: (1) He must be a 'duly ordained minister of religion' (Section 16 (g) 1). (2) He must be a 'regular minister of religion' (Section 16 (g) 2,3). No other requirements are made either by the Act, Regulations or Courts.

Now comes the question, do I meet these requirements? The facts as presented show I do. There is included in my file a "CERTIFICATE FOR PIONEER" which testifies that I am "a duly ordained minister of Jehovah's witnesses". Other documents in my file show I have other appointments from the Watchtower Bible and Tract Society also. To futher show that I "administer the rites and ceremonies thereof in public worship", I enclose a copy of a "CLERGYMAN'S RECORD" that testifies to a funeral that I presided over.

Now, as to Section 16 (g) 2,3 do I meet these requirements? Again the record answers yes. I am still devoting up to 300 hours a month to ministerial activity as stated in "SUMMARY OF ORAL INFORMATION PRESENTED TO LOCAL BOARD" (Aug. 8, 1955). Please read now the enclosed "TO WHOM IT MAY CONCERN:" issued from the Watchtower Bible and Tract Society, Incorporated, by T. J. Sullivan, Superintendent of Ministers and Evangelists. This shows that I have been a "full-time minister, Pioneer, of Jehovah's Witnesses since May 1, 1952", which is for more than 5 years. Note also that it testifies to the fact that I have a congregation of which I am the Minister.

The definition of a 'regular minister' as set out in the Dickinson Case is this: "Preaching and teaching the principles of one's sect, if performed part-time or half-time, occassionally or irregularly, are insufficient to bring a registrant under 6 (g). These activities must be regularly performed... He was ordained in accordance with the ritual of his sect and, according to the evidence here, he meets the vital test of regularly, as a vocation, teaching and preaching the principles of his sect and conducting public worship in the tradition of his religion." (Page 5) Page three shows Dickinson spent 150 hours each month at his religious activity, I spend nearly twice that amount, therefore, I must come under the definition of a 'regular minister' as defined by the Law. Please examine the enclosed Dickinson decision.

Not Covered Sufficiently

Concerning the opinion of the Board on August 8, 1955, "that the Congregational Servant and perhaps the Assistant Congregational Servant are the Ministers of that particular Jehovah's Witness Congregation, and that the other officers of the congregation are not qualified for ministerial deferments." I believe this is an artificial standard in determining what constitutes a minister. No where do the Act, Regulations or Courts make this requirement. In fact, the courts have said just the opposite. "A holding that only leaders of organized congregations are exempt as ministers would deny exemption to many regularly ordained ministers who spend their lives teaching and performing various other functions for their churches." See page four of the U.S.A. vs. Ransom decision which is enclosed.

Gentlemen, the points I have made here are not my own opinions rather they are the opinions of the Courts of this land which have spent considerable time on the matter. I include for your consideration four other Court decisions which have a direct bearing on my case. They are: U.S.A. vs. Burnett, Jewell v. U.S.A., U.S.A. v. Hurt, Pate versus U.S.A. Also I include an article from the Awake! magazine entitled, "What Marks A Christian Minister?" that includes "General Hershey's Observations". Please give these through consideration as they are very important.

It is my desire to fulfill my dedication vows to my God Jehovah, to this end I wish to take advantage of the provisions made by the Congress of the United States for the exemption of ministers of religion. Therefore I respectfully ask you gentlemen to act in harmony with the Act, Regulations and Court decisions and place me in Class IV-D.

Respectfully,

Richard M. Rawe
Ordained Minister

Enclosures--9

No. 717539

RECEIPT FOR CERTIFIED MAIL—15¢ . 20

SENT TO
Selective Service System

STREET AND NO.
Local Board No. 22

CITY AND STATE
Court House Wenatchee, Wash

POSTMARK
DATE
GRAND COULEE
OCT 17 1957
WASH

If you want a return receipt, check which
☑ 15¢ shows to whom and when delivered
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POD Form 3800
Mar. 1956

Replaces previous editions of this form which MAY be used.

SELECTIVE SERVICE SYSTEM

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

(LOCAL BOARD STAMP)

October 30, 1957

IN REPLY, REFER TO.

Mr. Richard Martin Rawe
Box 1576
Grand Coulee, Washington

Re: 45-22-34-183

Dear Sir:

There is a meeting of the Local Board scheduled for November 5, 1957 and if you are present about 2:30 P. M. you will be given a courtesy appearance before the board.

By Direction of the Local Board

Florence W. Allen

Florence W. Allen
Clerk

(Stamp)
Local Board No. 22
Chelan County Court House
Wenatchee, Washington

November 5, 1957

RAWE, RICHARD MARTIN
45-22-34-183

The board re-opened Registrant's classification and considered his case anew, together with the statement, court decisions and other new information submitted.

It was the decision of the board to classify the registrant I-A on the grounds that the new information did not materially alter his situation. That the registrant's congregation is an area congregation with no central place of meeting, no office, no set time or place for regular meetings and generally, no structure could be recognized.

On the grounds of the above and the conclusions as set out in the Amended Minutes of Local Board Meeting of January 5, 1954, it is the decision of board to classify the registrant I-A.

James A. O'Connor, Chairman

Box 1576
Grand Coulee, Washington
Nov. 11, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, New York

Dear brother:

This is to bring you up to date on my case. Enclosed are two (2) copies of the October 17, 1957 statement which I sent to the Local Board for their consideration. This letter served as a cover sheet for all the evidence which I submitted at the same time. The same evidence which is mentioned in the letter.

Enclosed also is a letter dated November 5, 1957. This is the local board's conclusions on the evidence I submitted.

Enclosed also is a Nov. 11, 1957 letter to the local board requesting a personal appearance. This will probably be held about the first of December, 1957. I will appreciate any counsel you may have.

Your brother,

Richard M. Rawe

Richard M. Rawe

Box 1576

Nov 11, 1957

Selective Service
Manhattan 6, Mass.

Dear Sirs:

I have received your Nov. 8, 1957 classification of I-A. I hereby request a personal appearance at the next board meeting to discuss my case.

Please notify me when the next meeting will be when you have determined the date.

Sincerely yours,

Richard M. Rawe

Richard M. Rawe

No. 717552

RECEIPT FOR CERTIFIED MAIL—15¢ : 20

SENT TO: Selective Serv. System

STREET AND NO.: Board Nbr

CITY AND STATE: Wrentham, Mass.

POSTMARK OR DATE: WASH 1957

If you want a return receipt, check which

- [X] 15¢ shows to whom and when delivered
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POD Form 3800
Mar. 1956

Replaces previous editions of this form which MAY be used.

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

Local Board Block Stamp

November 25, 1957
(Date)

Mr. Richard Martin Rawe
Box 1576
Grand Coulee, Washington

Selective Service No: 45-22-34-183

Dear Sir:

Your request for a personal appearance is acknowledged. For your information, the Selective Service Regulations do not provide for a personal appearance before an appeal board, but do provide that under certain circumstances a personal appearance may be made before the local board.

We have made an appointment for you to appear before your local board, at the address given above, at 2:00 P. M. on December 3, 1957, ~~195~~.

Section 1624.2(b) of the Selective Service Regulations provides that "At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or, if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file."

For the Local Board,

Florence W. Allen
(Clerk)
Florence W. Allen

LB Ltr 0-23
8-16-56

SUMMARY OF ORAL INFORMATION PRESENTED
TO LOCAL BOARD NO 22 DECEMBER 3, 1957
BY RICHARD M. RAWE 45-22-34-183

The purpose of a personal appearance as defined by Section 1624.2 (b) is to discuss my classification, point out classes I think I should be placed in, direct attention to information the board may have overlooked an present more information.

Class IV-D, I feel, is my proper classification. Ifeel the board has declined to give me IV-D because: (1) It has not given sufficent consideration to Section 16 (g) of the Act and 1622.43 (a) and (b) of the Regulations. (2) It has failed to give enough weight to the evidence I have submitted showing I measure up to the requirements of the Act and Regulations in order to receive a IV-D. (3) The Board has set up artificial standards in place of the ones required by the Act and Regulations.

These points were discussed in my letter dater October 17, 1957 which is in the file. I now wish to discuss these points with the board, to impress their importance upon the board.

Concerning the November 5, 1957 summary of the Board I note that the Board recognizes that I have a congregation, but then goes on to set up artificial standards for a Minister under the Act and Regulations. It says: "That the registrant's congregation is an area congregation with no central meeting place, no office, no set time or place for gegular meetings and generally no structure could be recognized". First of all let it be noted that no such requirements are made by the Act or Regulations. Second, I have testified that my congregation dose have a central place of meeting and regular meetings. My 'Summary' of August 8, 1955 and the September 30, 1957 "To Whom It May Concern:" show this. I want to testify now that I have two offices, one at Grand Coulee and one in Lakeview Park at which I can be reached by phone or letter as well as in person by members of my

congregation or others. For your benefit I wish to outline the structure of my congregation a little more. I give personal instructions to members of my congregation in a regularly conducted home Bible study, by answering Bible questions, giving spiritual guidance, etc. Members of my congregation also attend regularly scheduled meetings at the Kingdom Hall and elsewhere to study the Bible collectively and to here me give sermons. Moreover, as members of my congregation progress I give them personal training in the Public Ministry. Train them to be ministers like myself.

Reference is also made to "Amended Minutes of Local Board Meeting of January 5, 1954". Here the objection was made that I was not a "leader" and that my induction would not "leave a congregation without a cleric". This is untrue, Iam the leader of my congregation and my induction would leave it without a cleric. I have testified to this and given evidence in my August 8, 1955 'Summary' and my October 17, 1957 letter and in this document. I want to review these for your benefit on this point.

I also wish to call to the board's attention to the fact that it may not wish to class me IV-D for other irrelevent reasons such as youth, unorthodox beliefs, teachings, church, etc. These have no place in determing my classification. In support of this may I call your attention to pages 6 and 7 of the Pate decision, which is in my file.

I hope that these facts will help the board to place me in my proper classification of IV-D.

Richard M. Rawe

Richard M. Rawe

SUMMARY OF ORAL INFORMATION PRESENTED
TO LOCAL BOARD NO 22 DECEMBER 3, 1957
BY RICHARD M. RAWE 45-22-34-183

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congregation or others. For your benefit I wish to outline the structure of my congregation a little more. I give personal instructions to members of my congregation in a regularly conducted home Bible study, by answering Bible questions, giving spiritual guidance, etc. Members of my congregation also attend regularly scheduled meetings at the Kingdom Hall and elsewhere to study the Bible collectively and to here me give sermons. Moreover, as members of my congregation progress I give them personal training in the Public Ministry. Train them to be ministers like myself.

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I hope that these facts will help the board to place me in my proper classification of IV-D.

Richard M. Rawe

Richard M. Rawe

Box 1576
Grand Coulee, Wash.
Dec. 4, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, New York

Dear brother:

This is to bring you up to date on my case. Enclosed please find one copy of "SUMMARY OF ORAL INFORMATION PRESENTED TO LOCAL BOARD NO 22 DECEMBER 3, 1957". This is what I prepared before I went down there and I also handed them a copy of this at the end of the board meeting. Also find a copy of "SUMMARY OF DISCUSSION BEFORE THE LOCAL BOARD DECEMBER 3,1957" which I prepared after the board meeting. I am sending a copy of this to the board for inclusion in my file. A frendiler atmosphere prevailed at this meeting and I presented all the points I could remember, However I don't think a IV-D will result as I suppect that the local board has the attitude of 'let the appeal board do it'. The board showed it self to be unfimilar with court cases we have won and the points we won them on.

I have not yet received a classification card on the results of this Dec. 3 meeting but if the decision is not IV-D I will appeal to the appeal board with a statement of appeal a mentioned in 'Procedure' page 18 and "Appeal Statement" on page 4 of the 'Memorandum' of July 1954. I will keep you posted and send you copies of things as develments occure

Please find $1.00 enclosed for copies of the following which I would like to have. Ransom, Dickenson, Burnett, Jewell, and Annett decisions. Also a copy of 'Procedure' blt. of March 1953 and 'Excerpts from Selective Service Regulations' of May 15,1952, mine are falling apart.

Your brother,

Box 1576
Grand Coulee, Washington
December 11, 1957

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, New York

Dear Brother:

Enclosed please find Dec. 11, 1957 letter to Local Board and Statement On Appeal.

As you know, I have already been investigated twice by the F.B.I. It maybe I will be investigated again. In writting to the Department of Justice and the Appeal Board should I ask for all of the summaries and full reports or just the one from the most recent investigation?

Your brother,

Richard M Paul

Box 1576
Grand Coulee, Wash.
December 11, 1957

Selective Service
Local Board No. 22
Wenatchee, Washington

Dear Sirs:

This will serve to notify you that I want to Appeal your I-A classification of December 5, 1957 for a IV-D. Please send my file to the Appeal Board.

STATEMENT ON APPEAL

My conscientious objector claim has also been denied, would you please forward my file to the Department of Justice for their procedure.

Please send me a copy of the Department's full report and recommendation before you classify me. I will need this full report to compare with the Summary in order to correct any misunderstanding and defend my claim against any damaging gossip or hearsay that may appear. Please allow at least 10 days for me to prepare a reply to this report if I find that such a reply is necessary. Please be sure to send me this report and recomendation before you classify me.

Sincerely yours,

Richard M. Rawe

Richard M. Rawe

RECEIPT FOR CERTIFIED MAIL—No. 786253

SENT TO: Columbia Irrigation Dist

STREET AND NO.:

CITY AND STATE: Wenatchee, Wash

POSTMARK OR DATE: GRAND COULEE DEC 12 1957 WASH.

If you want a return receipt, check which
☒ 7¢ shows to whom and when delivered
☐ 31¢ shows to whom, when, and address where delivered

If you want restricted delivery, check here
☐ 20¢ fee

POD Form 3800
July 1955

Replaces previous editions of this form which MAY be used.

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

December 16, 1957

MAIN 5-1240

Mr. Richard M. Rawe
Box # 1576
Grand Coulee, Washington

Dear Brother Rawe:

I have considered your several letters to me dated November 11, 1957, December 4, 1957 and December 11, 1957. I note that you have taken an appeal to the Appeal Board of the local board's 1-A classification. There is nothing further for you to do now but wait until you receive the copy of the recommendation from the Department of Justice and a copy of the Resume of Inquiry. Then you will be given thirty days in which to answer. Then the Appeal Board will hand down its decision.

As soon as you receive the recommendation from the Department of Justice and the Resume of Inquiry please send copies to me and perhaps I will be able to offer some suggestions for your reply. I have asked the Society to prepare a supplemental certificate to your Pioneer Certificate and it is herewith enclosed. You should immediately have a photostatic copy made of it and ask the local board to forward it with your file to the Appeal Board. If your file has already been sent to the Appeal Board request that this be sent to them so they can have it when studying your file, since this is additional information.

This is all I can suggest at this time. Just be sure to keep me informed of whatever develops.

Your brother,

Hayden Covington

C-amc
P.S. You did not state that you wanted me to return the copies of letters and information you sent. May I retain them for my file or do you want them returned?

MAIN 5-1240

WATCHTOWER
BIBLE AND TRACT SOCIETY
OF NEW YORK, INC.

CABLE WATCHTOWER

117 ADAMS STREET, BROOKLYN 1, NEW YORK, U.S.A.

SCA:SSA December 16, 1957

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that RICHARD M. RAWE, who was duly ordained on September 20, 1942, has continuously served as a full-time Pioneer minister of Jehovah's Witnesses since October 1, 1952.

Mr. Rawe's missionary congregation is made up of many groups of listeners and interested people living within the area officially assigned by this Society to the Ephrata, Washington, Congregation of Jehovah's Witnesses. He serves as spiritual advisor and religious leader for this group of interested people. They are his congregation. He regularly provides them with spiritual aid and guidance. He is fully authorized by this Society to perform such public worship and to do missionary work. His vocation is the Christian ministry. He regularly teaches and preaches to his congregation the principles prescribed by Jehovah God, outlined in His Word, the Bible, and practiced by Jehovah's Witnesses under the direction of the Watchtower Bible and Tract Society, Inc. He is fully authorized to represent this Society as a Pioneer minister preaching to such congregation full-time.

Sincerely,

WATCHTOWER BIBLE AND TRACT SOCIETY, INC.

By N. H. Sullivan
Supt. of Ministers and Evangelists

Subscribed and sworn to before me in Kings County, New York, on this 16th day of December, 1957:

William K. Jackson

WILLIAM K. JACKSON
Notary Public, State of New York
No. 24-1923100
Qualified in Kings County
Commission Expires March 30, 1959

(over)

She stated that before the registrant will be accepted for this school he should have the classification of a minister and that this is one of the main reasons why he has appealed his conscientious-objector classification in an effort to obtain a IV-D classification.

An official of the Watchtower Bible and Tract Society reported that records reflect the registrant is still a Pioneer and devoting approximately 100 hours per month to his ministerial activities.

Credit and criminal records are negative.

Prepared: May 23, 1958

UNITED STATES ATTORNEY'S OFFICE
REC'D.
JUN 2 1958
SPOKANE, WASH.

Resumé of Supplemental Inquiry

Re: Richard Martin Rawe

Conscientious-Objector Claimant

First Resumé of Supplemental Inquiry
prepared December 28, 1955

A person who has employed the registrant as a part-time plumber on two or three different occasions, said that the registrant always displayed an excellent moral character and conduct. This person was aware of the registrant's extensive activities with the Jehovah's Witnesses and said he did not work on Thursdays, Fridays, Saturdays or Sundays because this would interfere with his ministerial work. The registrant's father, who has employed the registrant part-time over the past three or four years, gave a substantially similar opinion concerning the registrant and his religious activities. He said that he is absolutely certain the registrant is sincere in claiming exemption as a conscientious objector. Other relatives, associates, neighbors and references stated that the registrant devotes a great deal of time to his religious activities and is undoubtedly sincere in making a conscientious-objector claim. Several of these persons gave favorable reports concerning the registrant when they were interviewed during a previous investigation of the registrant's claim. These persons indicate that their previous remarks concerning the registrant are still valid. They point out that the registrant and his mother have been active in the Jehovah's Witnesses for the past 10 year period, and they not only believe in the principles of the Jehovah's Witnesses religion but practice those principles in their everyday life. Several of these persons pointed out that the registrant is presently serving as a full-time minister in the Soap Lake, Washington, area, and were of the opinion that the registrant should be granted a ministerial classification. On this point, the registrant's mother advised that the registrant would like to go into missionary work for the Jehovah's Witnesses and attend the Watchtower Bible and Tract Society Ministry School in New York City.

HEARING OFFICER'S COPY

She stated that before the registrant will be accepted for this school he should have the classification of a minister and that this is one of the main reasons why he has appealed his conscientious-objector classification in an effort to obtain a IV-D classification.

An official of the Watchtower Bible and Tract Society reported that records reflect the registrant is still a Pioneer and devoting approximately 100 hours per month to his ministerial activities.

Credit and criminal records are negative.

Prepared: May 23, 1958

Form No. G-27
(Rev. 4-2-56)

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NOTICE OF HEARING

Spokane (City) Washington (State) June 17, 1959 (Date)

TO: RICHARD MARTIN RAWE
(Name of Registrant)

P. O. Box 1576 (Street Address) Grand Coulee (City) Washington (State)

You are hereby notified that before the undersigned Hearing Officer, at

334 (Room), Federal (Building) West 904 Riverside (Street Address)
LINCOLN

Spokane (City) Washington (State), at 10:00 a.m. (Hour)

o'clock on July (Month), 7 (Day), 1959, a hearing, at which you are requested to be present, will be held by the Department of Justice to consider your claim to exemption from training and service under the Universal Military Training and Service Act by reason of your alleged conscientious objection to participation in war in any form. Only your conscientious-objector claim will be considered by the Department of Justice.

Daniel W. Fauver, Special Hearing Officer
for the Department of Justice

ADDENDUM NO. I TO INSTRUCTIONS TO SPECIAL HEARING OFFICERS FOR THE DEPARTMENT OF JUSTICE IN CONSCIENTIOUS-OBJECTOR MATTERS

- - - - - - - - - -

NOTICE OF HEARING AND INSTRUCTIONS TO REGISTRANTS WHOSE CLAIMS FOR EXEMPTION AS CONSCIENTIOUS OBJECTORS HAVE BEEN APPEALED

- - - - - - - - - -

1. Pursuant to the provisions of section 6(j) of the Universal Military Training and Service Act (50 U.S.C. App. 456(j)), hereinafter referred to as the Act, and section 1626.25 of the Selective Service Regulations, the Department of Justice will make an inquiry and hold a hearing with respect to the character and good faith of the registrant's objections to training and service under the Act on the ground that the registrant is conscientiously opposed to participation in war in any form. The scope of the hearing is restricted to consideration of the merits of the conscientious-objector claim only. Consideration of ministerial claims and all other claims is within the exclusive jurisdiction of the Selective Service System.

2. The hearing will be conducted by the undersigned, a Special Hearing Officer for the Department of Justice, appointed by the Attorney General of the United States.

3. It is incumbent upon the registrant to establish that he is entitled to the conscientious-objector classification he claims. The registrant has a right to appear at the hearing and make a full and

complete presentation of his claim. The registrant may testify orally and may present witnesses in support of his claim. However, no Government funds are available for the payment of witness fees or travel expenses.

4. The registrant may also submit at the hearing written statements or documents, or certified copies thereof, in support of his conscientious-objector claim. Written statements shall be sworn to or affirmed before a notary public or other persons authorized to administer oaths. Such statements or documents will be considered for whatever bearing they may have upon the registrant's conscientious-objector claim. They will not be considered in connection with any other claim whatsoever.

5. Attached hereto is a resumé of the information developed by the inquiry conducted pursuant to the aforementioned Act. If the registrant wishes to deny, explain, or otherwise comment upon any information contained in the resumé, he should do so in a written statement to the Hearing Officer. At the hearing the registrant will be entitled to discuss the information contained in the resumé and to present witnesses to refute or corroborate such information.

6. The hearing will not be in the nature of a trial or judicial proceeding, but will be informal and non-legalistic.

Technical rules of evidence will not apply at the hearing, but reasonable bounds will be maintained as to relevancy and materiality. In addition to his witnesses, the registrant may have an attorney, relative, friend, or other adviser present at the hearing. Such person, whether an attorney or not, will not be permitted to object to questions, or to make any arguments concerning the proceeding. In order that the conduct of the hearing may comport with the necessary requirements of dignity, orderliness, and expedition, the Hearing Officer will be the sole judge in the matter of choice of a method of procedure designed to effectuate the desired result.

7. Failure to comply with these instructions may result in the termination of the proceeding.

Daniel W Fansel, Special Hearing Officer
for the Department of Justice

Box 1576
Grand Coulee, Washington
June 23, 1959

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

This will bring you up to date on developments in my draft case. Enclosed please find copies of letters to Hearing Officer, Draft Board and of F.B.I. Supplemental Inquiry. I am to have a hearing on my conscientious-objector claim in Spokane, Washington on July 7, 1959. The enclosed letters are as par suggestion in April 55 'New Procedure'.

Concerning your last letter of Dec. 16, 1957: The supplemental certificate to the Pioneer Certificate which was enclosed in your letter was a duplicate of one that I received dated Sept. 30, 1957. This Sept. copy was photographed and included in evidance presented to the board in my personal appearance before it on Dec. 3, 1957. The appeal board would therefore have this copy which will probably suffice. All the copies of letters that I have sent you you may keep for your files, unless of course I send you something and specifically ask for it to be sent back.

Since considerable time has elapsed since my case was active if there is anything new on procedure be sure to inform me. Also if you note anywhere that I am falling short or could improve in presenting my case before the boards do not fail to mention it.

I hope to be throughly prepared for the hearing by the date set. I am spending considerable time in considering the Bible, Societies publications and your memorandum's. I plan to have a stenogopher to take notes at this hearing and I also note from their "Instructions To Special Hearing Officers"... that I can have an attorney and others to give testimony in my behalf. Do you think it advisable to employ an attorney for this Hearing? If so, whome could you recommend? Since my file is buldging with affidavits from others as to my sincerity as a conscientious-objector do you think it necessary to have others appear before the hearing officer or have more affidavits from others? If you have any suggestions along these lines I will be glad to hear them.

Your brother,

Richard Rawe
Ordained Minister

Box 1576
Grand Coulee, Washington
June 23, 1959

Selective Service
Local Board No. 22
Chelan County Court House
Wenatchee, Washington

Dear Sirs:

On June 17, 1959 I was notified by Daniel W. Kaiser, Special Hearing Officer for the Department of Justice that my hearing is to be held on July 7, 1959 at Spokane on my conscientious-objector claim.

Enclosed please find a copy of a letter which I wrote to the hearing officer and also a copy of the F.B.I. resumé of Supplemental Inquiry. Please forward these on to the Appeal Board for me so they can be placed in my file for the benefit of the appeal board and the local board.

Sincerely yours,

Richard M. Rawe
Ordained Minister

Box 1576
Grand Coulee, Washington
June 25, 1959

Graves, Kizer & Gaiser
1224 Old National Bank Building
Spokane 1, Washington

Attention: Daniel W. Gaiser, Special Hearing Officer

Sir:

I have received your Notice of Hearing, 'Instructions' and 'Resumé'. Although the resumé didn't contain any adverse evidence I would like to request that I be sent a copy of the full report in order to make a copy of it to put in my draft board file so that the appeal board and the draft board can have the full advantage of it in considering my ministerial claim as well as my conscientious-objector claim.

If the full report is not avaiable to me then I request that you and the Department of Justice have a copy of the full report available for me to consider at the hearing and also have a copy of this full report so that it can be sent to the appeal board together with the Department's final report so that they can compare the two and can have the advantage of it's contents in considering my ministerial claim as well as my consientious-objector claim.

It is not my desire to call the informers mentioned in this report before the hearing officer to cross-examine them or to delay the prodeedings. I do feel, however, that it is only fair that I see the contents and be allowed to use the contents of this entire report in defending my claims as a minster and as a conscientious-objector. The reasonableness of this request can be seen in the fact that this case has continued over a period of years and no doubt the inclusion of said report would expedite matters. Then to, being able to use this full report would reduce the time and expense involved in having, perhaps, some of the same persons appear in my behalf at the hearing to give the same testimony which may already be contained in the full report.

Enclosed please find a copy of the 'resumé' which I made. Please include this copy or one of yours in my file that is sent to the appeal board together with a copy of your report so that the appeal board will have the benefit of comparing all of these together.

May I also request that you have the Department of Justice or the appeal board send me a copy of the Department's report and recommendation before the appeal board classifies me. I would like to have at least 10 days in which to file a reply to this report and make comments on it. I have previously made this request to the appeal board through the local board on December 11, 1957 in my "Statement On Appeal ". Because considerable time has elapsed since, and it may be overlooked, I wanted to make this request here so I would be sure to receive a copy of this report and recommendation before the appeal board classified me.

Sincerely yours,

Richard M. Rawe

Richard M. Rawe, Ordained Minister

1- TO DRAFT BOARD
1- TO BA 1580.
2- TO COUNTRY
1- MY FILE

Dom'y Copy

Box 1576
Grand Coulee, Washington
June 23, 1959

Graves, Kizer & Gaiser
1224 Old National Bank Building
Spokane 1, Washington

Attention: Daniel W. Gaiser, Special Hearing Officer

Sir:

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It is not my desire to call the informers mentioned in this report before the hearing officer to cross-examine them or to delay the prodeedings. I do feel, however, that it is only fair that I see the contents and be allowed to use the contents of this entire report in defending my claims as a minister and AS a conscientious-objector. The reasonableness of this request can be seen in AND EVOLUTION the fact that this case has continued over a period of several years. Also, OF SAID REPORT being able to use this full report would reduce the time and expense involved WOULD, NO DOUBT in having, perhaps, some of the same persons appear in my behalf at the hearing ELIMINATE to give the same testimony which may already be contained in the full report. MANY

Enclosed please find a copy of the 'resumé' which I made. Please include COPY OF THE this ~~reprint~~ or one of yours in my file that is sent to the appeal board together with a copy of your report so that the appeal board will have the benefit of comparing all of these together.

May I also request that you have the Department of Justice 0000000000 or the appeal board send me a copy of the Department's report and recommendation before the appeal board classifies me. I would like to have at least 10 days in which to file a reply to this report and make comments on it. I have previously made this request to the appeal board through the local board on December 11, 1957 in my "Statement On Appeal". Because considerable time has elapsed since then, I wanted to make this request here so I would be sure to receive a copy of this report and recommendation before the appeal board classifies me.

(AND IT MAY BE OVERLOOKED)

(Copy of)

(Stamp)
United States Attorney's Office
Rec'd
June 2, 1968
Spokane, Washi

Resumé of Supplemental Inquiry

Re: Richard Martin Rawe

Conscientious-Objector Claimant

First Resumé of Supplemental Inquiry
prepared December 28, 1965

A person who has employed the registrant as a part-time plumber on two or three different occasions, said that the registrant always displayed and excellent moral character and conduct. This person was aware of the registrant's extensive activities with the Jehovah's Witnesses and said he did not work on Thursdays, Fridays, Saturdays or Sundays because this would interfere with his ministerial work. The registrant's father, who has employed the registrant part-time over the past three of four years, gave a substantially similar opinion concerning the registrant and his religious activities. He said that he is absolutely certain the registrant is sincere in claiming exemption as a conscientious objector. Other relatives, associates, neighbors and references stated that the registrant devotes a great deal of time to his religious activities and is undoubtedly sincere in making a conscientious-objector claim. Several of these persons gave favorable reports concerning the registrant when they were interviewed during a previous investigation of the registrant's claim. These persons indicate that their previous remarks concerning the registrant are still valid. They point out that the registrant and his mother have been active in the Jehovah's Witnesses for the past 10 year period, and they not only believe in the principles of the Jehovah's Witnesses religion but practice these principles in their everyday life. Several of these persons pointed out that the registrant is presently serving as a full-time minister in the Soap Lake, Washington, area, and were of the opinion that the registrant should be granted a ministerial classification. On this point, the registrant's mother advised that the registrant would like to go into missionary work for the Jehovah's Witnesses and attend the Watchtower Bible and Tract Society Ministery School in New York City. She stated that before the registrant will be accepted for this school he should have the classification of a minister and that this is one of the main reasons why he has appealed his conscientious-objector classification in an effort to obtain a IV-D classification.

An Official of the Watchtower Bible and Tract Society reported that records reflect the registrant is still a Pioneer and devoting approximately 100 hours per month to his ministerial activities.

Credit and criminal records are negative.

Prepared May 23, 1968

C. O. Statements and Claims
'Quoates from Soc. literature'
C.O. Questioneerr

July 6-1757

Affidavids Submitted

Amended Minutes of Jan. 5, 1954
'subscribes to belief that J.W.'s will fight under certain circumstances, ... ministry brothers.' 'Local Board dose not believe this is C.O. to war in any form.'

Department Of Justice of May 7, 1954 and Sept. 14,1954
'nutural stand of J.W's and am C.O. as well as minister' May 7,1954
'Depart. of Just. believes I am C.O. Sept. 14,1954

Presidential Appeal Board Feb. 28, 1955
'use force in self-defense and defense of ministry, brothers...quotes Wat. literature'
"a Christian minister will fight and even kill under some cir. which are limited" where?

'not consc. opposed to war in any form' 'use force in numerous circustances of his his own choosing, even to the extent of killing, ll. inconsistant with C. O. claim'

Summary of Information Presented to Board Aug. 8, 1955
'Do you believe in killing if necessary in your own defense' 'example of thief'
'Why not relie on JHVH on personal level as well as national level'
' Objected to 'participation in war in any form', weapons of our warefare not carnal"
(Include 'Summ. before H.O. Ap. 30, 1956)

Ministerial Statements and Claims

Qus&tioneer (original)
Life history, how contacted J.W.'s, how started ministry work, meetings, time spent, training received, Ministerial assignments.

Pioneer Certificate Dec. 31, 1952

Letter From State Director June 11, 1953
'Minister at 8 yrs. old' 'Dickenson case against you'

Oral Information To be Presented... Dec. 1, 1953
1. testimony as to my position. 2. Scriptual position outlined, secular history backs u
3. How I came in contact with J.W.'s. 4. Details on Courses of study and further preparation for ministery work. 5. Defense of my ministry as a youth. 6. Complete outline of my field work as a minister. 7. Scriptural proof of ministry work
8. Proof of ministry, Certificate for pioneer and 6 noterized statements.
9. Positions in Ministerial Cong. 10. Duties as a Pioneer minister. ll. Scriptural support for secular work to support ministry. 12. Legel support for doing part-time work. 13. To work is in harmony with Selective Service Regularations

Proceedings on that Appearance
Discussed failure to conduct D. of J. investigation. 'Certificate for Pioneer' proof enough that I was minister' 'Do you do secular work'

Amended Minutes of Jan. 5, 1954 Meeting
1.'No proof in file that I hold "principal position" in Congregation. (Cong. Ser.)
2. Gave large amount of time but induction would "not leave Cong. without a cleric" as mentioned in Dickinson decision.

(Over)

Presidential Appeal Board--- Feb. 28, 1955
Not eligiable for IV-D under 1622.43 becaus: "not a leader of his congregation" (2) No more a minister now than at 8 yrs. old. (3) Became Pioneer immediately before draft registration. (4) Dosn't preform any duties that set me apart from membership generally

(My) Summary of Infor. Presented. ... Aug. 8, 1955
(1) Opened because of proceedural defect (2) Described my personal congregation. (3) Cong. Ser. dosn't hold 'principle position'. (4) Outlined daily schedule. (5) Refered to Dickenson Desicion 'time is determining factor'. (6) Sumed up: a. 'I am leader of Cong. b. I hold 'principal position' c. Ministry is my vocation, because of time. (7) Wood Working discussed

(Local Boards Summary of Aug. 8 Personal Appearance
(1) Case reopened because of procedural defect. (2) Said board sat up artificial standards. (3) Time spent and being on Committee makes eligable for IV-D. (4) Supported by Dickenson Case. (5) Outlined daily schedule, time indicates a IVDD (6) Questioned the organization of my congregation. (7) Discused 'principal position'

Minustes of Local Board Meeting Aug. 8, 1955
(1) No new information presented. (2) "Amount of time" no determing factor (3) Cong. Ser. and Assist. Ser. qualify for ministers IV-D.

Letter To Board Oct. 17, 1957
(1) Law sets 2 requirements, a,'regular', b. 'duley' ordained' minister of religion. (2) Certificate For Pioneer proves I am duley ordained. funeral service preformed. (3) Outline of time spent in ministry and "To Whome It may Concern shows I have a. Congregation and am a 'regular' minister. Quoted Dickenson desicion on defination of a 'regular' minister'. (4) There opinion of CoS. being the only minister refuted by Rensom desision which is enclosed. (5) Enclosed other revelent Court decisions as well as "General Hershey's Observations" for there consideration.

Minutes of Local Boards Meeting ---Nov. 5,1957
(1) New information presented didn't effect my case. (2) Had no real congregation, only an aera congregation with no definate structure. (3) On the grounds outline d in Jan. 5, 1954 Amended Minutes they denied I-A.

Summary of Information To Be Presented to Local Board --Dec. 3, 1957
(1) Board has failed to give sufficent weight to proof in my file. and has set up artificial standards. (2) Refuted the idea that my congregation has no structure, centeral place of meeting,or office. More definately outlined the structure of my missionary congregation. I am the leader of this congregation. (3) Other irrelevent factors (such as youth, secular work, unorthodox belief) have no effect. Fate decision.

Summary of Discussion Before Local Board----Dec. 3, 1957
(1) Presented information in first 2 paragraphs in above 'sumary'. (2) ? I had overlooked court desicions in regard to the law. ? (3) Agreed that I was a 'duly ordained' minister. (4) Denied I was a 'regular minister' because I did some secular work, thus the ministry was not my vocation. (5) This contention was hit hard by court desicions. (6) My congregation and '[illegible] 'leaders' delt with.

Minuted Of Local Board---Dec. 3, 1957 (Didn't get) (receive 1-A Dec. 5, 1957)

C. O. Boards and Cases

Board's Summary, Aug. 8, 1955
Do you believe in killing in your own defense? (Thief in house)
Swing at thief in night, alley? (Defensively, and not agressively)
Would you retaliate? (defensively, defensively and not offensively)
What about "thou shalt not kill" (not murder)
What is the difference between "thief and Russiam" (individual scale-- national scale)

Summary of Discussion Before Local Board---Dec. 3, 1957
On basis of Sicurella Case and evidence eligable for I-O also.

Minutes of Local Board Meeting ----Dec. 3, 1957 (Havn't received yet) 7/6/59

IS IT ILLEGAL TO WITHHOLD THIS? WHERE? WHAT DO ABOUT IT?
LETTERS FROM STATE DIRECTOR TO LOCAL BOARD CONCERNING MY CASE.
MINUTES OF APPEAL BOARD, AND PRESIDENTIAL OCT. 29, 1953
MAY 1-1953 JUNE 11, 1953 JAN 10, 1956

Check On And Copy

1. Minutes of Board Meeting---Dec. 3, 1957 ✓
Presidential
2. Findings: Appeal Board Oct. 29, 1953 (compare Feb. 28,1955 'findings')

3. None of Appeal Boards Findings or Minutes
June 1, 1953
Oct. 25, 1954

4. Trace statement 'fight and kill under numerous circumstances'--Jan. 5,54 Feb.28,55
Classif. Ques.
C. O. Form--attacthmmnts

Information To Be Presented At Hearing

I. Outline Life History
A. With 7 Page Information --Dec. 1, 1953
B. Using F. B. I. Reports---Full report
C. Supporting Wittnesses, Afidavids

II. Act. and Regulations
A. "Excerps" page 16 "opposed to participation in War"

III. C.O. and Pacifist Defined
A. C. O.--- objects to things that consciencious has been trained againat.
B. Pacifist-- 'Opposed to all war'
C. J.W.'s opposed not to war but to'participation in war in any form'

IV.
IV. "Netural"--Seperate From Conflicts of This World
A. Position as ambassadors---2 Cor. 5:20
B. Seperate from world's issues---Jn.15, 17,18

Sum and Substance of Discussion with
Hearing Officer on July 7, 1959
Spokane, Washington
by
Richard M. Rawe

Arrived at 9:30 but as the Hearing Officer was not in yet we came back at 10:00. Mr. Daniel W. Gaiser, Hearing Officer, conducted myself, Mrs. Norton, my stenogopher for the occasion, Mrs. Hall and my mother to the room where the hearing was to be conducted. Upon arrivial he seemed rather nervous and stated that he would not allow all to be present at the hearing. Only Mrs. Norton and myself, then later one by one the others I brought to testify could come in and testify in my behalf and then leave.

As Mrs. Norton and myself sat down at the table with him he began to explain that the sole purpose of this hearing was to consider my conscientious Objector claim and my ministerial claim would not be considered at all. His purpose at this meeting was to get an opinion as to the validity of my C. O. claim, he was mearly acting as an agent for the Attorney General and that this hearing proceedure was not a requirement of the law but was mearley a provision by courtsey of the Department of Justice to give a Bull and fair hearing of the case.

So to proceed he started by asking my name, members of my family, etc. Then he proceeded to ask the basis of my claim, and why I had objections to military service.

At this point my stenogopher started to take notes on what was being said. He objected and said that no notes would be taken at this hearing. He was rattled. He felt he had the sole right to determine the proceedings and what would be done. He then proceeded to ask me some questions and then make some notes of his own. I, at this point, ask if I could interupt to discuss this point of taking notes as he was breaking his own rule. He explained that the purpose of his taking notes was so he would not get my case mixed up with another. In support of my request I read paragraph one on page 20 of the 'Procedure' booklet to him. He again became disterbed. I asked for the source of his information for deneying me the right to have a stenogopher take notes in as much as he was taking said notes. He read from a paragraph of instructions to him which seemed to apply to the situation and seemed to give the righ to him to precede SO h at his disgression. I thanked him for calling such information to his attention and he seemed receptive. The recording of the discussion from this point on are not necessarly in cronological order but only as I best remember them and also varafied by Mrs. Norton.

How were You trained? By parents reading to me from Bible at first and as I grew older from reading and studing the Bible my self, together with attending and participating in Congregational meetings.

How did you get this C.O.? What is the Basis for this objection? Did you get it by studying or did some tell you about it? The basis of my objection is my conscientious as trained by God's Word. This training I received as described above. I clearley discerned for myself what position I would take in the matter as I studied the Bible.

Were you told not to fight? Where did you get this attitude? Who told you? The basis for my C.O. I described above. No one told me to or not to fight, my attitude on the matter was received from God's Word.

Where in the Bible do you get this information? Quoted 2 Cor. 10:3-5.

Would you defend yourself if attacked? Yes, to the limits that the Bible, and the above scripture allow me to. But not with fleshly weapons.

If this nation was under attack would you defend yourself? Protect yourself? Yes, as described above.

What would you do if this nation was under attack? I would carry on my ministry work just the same. I would help people to the extent necessary and in harmony with the Scriptures.

What help would this be? Scriptural and Spiritual help which is by far the most important and benificial.

Are you a Pacifist? By no means.

What I can't understand is why you people are willing to pay taxes, which we know at least 60% of go for war purposes, But at the same time you refuse to serve in non-military or non- combatant occupations that the government asks you to serve in? Why don't you at least do this and help out to some extent, like the Quakers, who are a respected groupe and are Co O. but yet help out to this extent? Why not at least your part- time ministers, who could just as well do this type of work as not or in place of the present jobs they may have and also at the same time carry on their part-time ministerial work? (This is substance of question asked) (Substance of answer follows.)

Each individual has to so answer for himself, according to the dictates of his conscience. As for me, I view myself as a minister or ambassador, which the Bible so describes a Christian as being at 2 Cor. 5:20. Let me draw you an illustration. Say that an ambassodor from this country is sent to another country. His duties there are for the purpose of creating good-will for his county. He is commissioned by his government to preform services for his country. It would be improper for that ambassador to quite his post to take another occupation, he would be disrespectful and unloyal to his assignment and country. Futher, if the nation to which he was sent got itself into war with yet another nation it would also be improper for him to take sides in this conflict, as it is really none of his business. In fact it would be creating ill will for his country by the opposing nations. Again, it is improper for such an ambassador to meddle in the internal affairs of the nation to which he is sent, it wouldn't be proper for him to take sides in issuss of that nation nor it's politics. Now let's apply some of the points of this illustration to my work as a full-time minister or ambassodor of God's heavenly kingdom.

Since I view myself as such an ambassador as above then it would be Scriptually improper for me to engage in such outside activities as is not becomming and ambassador of God's Kingdom Government. Isa. 9:6. Jesus plainly showed that paying of taxes to Ceaser was not in contridiction to being a ambassador of God Kingdom. Mr. 12:13-17. I, being an ambassador of Jehovah's kingdom, dedicating my life to HIM, could not conscientiously give up doing the work he has commissioned me to do.

Dosent the Bible say that you should retun like for like? Eye for Eye? Yes, Jesus quoted this scripture at Mat. Ch. 5, (which we read) Yes, but isn't there another one? Yes, in Ex. for one place. 'Read that' (read it) 'Now, dosent that show that we have a right to defend our nation in a war?' (In answer I referded back to Mat. 5 to show how Jesus changed it under the New Covenant arrangement, also pointed out that it was not necessaryly an obligation to give eye for eye, but punishement could be withelt; Under the Law covenant you were to show mercy for those opposed to you)

What are your views on Communisum? What do you think about it? I only know what I read about it in the newspaper and news magazines, I understand that it is more Socializm then pure Communizm. (CHRISTIANDOM IN RUSSIA IS SUCH A COLLABORATIONS)

During the war we heard of Colaberators, ones, who collobrated with the enemy when they took over. If Russia was to take over this country, would you act as such a collobrato (ans.) No. I would carry on my preaching work just the same as I am doing now, my position would be the same as it is now. It would not change.

Do any of your church or faith belong to the Military service as far as you know? Not that I know of off hand. I do know of some who were J.W.'s and joined the army but I have not seen them for some time and don't know weather they view thereselves as J.W.'s or not nor do I know the extant of their association.

How do you view military men? Do you preach to them? Do you allow them into your Congerational meetings? Do some come to your Congregational meetings? I ask this because I know that you are near to Larson Air Force Base. (Ans) Yes, I preach to army men, have studies with them and some have attended meetings. I have no hatered for them but view the as any one else I would preach to.

Would you preach to Military men on the Base? Yes, but not as an agent of the Government or being paid to do so by them as a Chaplin. I have no objections as to calling on them from house to house nor conducting Bible studies with them.

If aBter becomeing a J.W. and then one joined the army, could he remain a J.W.? Or would he be required to give up being a J.W.? (ans.) The matter would be entierly up to him. I would have regard toward him if his consciense so dictated him. I don't feel that I would habor any ill will toward him if he wanted to change his convicttons.

How do you view the Military campaign of Israel? Don't they show it is all right for a Christian nation to defend itself? (ans) Yes it is true the JHVH authocized the Nation of Israel to fight battles. In fact Jehovah fought these battles for them. He said 'stand back and watch'. "But didn't they use swords and do killing themselves" True, Jehovah it was that was backing them up. He was the real source of their strength. When themy went against the instructions he gaye they lost the battle. Those are wars that were authorized by Jehovah and backed up by him.

Don't you believe we are to only have one Master? Yes, Jehovah is my master through Christ Jesus. "Arn't governers here on earth to be obeyed"? Yes, if there instructions are in harmony with God's. (Ac. 5:29) Gave an illistration of a family. If one of my big brothers in the family asked me to do something that was not in harmony with my parents wishes, I would obey my parents. Likewise today, we are all 'brothers' in a fleshly ssense, being from Adam. If one of my 'brothers' asked me to do something in harmony with my Fathers wishes then I would do it, not necessarly because my 'brother' asked me to but because my Heavenly Father insstructed me to. So it is with things that are not my 'Father's' will, these I would not do.

How would you defend yourself if not with carnal weapons, with words? What if someone was ready to shoot you? What would you do? In answer I refered to 2 Cor. 10:3-5 again and show how Paul said we were to use words to bring every though into capitivity to make it obedient to the Christ. Cited how Jesus got away from those who wanted to mob him. How Paul divided them mobsters of the Supreme Court of the against themselves by shouting out, 'Over the hope of the ressurection I am being Judged' Then he asked, " Don't you think Paul would have used carnal weapons if they would have been at his disposal?" I answered, no, and supported by refering backe to 2 Cor. 10:3-5.

Would you take part in wars authorized by Jehovah? Yes, but I see no such wars for the future. Refered to Supreme Court decision on this matter, he said he was very familiar with it.

What positions do you hold in the church? Bible Study servant, Magazine-Terr. Servan Ministry School Instructor, and untill just recently Service Center Conductor also.

Now let's assume for a minute that you were to change your convictions in regard to your C. O. claim? Would you be required to give up these positions in the Congretation (Ans.) If I gave up such Co.O. principles most likely I wouldn't want to have such responsibilities as I now have. I know of nothing that would require me to give up such positions.

Would you defend yourself if attacked? Yes, to point that Scriptures [illegible] authorize me to.

Do you believe that this government is doing anything good? Yes, there are many good services that this government preforms from the taxes it receives.

What training did you recieve to become a minister? Did you attend any school? Yes, (I described details of training I received, Ministry School, ect. in the field)

Isn't it true that you were brought up to believe that it was wrong to serve this country in war? I was taught the principles of God's Word, Yes.

But wasn't it your interptation of what the Bible said that you were taught? The Bible interepts itself on these matters and is clear enough for any reasoning person to discern.

How did this point of C. O. develop in your mind? At what point in life? As I remember it, it was something that developed from early childhood, built upon the prinicple of love, love of enemies, doing good to those persecuting you.

Do you feel that your C. O. are just as strong now as they were when you started with the draft or more so now? I feel I have the same strong convictions then as I do now, but of course these have been strengthened and deepened through the years. This is only natural with anyone who has strong convictions on anything and continues to think along those lines. I am still only human.

Isn't yours an attitude of resistance against the government? Don't you oppose the government? This is the impression I get from other J.W.'s that come here. (ans) No, I am not against the government nor do I know of any J.W. that is of this attitude. We co-operate with the government in every way we can, to the extent that our conscience as trained by God's Word, allows us. I have no attitude of opposition, resistance or hatered towar this government.

Mrs. Norton was asked to testify as to my sincerity as a C. O. She had known me over a period of many years and testified to my sincerity as a C. O. She herself is an active minister of J. W.'s and has been associated with me in the work and meetings. Her testimony included a wittness to the fact that the Bible says we were bought with a price and that this being the case we, as dedicated servants to Jehovah, could not be slaves to others.

Mrs. Rewe, my mother, was next called to testify and give information. She described the early training that I was given as child. "Do you feel that you played a part in the development of his C. O. conviction?" Yes, naturatually this home training from God's Word would impress these principle of love on his mind. Every mother is happy to see her son succed. I am especially happy to see my son suceed in the most important vocation, the ministry, I feel I had a part in this.

Mrs. Hall was then called in. How long have you know Richard? Since he was about 14. Are you a neighbor? I was but am now living here in Spokane. Are you also a J.W.? Yes. Can you testify to his C.O. conviction? Do you feel that he is a C.O.? I most certainly do. Have you been associated with him in the work also the meetings? Yes. Dismissed

Comment was make by hearing officer as to my request in my letter to him to have avaiable the full F. B. I. report. He said that this was not avaiable to me as it was the property of the Department of Justice and is not made a part of the Draft Board file. I commented that the reasons I ask for it were outlined in my letter to him. He said that the Summary was an accurate reflection of the full report and added that there was no unfavorable evidance. All evidance was complementary to me, from the viewpoint of those who testified for me. This ended the hearing itself.

Following I asked to see my File. He oblidged. Asked permission to copy the last Local Board's minutes as I didn't have these. He granted but shortly changed him mind.

I noted several documents in my file with dates, May 1, 4, 1953 June 11,1953, Jan. 10, and 11, 1958 and if I would have had the time I am sure there must have been others. These documents were findings by the Appeall Boards, and communiciations with the State headquoters that had my name on them and beyond doubt belong in my fileas they were there then, but these have not been in my file while at the Draft board office/ I have not been permitted to see these although I suppisioned that they were in existance.

Obscrvations On Hearing Officers Attitude: He was nervose, high sturng and emotional. Had attitude of trying to make out the J.W.'s were doing things illegial as can be seen by the above questions he asked. Was visiabley upset at the effectiveness of the answers I gave and was afraid to pruse the matter futher as I felt that he felt his conscience might be swayed in our favor by a continued discussion of the point . He seemed to just want to ask questions that he felt could not be reasonable and intellegently answered by J. W. He was a religious man and somewhat familer with the Bible. He said his father was a minister. After the meeting was going for a while he assumed a diplomatic attitude and the meeting ended with a lot better spirit prevailing. Even shook hands. He at no time would reveal, directly, his attitude or defination of a C.O. and tried to protect himself from every angle. I have the impression that he has deep seated predijices against J. W.'s but make efforts to restrain himself. This, of course, is just my opinion.

Entered RT 11:95

Box 1576
Grand Coulee, Washington
July 8, 1959

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

On July 7, 1959 I had a hearing befor the hearing officer. Enclosed please finddaa4 page summary.

As you may note near the end of it I examined my file and found several letters concerning my case which were not in my file at any time before when I examined them at the Draft Board Office. These were not kept in my file nor were they made avaiable to me. They are letters that directly affect my case. For example the minutes of, or the finding of the Appeal Boards which outlined there reasons for not granting me a I-O or a IV-D. Also letters from the State Directors Office which (if I am not mistaken on this point) were addressed to me or at least had my name on them which directly affected my case outlining in numbered paragraphs their position in my case. My file was in a shambles as to order and so could not take the time to find all the other letters that may be in my file while it is in the hands of the Appeal Board but have been witheld from me and not made avaiable to at the Draft Board Office. I have the dates on some of these letters and also a wittness to the fact that they exist and to some of the contents.

Is it illegal for them to withold such information from me? Isn't everything pretaining to my case to be kept in my file? Do you suggest I prusue the matter futher when my file is returned to the local board from the appeal board? If they are not in my file again at this time I could have the local board chairman make a statement written and/or before wittnesses that such documents do not exist or cause him to make these documents avaiable to me.

Do you have copies of the Sicurella, Gonzales, and Simmions cases mentioned in the June 22, 1955 that I could get? Would it be appropiate to quoat or use these cases in so much as their points applied to my case, when presenting my case before the boards?

I am now starting to prepare to answer the final recommendation from the Department of Justice and the Resume of Inquiry when I receive it. When I receive it I shall send a copy of it to you for your suggestions as mentioned in your Dec. 16, 1957 letter. I noticed that in 'New Procedure' under heading of 'Final recommendation...' it says to ask the appeal board for the full F.B.I. report and also request them not to take action in the case untill I have it and an opportunity to comment on it. However this is not mentioned in the later July 1957 'Counsel' under the heading of 'Answering the Recommendation' Is it still proper to follow through with those points mentioned in the April,1955 'New Procedure'?

With you in defending and legally establishing the Good News, I remain

Your brother,

Richard M. Rawe

What help would this be? Scriptural and Spiritual help which is by far the most important and benificial.

Are you a Pacifist? By no means.

What I can't understand is why you people are willing to pay taxes, which we know at least 60% of go for war purposes, but at the same time you refuse to serve in non-military or non- combatant occupations that the government asks you to serve in? Why don't you at least do this and help out to some extent, like the Quakers, who are a respected groupe and are Co O. but yet help out to this extent? Why not at least your part- time ministers, who could just as well do this type of work as not or in place of the present jobs they may have and also at the same time carry on their part-time ministerial work? (This is substance of question asked) (Substance of answer follows.)

Each individual has to so answer for himself, according to the dictates of his conscienkkbkkce. As for me, I view myself as a minister or ambassador, which the Bible so describes a Christian as being at 2 Cor. 5:20. Let me draw you an illustration. Say that an ambassador from this country is sent to another country. His duties there are for the purpose of creating good-will for his county. He is commissioned by his government to preform services for his country. It would be improper for that ambassador to quite his post to take another occupation, he would be disrespectful and unloyal to his assignment and country. Futher, if the nation to which he was sent got itself into war with yet another nation it would also be improper for him to take sides in this conflict, as it is really none of his business. In fact it would be creating ill will for his country by the opposing nations. Again, it is improper for such an ambassador to meddle in the internal affairs of the nation to which he is sent, it wouldn't be proper for him to take sides in issues of that nation nor it's politics. Now let's apply some of the points of this illustration to my work as a full-time minister or ambassodor of God's heavenly kingdom.

Since I view myself as such an ambassador as above then it would be Scriptually improper for me to engage in such outside activities as is not becomming and ambassador of God's Kingdom Government. Isa. 9:6. Jesus pdainly showed that paying of taxes to Ceaser was not in contridiction to being a ambassador of God Kingdom. Mr. 12:13-17. I, being an ambassador of Jehovah's kingdom, dedicating my life to HIM, could not conscientiously give up doing the work he has commissioned me to do.

Dosent the Bible say that you should retun like for like? Eye for Eye? Yes, Jesus quoted this scripture at Mat. Ch. 5, (which we read) Yes, but isn't there another one? Yes, in Ex. for one place. 'Read that' (read it) 'Now, dosent that show that we have a right to defend our nation in a war?' (In answer I referded back to Mat. 5 to show how Jesus changed it under the New Covenant arrangement, also pointed out that it was not necessaryly an obligation to give eye for eye, but punishement could be witheld; Under the Law covenant you were to show mercy for those opposed to you)

What are your views on Communisum? What do you think about it? I only know what I read about it in the newspaper and news magazines, I understand that it is more Socializm then pure Communizm.

During the war we heard of Colaborators, ones, who collobrated with the enemy when they took over. If Russia was to take over this country, would you act as such a collobrato (ans.) No. I would carry on my preaching work just the same as I am doing now, my position would be the same as it is now. It would not change.

Do any of your church or faith belong to the Military service as far as you know? Not that I know of off hand. I do know of some who were J.W.'s and joined the army but I have not seen them for some time and don't know weather they view thereselves as J.W.'s or not nor do I know the extant of their association.

How do you view military men? Do you preach to them? Do you allow them into your Congerational meetings? Do some come to your Congregational meetings? I ask this because I know that you are near to Larson Air Force Base. (Ans) Yes, I preach to army men, have studies with them and some have attended meetings. I have no hatered for them but view them as any one else I would preach to.

Would you preach to Military men on the Base? Yes, but not as an agent of the Government or being paid to do so by them as a Chaplin. I have no objections as to calling on them from house to house nor conducting Bible studies with them.

If aBter becomeing a J.W. and then one joined the army, could he remain a J.W.? Or would he be required to give up being a J.W.? (ans.) The matter would be entierly up to him. I would have regard toward him if his consciense so dictated him. I don't feel that I would habor any ill will towerd him if he wanted to change his convicttens.

How do you view the Military campaign of Israel? Don't they show it is all right for a Christian nation to defend itself? (ans) Yes it is true the JHVH authorized the Nation of Israel to fight battles. In fact Jehovah fought these battles for them. He said 'stand back and watch'. "But didnit they use swords and do Killing themselves" True, Jehovah it was that was backing them up. He was the real source of their strength. When themy went against the instructions he gave they lost the battle. Those are wars that were authorized by Jehovah and backed up by him.

Don't you believe we are to only have one Master? Yes, Jehovah is my master through Christ Jesus. "Arn't governers here on earth to be obeyed"? Yes, if there instructions are in harmony with God's. (Ac. 5:29) Gave an illistration of a family. If one of my big brothers in the family asked me to do something that was not in harmony with my parents wishes, I would obey my parents. Likewise today, we are all 'brothers' in a fleshly ssense, being from Adam. If one of my 'brothers' asked me to do something in harmony with my Fathers wishes then I would do it, not necessarly because my 'brother' asked me to but because my Heavenly Father insstructed me to. So it is with things that are not my 'Father's' will, these I would not do.

How would you defend yourself if not with carnal weapons, with words? What if someone was ready to shoot you? What would you do? In answer I refered to 2 Cor. 10:3-5 again and show how Paul said we were to use words to bring every though into capitivity to make it obedient to the Christ. Cited how Jesus got away from those who wanted to mob him. How Paul divided them mobsters of the Supreme Court 00 000 against themselves by shouting out, 'Over the hope of the ressurection I am being Judged' Then he asked, " Don't you think Paul would have used carnal weapons if they would have been at his disposal?" I answered, no, and supported by refering backe to 2 Cor. 10:3-5.

Would you take part in wars authorized by Jehovah? Yes, but I see no such wars for the future. Refered to Supreme Court decision on this matter, he said he was very familiar with it.

What positions do you hold in the church? Bible Study servant, Magazine-Terr. Servant Ministry School Instructor, and untill just recently Service Center Conductor also.

Now let's assume for a minute that you were to change your convictions in regard to your C. O. claim? Would you be required to give up these positions in the Congretation? (ans.) If I gave up such Co.O. principles most likely I wouldn't want to have such responsibilities as I now have. I know of nothing that would require me to give up such positions.

Would you defend yourself if attacked? Yes, to point that Scriptures 000000000. authorize me to.

Do you believe that this government is doing anything good? Yes, there are many good services that this government performs from the taxes it receives.

What training did you recieve to become a minister? Did you attend any school? Yes, (I described details of training I received, Ministry School, ect. in the field)

Isn't it true that you were brought up to believe that it was wrong to serve this country in war? I was taught the principles of God's Word, Yes.

But wasn't it your interpretation of what the Bible said that you were taught? The Bible interprets itself on these matters and is clear enough for any reasonion person to discern.

How did this point of C. O. develop in your mind? At what point in life? As I remember it, it was something that developed from early childhood, built upon the principle of love, love of enemies, doing good to those persecuting you.

Do you feel that your C. O. are just as strong now as they were when you started with the draft or more so now? I feel I have the same strong convictions then as I do now, but of course these have been strengthened and deepened through the years. This is only natural with anyone who has strong convictions on anything and continues to think along these lines. I am still only human.

Isn't yours an attitude of resistance against the government? Don't you oppose the government? This is the impression I got from other J.W.'s that come here. (one) No, I am not against the government nor do I know of any J.W. that is of this attitude. We co-operate with the government in every way we can, to the extent that our conscience as trained by God's word, allows us. I have no attitude of opposition, resistance or hatered towar this government.

Mrs. Horton was asked to testify as to my sincerity as a C. O. She had known me over a period of many years and testified to my sincerity as a C. O. She herself is an active minister of J. W.'s and has been associated with me in the work and meetings. Her testimony included a wittness to the fact that the Bible says we were bought with a price and that this being the case we, as dedicated servants to Jehovah, could not be slaves to others.

Mrs. Rowe, my mother, was next called to testify and give information. She described the early training that I was given as child. "Do you feel that you played a part in the development of his C. O. conviction?". Yes, naturatnally this home training from God's Word would impress these principle of love on his mind. Every mother is happy to see her son succeed. I am especially happy to see my son succeed in the most important vocation, the ministry, I feel I had a part in this.

Mrs. Hall was then called in. How long have you know Richard? Since he was about 14. Are you a neighbor? I was but am now living here in Spokane. Are you also a J.W.? Yes. Can you testify to his C.O. conviction? Do you feel that he is a C.O.? I most certainly do. Have you been associated with him in the work also the meetings? Yes. Dismissed

Comment was make by hearing officer as to my request in my letter to him to have avaiable the full F. B. I. report. He said that this was not available to me as it was the property of the Department of Justice and is not made a part of the Draft Board file. I commented that the reasons I ask for it were outlined in my letter to him. He said that the Summary was an accurate reflection of the full report and added that there was no unfevorable evidance. All evidance was complementary to me, from the viewpoint of those who testified for me. This ended the hearing itself.

Following I asked to see my file. He obliged. Asked permission to copy the last Local Board's minutes as I didn't have there. He granted but shortly changed his mind.

I noted several documents in my file with dates, May 1, 4, 1953 June 11,1953, Jan. 10, and 11, 1953 and if I would have had the time I am sure there must have been others. These documents were findings by the Appeall Boards, and communications with the State headquoters that had my name on them and beyond doubt belong in my fileas they were there then, but these have not been in my file while at the Draft board office. I have not been permitted to see these although I suppisioned that they were in existence.

Observations on Hearing Officers Attitude: He was nervose, high sturng and emotional. Had attitude of trying to make out the J.W.'s were doing things illegial as can be seen by the above questions he asked. Was visiabley upset at the effectiveness of the answers I gave and was afraid to press the matter further as I felt that he felt his conscience might be swayed in our favor by a continued discussion of the point . He seemed to just want to ask questions that he felt could not be reasonable and intellegently answered by J. W. He was a religious man and somewhat familer with the Bible. He said his father was a minister. After the meeting was going for a while he assumed a diplomatic attitude and the meeting ended with a lot better spirit prevailing, even shook hands. He at no time would reveal, directly, his attitude or definition of C.O. and tried to protect himself from every angle. I have the impression that he has been carried prediljees against J. W.'s but with efforts to restrain himself . [illegible]

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

July 13, 1959

Richard M. Rawe
Box 1576
Grand Coulee, Wash.

Dear brother:

I have your letter of July 8.

I have noted what you said about certain papers in your file, which you had not seen before. You might check your file when it returns to the local board and if the papers are not there inquire about them. I would not be too concerned about the matter, though.

I am sending to you under separate cover the opinions in the Sicurella, Simmons and Gonzales cases as you requested. I do not believe that you will be able to glean too much information from them that would be of any particular value to you. The Counsel on Ministerial Claims supersedes the New Procedure memorandum. It is not necessary to follow the suggestions in the New Procedure memorandum.

Your brother,

Hayden C. Covington

C-j

Copy to Compton

Box 443
Soap Lake, Washington
Oct. 29, 1948

Selective Service
Local Board No. 22
Wenatchee, Washington

Dear Sirs:

My new mailing address is:

Mr. Richard M. Rowe
Box 443
Soap Lake, Washington

I can be reached by phone at Chesnut 6-2859 or Chesnut 6-4021.

Please notify the Appeal Board of my new address as my case is on appeal. If I am to notify them please send me their address so that I may do so.

Sincerely yours,

Richard Rowe

Richard Rowe

Box 443
Soap Lake, Washington
Nov. 17, 1959

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington:

In compliance with your letter to me of Dec. 16, 1957, enclosed please find copies of letters and recommendations just sent to me by the Appeal Board. You may keep all these copies for your records. I did not make a copy of the, "Resume of Supplemental Inquiry, Re: Richard Martin Rawe, Conscientious Objector Claimant of Dec. 28, 1955 with United States Attorney's Office stamp on it noting that it was received by they on June 2, 1958 in Spokane, Wash." as you have a copy of this which I sent to you June 23, 1959. This Resume is refered to in the Justice Depart.'s recommendation as Exhibits B.

I will awaite your suggestions before I make my reply to them within the alloted thirty (30) days.

Your brother,

Richard M. Rawe

COPY

SELECTIVE SERVICE SYSTEM

(From Appeal Board for the Selective Service System in the Eastern Federal Judicial District of the State of Washington N. 214 Wall Street, Spokane 1, Washington)

Nov. 16, 1959

Mr. Richard Martin Rawe
Box 443
Soap Lake, Washington

45-22-54-183

Dear Sir:

Attached hereto is a copy of the recommendation of the Department of Justice to the Appeal Board for the Eastern Judicial District of Wash., concerning your claim of opposition to combatant and noncom- duty in the armed forces.

Within thirty day of the date of this letter, you may file a written reply with this Appeal Board concerning the recommendation of the Department of Justice. At the end of the thirty-day period, whether or not we have had a reply from you, the Appeal Board will review your file and proceed to classify you.

By direction of the Appeal Board

(Mrs.) Maryellen P. Goodman
Clerk

Enclosure --1

Copy

(Stamp)
Appeal Board
Nov. 16,1959

Chairman, Appeal Board,
Selective Service
N. 108 Washington St.
Spokane 8, Wash.

(Stamped)
Nov. 10,1959

Re: Richard M. Rawe
Conscientious Objector

Dear Sir:

As required by section 6(j) of the Univ. Military Training and Service Act, as ammended, in inquiry was made by the Department of Justice in the above-mentioned case and an opportunity to be heard on his claim for exemption as a conscientious objector was given to the registrant by Mr. Daniel W. Gaiser, A Hearing Officer for the Depart. of Justice.

The information obtained from the inquiries and considered by the Depart. of Justice in arriving at its recommendation is contained in the first and second Resume of Supplemental Inquiry attached hereto and made a part hereof.

Registrant was born at Spokane, Washington on May 10, 1934. His mother is a Jehovah's Witness and the registrant was baptized in that faith in September 1942 He had an eith grade education and completed three and one-half years of high school. His SSS Forms 100 and 150 claimed conscientious objection, ordination as a minister of Jehovah's Winesses and exemption from combatant and noncombatant military training and service. On a former appeal from a I-A classification and following a hearing before Mr. Harry T. Davenport, a Hearing Officer for the Depart. of Justice, the registrant was classified I-O but, following an appeal to the Presidential Appeal Board for a ministerial classification, he was again classified I-A. Thereafter, his file was reopened by the local board and he was again classified in Class I-A from which he appealed.

Annexed hereto and made a part hereof are Exhibits A and B. submitted to the Department of Justice in behalf of the rigistrant.

Registrant appeared before the Hearing Officer at Spokane, Wash. on July 7, 1959m accompanied by his mother and Two other women, on of whom he denominated his "secretary". The registramt told the Hearing Officer that he was not married at the time of the hearing; that he began attending church with his mother in early childhood and became a Jehovah's Witness when he was about eight years old. He said that his conscience had been trained through his study of the Bible and that his convictions against military service is a result of his own study. The registrants mother told the Hearing Officer that she felt that the registrant's beliefs and conscientious objections were the result of her religious training and she expressed pride in the registrant's ministry. Registrant's other witness was convinced of the sincerity of the registrant's convictions and believed that he is a bona fide minister.

The Hearing Officer noted that in the local board's summary of the registrant's personal appearance before it on Dec. 3, 1957 it was stated:

> "The registrant's claim in the alternative for a I-O classification was denied on the grounds that the registrant is not, by reason of religious training and belief, conscientiously opposed to war in any form; that his willingness to use force in numerous circumstances of his own choosing, even to the extent of killing, is inconsistent with his claim of conscientious objection; and that his claim of conscientious objection is based upon a reluctance to accede to secular authority and a desire to continue in his present pursuits rather than upon any religious aversion to the use of force or killing."

The hearing officer concurred in the finding of the local board just quoted and he was not convinced that the registrant was acting in good faith, nor was he convinced of the absolute sincerity of the registrant's conscientious-objector claim. The registrant appeared to get a satisfaction and prestige from being a minister of his sect. He told the Hearing Officer that if God were to direct war he would fight.

This led the Hearing Officer to the belief that registrant is probably not opposed to war in any form but that he places his own interpretation upon when he might be called to such service.

On September 14, 1954 the Department of Justice recommended to your Board that registrant's claim be sustained as to both combatant and noncombatant training and service and that he be classified in Class I-O. That recommendation was based upon the entirely favorable tenor of the investigative report and upon a finding by the Hearing officer that registrant's claim was made in good faith and that he was by reason of his religious training and belief opposed to participation in war in any form. Your Board classified the registrant in Class I-O and he has been subsequently classified in Class I-A from which he has appealed. Additional inquiries were made in 1955 and again in 1958. He has been very active in his religious work and continues to serve as a Pioneer.

The registrant's willingness to use force in numerous circumstances of his own choosing, even to the extant of killing, as related in the summary of registrant's personal appearance before the Board on Dec. 3, 1957, presents the question of the question of the particular circumstances to which the Board refered. The details as to what circumstances the Board referred or the questions of the Board and the answers of the registrant as to the issue of use of force in numerous circumstances to the extent of killing do not appear in the Dec. 3, 1957 summary of the registrant's file. In the summary of the previous personal appearance of the registrant before the local board on Aug. 8, 1955, signed by Board Chairman, the Board Clerk, and the registrant, these circumstances as to the use of force extending even to killing are recorded in detail and appear to be no more than the usual Jehovah's Witnesses tenet that a person is entitled to self-defense of himself, his family, brethren, and Kingdom interests. An expressed willingness to use force to such extent and for such purposes is not a basis for denial of a conscientious-objector claim. Affeldt v. U. S., 218 F. 2d 112; Sicurella v. U.S., 348 U.S. 385.

The registrant's statement to the Hearing Officer that if God were to direct war he would fight amounts only to an exprssion of registrant's belief in theocratic warfare and is not a basis for denial of a conscientious-objector claim. Sicurella v. U.S., 348 U.S. 385; U.S. v. Hartman, 209 F. 2d 366; Taffs v. U.S., 208 F. 2d 329.

With due regard for the Hearing Officer's recommendation and the local board's conclusion, the Department of Justice finds that registrant's claim is sustained as to both combatant and non-combatant training and service. It, therefore, recommends that registrant be classified in Class I-O.

The Selective Service Cover Sheet in the above case is returned herewith.

Sincerely,

T. Oscar Smith
Chief, Conscientious-Objector Section

COPY

Resume of Supplemental Inquiry
Re: Richard M. Rawe Conscientious-Objector Claimant

NOTICE

A resume of prior investigative reports was furniched the registrant in connection with a hearing held by a Depart. of Justice Hearing Officer on May 7, 1954. The original of said resume was made a part of the registrant's Selective Service file and is incorporated herein by reference.

Neighbors, acquaintances, references and religious associated contacted all advised that they believe registrant is absoultely sincere in his religious beliefs and in his conscientious-objector claim. One of these persons said she sees no reason why he should be classified as a conscientious objector, because she feels that all young men should serve in the armed forces. These person generally advised that registrant is of very good reputation and character, extremely well behaved and of excellent moral character and conduct. They said he is a clean-cut individual and indicated that they knew of only favorable information concerning his activity. They stated that his everyday life clearly reflects that he is a good Christian young man. They said he has no steady secular work, but from time to time he works part time for his father at his father's lumber mill. One person recalled that registrant has stated that he could live for a year on approximately $400.00, and thus could devote practically all of his time to his religious work and activities. These persons advised that registrant and all members of his family, with ther exception of his father, are very active in the Jehovah's Witnesses religion, and that their whole life is centered around their religious activities. They said that registrant devotes practically of his time to his religious activities. These persons also indicated that registrant's mothers is considered to be the leader of the Jehovah's Witnesses in the Grand Coulee, Washington, area, and that she has no doubt reared her children to believe in this religious organization and to be active in its work. They indicated that she has been associated with this religious sect for approximately 20 years. Many of these persons contacted were not of the same religious belief as is registrant, and indicated that they did not agree with his beliefs, but as is above indicated, they all generally agreed that they believe he is sincere in his religious beliefs and in his present claim.

The records of the Watchtower Bible and Tract Society headquarters in Brooklyn, N. Y. reflect that registrant was ordained a minister in the Jehovah's Witnesses on September 20, 1952. He served as a Vacation Pioneed from May to September of 1952, at which time he commenced full-time Pioneer work. The record reflect that registrant devoted an average of over 100 hours per month for the period from May of 1952, through Sept. 1955. The records further reflect that he was appointed to the position of Theocratic Ministry School Instructor on Oct. 8, 1952, Territory Servant on Oct. 8, 1953, and Bible Study Servant on Dec. 17, 1953.

Credit and criminal records are negative.

Prepared Dec. 28, 1955

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

November 23, 1959 MAIN 5-1240

Mr. Richard M. Rawe
Box #443
Soap Lake,
Washington

Dear Brother Rawe:

I have at hand your letter of November 17, 1959, with which you sent copes of the supplemental inquiry and the recommendation of the Department of Justice.

What you should now do is prepare your reply in which you blow up all of the favorable evidence and go into detail on how you carry out your ministerial work. Follow the suggestions in the Counsel On Ministerial Claims By Jehovah's Witnesses, page three, column two. Bear in mind that this answer is to be in the hands of the appeal board within thirty days from the mailing date, not just in the mail.

Please make an extra copy of your answer and send it to me for my files. Keep me informed of whatever develops and be assured of my best wishes and theocratic regards.

Your brother,

Hayden Covington

C-amc

SELECTIVE SERVICE SYSTEM

Appeal Board for the Selective Service System in the Eastern
Federal Judicial District of the State of Washington
N. 214 Wall Street, Spokane 1, Washington

(LOCAL BOARD STAMP)

IN REPLY, REFER TO:

November 16, 1959

Mr. Richard Martin Rawe
Box 443
Soap Lake, Washington

45-22-34-183

Dear Sir:

Attached hereto is a copy of the recommendation of the Department of Justice to the Appeal Board for the Eastern Judicial District of Washington, concerning your claim of opposition to combatant and noncambatant duty in the armed forces.

Within thirty (30) days of the date of this letter, you may file a written reply with this Appeal Board concerning the recommendation of the Department of Justice. At the end of the thirty-day period, whether or not we have had a reply from you, the Appeal Board will review your file and proceed to classify you.

By direction of the Appeal Board

Maryellen P. Goodman

(Mrs.) Maryellen P. Goodman
Clerk

Inclosure - 1

APPEAL BOARD

NOV 16 1959

For the Selective Service System in the Eastern Federal Judicial District State of Wash., Spokane.

Chairman, Appeal Board, Eastern
District of Washington
Selective Service System
North 106 Washington Street
American Legion Building
Spokane 8, Washington

NOV 10 1959

Re: Richard Martin Rawe
Conscientious Objector

Dear Sir:

As required by section 6(j) of the Universal Military Training and Service Act, as amended, an inquiry was made by the Department of Justice in the above-mentioned case and an opportunity to be heard on his claim for exemption as a conscientious objector was given to the registrant by Mr. Daniel W. Gaiser, a Hearing Officer for the Department of Justice.

The information obtained from the inquiries and considered by the Department of Justice in arriving at its recommendation is contained in the first and second Resumé of Supplemental Inquiry attached hereto and made a part hereof.

Registrant was born at Spokane, Washington on May 10, 1934. His mother is a Jehovah's Witness and the registrant was baptised in that faith in September 1942. He had an eighth grade education and completed three and one-half years of high school. His SSS Forms 100 and 150 claimed conscientious objection, ordination as a minister of Jehovah's Witnesses and exemption from combatant and noncombatant military training and service. On a former appeal from a I-A classification and following a hearing before Mr. Harry T. Davenport, a

Hearing Officer for the Department of Justice, the registrant was classified I-O but, following an appeal to the Presidential Appeal Board for a ministerial classification, he was again classified I-A. Thereafter, his file was reopened by the local board and he was again classified in Class I-A from which he appealed.

Annexed hereto and made a part hereof are Exhibits A and B submitted to the Department of Justice in behalf of the registrant.

Registrant appeared before the Hearing Officer at Spokane, Washington on July 7, 1959, accompanied by his mother and two other women, one of whom he denominated his "secretary". The registrant told the Hearing Officer that he was not married at the time of the hearing; that he began attending church with his mother in early childhood and became a Jehovah's Witness when he was about eight years old. He said that his conscience had been trained through his study of the Bible and that his conviction against military service is a result of his own study. The registrant's mother told the Hearing Officer that she felt that the registrant's beliefs and conscientious objections were the result of her religious training and she expressed pride in the registrant's ministry. Registrant's other witness was convinced of the sincerity of the registrant's convictions and believed that he is a bona fide minister.

The Hearing Officer noted that in the local board's summary of the registrant's personal appearance before it on December 3, 1957 it was stated:

> "The registrant's claim in the alternative for a I-O classification was denied on the grounds that the registrant is not, by reason of religious training and belief, conscientiously opposed to war in any form; that his willingness to use force in numerous circumstances of his own choosing, even to the extent of killing, is inconsistent with his claim of conscientious objection; and that his claim of conscientious objection is based upon a reluctance to accede to secular authority and a desire to continue in his present pursuits rather than upon any religious aversion to the use of force or killing."

The Hearing Officer concurred in the finding of the local board just quoted and he was not convinced that the registrant was acting in good faith, nor was he convinced of the absolute sincerity of the registrant's conscientious-objector claim. The registrant appeared

to get a satisfaction and prestige from being a minister of his — sect. He told the Hearing Officer that if God were to direct war he would fight. This led the Hearing Officer to the belief that registrant is probably not opposed to war in any form but that he places his own interpretation upon when he might be called to such service.

On September 14, 1954 the Department of Justice recommended to your Board that registrant's claim be sustained as to both combatant and noncombatant training and service and that he be classified in Class I-O. That recommendation was based upon the entirely favorable tenor of the investigative report and upon a finding by the Hearing Officer that registrant's claim was made in good faith and that he was by reason of his religious training and belief — opposed to participation in war in any form. Your Board classified the registrant in Class I-O and he has been subsequently classified in Class I-A from which he has appealed. Additional inquiries were made in 1955 and again in 1958. He has been very active in his — religious work and continues to serve as a Pioneer.—

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The registrant's statement to the Hearing Officer that if God were to direct war he would fight amounts only to an expression of registrant's belief in theocratic warfare and is not a basis for denial of a conscientious-objector claim. Sicurella v. U. S., 348 U.S. 385; U. S. v. Hartman, 209 F. 2d 366; Taffs v. U. S., 208 F. 2d 329.

With due regard for the Hearing Officer's recommendation and the local board's conclusion, the Department of Justice finds that registrant's claim is sustained as to both combatant and non-combatant training and service. It, therefore, recommends that registrant be classified in Class I-O.

The Selective Service Cover Sheet in the above case is returned herewith.

Sincerely,

T. Oscar Smith
Chief, Conscientious-Objector Section

Resumé of Supplemental Inquiry

Re: Richard Martin Rawe

Conscientious-Objector Claimant

NOTICE

A resumé of prior investigative reports was furnished the registrant in connection with a hearing held by a Department of Justice Hearing Officer on May 7, 1954. The original of said resumé was made a part of the registrant's Selective Service file and is incorporated herein by reference.

Neighbors, acquaintances, references and religious associates contacted all advised that they believe registrant is absolutely sincere in his religious beliefs and in his conscientious-objector claim. One of these persons said she sees no reason why he should be classified as a conscientious objector, because she feels that all young men should serve in the armed forces. These persons generally advised that registrant is of very good reputation and character, extremely well behaved and of excellent moral character and conduct. They said he is a clean-cut individual and indicated that they knew of only favorably information concerning his activity. They stated that his everyday life clearly reflects that he is a good Christian young man. They said he has no steady secular work, but from time to time he works part time for his father at his father's lumber mill. One person recalled that registrant had stated that he could live for a year on approximately $400.00, and thus could devote practically all of his time to his religious work and activities. These persons advised that registrant and all members of his family, with the exception of his father, are very active in the Jehovah's Witnesses religion, and that their whole life is centered around their religious activities. They said that registrant devotes practically of his time to his religious activities. These persons also indicated that registrant's mother is considered to be the leader of the Jehovah's Witnesses in the Grand Coulee, Washington, area, and that she has no doubt reared her children to believe in this religious organization and to be active in its work. They indicated that she has been associated with this religious sect for approximately 20 years.

Many of these persons contacted were not of the same religious belief as is registrant, and indicated that they did not agree with his beliefs, but as is above indicated, they all generally agreed that they believe he is sincere in his religious beliefs and in his present claim.

The records of the Watchtower Bible and Tract Society headquarters in Brooklyn, New York, reflect that registrant was ordained a minister in the Jehovah's Witnesses on September 20, 1942. He served as a Vacation Pioneer from May to September of 1952, at which time he commenced full-time Pioneer work. The record reflect that registrant devoted an average of over 100 hours per month for the period from May of 1952 through September 1955. The records further reflect that he was appointed to the position of Theocratic Ministry School Instructor on October 8, 1952, Territory Servant on October 8, 1953, and Bible Study Servant on December 17, 1953.

Credit and criminal records are negative.

Prepared: December 28, 1955

Resumé of Supplemental Inquiry

Re: Richard Martin Rawe

Conscientious-Objector Claimant

First Resumé of Supplemental Inquiry
prepared December 28, 1955

A person who has employed the registrant as a part-time plumber on two or three different occasions, said that the registrant always displayed an excellent moral character and conduct. This person was aware of the registrant's extensive activities with the Jehovah's Witnesses and said he did not work on Thursdays, Fridays, Saturdays or Sundays because this would interfere with his ministerial work. The registrant's father, who has employed the registrant part-time over the past three or four years, gave a substantially similar opinion concerning the registrant and his religious activities. He said that he is absolutely certain the registrant is sincere in claiming exemption as a conscientious objector. Other relatives, associates, neighbors and references stated that the registrant devotes a great deal of time to his religious activities and is undoubtedly sincere in making a conscientious-objector claim. Several of these persons gave favorable reports concerning the registrant when they were interviewed during a previous investigation of the registrant's claim. These persons indicate that their previous remarks concerning the registrant are still valid. They point out that the registrant and his mother have been active in the Jehovah's Witnesses for the past 10 year period, and they not only believe in the principles of the Jehovah's Witnesses religion but practice those principles in their everyday life. Several of these persons pointed out that the registrant is presently serving as a full-time minister in the Soap Lake, Washington, area, and were of the opinion that the registrant should be granted a ministerial classification. On this point, the registrant's mother advised that the registrant would like to go into missionary work for the Jehovah's Witnesses and attend the Watchtower Bible and Tract Society Ministry School in New York City.

Box 443
Soap Lake, Washington
Dec. 2, 1959

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington:

Enclosed please find my reply to the Appeal Board on the Department of Justice recommendation and resumé. I plan to send it in sometime after Dec. 10, so that it will be sure to reach them by Dec. 15. The dead line is Dec. 16. I am sending you this copy in advance so that if you have an suggestions it will give me time to rewrite it. Do you think I went into enough detain2on my ministerial work?

In case there classification is not IV-D and there is no dissenting vote, do you think it advisable to request the National and State Directors of Selective Service to take an appeal to the President for me as outlined on page 24 and 25 of the booklet "Procedure of Jehovah's Witnesses Under Selective Service" and as I have done twice before?

Then to, I would like to know if I am to be put in Class V-A when I reach my 26th birthday on May 10, 1960 or, because my case has always been on appeal, weather I will be continued untill I am 35, or just what the prodeedure is?

Thank you very much for your time and attention to my case. I pray Jehovah's rich blessings on you and your work. Will be waiting to hear from you if you think it necessary to write right away concerning the above.

Your brother,

Richard Dawe

Box 443
Soap Lake, Washington
Dec. 14, 1959

Selective Service System
Appeal Board For The Selective Service System In The Eastern
Federal Judicial District Of The State Of Washington
N. 214 Wall Street, Spokane 1, Washington

Dear Sirs:

This is in response to your letter of November 16, 1959 informing me of my right of a written reply to the Department of Justice recommendation.

May I first of all state the purpose of my appeal was for a minister's classification of IV-D and not for a conscientious objector classification, although I believe that I am eligiable for this classification also. The reason why my file was referred to the Department of Justice was because it contained a special form for conscientious objectors and the Department of Justice is confined by law to consideration of my conscientious objector claim. It can not consider any other claim that I may have. However, as 1626.26 of the Regulations point out the appeal board is not so bound. It says that you can give "consideration to the various classes" for which I may be eligible and then you should classify me "in the lowest class for which" I am eligible. In my opinion this would be class IV-D.

It should not be overlooked that the recommendation of the Department of Justice is just that--a recommendation. You are not bound by the recommendation and should not consider yourself to be bound by it as it only gives a one-sided picture of my status--the side that the Department of Justice is confined to by law. As Section 1626.25 (d) of the regulations says, in part, "in its determination (the appeal board) shall give consideration to, but it shall not be bound to follow, the recommendation."

Even though the recommendation dose not concern itself with my ministerial claim still, its contents proves that I come under the provisions of Section 1622.43 for a ministerial exemption and classification of IV-D. For example, on page one of the recommendation it mentions that "registrant was baptized in that faith in September 1942" In reality this refers to my ordination ceremony at which time I became a minister just as Christ Jesus began his ministry at the time of his baptism. For the next ten years I served as a part-time minister.

Page two, paragraph two of the recommendation makes mention of my training and education for the ministry by simply stating that "he began attending church with his mother in early childhood". This was actually far more then just "attending church". It included regular and dilligent study for the classes attended as well as actual training in the field ministry work. The next sentence makes mention of this regular and systematic study which I followed. The last two sentences of this paragraph testify to the fact that as a result of my study and ordination others view me as a "bona fide minister".

The last sentance of paragraph one on page three of the recommendation says: "He has been very active in his religious work and continues to serve as a Pioneer." In fact this testifies to the great amount of time I spend in my ministerial

activities which include about 50 hours a month of actual door-to-door ministry work, using prepared sermons in preaching to the people in their homes. Then too, this includes at least another 50 hours a month in calling back on people who are willing to learn more about the Bible through a systematic study of it. Longer sermons are preached to these people and a regular study of the Bible started with the use of other text books. A full course of instruction is available to the many people I serve in this manner. This activity is included in the term "Pioneer". Besides all of this there are still other ministerial obligations I perform and for this reason the statement says, "He has been very active in his religious work". These other obligations include visiting the sick and weak ones of my congregation, travel time to and from studies and meetings, attending many and various meetings, preparing sermons and doing personal study, taking care of duties of the several offices I hold in our local ministerial association (appointment to these positions are mentioned in the Resumé of December 28, 1955, page two, paragraph one) and various other ministerial activities. This takes up approximately another 200 hours a month of my time which means that I spend up to 300 hours a month taking care of all my ministerial obligations.

~~This is the~~ For this reason I have "no steady secular work, but from time to time (I) work part time" and "devote practically all of (my) time to (my) religious work and activities", as stated in the resume' prepared December 28, 1955. Thus it can be seen that the greatest portion of my time is spent in the ministry. That is why the report goes on to say; "Many of the persons contacted...generally agreed that they believe he is sincere in his religious beliefs and in his present claim." They have reference especially to my ministerial claim.

As page two, paragraph one, of this December 28, 1955 resumé points out, my full-time ministerial career started in May of 1952 and continues till now. The 100 hours a month mentioned here do not include the addational 200 hours a month I mentioned above.

Concerning the Resumé prepared May 23, 1958: This too testifies to the small amount of time I spend at secular work and the "great deal of time" I devote to my "religious activities". The days Thursdays thru Sunday on which I do no secular work are the days I regularly schedule my public field ministry work. The other days of the week I take care of my other ministerial obligations, and work in my part-time secular work with which I support my self, in part, together with other contributions made to me. In this way, as the report says, not only do I believe "in the principles of the Jehovah's Witnesses religion but practice those principles in...everyday life." Let it also be noted that several persons interviewed "were of the opinion that the registrant should be granted a ministerial classification." This is because these people recognize my activities as those of a bon fide minister.

The above should clearly establish that the ministry is my vocation because of the great amount of time I spend in fulfilling my duties as a Minister. Therefore I respectfully request the Appeal Board to place me in class IV-D.

Sincerely yours,

Richard M. Rawe
Ordained Minister

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

December 10, 1959

Mr. Richard M. Rawe
Box 443
Soap Lake, Washington

Dear Brother Rawe:

I have read the copy of your answer to the recommendation from the Department of Justice to the appeal board. What you have written seems good, but I believe you could have gone into more detail about your full-time pioneer activity and as such your leadership.

If you do not have sufficient time to re-write it go ahead and send it in as you have it written. Perhaps you have already done so.

Follow the suggestions given in the Counsel On Ministerial Claims By Jehovah's Witnesses and be sure to keep me informed of whatever develops.

With best wishes and theocratic regards,

Your brother,

C-amc

Hayden C. Covington

Box 443
Soap Lake, Washington
Jan. 12, 1960

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

I have just received my classification from the Appeal Board. They gave me a I-O classification by a vote of 4 to 0. This was on Jan. 11, 1960.

Unless you have other suggestions I will proceed to compose letters to the Sate and National Directors asking them to take an appeal to the President for me for a IV-D in order to avoid and injustice. As I did on Oct. 31, 1954.

With reference to my letter to you of Dec. 2, 1959: please find enclosed page two and three of the rewritten statement on appeal that was actuaally mailed to The appeal board for their consideration when I was classified.

Any suggestions would be appreciated. Thankyou for your attention on this matter

With you in seeking and pursuing peace,

Ricahrd Rawe

Box 453
Soap Lake, Washington
January 20, 1960

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington,

Enclosed please find copies of letters which I sent to the State and National Directors of Selective Service asking them to take an appeal to the President for me. Also a copy of the cover letter to the local board is enclosed.

I will keep you informed on the developments.

Your brother,

Richard M. Rawe

Box 443
Soap Lake, Washington
January 20, 1960

Selective Service
Local Board No. 22
Wenatchee, Washington

Dear Sirs:

Enclosed please find copies of letters to the State and National Directors of Selective Service requesting them to take an appeal to the President in my behalf. Please include these two letters in my file.

I also want to ask the local board to delay any futher action in my case untill the Director's have acted on my request.

Sincerely,

Richard M. Rawe

Richard M. Rawe

Box 443
Soap Lake, Washington
January 20, 1960

Maj. Gen. Lewis B. Hershey
Director of Selective Service
451 Indiana Avenue, N. W.
Washington 25, D. C.

Dear Sir:

The purpose of this letter is to request you to take an appeal to the President in my behalf. Would you please call my file into your office for the purpose of a review. I am asking you to take this appeal to the President in the national interests to maintain freedom of worship for all and to avoid an injustice to me.

I believe that the local board and the appeal board have violated Soection 16 (g) of the Act by not giving me a IV-D. My file contains ample proof that I am entitled to such and shows I am fulfiling every requirement of the Section 16 (g). The facts will show that I have been preforming as a full-time minister for almost eight years and yet I have been denied my IV-D classification. The injustice I would be receiving is the same as any other recognized, duly ordained and regular minister that is preaching as a vocation would suffer if he received any other classification that IV-D.

The following is a brief history of my long case. I am registered as Richard M. Rawe. I registered May 12, 1952 with Local Board No. 22, Wenatchee, Washington. My number is 45-22-34-183. I was sent my classification Questioneer November 12, 1952 and returned it on November 21, 1952. I filled out Series VI for ministers and requested a IV-D because I started my full-time service as a minister on May 1, 1952. Also I asked for a Conscientious Objector form. This form was filled out and returned on December 1, 1952. I have conscientious objections to both combatant and non-combatant service and training because of my status and duties as a full-time minister and because my conscientious has been trained by a study of God's Word. I also returned with these forms documentary proof that I am a minister. This document is entitled "Certificate For Pioneer" and is from the Watchtower Bible and Tract Society. It states that I am a "duly ordained minister of Jehovah's witnesses" and that my "customary vocation" is the ministry. It futher shows I was ordained in a public ceremony on September 20, 1942. Also that I was "duly appointed on May 1, 1952 as a 'pioneer' minister" and "authorized to preform the ordinary rites and cermonies...such as marriage cermony, the baptismal ceremony, the burial ceremony, etc." and I am therefore certified by a recognized religious organization. This should be substanial evidance that I am entitled to a IV-D. Along with this my file show I have an authorized territory assignment by the Watchtower Society in which to preach, also that I serve as the Bible Study Servant, Theocratic Ministry School Servant, Magazine-Territory Servant ans as a Congregation Book Study Conductor, to the Ephrata Congregation of Jehovah's witnesses. These appointments are by the Watchtower Bible and Tract Society. Futhermore I have on file with the local board a number of letters

and affidivats from other people stating that they recognize me as a duly ordained minister and that this is my vocation.

In addation to the above there is in my file a document from the Watchtower Bible and Tract Society dated September 30, 1957. It is entitled: "To Whom It May Concern:" which testifies to the fact that I have a missionary congregation of which I am the spiritualadvisor and religious leader and that I have been authorized as such by the Watchtower Bible and Tract Society.

My file also contains several reports from the Justice Department and the F. B. I. which show that I am continuing to serve as a full-time minister and that several people interviewed stated that they view me as a ordained, full-time minister and said that they felt that I should be given a ministers classification.

The record of my classifications are as follows: On December 11, 1952 I was classified I-O by the local board, the following April 14, 1953 I was granted a personal appearance which resulted in another I-O from the local board. On June 1, 1953 the appeal board classified me I-O. The case was then appealed by the Director of Selective Service to the President and on October 29, 1953 I was put in class I-A. Following this the local board reopened my case and on November 12, 1953 again classified me I-A. On the following personal appearance it again classified me I-A on January 7, 1954. After an investigation by the F. B. I. the Appeal board classified me I-O on October 25, 1954. Again the good offices of the Director of Selective Service took an appeal to the President which resulted in another I-A on March 8, 1955. The local board reopened and on July 14, 1955 classified me I-A, on the following personal appearances it classified me I-A on November 8, 1957 and December 5, 1957. Another investigation by the F. B. I. resulted in the appeal to the appeal board. On January 11, 1960 the appeal board again placed me in class I-O.

In view of the above mentioned facts of this case I respectfully request your intervention in this case. Will you please call in this file for review and appeal to the National Selective Service Appeal Board so that I may be finally classified according to my vocation as a minister? Please let me know what action is taken in this case.

Sincerely,

Richard H. Rawe

Box 443
Soap Lake, Washington
January 20, 1960

State Director of Selective Service
State Armory
Tacoma 5, Washington

Dear Sir:

The purpose of this letter is to request you to take an appeal to the President in my behalf. Would you please call my file into your office for the purpose of a review. I am asking you to take this appeal to the President in the national interests to maintain freedom of worship for all and to avoid an injustice to me.

I believe that the local board and the appeal board have violated Section 16 (g) of the Act by not giving me a IV-D. My file contains ample proof that I am entitled to such and show I am fulfiling every requirement of the Section 16 (g). The facts will show that I have been preforming as a full-time minister for almost eight years and yet I have been denied my IV-D classification. The injustice I would be receiving is the same as any other recognized, duly ordained and regular minister that is preaching as a vocation would suffer if he received any other classification than IV-D.

The following is a brief history of my long case. I am registered as Richard M. Rawe. I registered May 12, 1952 with Local Board No. 22, Wenatchee, Washington. My number is 45-22-34-133. I was sent my classification Questioneer Nov. 12, 1952 and returned it on Nov. 21, 1952. I filled out Series VI for ministers and requested a IV-D because I started my full-time service as a minister on May 1, 1952. Also I asked for a Conscientious Objector form. This form was filled out and returned on Dec. 1, 1952. I have conscientious objections to both combatant and non-combatant service and training because of my status and duties as a full-time minister and because my conscientious has been trained by a study of God's Word. I also returned with these forms documentary proof that I am a minister. This document is entitled "Certificate For Pioneer" and is from the Watchtower Bible and Tract Society. It states that I am a "duly ordained minister of Jehovah's witnesses" and that my "customary vocation" is the ministry. It futher shows I was ordained in a public ceremony on Sept. 20, 1942. Also that I was "duly appointed on May 1, 1952 as a 'pioneer' minister" and "authorized to preform the ordinary rites and cermonies...such as marriage cermony, the baptismal ceremony, the burial ceremony, etc." and am therefore certified by a recognized religious organization. This should be substanial evidance that I am entitled to a IV-D. Along with this my file shows I ahve an authorized territory assignment by the Watchtower Society in which to preach, also that I serve as the Bible Study Servant, Theocratic Ministry School Servant, Magazine-Territory Servant and as a Congregation Book-Study Conductor, to the Ephrata Congregation of Jehovah's witnesses. These appointments are by the Watchtower Bible and Tract Society. Futhermore I have on file with the local board a number of letters from other people stating that they recognize me as a duly ordained minister and that that is my vocation.

In addation to the above there is in my file a document from the Watchtower Bible and Tract Society dated September 30, 1957. It is entitled: "To Whom It May Concern:" which testifies to the fact that I have a missionary congregation of which I am the spiritual advisor and religious leader and that I have been authorized as such by the Watchtower Bible and Tract Society.

My file also contains several reports from the Justice Department and the F.B. I. which show that I am continueing to serve as a full-time minister and that several people interviewed stated that they view me as a ordained, full-time minister and said that they felt that I should be given a ministers classification.

The record of my classifications are as follows: On December 11, 1952 I was classified I-O by the local board, the following April 14, 1953 I was granted a personal appearance which resulted an another I-O from the local board. On June 1, 1953 the appeal board classified me I-O. The case was then appealed by the Director of Selective Service to the President and on October 29, 1953 I was put in class I-A. Following this the local board reopened my case and on November 12, 1953 again classified me I-A. On the following personal appearance it again classified me I-A on January 7, 1954. After an investigation by the F. B. I. the Appeal board classified me I-O on October 25, 1954. Again the good offices of the Director of Selective Service took an appeal to the President which resulted in another I-A on March 8, 1955. The local board reopened and on July 14, 1955 classified me I-A, on the following personal appearances it classified me I-A on November 8, 1957 and December 5, 1957. Another investigation by the F. B. I. resulted in the appeal to the appeal board. On January 11, 1960 the appeal board again placed me in class I-O.

In view of the above mentioned facts of this case I respectfully request your intervention in this case. Will you please call in this file for review and appeal to the National Selective Service Appeal Board so that I may be finally classified according to my vocation as a minister? Please let me know what action is taken in this case.

Sincerely,

Richard M. Rawe

NATIONAL HEADQUARTERS
SELECTIVE SERVICE SYSTEM
451 INDIANA AVENUE NORTHWEST
WASHINGTON 25, D. C.

ADDRESS REPLY TO
THE DIRECTOR OF SELECTIVE SERVICE

January 26, 1960

Mr. Richard M. Rawe
Box 443
Soap Lake, Washington

SS No. 45-22-34-183

Dear Mr. Rawe:

This acknowledges your letter of January 20, 1960, concerning your selective service status.

Your case will be considered and you will be informed of any change of status by your local board.

For The Director,

Dee Ingold

DEE INGOLD
Colonel, QMC
Chief, Manpower Division

WASHINGTON STATE HEADQUARTERS
SELECTIVE SERVICE SYSTEM
WASHINGTON NATIONAL GUARD ARMORY
S. 10TH AND YAKIMA DJM/fh
TACOMA 5, WASHINGTON

January 29, 1960

IN REPLYING, ADDRESS:
THE STATE DIRECTOR OF SELECTIVE SERVICE
AND REFER TO:
142.

Mr. Richard M. Rawe,
Box 443
Soap Lake, Washington

Your Selective Service No. 45-22-34-183

Dear Sir:

Upon receipt of your letter dated January 20, 1960 requesting that the State Director appeal your case to the Presidential Appeal Board, we secured your Selective Service file from your local board for review.

As you are aware, your case has already had the benefit of consideration by the Presidential Appeal Board on two occasions and by the Washington State Appeal Board on three occasions. It is the consensus of the staff at this headquarters who have reviewed your file that no new information has been introduced since it was last considered by the Presidential Appeal Board. Consequently, it would appear that no useful purpose would be served by submitting it for their consideration at this time.

There is no evidence in your record of denial of any right to which you are entitled under the Universal Military Training and Service Act, as amended, or that your processing to date has been defective in any manner. We regret that we do not find sufficient basis to accede to your request. Should your status change, please submit the information to your local board for their consideration.

For the State Director,

DAVID J. MANSFIELD
Major, AGC
Chief, Manpower Division

cc: Local Board No. 22

SELECTIVE SERVICE SYSTEM

Local Board No. 22
Chelan County Court House
Wenatchee, Washington

(LOCAL BOARD STAMP)

March 9, 1960

IN REPLY, REFER TO:
142.

Mr. Richard Martin Rawe
Box 443
Soap Lake, Washington

Re: 45-22-34-183

Dear Mr. Rawe:

This local board has been advised by the State Director of Selective Service, in a letter dated March 7, 1960, that an appeal to The President has been taken by the Director of Selective Service in accordance with your request.

By Direction of the Local Board

Florence W. Allen

Florence W. Allen
Clerk

cc State Director

Box 443
Soap Lake, Washington
March 10, 1960

Hayden C. Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear brother Covington,

This is to keep you up on the developments in my case . On Jan. 26, 1960 The National Headquarters for the Selective Service System sent me an acknowledgement of my Jan. 20, 1960 letter to them. They said that the local board would notify me of any change of status.

On Jan. 29, 1960 the State Headquarters replied to my letter of Jan. 20, 1960 as follows: "Dear sir: Upon receipt of your letter dated Jan. 20, 1960 requesting that the State Director appeal you case to the Presidential Appeal Board, we secured your Selective Service file from your local board for review. As you are aware, your case has already had the benefit of consideration by the Presidential Appeal Board on two occasions and by the Wash. State Appeal Board on three occasions. It is the consensus of the staff at this headquarters who have reviewed your file that no new information has been introduced since it was last considered by the Presidential Appeal Board. Consequently, it would appear that no useful purpose whuld be served by submitting it for their consideration at this time. There is no evidence in your record of denial of any right to which you are entitled under the Universal Military Training and Service Act, as ammended, or that your processing to date has been defective in any manner. We regret that we do not find sufficient basis to accede to your request. Should your status change, please submit the information to your local board for their consideration. ***For the State Director, David J. Mansfield, Chief,"

On March 9, 1960 the local board sent me a letter stating: " This local board has been advised by the State Director of Selective Service, in a letter dated March 7, 1960, that an appeal to The President has been taken by the Director of Selective Service in accordance with your request. ****By Direction of the Local Board, Florence Allen, Clerk."

If the Presidential Appeal Board's desicion is not favorable, IV*D, what do you suggest as the next step of proceedure? I have preformed a burial ceremony and marriage ceremony that isn't on record as yet. Also have hand bills on a large number of public talks and programs of circuit assemblies I have been used on where my name appears. Could this be used as 'new evidence'? Would the fact that I'll be 26 on May 10, 1960 have any bearing on the case? Any suggestions are appreciated.

Your brother,

Richard Rawe

Richard Rawe

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

April 14, 1960

MAIN 5-1240

Mr. Richard Rawe
Box 443
Soap Lake, Washington

Dear Brother Rawe:

I have at hand your letter of March 10, 1960, in which you relate that the National Director has again taken an appeal to the President in your behalf. This is gratifying and I hope that it produces the desired results.

The fact that you have performed a marriage ceremony and a funeral would not help much; however, the fact that you will be 26 on May 10, 1960, will mean that you will no longer be liable under the present regulations. Of course, if you have had any kind of a deferment such as a 4-F, 3-A or 1-S you are liable until the age of 35 instead of the age of 26. Write to me immediately and tell me about this and also be certain to get in touch with me at once if you receive any word on the action of the National Director's appeal in your behalf to the President.

In event that you do not hear any further word by May 15, 1960, and you are not subject to extended liability then you will have no further dealings with the draft under the present regulations.

Your brother,

C-amc

Hayden C. Covington

Box 443
Soap Lake, Washington
April 18, 1960

Hayden Co Covington
124 Columbia Heights
Brooklyn 1, N. Y.

Dear Brother Covington:

Just received your April 14, 1960 letter today. I have never had a defered classification such as 4-f, 3-a or 1-S. The only classifications which I have had were 1-A and 1-O, which have always been on appeal, in some cases, as when I received 1-A from the Presidential Appeal board, the case was reopened and consequently a new series of appeals taken.

To date I have had no futher word from the draft board but will let you know immediately when I do.

Your brother,

Richard Gard

MEMORANDUM TO JEHOVAH'S WITNESSES CONCERNED WITH THE DRAFT

The Director of Selective Service has issued Local Board Memorandum No. 55, which provides for a periodic review of all cases of registrants who have been classified in deferred or exempt classifications other than Class V-A, such as IV-D.

Paragraph No. 2 of that memorandum provides: "(a) At least once a year local boards shall review the file of every registrant who has been classified in an exempt or deferred class other than Class V-A. The information in the registrant's cover sheet concerning his status shall be re-examined to determine whether the registrant currently meets all requirements for the deferred or exempt classification."

If a registrant has continuously met the ministerial quota set for pioneers and has not been engaged in full-time secular work, thus pursuing the ministry as his vocation, he should have little difficulty in satisfying the periodic inquiry of the local boards. Of course, some local boards will be more difficult to deal with than others. However, generally speaking the provisions of the above memorandum by General Hershey will amount to protection for the bona fide registrant as well as the Selective Service System. The responsibility is upon you as a minister of Jehovah God to defend your ministry and to be diligent in giving the local board the full facts when requested.

At the time of the checkup the local board may send you a set of questions for answering, or it may call you before it.

One question the draft boards are concerned with is: How does registrant earn living? To answer the question merely requires the facts. If a registrant is a pioneer he should show the amount of support by way of gifts and contributions he receives. You may live at home with your parents who are in the truth. If you do and your family supports your ministry to the extent of providing room and board, then such information should be mentioned to the local board. If you are invited to homes of people to whom you render ministerial services and are given meals or perhaps transportation, then such information should be given to the board. You are earning your living from the ministry. If part-time work is engaged in to provide the necessary funds to support your ministry, you should give the board the amount of time spent in such work and the amount of your net earnings. Sometimes the local boards also request a description of the secular work performed.

If you are asked whether you regularly teach and preach the principles of religion and you are a regular publisher or a pioneer, show that you do. Give the amount of time spent pursuing all your ministerial activities.

You may desire to describe the exact way in which you spend your time in the ministry. Also, the local board may ask for a specific schedule listing day by day and hour by hour how your time is spent. This is good evidence to have in your file. When preparing the outline showing the breakdown of the time, follow each day's activities beginning from early morning right through until late at night. You could list time spent in the following activities: (1) time in morning worship, consideration of the morning Scriptural text; (2) time in doing missionary work among your congregation of laymen; (3) time calling upon the spiritually and physically sick ones of your congregation of layman, as well as those associated ministers with the local unit of Jehovah's Witnesses; (4) time preparing for the local unit's congregational meetings; (5) time attending and officiating at the unit's congregational meetings; (6) time counseling and aiding visitors or associates within the local congregation of Jehovah's Witnesses before and after the meetings; and (7) time in officiating at the rites and ceremonies recognized and employed by Jehovah's Witnesses, such as the marriage ceremony, the baptismal ceremony, the burial ceremony, the Memorial, etc.

Show your responsibility with the unit by outlining to the board your duties as a servant assigned to it. If you have not yet filed a photostatic copy of your appointment letter, do so. The letter is kept on file by the congregation servant.

Call the local board's attention to your responsibility as a minister of Jehovah God within the community. Let the draft board know of how many families or of what area of territory your congregation of laymen is made up. Let the board know how many families live within your assigned missionary territory and how many of them you call on each week to provide them with free Bible education and to offer spiritual aid and answers to their Bible questions. Such congregation of laymen is your own congregation.

Your congregation is in your personal missionary territory. It is not the local congregation of Jehovah's Witnesses of which you are a member and an associated missionary or minister. Your congregation is the group of laymen living within your missionary field or territory and with whom you conduct home Bible studies, make back-calls, and regularly visit from house to house in your missionary service. Itemize for the draft board time spent regularly in your ministerial activities to your congregation of laymen.

Keep in mind that your congregation has definite boundaries. You are the spiritual overseer and religious leader of it. You bear the responsibility before the Almighty God, Jehovah, to properly care for those sheep who live in your congregation.—Ezek. 33: 6-9.

If you are a pioneer, emphasize that your regular and customary vocation is caring for the spiritual needs of your congregation of laymen. You perform the duties of the ministry full time. Get affidavits and certificates from those living within your missionary territory who attend your home Bible studies or with whom you regularly visit and give spiritual comfort and guidance. The statements should show

that they are members of your congregation and that they recognize you as their minister. Perhaps a petition could be prepared and those who know you and recognize you as a duly ordained minister of Jehovah's Witnesses and a minister who is qualified to teach and preach could sign it. File such evidence with your draft board.

Keep in mind, therefore, that you hold jointly two positions, namely: (a) a minister of your own congregation of laymen who live within your missionary territory and to whom you regularly preach and teach, and (2) a minister working with the local congregation of Jehovah's Witnesses and a member of that unit of the organization.

Although time spent traveling to and from such varied ministerial responsibilities is not time spent teaching and preaching, it is certainly associated with the ministry and does consume a part of your day. It should, therefore, be considered by the draft boards as time spent pursuing your vocation, the Christian ministry of Jehovah's Witnesses.

Mention should also be made of the time spent in private Bible research. While private study is not time spent in preaching and teaching the principles of religion, it is a duty and an obligation of every minister of Jehovah's Witnesses. If it becomes necessary for you to defend your need for study and your enrollment in the local Theocratic Ministry School, you may find helpful a reference to the material on page 279 of the book *"Make Sure of All Things"*. It could be pointed out, further, that doctors and lawyers are required to study continually and do research work in order to keep abreast with the progress and changes made in medicine and law. Likewise, ministers are required to keep up with the fulfillment of Bible prophecies and the advancement of the light of truth from God's Word.

Sometimes the local boards ask the brothers questions such as this: How many members are there in the congregation? In answering consider the material on page 205 of *"Make Sure of All Things"*. After giving the Scriptural position of Jehovah's Witnesses as to membership rolls, point out the approximate number of people comprising your lay congregation, that is, those people who live in your missionary territory. It would be the number of people that you preach to regularly in your Bible study work and back-call work and those who listen to you each time you call upon them when in their neighborhood. Show that many more people associate with your congregation by attending your religious services. Many more people, therefore, receive direct benefit from your services.

If the local board requests the number of ministers in your congregation, give the Scriptural use of the word. Show that only one minister is assigned to your congregation of laymen and that one is yourself. Perhaps you could give the Scriptural and then the legal definitions of the word "minister." The legal definition of the word is discussed on pages 2 and 3 of the booklet *Procedure of Jehovah's Witnesses Under Selective Service*. See also the material on pages 7 and 8 of the booklet *Excerpts from Selective Service Regulations*. Tell the draft board that you do not keep records of each member. The important thing is that *you* qualified Scripturally and according to the law as a minister and should be so recognized. You are a minister caring for a congregation of laymen.

Occasionally a registrant is asked to give the title or titles which he holds within the congregation. If you are asked such a question, you might explain that Jehovah's Witnesses do not use titles as the clergy of other religions do. (Job 32:21) Tell the draft board that you are known as "minister" among your congregation of laymen. Also it could be mentioned that the religious organization of Jehovah's Witnesses has names for service positions within the local missionary service centers (units or congregations). Inform the board the exact title of your position of service within the local unit. Refer to your official appointment letter as a servant, which may be in your file. Refer to proof of your position as a pioneer with the congregation.

Endeavor to show the draft boards that your own congregation is in the homes of the people living within your missionary assignment. While you perform your missionary work in conjunction with the local missionary center at which Bible education is offered to the people, emphasize that your real mission is to preach to the people in their homes, for there is where your congregation resides. It is for that service for humanity that you should be recognized as a teacher and preacher of religion and therefore fully entitled to Class IV-D.

An issue brought up by some draft officials is that the time spent distributing the literature of Jehovah's Witnesses is merely time spent "selling" books. No time is ever spent selling the Society's literature. As you know the Society's literature is never sold. There is nothing commercial associated with the work of Jehovah's Witnesses. All of the religious literature is simply oral sermons that are conveniently used by the missionaries in their vast work of preaching the good news of the Kingdom. If Jehovah's Witnesses and the householders had the time to discuss the contents of the literature thoroughly there would be little need for leaving the literature. However, the complexity of modern living makes the use of printed sermons and systematic Bible study aids practical. It is another way that you use to properly care for your congregation of laymen.

To be reimbursed for the cost of publishing the literature is a reasonable request to ask of the person who obtains the spiritual comfort and benefit it contains. Such accepted contributions in no way transform the religious work into some commercial enterprise. It should be remembered, too, that it is only because duly ordained ministers devote their time to prepare, print, bind and ship the Society's publications that the cost is so little to the receiver.

Appearance Before Local Boards and Hearing Officers

Many brothers have been called before the Selective Service officials and hearing officers of the Department of Justice to discuss their conscientious objections to participation in war. Before you appear before such officials it would be well for you to consider thoroughly the information on pages 14-17 and 20-22 of the booklet *Procedure*. Also study the material on pages 126-134 and 263-271 of the book *"Make Sure of All Things"*, in addition to the material presented in *The Watchtower* of February 1, 1951, and in chapters XIX and XX of *"Let God Be True"* (2d Edition).

When asked by an official the extent of his conscientious objection to the use of force the Christian will have to determine his answer according to the facts of his conscience. The Scriptures clearly show that a Christian will defend himself, his ministry and those associated with him in the ministry, but such defense is without carnal weapons. (John 18:10; Matt. 26:52; Acts 7:24; Phil. 1:7, 16; 2 Cor. 10:3-5) It is true that the Scriptural position of Jehovah's witnesses in this matter is clear. Nevertheless, each registrant so concerned will have to search his conscience and determine his own position in harmony with his deep-seated beliefs. Perhaps the material referred to in the above paragraph and particularly that appearing on pages 78-81 of *The Watchtower* of February 1, 1951, will aid you in expressing your beliefs.

It is suggested that you also consider the material on page 237 of *"Let God Be True"* (2d Edition) and in paragraph No. 13 on page 77 of *The Watchtower* of February 1, 1951, as to the exemption of ministers.

Sometimes the boards ask registrants, Jehovah's Witnesses, if the February 1, 1951, issue of *The Watchtower* is the "basis" for their conscientious objections. The basis for the conscientious objections of Jehovah's Witnesses is the conscience as trained by God's Word, the Bible. Of course, it could be mentioned that the material contained in *The Watchtower* well expresses the views of one of Jehovah's Witnesses, hence the reason for filing it.

"Will you participate in any war that you understand is authorized by Jehovah?" That question is commonly asked today. The Scriptural point to remember is that the only future war to be fought by divine authority is the apocalyptic war of Armageddon. The Scriptures show that no human element will be used by God in fighting that war. See pages 24-27 of *"Make Sure of All Things"*. Christians recognize that the only war in which they participate is described by the apostle Paul at Ephesians the 6th chapter.

A duly ordained minister is dedicated to Jehovah God. He must follow in the footsteps of Christ Jesus if he is to receive the approval of the Lord. (Rom. 1:31, 32) Jesus said that his followers would be neutral and no part of this system of things. (John 17:6, 11, 14-18) The apostle Paul said that a Christian is a minister and ambassador for the Kingdom. (2 Cor. 5:20, *NW*) The Christian witness of Jehovah recognizes, as did Jesus, that his covenant relationship with Jehovah is far superior to any obligations arising from human relationship. Much benefit will be derived from keeping this material in mind when presenting your case to the officials asking of you the extent of your conscientious objections.—1 Pet. 3:15.

Try to answer questions propounded according to what the questions say. Should a question have an ambiguous appearance then get its meaning clarified before attempting to answer. Otherwise, you may be giving an incorrect answer. For example, this leading question is often asked: Is registrant's conscientious objecton based primarily upon his desire to preach or upon his unwillingness to use force? The basis is the *Christian's conscience trained by God's Word*, the Bible. The desire to preach comes as a direct result of such training. However, the unwillingness to use force has no direct application to the position of Jehovah's Witnesses as conscientious objectors. A direct and factual answer to the question, therefore, would be: neither. The basis for the conscientious objection is not given in either answer suggested in the question.

Many more examples could be cited but the above is sufficient to emphasize the need for alertness and advance preparation when presenting your ministerial and conscientious objector claims to the draft boards and hearing officers. By being diligent and asking Jehovah for his spirit and direction you may be able to defend your ministry.

Additional Evidence

If you are a full-time pioneer minister who has already filed the Certificate for Pioneer and you have done everything within your known power to get the local board to recognize and classify you as a minister, and still the board refuses to place you in Class IV-D, suggest in writing to the local board that it contact the Society for verification of your active full-time status. This may be of aid to you in proving your claim. Upon receipt of an inquiry from the local board for such information the Society will write a letter disclosing the registrant's activity in the ministry as shown by the current records.

Certificates

When preparing certificates and affidavits to be filed with local boards and hearing officers, it is suggested that the following points be included: (1) complete name and address of the signer of the affidavit; (2) identification of the signer, such as servant position and length of time acquainted with subject; (3) the subject's ministerial training and activities, either known personally or shown by the congregational records, including the ordination date and information on how the subject regularly maintains the high standards of the Christian ministry of Jehovah's Witnesses; and (4) as many of the seven things listed on page 6 of the *Procedure* booklet as the individual is qualified to mention. The statement should be dated.

Also, see paragraph No. 1 on page 7 of the *Procedure* booklet.

Local Board Must Post Notice of Advisor

Section 1604.41 of the Selective Service Regulations provides that each local board shall have an "advisor" for its registrants. Notice of such advisor must be posted in the local board's office. Check the local board's bulletin board and see whether the name and address of your advisor are listed. Do not ask the clerk or local board members for the information. Look for yourself. If the information is not posted on the local board's bulletin board, then perhaps the notice will be in some other part of the board's office for you to see. Look for it.

Should the board fail to have a notice of the advisor posted, do not tell the board of that fact. Let the board handle its own business. However, make a notice of the failure to have the notice posted and then keep the note, containing the date and other pertinent facts, in your own file at home.

Appeal Statement

When preparing and filing with the local board an appeal statement (within ten days after notice of classification; see page 18 of *Procedure*) in a case involving the conscientious objector claim the registrant should request his file to be forwarded to the Department of Justice for investigation, hearing and recommendation. Such request is of special importance in cases where the conscientious objector claim has been accepted by the local board and where the registrant is entering his second appeal due to a reopening of the classification.

Some appeal boards have not been referring to the Department of Justice the files of registrants whose cases involve the conscientious objector claim. Therefore, if your claim has (1) either been accepted (Class I-O) by the local board (2) or if your claim was investigated by the Department of Justice during an appeal within the past six years and now your case is being sent to the appeal board for the second or third time due to a reopening of your classification, you should specifically request in your appeal statement the investigation by the Department of Justice as prescribed in the Universal Military Training and Service Act.

In your appeal statement after you have requested the appeal board to refer your conscientious objector claim to the Department of Justice for investigation and recomendation, ask it to mail to you, *before it classifies you,* a copy of the Department's report and recommendation. Inform the appeal board that you need the copy of the report before it finally classifies you, in order to correct any misunderstandings and to defend your claim against damaging gossip or hearsay evidence that may appear in the report. Inform the appeal board that you need at least ten days in which to prepare and file a reply to the report, if such reply is found to be necessary. Emphasize that this should be done *before* the appeal board finally classifies you, hence the reason for your request.

Every appeal statement to an appeal board, if the case involves a conscientious objector claim, should include a request for a copy of the Department of Justice's report and recommendation prior to the final classification by the appeal board and should request time within which to file a reply to the report for the reasons outlined in the above paragraph. This suggestion applies to every appeal in a case involving a conscientious objector claim. It makes no difference on this point whether the local board has accepted or rejected your claim. This is mentioned now so you may be awake and may include all of these requests in your statement of appeal to the appeal board, which is filed with your local board.

Conclusion

Occasionally brothers are asked by officials whether the Society provides advice on draft procedure. It should be remembered that the General Counsel for Jehovah's Witnesses provides you with legal advice as to the most effective way to legally present, safeguard and defend the ministry. The Society is dedicated to but one thing, the preaching of the good news of the Kingdom. From that assignment the Society will never deviate. The advice, therefore, is not from the Society but from a recognized lawyer. By Jehovah's strength I am endeavoring constantly to aid you properly and legally.

Keep in mind, too, that all this information is only for your use and benefit. It is not for the use of those not entitled to it, nor for those outside the organization. Since the material in your file should be your own expressions of your own status, there is no reason for you to place in your draft file any memorandum from my office, such as this one. Use the information that is provided by me when making your notes, formulating your answers, and in preparing your papers and documents that show your status.

I sincerely hope this information will aid you as you endeavor to defend your Christian ministry. Should you have any question on these matters feel free to write me.

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Brooklyn 1, New York

General Counsel for
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July, 1954

MEMORANDUM ON FAILURE TO CONDUCT CONSCIENTIOUS OBJECTOR HEARING BY THE DEPARTMENT OF JUSTICE

Beginning in the latter part of 1951 and the first part of 1952 lawyers in the Department of Justice have argued that one classed as a conscientious objector *by his local board* may be denied that classification by the appeal board without an investigation and hearing in the Department of Justice, which are required by statute.

It is my opinion that the statute commands the investigation and hearing. The policy of the department and the regulation making it the usual procedure are invalid because they are against the statute. Where the statutory investigation and hearing are not given upon an appeal taken by a registrant who has made the conscientious objector claim, the law is violated. It should be asserted that there has been in such case an improper denial of a full and fair hearing of the conscientious objector claim commanded by the statute and also that the regulation to the contrary is invalid.

Section 6 (j) of the Universal Military Training and Service Act reads:

"Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the armed forces under this title, he shall be assigned to noncombatant service as defined by the president, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall be deferred. If after such hearing the Department of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on appeal from the local board."

Section 1622.14 of the Selective Service Regulations (32 C.F.R. § 1622.14) provides:

"Class I-O: Conscientious Objector Available for Civilian Work Contributing to the Maintenance of the National Health, Safety, or Interest.—(a) In Class I-O shall be placed every registrant who would have been classified in Class I-A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to both combatant and noncombatant training and service in the armed forces.

"(b) Section 6 (j) of title I of the Universal Military Training and Service Act, as amended, provides in part as follows:

"'Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code.'"

Section 1623.2 of the regulations (32 C.F.R. § 1623.2) provides:

"Consideration of Classes.—Every registrant shall be placed in Class I-A under the provisions of Section 1622.10 of this chapter except that when grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class I-A-O considered the hightest class and Class I-C considered the lowest class, according to the following table:

Class:		Class:	
	I-A-O		IV-A
	I-O		IV-B
	I-S		IV-C
	II-A		IV-D
	II-C		IV-F
	II-S		V-A
	I-D		I-W
	III-A		I-C"

In all cases where there has been a denial of the conscientious objector status by the appeal board *before June 17, 1952*, without referring the case to the Department of Justice for investigation and hearing, there is a conflict with the express provisions of the Selective Service Regulations then in existence. These regulations (before June 17, 1952) made it mandatory that the appeal involving conscientious objection be referred to the Department of Justice for inquiry and hearing, regardless of whether the local board had classified the registrant in Class I-O. The regulations were amended on June 17, 1952, whereby this requirement was deleted. It is my opinion that the new regulations are inconsistent with the provisions of the act above quoted, as will be discussed later.

Herein discussed are rights of a registrant: (1) to a hearing under the regulations before June 17, 1952, (2) to an investigation and hearing in the Department of Justice after June 17, 1952, and (3) to a hearing even when the appeal board grants the I-O classification.

I.

Sections 1626.25 and 1626.26 of the regulations (32 C.F.R. §§ 1626.25 and 1626.26) before June 17, 1952, provided:

"1626.25. Special Provisions When Appeal Involves Claim That Registrant Is a Conscientious Objector.—(a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

"(1) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to combatant training and service in the armed forces, but not conscientiously opposed to noncombatant training and service in the armed forces, the appeal board shall first determine whether or not such registrant is eligible for classification in a class lower than Class I-A-O. If the appeal board determines that such registrant is eligible for classification in a class lower than I-A-O, it shall classify the registrant in that class. If the appeal board determines that such registrant is not eligible for classification in a class lower than Class I-A-O, but is eligible for classification in Class I-A-O, it shall classify the registrant in that class.

"(2) *If the appeal board determines that such registrant is not eligible for classification in either a class lower than Class I-A-O or in Class I-A-O, the appeal board shall transmit the entire file to the United States Attorney for the judicial district in which the office of the appeal board is located for the purpose of securing an advisory recommendation from the Department of Justice.*—[Emphasis added.]

"(3) If the registrant claims that he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, the appeal board shall first determine whether or not the registrant is eligible for classification in a class lower than Class I-O. If the appeal board finds that the registrant is not eligible for classification in a class lower than Class I-O, but does find that the registrant is eligible for classification in Class I-O, it shall place him in that class.

"(4) If the appeal board determines that such registrant is not entitled to classification in either a class lower than Class I-O or in Class I-O, it shall transmit the entire file to the United States Attorney for the judicial district in which the office of the appeal board is located for the purpose of securing an advisory recommendation from the Department of Justice.

"(b) No registrant's file shall be forwarded to the United States Attorney by any appeal board and *any file so forwarded shall be returned, unless in the 'Minutes of Action by Local Board and Appeal Board' on the Classification Questionnaire (SSS Form No. 100) the record shows and the letter of transmittal states that the appeal board reviewed the file and determined that the registrant should not be classified in either Class I-A-O or Class I-O under the circumstances set forth in subparagraphs (2) or (4) of paragraph (a)* of this section.—[Emphasis added.]

"(c) The Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained, the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of induction be ordered by his local board to perform for a period of twenty-four consecutive months civilian work contributing to the maintenance of the national health, safety, or interest. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained.

"(d) Upon receipt of the report of the Department of Justice, the appeal board shall determine the classification of the registrant, and in its determination it shall give consideration to, but it shall not be bound to follow, the recommendation of the Department of Justice and the report of the hearing officer of the Department of Justice.

"1626.26. Decision of Appeal Board.—(a) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant, except that an appeal board may not place a registrant in Class IV-F because of physical or mental disability unless the registrant has been found by the local board or the armed forces to be disqualified for any military service because of physical or mental disability.

"(b) Such classification of the registrant shall be final, except where an appeal to the president is taken; provided, that this shall not be construed as prohibiting a local board from changing the classification of a registrant in a proper case under the provisions of part 1625 of this chapter."

The denial of a hearing provided for by the regulations before draft boards is a denial of due process.—*United States* v. *Peterson*, 53 F. Supp. 760 (N.D. Calif. S.D.); *United States* v. *Laier*, 52 F. Supp. 392 (N.D. Calif. S.D.); *United States* v. *Fry*, 203 F. 2d 638

(2nd Cir.); *Davis* v. *United States*, 199 F. 2d 689 (6th Cir.); compare *Knox* v. *United States*, 200 F. 2d 398 (9th Cir.).

Refusal of the conscientious objector status to a registrant solely because he appeals on the ground that he is a minister is a plain violation of the regulations and flouts the requirements of procedural due process.—*Cox* v. *Wedemeyer*, 192 F. 2d 920 (9th Cir.).

The interpretation placed upon the act by the United States attorneys when they returned the files to the boards before June 17, 1952, because they held that an inquiry and hearing was not necessary flies in the teeth of Section 6 (j) of the act and Section 1626.25 of the regulations. They denied the registrants a full and fair hearing before the appeal board.

II.

The denial of an investigation and hearing in the Department of Justice after June 17, 1952, pursuant to amended Regulation 1626.25 (executive order of the president 10,363, Volume 17, Federal Register No. 119, Wednesday, June 18, 1952, pages 5,449 to 5,452) is a denial of a full and fair hearing. The amended regulation and the executive order of the president conflict directly with Section 6 (j) of the act. The new regulation as amended reads as follows:

"§ 1626.25. *Special provisions when appeal involves claim that registrant is a conscientious objector.* (a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

"(1) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to participation in combatant training and service in the armed forces, but not conscientiously opposed to participation in noncombatant training and service in the armed forces, and the local board has classified the registrant in Class I-A-O, the appeal board shall proceed with the classification of the registrant. If, in such a case, the local board has classified the registrant in any class other than Class I-A-O, the appeal board shall transmit the entire file to the United States Attorney for the federal judicial district in which the appeal board has jurisdiction for the purpose of securing an advisory recommendation from the Department of Justice.

"(2) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, and the local board has classified the registrant in Class I-O, the appeal board shall proceed with the classification of the registrant. If, in such a case, the local board has classified the registrant in any class other than Class I-O, the appeal board shall transmit the entire file to the United States Attorney for the federal judicial district in which the appeal board has jurisdiction for the purpose of securing an advisory recommendation from the Department of Justice.

"(b) Whenever a registrant's file is forwarded to the United States Attorney in accordance with paragraph (a) of this section, the Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained, the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of induction be ordered by his local board to perform for a period of twenty-four consecutive months civilian work contributing to the maintenance of the national health, safety, or interest. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained.

"(c) Upon receipt of the report of the Department of Justice, the appeal board shall determine the classification of the registrant, and in its determination it shall give consideration to, but it shall not be bound to follow, the recommendation of the Department of Justice. The appeal board shall place in the Cover Sheet (SSS Form No. 101) of the registrant the letter containing the recommendation of the Department of Justice.

"5. (a) Subparagraph (1) of paragraph (b) of § 1628.4 of Part 1628, *Physical Examination*, is amended to read as follows:

"(1) Prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of Section I except item 2, and item 18 of Section II thereof, and send the original to the medical advisor to the local board for completion of item 19 of Section II after the medical interview.

"(b) Paragraph (b) of § 1628.5 of Part 1628 is amended to read as follows:

"(b) Upon receiving such request for transfer for medical interview the registrant's own local board shall forward the original and three copies of the Record of Induction (DD Form No. 47), after completing all of Section I except item 2, and item 18 of Section II thereof, to the local board of transfer and shall enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date such forms were forwarded and the designation of the local board of transfer.

"(c) Subparagraph (2) of paragraph (a) of § 1628.13 of Part 1628 is amended to read as follows:

"(2) Prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of Section I except item 2, and item 18 of Section II thereof, for each such registrant for whom such form has not previously been completed.

"6. Section 1630.4 of Part 1630, *Volunteers*, is amended to read as follows:

"§ 1630.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (SSS Form No. 254) under the provisions of § 1630.1, he shall be classified as soon as possible and placed in a class available for military service unless:

"(a) Disregarding all other grounds for deferment, he would be classified in Class II-A, Class II-C, or Class III-A;

"(b) He is the Vice President of the United States, a Governor of a State, any State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law;

"(c) He is the sole surviving son of a family of which one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, whose induction is prohibited by law; or

"(d) Under the provisions of § 1622.44 of this chapter he is found to be physically, mentally, or morally unfit."

HARRY S. TRUMAN

THE WHITE HOUSE,

June 17, 1952.

[F. R. Doc. 52-6748; Filed, June 17, 1952; 11:48 a. m.]

To understand the conscientious objector provisions of the 1948 act the background of the 1940 act must be considered. The 1948 act being identical to the 1940 act in most respects, it is necessary to consider the history of the 1940 act along with the history of the 1948 act. Senate Report No. 1268, 80th Congress, Second Session, dated May 12, 1948, accompanying Senate Bill 2655, indeed, under Section VI, discussing Section 6 (j) of the act, said concerning conscientious objection: "This section re-enacts substantially the same provisions as were found in subsection 5 (g) of the 1940 act."

It will be noticed that the report on the 1948 act says that it is exactly like the 1940 act. This means that the same statutory construction that prevailed under the 1940 act should be followed for the 1948 act.

The "Statement of the managers on the part of the House" in making their conference report on September 12, 1940, shows there was an original plan to refer the conscientious objector cases by the local board to the Department of Justice. The House amendment was accepted by the joint conference and an agreement reached that the conscientious objector classification would be first determined by the local board with the right of appeal. Among other things, the conference report reads:

" . . . Upon the filing of such appeal, the appeal board is directed forthwith to refer the matter to the Department of Justice for an inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing is to be held by the department with respect to the character and good faith of the objections."—86 Cong. Rec. 12038, 76th Congress, Third Session.

The same conference report made to the House was also made to the Senate on the next day.—See Hearings on Senate Bill 4164, 86 Cong. Rec. 12082, 76th Congress, Third Session.

House Report No. 2947 to accompany Senate Bill 4164 dated September 14, 1940, states under "Conscientious Objectors": "After appropriate inquiry by the appropriate agency of the Department of Justice, a hearing was held by the Department of Justice in the case of each such person with respect to the character and good faith of his objections."—See pages 17-18, House Report No. 2947, 76th Congress, Third Session, September 14, 1940.

Senate Report No. 2002, on Senate Bill 4164, dated August 5, 1940, provided as follows: "The measure is *fair* both to a person holding conscientious scruples against war and to the Nation of which he is a part. It provides for inquiry and hearing by the Department of Justice to make recommendations as to whether a person claiming deferment because of conscientious objection to war is or is not a bona fide conscientious objector. . . . The rights of a conscientious objector and of the government are fully protected against possible local prejudice, influence, or passion, by provision for appeal to a board of appeal."—See Senate Report No. 2002, 76th Congress, Third Session, p. 9 (Emphasis added).

It was always the view of the Department of Justice and the Selective Service System that the Selective Training and Service Act of 1940 required a reference to the Department of Justice for investigation and hearing in every case where the appeal board did not sustain the conscientious objector classification.

General Lewis B. Hershey, in the publication entitled "Conscientious Objection" said:

"The Department of Justice and Selective Service took the position that each time the case of a registrant who claimed to be a conscientious objector came before a board of appeal, the case

must be referred to the Department of Justice for its recommendation. *This was* felt to be the direct application of the law. In addition such reference was necessary because *new factors* in the case might be brought to light by the Department's investigation and hearing. . . . " (Emphasis added.)—See Selective Service System, *Conscientious Objection*, Special Monograph No. 11, Vol. I, pp. 147, 150, 155, Washington, Government Printing Office, 1950.

It is my opinion that the Department of Justice has changed its construction of the statute and sought the amendment to the regulations, dispensing with the reference to the Department of Justice where the local board gives the I-O classification, solely for the purpose of lightening the burden of the Department of Justice. The department wants to get out of investigating as many of these cases as possible. It thought it saw a loophole by reading into the statute something that was not there.

The government ought to produce something from Congress authorizing this change. The Department of Justice cannot do so. Its failure proves that it is trying to amend the statute and make it different from what Congress intended. The fact that the executive order incorporated the departmental interpretation of the act into the regulations does not make it valid. This regulation by executive order flies into the teeth of the act of Congress.

The position taken by the Department of Justice is unreasonable. The regulation resulting from the executive order of the president is not reasonable either. The over-all purpose of Congress in dealing with the conscientious objectors must be considered.

Congress intended to exempt all conscientious objectors found by final determination to be such. The congressional report on the 1940 act shows an intent to have the Department of Justice investigate every case where there is any question about the conscientious objector status. The intent to have the investigation is not hinged on the type of an appeal that was taken. Congress knew that when an appeal was taken there would be a completely *de novo* consideration of the conscientious objector problem.

Congress knew that the local boards would not have the final say in all cases. It knew that appeals would be taken. In fact the act provides for appeals generally.

Section 10 (b) of the act provides for the boards. Section 10 (b) (3) in particular mentions the local boards and appeal boards. Section 6 (j) deals specifically with conscientious objectors, including procedure on appeal. The sentence in that section of the act, reading "Any person claiming exemption from combatant training and service because of such conscientious objections shall if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board" is mere surplusage. The registrant would have the right to take an appeal in any event under the act. It merely recognizes that he has the right to take an appeal like all other registrants. The conscientious objector is not limited in taking an appeal claiming other grounds. This provision of the act was merely to ensure that the conscientious objector had the right to appeal from the denial of the claim.

The controlling sentence is the one following the one above quoted, namely, "Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing." The words "such appeal" cannot be reasonably interpreted to mean 'only in event he appeals from a denial of the conscientious objector claim.' The sentence says that upon the filing of the appeal the appeal board shall refer any such claim to the Department of Justice. If Congress intended to limit "such claim" it would have said so. The proper interpretation of this sentence is that whenever any appeal taken to the appeal board involves the conscientious objector claim, "such claim" must be referred to the Department of Justice for inquiry and hearing unless the appeal board grants the complete conscientious objector classification immediately upon taking the appeal.

Congress also knew that there would be a *de novo* consideration of the case by the appeal board. Especially is this true of the Congress that passed the 1948 act since the regulations provide for the *de novo* consideration of the case upon appeal by the appeal board. An appeal board therefore performs the same function as the local board. It is required to consider the case as though the registrant had theretofore never been classified. Section 1626.26 provides that "The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant."

Since Congress knew that the conscientious objector status should be considered *de novo* by the appeal board, this would mean that the conscientious objector I-O classification would no longer be in effect. It certainly would not be a binding judgment like a judgment of a court of law. The taking of the appeal from any local board classification for all practical purposes constituted an obliteration of that classification regardless of what the classification may have been. This would put the registrant in the same position before the appeal board as before the local board before any classification. Now with the registrant standing in this unclothed position before the appeal board and with the appeal board having doubt or intending to deny the conscientious objector classification, it would be plain that Congress intended that there would be an investigation and hearing in the Department of Justice.

The only way that this conclusion can be escaped is to have something specific in the act which would command that there be no investigation in such circumstance.

It is necessary to consider the reasonableness of this interpretation and the unreasonableness of the construction placed upon the act by the government. It would put Congress in an incongruous position. It would mean that the appeal board would have greater authority than the local board, thus making the law inconsistent. The appeal board has no greater authority than the local board so far as classification is concerned. Congress was after the facts on claims involving conscientious objectors. The only way the facts could be obtained was to refer the matter to the Department of Justice. The very purpose of the Department of Justice investigation was solely to protect the government against malingerers and to ensure the bona fide conscientious objector against arbitrary and capricious denials. If the local boards were not permitted by Congress to exercise arbitrary and capricious power, then certainly the boards of appeal were not intended by Congress to have such power. If the denial of the conscientious objector claim by the local board demanded a Department of Justice inquiry and hearing, then certainly the same denial by the appeal board commanded a similar inquiry and hearing.

It should be remembered that the investigation and hearing in the Department of Justice is not only for the benefit of the government. It also is for the benefit of the registrant. The appeal board is entitled to know all the facts about "any such claim." A registrant is entitled to have the claim developed in the Department of Justice if it is not to be granted by the draft boards—either local or appeal.

It is unreasonable to say that Congress intended to make the safety and welfare of the conscientious objector before the appeal board dependent on whether the claim was granted. The registrant would be much better off if the local board denied the claim in each case. Then this would mean that he was assured of an investigation. Since the appeal board has no greater authority than the local board, the logical consequence is that the hearing in the Department of Justice must be had.

This seems to be the only reasonable interpretation that can be placed on the act. The act must be interpreted in a fair and just way. Congress intended that there should be a fair and just selection of registrants. It would not be fair and just to give a man denied the conscientious objector classification by the local board greater rights than one given the conscientious objector status by the local board. Congress did not intend to discriminate between two classes of registrants when they appear before the appeal board. Congress certainly intended to give the conscientious objector found by the local board to be entitled to the classification at least the same rights before the appeal board as the one denied such status by the local board.

III.

It seems that the act requires an investigation even when the appeal board gives the I-O classification itself. The giving of the I-O classification by the appeal board makes it harmless error if the conscientious objector status is not taken away. But where the conscientious objector claim is later denied by the National Selective Service Appeal Board, the registrant can be said to be harmed. The National Selective Service Appeal Board may have denied the claim because of lack of corroborating evidence. In any event the denial of the claim by the National Selective Service Appeal Board after the appeal board has failed to refer the case to the Department of Justice is a denial of procedural due process.

The word "shall" is used in the sentence of the act commanding the inquiry and hearing. This is followed by the word "refer." Following the word "refer" are the words "any such claim." "Any such claim" means any conscientious objector claim. This would mean that if an appeal had any conscientious objector claim in it, it would be the duty of the appeal board to refer it to the Department of Justice.

It is necessary to look further into the history of the various bills that were proposed to Congress. The original (1940) Burke-Wadsworth Bill had in mind that every conscientious objector claim be investigated by the Department of Justice as soon as the claim was made to the local board. That procedure, if made the law, would have required every claim filed with the local board to be investigated by the F.B.I. This 1940 bill was objected to in Congress and finally a compromise was reached whereby the reference to the Department of Justice was provided for when the conscientious objector claim reached the appeal board. If Congress intended that originally all such claims be investigated by the Department of Justice before the local board then the change of the original bill to require the appropriate inquiry and hearing in the Department of Justice after an appeal to the appeal board would indicate that Congress had in mind the same type of investigation being made in every case after the claims reached the appeal board.

In any event Congress intended in the original bill that every conscientious objector claim that was questioned by the local board should be investigated by the Department of Justice. If this was the intention of Congress then when this investigation was transferred from the local board to the appeal board in the final conference report of the two joint committees of Congress in 1940, it would also indicate that Congress intended that there should be an investigation where the appeal board questioned the claim. In other words, if Congress intended an investigation if the local board denied the claim, by force of the same reason the subsequent bill transferring the investigation to the appeal board would

mean that the appeal board denial would require the investigation too.

The sentence of the act immediately preceding the sentence providing for the inquiry and hearing is merely declaratory of the rights of the registrant to an appeal. It merely iterates for the conscientious objector the right of appeal that is granted all registrants under the act. If the sentence is interpreted in this way, the sentence that follows about inquiry and hearing means that there should be an investigation and hearing following the filing of such appeal. "Such appeal" means an appeal by a conscientious objector or by a person having "such claim" as a conscientious objector. The word "appeal" used in the sentence is not in any way qualified by reference to the type of classification that was made by the local board. Since the right to the investigation flows from the taking of the appeal, rather than the type of classification made by the local board, it is absolutely mandatory that the inquiry and hearing be conducted by the Department of Justice in every case where there is an appeal to the appeal board and where a claim for classification as a conscientious objector is involved in such appeal, regardless of the appeal board classification.

CONCLUSION

Wherefore, it is submitted that a proper interpretation of the act makes invalid any departmental interpretation or president's order which conflicts with it. The executive cannot add to or take from the intent of Congress. This is expressly true where the administrative interpretation upon the act requires a just investigation and final report by the Department of Justice on the conscientious objector claim, regardless of the classification by the local board.

This interpretation of the law has been the interpretation of the Department of Justice and the Selective Service System for a long time under the act. This administrative interpretation should be given great weight by the courts. The sudden change in interpretation expressed in the new regulation, promulgated on June 17, 1952, must find some justification in a change in the law. It cannot be justified merely by a change of opinion by lawyers for the Department of Justice who for the first time dreamed up this new idea for the purpose of saving the Department a great deal of work. Congress is the one that must lighten the burden of the Department of Justice. It cannot lighten its own burden by new theories that attempt to stretch the law out of its proper shape.

Cox v. *Wedemeyer*, 192 F. 2d 972 (9th Cir.), is in point and supports our position here. In the *Cox* case, the registrant was classified in I-A-O. The local board found him to be a conscientious objector willing to do noncombatant service. He appealed. The appeal board did not refer the case to the Department of Justice because he was seeking a ministerial exemption on appeal and not the conscientious objector status. The Court of Appeals found that the failure to consider the conscientious objector claim on appeal was a violation of the regulation.

While this case is not directly in point, it seems that the spirit of the decision calls for a conclusion that the appropriate inquiry and investigation should be held where a registrant appeals from a I-O (full conscientious objector classification) as well as when he appeals from a I-A (full military service classification) and from a I-A-O (partial conscientious objector classification).

Respectfully submitted,

HAYDEN C. COVINGTON
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MAIN 5-1240

MEMORANDUM TO ATTORNEYS
CONCERNING OMISSION OF HEARING OFFICER'S REPORT

Before long the government will renew its pending prosecutions for trial in the district courts in many parts of the United States. Many, if not all, of these prosecutions will involve appeals that have been determined by the appeal boards throughout the country since June 18, 1952. Since that date it has been the practice of the Department of Justice not to include the report of the hearing officer of the Department of Justice in the files of conscientious objector cases.

Section 6(j) of the act (50 U. S. C. App. § 456(j), 65 Stat. 83) provides for the reference of conscientious objector cases to the Department of Justice for an investigation, advisory hearing and a recommendation about the general nature and character of the conscientious objector claim made.

Before June 18, 1952, there was a regulation in effect that required that the hearing officer's report be forwarded, along with the recommendation of the Department of Justice, to the appeal board. (See Section 1626.25(d) (32 C. F. R. [1951 Rev.]).) This regulation was mandatory. Failure to include the report of the hearing officer, along with the recommendation of the Department of Justice, was a violation of the law. This regulation had been in effect for over ten years. It was first promulgated after the passage of the 1940 act. When the Selective Service Act of 1948 was passed this regulation was still in effect and was readopted under the 1948 law. When the Universal Military Training and Service Act was passed the regulation was still in full force and effect.

After these two re-enactments of the original law and while the old regulation was still in full force and effect, the President of the United States, on June 18, 1952, changed the regulations. This was by Executive Order No. 10,363, Vol. 17, F. R. 119, June 18, 1952. This amendment to the regulations discontinued the practice of including the report of the hearing officer of the Department of Justice in the registrant's file. It provided only for the appeal board to place in the cover sheet the "recommendation of the Department of Justice."

I am convinced that the present procedure and this new regulation are invalid. It seems clear to me, also, that every case involving the conscientious objector claim that has been adversely decided by the appeal board under this procedure is defective.

Procedural due process of law, required by the statute as originally enacted and then re-enacted, has been denied. Therefore, the thing to do if you have a case involving the I-A-O or I-A classification given by the appeal board, thereby denying the full conscientious objector status, is to check the draft board file. Make sure the hearing officer's report is not included. You can be certain that it is not included in cases where the recommendation was made after June 18, 1952. Then where you find such omission you will have clear and unquestionable grounds for a motion for judgment of acquittal.

The grounds of the motion should be: (1) The Department of Justice and the appeal board denied the defendant procedural due process of law, contrary to Section 6(j) of the act, by not including in the draft board file the complete record of the Department of Justice proceedings —the report of the hearing officer as well as the recommendation of the Department of Justice. The report of the hearing officer was forwarded to the Department of Justice in Washington, D. C., and made a part of the record of the proceedings, but such report has been omitted from the file of the registrant by the Department of Justice and the appeal board, contrary to the act. (2) Executive Order No. 10,363, Vol. 17, F. R. 119, June 18, 1952, is void, because it is in conflict with the act in so far that it provides that the report of the hearing officer of the Department

of Justice is not to be included in the file. The recommendation and report must be included in the registrant's file pursuant to Section 6(j) as interpreted by 32 C. F. R. 1626.25(c), which was in effect and adopted by Congress as the law of the land under the 1948 Selective Service Act as well as the 1951 Universal Military Training and Service Act.

As a sure basis for this motion all you will need is the opinion in *Sterrett* v. *United States*, 9th Cir., 216 F. 2d 659. In that case an innovation similar to this one was introduced by the same Executive Order but it was declared to be invalid. In another part of that order the President directed that no longer would there be a Department of Justice investigation and hearing where the local board classified the registrant in Class I-O and the registrant appealed from such conscientious objector status for another classification, such as Class IV-D. This new section of the regulations was declared to be invalid for the same reason that the above-mentioned change in the regulations requiring that the report of the hearing officer be omitted from the file is contended to be illegal.

In the *Sterrett* opinion the Court said:

> "Such had been the interpretation of this provision of the Act of Congress for a period of approximately twelve years. Such interpretations by those charged with the Act's administration are entitled to persuasive weight. *Billings* v. *Truesdell*, 321 U. S. 542, 552; *United States* v. *Alabama Railroad Co.*, 142 U. S. 615, 621; *Luchenbach SS. Co.* v. *United States*, 280 U. S. 173, 181; *Louisville & N. R. Co.* v. *U. S.*, 282 U. S. 740, 757. In other words, the construction of the Act for which the appellants here argue is the same construction which the officers charged with its administration had placed upon it for this considerable period of time.
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> "There is a further reason why we think we must thus construe the Act. When Congress substantially reenacted the provisions of the 1940 Act, the Administrative Regulations thus interpreting and construing the Act and long continued without substantial change will be deemed to have received Congressional approval. It has been said that in similar cases the Regulations have the effect of law. *Helvering* v. *Winmill*, 305 U. S. 79, 83; *United States* v. *Zazove*, 334 U. S. 602, 623; *Hartley* v. *Commissioner*, 295 U. S. 216, 220.
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> * * *
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> "In each of these cases the Department's refusal to hold a hearing preceded the June 18 amendment of the Regulations. The fact that in each case the appeal board made its classifications subsequent to the amendment of the Regulation does not aid the Government's case. In view of what we here hold not only was the Department of Justice in error in refusing to hold a hearing but so much of the Regulation as would purport to deny such a hearing to these registrants was itself unauthorized by the statute."

Also argue that Section 6(j) of the statute guarantees an oral hearing. The report of the hearing officer is the only record of that hearing where new oral evidence in favor of the registrant is given. The Department of Justice procedure is for the benefit of the registrant. (*White* v. *United States*, 9th Cir., 215 F. 2d 782; pending on petition for certiorari, No. 390, October Term, 1954; *Tomlinson* v. *United States*, 9th Cir., 216 F. 2d 12; pending on petition for certiorari, No. 391, October Term, 1954) This means that a record of the favorable evidence given by the registrant must be passed on to the appeal board. Failure to include the report of the hearing officer of the Department of Justice in the draft board file denies procedural due process of law.

If you have a case where this point is involved please let me know what the results are. I am glad to be of assistance to you at any time.

Sincerely,

HAYDEN C. COVINGTON
General Counsel for
Jehovah's Witnesses

February, 1955.

LAW OFFICES
HAYDEN C. COVINGTON
124 COLUMBIA HEIGHTS
BROOKLYN 1, N. Y.

MAIN 5-1240

VENUE MEMORANDUM FOR JEHOVAH'S WITNESSES

Are you facing prosecution for failing to perform civilian work at a hospital? If you are, then the first thing for you to find out is whether the hospital is located in the same federal court district where your local board is situated. The way to find out is to notice whether the hospital is located in a state different from the state where the board is located. If it is, then obviously it is located in a different district. Should the hospital be located in the same state where the board is, then you will have to telephone the clerk of the local board and the clerk of the United States District Court where your local board is located and ask someone in that office whether the place where the hospital is located is in that federal judicial district. If it is said not to be located there, then ask what district the hospital is in.

A motion to dismiss the prosecution for want of jurisdiction and venue should be made immediately upon your discovery of such difference in the districts where the board and hospital are located. You will need a lawyer to make the motion to dismiss for improper venue. The law guarantees you the right to be tried in the district where the offense is committed. Two district courts have held that the place of prosecution must be the place where the local board is located. One of these courts was reversed by the Court of Appeals. This case is being taken to the Supreme Court of the United States. Unless and until the Supreme Court holds that the proper place of prosecution is in the district where the hospital is located you should have your lawyer make a motion to dismiss the prosecution. And this must be made before you enter a plea of not guilty. If you have entered such a plea, then your lawyer should ask the judge for permission to withdraw the plea and make a motion to dismiss for want of jurisdiction because of a lack of venue for the offense charged.

The moment you learn of the difference in the districts where the board and hospital are located then you should immediately write me for the material to give to your lawyer to support the motion for a dismissal. It is hoped that this will help your lawyer assist the court in determining whether proper venue exists in your case.

Sincerely,

HAYDEN C. COVINGTON
General Counsel for
Jehovah's Witnesses

February, 1956

LAW OFFICES
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MAIN 5-1240

MEMORANDUM CONCERNING CITIZENSHIP APPLICATIONS

Dear Brother:

Your letter of recent date asking about your rights to obtain United States citizenship has been considered.

You realize, of course, that whether to apply for citizenship or not is entirely your own personal decision and not that of anyone else. It is not for the Society or for me or anyone else to say what you should do. I may merely tell you what your rights are under the law.

Before December 24, 1952, several of Jehovah's Witnesses obtained citizenship in different parts of the country. On that date the new "McCarran Act" went into effect. It had new provisions for the naturalization oath. Its restrictive and difficult provisions take the place of the old law. Before the present law went into effect it was necessary for an individual only to prove that he was a conscientious objector to military service and then take an unobjectionable alternate oath.

Under the present law, however, it is necessary for an applicant to take a much broader oath. He must swear either to (1) bear arms for the United States when required to do so by law, (2) perform noncombatant service in the armed forces of the United States when required to do so by law, or, if he objects to either of these two types of military service, he must perform, instead of military service, civilian work of national importance under government direction, which is usually in a state mental institution. The requirements of the Act conform to the present draft law that covers the duty of men of military age. If a person becomes a citizen he will have to swear that he is willing to perform one of the three above-mentioned duties. There is no alternate oath for citizenship that can be taken which exempts one from all governmental service.

Whether one wants to and can (in view of his dedication to Jehovah) agree to any of the provisions of the oath is a matter for decision only by the person involved. To aid you in deciding the question, I suggest that you consider Chapter 20 of *"Let God Be True"*, 2d edition, especially pages 236 and 237, and *The Watchtower* of February 1, 1951, at pages 70, 77 and 78 (paragraphs 12 to 14 in particular).

Remember, it is not necessary to be a citizen in order to preach the good news of the Kingdom. The Constitution of the United States guarantees freedom of press, speech, assembly and worship to all persons, including aliens. These are rights of aliens as well as of citizens. The only things citizens have that aliens do not have are privileges granted by the government, such as that of being a doctor or a lawyer, holding public office, voting, operating a taxi or similar business that requires a license from the state.

It should always be remembered that regardless of what nation Jehovah's Witnesses are citizens of, or in what part of the earth they happen to live, Jehovah is capable and willing to protect all those who serve him. Jehovah gives everlasting life and salvation to men of all kinds, regardless of their citizenship of the nations of this world, as long as they keep their dedication vows to him and do not violate their covenant obligations.

It will do no good to apply for citizenship because you will be denied it if you say you cannot take the oath. If you apply and are refused citizenship, no appeal to the courts or further action should be taken. Drop the matter and leave it in the hands of Jehovah to provide for and protect you in the future.

I sincerely hope that the above information will be of some aid to you in solving your problem.

Your brother,

HAYDEN C. COVINGTON

General Counsel for
Jehovah's Witnesses

March, 1956.

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MAIN 5-1240

SPECIAL VENUE MEMORANDUM

The Supreme Court of the United States on May 21, 1956, in *Johnston* v. *United States*, 76 S. Ct. 739, held that a registrant who reports at the local board to inform the board of his intention not to do hospital work places himself in a position so he can be prosecuted in the district where the hospital is located. This is usually very far away from the place where the board is located.

A registrant who plans on doing hospital work should report to the local board. But any registrant who claims classification as a minister of religion and desires to obtain judicial review of the denial of the exemption need not report to the local board in order to exhaust his remedies. If he does report to the local board for the purpose of informing the local board he will not proceed to the hospital, he should keep in mind that in doing so he will be prosecuted at a far-distant place, which will be very much more burdensome and expensive for him.

Some local boards are following the policy of ordering persons to do hospital work hundreds and even thousands of miles away from the place where the local board is located. This is an extreme hardship, and the only way that it can be avoided is by not reporting to the local board in response to the final order to do civilian work.

In order to avoid getting into this trap of having to stand trial in some strange and distant place it is necessary that the registrant classified as I-O, upon receipt of the final order to report for hospital work, should not report to the local board. This is only in the event it is his intention not to do the hospital work.

This memorandum is intended only for persons who do not intend to report and who desire to defend their cases in the federal district courts so as to establish their legal rights to the ministerial exemption in defense to a prosecution for failure to do civilian work. It does not apply to anyone who intends to go to a hospital and perform civilian work.

Sincerely,

HAYDEN C. COVINGTON

General Counsel for
Jehovah's Witnesses

November, 1956.

MEMORANDUM CONTAINING POINTS FOR, AND ARGUMENT SUPPORTING, MOTION FOR JUDGMENT OF ACQUITTAL WHERE DEFENDANT HAS BEEN ORDERED TO DO CIVILIAN WORK IN LIEU OF INDUCTION

To Attorneys Representing Jehovah's Witnesses:

Many prosecutions under the draft law now involve refusal to perform civilian work. This work is ordered to be done as an alternate service and is a substitute for induction into the armed forces. In each case the registrant has been finally classified in I-O. He has been ordered to perform civilian work, but has refused.

The file of each registrant should be searched and studied to determine whether any procedural rights have been denied. Has he been denied a hearing? Did the board comply with the personal appearance regulations? Has the board posted the name of advisers for the registrant?

It may be that the registrant is a full-time minister and the board has denied that exemption without basis in fact. Did the board refuse to reopen the classification if and when the defendant filed proof that he had changed from full-time secular work to the full-time ministry? This failure to reopen or to send the file to the appeal board, if any was requested, may be a complete basis for an acquittal.

Whatever grounds that are relied upon should be specified in a written or oral motion for judgment of acquittal. In addition to the grounds that might be found from a search of the file the following grounds and arguments are always present in each case of a person prosecuted for failure to perform the civilian work:

POINT ONE

THE ORDER OF THE LOCAL BOARD FOR DEFENDANT TO PERFORM CIVILIAN WORK AT THE STATE HOSPITAL AND SECTIONS 1660.1 AND 1660.20 OF THE SELECTIVE SERVICE REGULATIONS ARE IN CONFLICT WITH THE ACT, BECAUSE THE WORK IS NOT NATIONAL OR FEDERAL WORK AS REQUIRED BY THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT.

Section 1660.1 of the Selective Service Regulations reads as follows:

> "1660.1 *Definition of Appropriate Civilian Work.*—(a) The types of employment which may be considered under the provisions of section 6(j) of title I of the Universal Military Training and Service Act, as amended, to be civilian work contributing to the maintenance of the national health, safety, or interest, and appropriate to be performed in lieu of induction into the armed forces by registrants who have been classified in Class I-O shall be limited to the following:
>
> "(1) Employment by the United States Government, or by a State, Territory, or possession of the United States or by a political subdivision thereof, or by the District of Columbia.
>
> "(2) Employment by a nonprofit organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof.
>
> "(b) Except as provided in subparagraph (2) of paragraph (a) of this section, work in private employment shall not be considered to be appropriate civilian work to be performed in lieu of induction into the armed forces by registrants who have been classified in Class I-O."

Section 456(j) of the Universal Military Training and Service Act (50 U. S. C. App. §456(j), 65 Stat. 83, approved June 19, 1951) provides:

> ". . . (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate. . . ."

The key word here is "national," as distinguished from state, city or county.

The word "national" has a very important and definite connotation in federal jurisprudence. A reading of the index to the United States Code Annotated shows page after page with references to laws relating to national organizations and laws. There are "national" parks as distinguished from "state" park, "national" banks as distinguished from "state" banks, "national" and "state" labor relations boards, "national" and "state" housing administrations. These all show that the word "national" has a distinctive federal meaning.—See *Words and Phrases*, Volume 28, at pages 21-25.

The word "national" is defined in Volume 65 of *Corpus Juris Secundum*, at pages 38-39. There it is stated that the word "national" is an adjective, which means "pertaining or relating to a nation as a whole; commonly applied in American law to institutions, laws or affairs of the United States or its government, as opposed to those of the several states."—65 C. J. S. 38-39.

Bouvier's Law Dictionary, Baldwin's Century Edition (Cleveland, Banks-Baldwin Law Publishing Company, 1940), defines "national" thus: "Belonging to, affecting, or pertaining to, a particular nation: as, national domicile, the national government. Often opposed to State, and nearly synonymous with Federal: as, in national bank (*q. v.*), or national banking association."

Webster's New International Dictionary, Second Edition (G. & C. Merriam Co., 1950), at page 1629, defines "national." It says: "Of or pertaining to a (or the) nation; common to a (or the) whole nation; . . . Of or pertaining to a politically united people or state (a nation in sense (4)) . . . as, national debt."

Under "Crimes," 18 U. S. C. A., Section 709, at page 75, it appears that the use of the word "national" is prohibited for all except the federal government. It is a crime to use the word "national"-as part of the business or firm name, etc., except as permitted by the laws of the United States. In the 1954 Pocket Parts of 18 U. S. C. A., Section 709, the section is extended to National Housing or Public Housing Administration. The punishment is $1,000.00 fine, imprisonment for not more than one year, or both. Violation may also be enjoined at suit of the United States Attorney.

The annotation shows that the First National Corporation of Boston, a Massachusetts corporation with brokerage powers, is not entitled, by reason of the inhibitions of former section 583 of Title 12, to use the word "national" in its title. (See 32 Op. Att'y Gen. 473 (1921).) *Byers* v. *United States*, C. A. Kansas 1949, 175 F. 2d 654, cert. denied 70 S. Ct. 183, 338 U. S. 887, 94 L. Ed. 545, holds that the courts will take judicial notice of the fact that a bank with the word "national" in its title is one organized pursuant to the laws of the United States.

The word "national" cannot be used as part of the name of any bank unless the bank is chartered under the laws of the United States and courts take judicial notice of such fact. —See *Wedding* v. *First National Bank*, 133 S. W. 2d 931, 280 Ky. 610 (1939); *First National Bank* v. *First State Bank*, Tex. Com. App. 1927, 291 S. W. 206.

In the case where a registrant is ordered to work for the state or a state hospital, this is not a national or federal institution. It is, on the contrary, a state institution and not "national" or "federal" work. The work does not pertain to the "national" interest or welfare. It relates exclusively to "local" or "state" welfare. The work's not being in the "national" interest consequently is not that which Congress intended or could constitutionally order to be performed by conscientious objectors.

A reasonable interpretation of the statute by the Court is due, indulging all reasonable doubts concerning the meaning of the act in favor of the rights of one indicted thereunder. (*Harrison* v. *Vose*, 50 U. S. 372, 378) It has been said that a sensible construction should be placed on an act so as to avoid oppression, absurd consequences or flagrant injustice. It will be presumed that Congress intended to avoid results of such a character. (*United States* v. *Kirby*, 7 Wall. 482, 486-487; *United States* v. *American Trucking Ass'n*, 310 U. S.

534) Where a statute is susceptible of two constructions "by one of which grave and doubtful constitutional questions arise and by the other of which such questions are avoided, our duty is to adopt the latter." (*United States* v. *Delaware & Hudson Co.*, 213 U. S. 366, 408) The argument of the Government requires the court to place an unreasonable construction upon the act. Additionally it raises "a succession of constitutional doubts as to such interpretation."—*Harriman* v. *Interstate Commerce Comm'n*, 211 U. S. 407, 422.

If the statute is not interpreted in such a way as to afford the defendant the right to make this defense then grave doubts arise as to the constitutionality of the prescribed forced labor procedure. To avoid such consequences, the interpretation here suggested should be accepted.

The final order to perform the work at the state hospital and Sections 1660.1 and 1660.20 of the Selective Service Regulations, authorizing such order, are in conflict with the statute. They are, therefore, void. It is submitted that a motion for judgment of acquittal should be granted for this reason.

POINT TWO

THE ACT, AS CONSTRUED AND APPLIED BY THE REGULATIONS AND THE ORDER, CALLS FOR A PRIVATE NONFEDERAL LABOR DRAFT FOR THE PERFORMANCE OF SERVICES THAT ARE NOT EXCEPTIONAL OR RELATED TO THE NATIONAL DEFENSE, IN VIOLATION OF THE THIRTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

The act, as construed and applied, calls for a labor draft for private or nonfederal purposes. This complaint is entirely outside the field of unlimited authority of Congress to raise and maintain an army or provide for alternative service of a civilian nature. The defendant agrees that an examination of the law on this subject will reveal that the Thirteenth Amendment is no ban on the performance of military service. It also does not prohibit alternate civilian work for the Government or work for a federal agency, as in taking over industry by the Government, or work under control of the federal system.

All of the cases where the subject of the performance of civilian work ordered to be done by draft boards has been determined by the courts are not in point here; such do not control here. The cases have been considered under the Thirteenth Amendment as related to work done for the National Director of Selective Service in civilian public service camps—federal agencies. Such camps were not private camps but were federal. (See *United States* v. *Brooks*, 54 F. Supp. 995 (S. D. N. Y.), affirmed *Brooks* v. *United States*, 147 F. 2d 134, cert. denied 324 U. S. 878; *Weightman* v. *United States*, 142 F. 2d 188 (1st Cir.); *Zucker* v. *Osborne*, 54 F. Supp. 984 (D. C. W. D. N. Y.); *Hopper* v. *United States*, 142 F. 2d 181 (9th Cir.).) None of these cases involved orders placing a conscientious objector in nonfederal employ or in the employ of private persons. It is seen that there exists here an obvious distinction between the orders under the present law and the work required under the 1940 Act. This is a real and substantial distinction. It is not one without a difference.

It must be admitted that there is no constitutional right of exemption from any kind of work that is within the discretion of Congress and the President to order a conscientious objector to perform. The defendant does not argue that a conscripted conscientious objector has a greater choice of work to perform than a person conscripted for ordinary military service. He does not. They are both on the same level. Neither may set his choice of service up against the discretion of the President acting under a proper law of Congress. The discretion and power of choice as vested in the President by the scope of the war power given to him through the act by Congress are unlimited. The objection here is that the order to do work for a nonfederal agency is not within the scope of the Universal Military Training and Service Act. If it is argued that it is, then it is the defendant's position that Congress does not have authority to conscript labor for a private employer or for a nonfederal project. In other words, the order in this case to perform civilian work is like a labor draft for private employers. It was not for the performance of service in the war effort of the nation.

The best way to emphasize this point to the court is to make an analogy. It will be conceded that men can be drafted to perform military service, notwithstanding the Thirteenth Amendment. But it seems that a very substantial and different question arises here. The Thirteenth Amendment prohibits the President from taking those men and *putting them to work* for private industry, even engaging in war work, which is not done by the Federal Government. It must be admitted that a soldier cannot be put to work by the Government in a private defense industry. It follows that a conscientious objector may not be ordered to do work for a private employer not engaged in federal work as an agency of the Government. If a soldier cannot be ordered to do private work for a private employer then a conscientious objector cannot be compelled to do such work. The question is as simple as that! It must not be mixed up with a maze of complex questions of war powers of the President.

There are no cases where the labor draft for private employment has been determined by the federal courts. No federal labor draft has yet been passed by Congress. The action of the President in taking over the railroads and putting them in the hands of the army to prevent strikes is an evident interpretation of the Thirteenth Amendment, that it must be federal employment to give the power. While this is not directly in point it is of persuasive weight that the Government has no unlimited control over the relationship of private employer and employee but it does over its own employees. It is true that there are laws that authorize federal injunctions against strikes in certain national industries engaged in commerce. But that situation is not in point. The right to strike is one thing. Involuntary servitude is another.

The cases involving the civilian public service camps (*United States* v. *Brooks*, 54 F. Supp. 995 (S. D. N. Y.), affirmed *Brooks* v. *United States*, 147 F. 2d 134 (2d Cir.), cert. denied 324 U. S. 878; *Weightman* v. *United States*, 142 F. 2d 188 (1st Cir.); *Hopper* v. *United States*, 142 F. 2d 181 (9th Cir.); *Zucker* v. *Osborne*, 54 F. Supp. 984) should be put aside in one broad sweep. It is obvious that such cases did not involve a drafting for a private labor for nonfederal agencies.

All of the civilian public service camps were operated at the expense of the Government. They were under the control of General Hershey and subject to the Selective Service Regulations promulgated by the President. It could not be successfully argued that the Thirteenth Amendment reached labor in such camps. It was alternate conscription service of a civilian nature performed for the Government. It is true that some of the camps were run by religious groups, but they were not privately owned and operated. They were federal camps. They were under federal control. There were elaborate regulations made and published by General Hershey, the Director of Selective Service. The religious camp directors of the different religious camps were acting as agents of General Hershey. They were, therefore, agents of the Government. The conscientious objectors in the camps were, therefore, working for the Government and not for private or nonfederal employers.

Let us turn now to a consideration of the leading cases on the Thirteenth Amendment to the Constitution. The draft law cases, although not in point, shall be considered first.

In the *Selective Draft Law Cases* (*Arver* v. *United States*), 245 U. S. 366, Chief Justice White (at page 390) held, without discussion, that compulsory military service did not violate the Thirteenth Amendment.

Angelus v. *Sullivan*, 246 F. 54 (Cir. Md.), held that the 1917 Act did not illegally interfere with the rights of the person contrary to the Thirteenth Amendment.

United States v. *Brooks*, 54 F. Supp. 995 (S. D. N. Y.), involved a question of whether the provisions of the Selective Training and Service Act requiring civilian work in a public service camp was invalid. The United States Court of Appeals for the Second Circuit sustained the holding of the lower court that the act was valid. (147 F. 2d 134) The same holdings were made in *Weightman* v. *United States*, 142 F. 2d 188 (1st Cir.), and in *Heflin* v. *Sanford*, 142 F. 2d 798 (5th Cir.).

In *United States* v. *Brooks*, 54 F. Supp. 997 (S. D. N. Y.), the Thirteenth Amendment argument was based "on the treatment by the defendant of the provisions for work of national importance as completely severed and independent from the comprehensive mobilization contemplated by the Selective Training and Service Act." The court said that it must be treated as a part of the mobilization of all manpower. The argument of defendant was reduced to an absurdity. The court said the registrant contended he could be inducted into the army but could not be put in a camp in recognition of conscientious objectors. Defendant seemed to make the argument that the conscientious objector was singled out and discriminated against. The court said that the fact that the work was under civilian direction was immaterial because such work could be directed by either a civilian or the military. "Nor does it

matter that the actual labor performed by the assignees is not directly in aid of the defense of the United States or of its military establishment. It is sufficient that in the judgment of Congress such labor is of national importance; that its performance by assignees releases others for services more directly concerned with military action; and that assignment of conscientious objectors tends to deter others from asserting a claim to exemption."—Page 997.

The Second Circuit held in *Brooks* v. *United States*, 147 F. 2d 134, as follows: "The federal government in the exercise of its undoubted power to raise and maintain armed forces for the protection of the country could have disregarded the appellant's conscientious scruples against participating in such service and conscripted him for any military service for which he was mentally and physically fit. . . . Congress could in the exercise of its incidental power do whatever was reasonably necessary and appropriate to raise and maintain armed forces provided that those who were given exemption from such service be required to perform such work of national importance as they were able to perform under reasonable rules and regulations. There are many good reasons which may have let Congress so to provide but it is enough that such action may have been considered needed during a great national emergency for its effect upon the moral of those who do serve in the armed forces."—Pages 134-135.

Weightman v. *United States*, 142 F. 2d 188 (1st Cir.), involved an attack against the constitutionality of the 1940 Act in its provisions for treatment of conscientious objectors. The power of the President to designate the forestry work and the low pay, described as slavery and imprisonment in the conscientious objector camps, were questioned. The court rejected all arguments. The court, among other things, said: "Possibly the system established 'may be condemned by some as unwise or illiberal or unfair' (Cardozo, J., concurring in *Hamilton* v. *Regents*, 293 U. S. 245, 266, 55 S. Ct. 197, 205, 79 L. Ed. 343), but this is no basis for holding the system unconstitutional. Since the situation presented by the Act called for 'the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of war-making, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs.' *Kiyoshi Hirabayashi* v. *United States*, 320 U. S. 81, 93, 63 S. Ct. 1375, 87 L. Ed. 1774. Under the circumstances we do not believe that the action taken with respect to conscientious objectors has exceeded constitutional bounds. In accord see *Hopper* v. *United States*, 9 Cir., 142 F. 2d 181; *United States* v. *Van Den Berg*, 7 Cir., 139 F. 2d 654, and cases cited."—Page 192.

In *Hopper* v. *United States*, 142 F. 2d 181 (9th Cir.), the requirement for civilian work at a public service camp was attacked. It was claimed to be involuntary servitude. The court said: "These propositions, in one guise or another, have been advanced again and again, both in this and in the first World War, and have been uniformly met with rejection." —Page 186.

The defendant's claim that the work camp requirement violated the Thirteenth Amendment in *United States* v. *Van Den Berg*, 139 F. 2d 654 (7th Cir.), was rejected with the following statement: "Defendant's claims that his assignment to a conscientious objectors' camp amounted to imposition of involuntary servitude in violation of constitutional rights; . . . have all been considered fully by this court and denied in *United States* v. *Mroz*, 7th Cir., 136 F. 2d 221."—Page 656.

Exceptional service such as labor in the federal maritime service or the Navy may be compelled without a violation of the Thirteenth Amendment. It is the same as the right of the federal Government to conscript manpower for military service. A consideration of the cases on the point shows that such services are, like military service, exceptional. They may be compelled as an exception to the general rule commanded by the Thirteenth Amendment.

Robertson v. *Baldwin*, 165 U. S. 275, 282-283, held that the federal statute authorizing justices of the peace to issue warrants to arrest deserting seamen did not violate the federal Constitution, Thirteenth Amendment. This is also the old common law rule. The Supreme Court said: "It is clear, however, that the amendment was not intended to introduce any novel doctrine with respect to certain descriptions of service which have always been treated as exceptional; such as military and naval enlistments, or to disturb the right of parents and guardians to the custody of their minor children or wards. The amendment, however, makes no distinction between a public and a private service. To say that persons engaged in a public service are not within the amendment is to admit that there are exceptions to its general language, and the further question is at once presented, where shall the line be drawn? We know of no better answer to make than to say that services which have from time immemorial been treated as exceptional shall not be regarded as within its purview." (165 U. S., at page 282) Mr. Justice Harlan dissented. Much of what he says applies as argument in favor of the defendant here.—See pages 288-303.

The compulsory road work law of Florida was held not to violate the Thirteenth Amendment because the services called for were exceptional and akin to the usual compulsory duties that every citizen owed the government. The work was likened to military service and jury duty, which are not forbidden by the Thirteenth Amendment. (*Butler* v. *Perry*, 240 U. S. 328, 333) The Court said: "The great purpose in view was liberty under the protection of effective government, not the destruction of the latter by depriving it of essential powers. *Slaughter House Cases*, 16 Wall. 36, 69, 71, 72; *Plessy* v. *Ferguson*, 163 U. S. 537, 542; *Robertson* v. *Baldwin*, 165 U. S. 275, 282; *Clyatt* v. *United States*, 197 U. S. 207; *Bailey* v. *Alabama*, 219 U. S. 219."

A case similar in its holding is *Plessy* v. *Ferguson*, 163 U. S. 537. That case involved a Louisiana law that provided for separate but equal accommodation for both black and white passengers traveling on railroads in the state. The Court held that the law did not violate any of the rights of a railroad employee convicted under the law.—163 U. S., at pages 542-543.

Mr. Justice Black in *United States* v. *Petrillo*, 332 U. S. 1, 13, stated that the criminal sanctions of the Communications Act punishing coercion in broadcasting did not violate the Thirteenth Amendment on its face. He indicated that the application of the statute may present the question. Thus it is a question whether it is void as construed and applied.

A New York statute making it a crime for a landlord not to provide usual apartment house services on an equal basis to all tenants did not violate the Thirteenth Amendment. (See *Marcus Brown Holding Company, Inc.* v. *Feldman*, 256 U. S. 170, 199.) The Court said: "It is true that the traditions of our law are opposed to compelling a man to perform strictly personal services against his will even when he has contracted to render them."

In *Auto Workers* v. *Wisconsin Employment Relations Board*, 336 U. S. 245, it was held that the law for collective bargaining between the employer and union did not violate the Thirteenth Amendment. The statute was sustained because it did not make it a crime to quit a job.—336 U. S., at page 251.

In all the cases quoted from above (except in the case of the seaman, which is special—finding its background of exemption from the rule in the common law) none of them involved service performed for a private person. They all involved forced service of an exceptional or emergency or special nature, to the state.

The peonage cases are directly in point here. They will not be considered in this section of the argument. But, before they are stated, let a few general remarks be made to show that they apply.

It was compulsory private labor that was prohibited by the Thirteenth Amendment and the Anti-Peonage Law. In every case there was involved a state law or custom that produced the forced labor for private purpose. Had the laws been passed by the Congress instead of the state governments the results would have been the same. The Thirteenth Amendment would have invalidated the custom or laws even by the Federal Government compelling the work either directly or indirectly.

What is done by the Congress here is identical to that which was done by the state governments and condemned in the peonage cases. Here there is compulsory work of a nature that does not come within the recognized exception of the Thirteenth Amendment, such as military service. The peonage cases would prohibit the drafting of young men as soldiers and putting them to work on the King Ranch or in the Nieman-Marcus Store. Soldiers could not be put in the state hospital to take care of mentally ill people without its being a violation of the principle of the peonage cases by the Supreme Court. Since a soldier cannot be thus drafted for compulsory labor without a violation of the Thirteenth Amendment, then the President also violates the Amendment when he orders a conscientious objector to work in the state hospital. The Amendment and peonage cases prohibit what is done in this case by the order made under Section 1660.1 of the Selective Service Regulations.

Let us turn our attention now to a consideration of the peonage cases.

A very good discussion of the Thirteenth Amendment, its background and the earlier decisions under it appears in *Pollock* v. *Williams*, 322 U. S. 4, 7-13. The Court, at page 17 of the opinion, held that the Florida law imposed peonage upon certain persons under certain conditions. The statute made one who obtained an advance of money upon an agreement to render service guilty of a misdemeanor. The law provided for a presumption of fraud on the showing of obtaining the money on such agreement. This case involved the federal act passed to implement the Thirteenth Amendment. It is the law against peonage. (322 U. S., at page 8) The Thirteenth Amendment, without a special act, has teeth against an act of Congress. (See *Hurd* v. *Hodge*, 334 U. S. 24, at pages 31-32.) Mr. Justice Jackson for the majority of the Court said: "The undoubted aim of the Thirteenth Amendment as implemented by the Antipeonage Act was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States. Forced labor in some special circumstances may be consistent with the general basis system of free labor. For example, forced labor has been sustained as a means of punishing crime, and there are duties such as work on highways which society may compel."—*Pollock* v. *Williams*, 322 U. S., at pages 17-18.

In the *Slaughter House Cases*, 16 Wall. 36, the Court held that the Thirteenth Amendment was not limited to protection of the Negro or to a prohibition of slavery.—See 16 Wall., at pages 69, 71-72.

The other peonage cases, like *Pollock* v. *Williams*, 322 U. S. 4, lay down the rule that there can be no indirect violation of the Thirteenth Amendment. Criminal sanctions cannot be used to punish one who refuses to do forced labor or violates a labor contract. By force of the same reason the Amendment prohibits the use of the war-powers section of the police power of the state to be used to compel performance of work not of an exceptional character coming strictly under the old common law practice of service to the state of a nature which can be compelled. If the service does not relate directly to the war effort it cannot be said to be exceptional. It is not, therefore, an exception from prohibited forced labor under the Thirteenth Amendment purely because it was attached to a war law. It is fundamental that the Constitution deals with realities and not with shadows. (*Cummins* v. *Missouri*, 4 Wall. 277, 325; Ex parte *Milligan*, 4 Wall. 2, 120-121) And there must be a direct relationship between the end aimed at and the power exercised.

Indirect and remote purposes or ends cannot be sustained purely because Congress has chosen to say they are to be done. Compare the other peonage cases (*Bailey* v. *Alabama*, 219 U. S. 219, and *Taylor* v. *Georgia*, 315 U. S. 25) with *Pollock* v. *Williams*, 322 U. S. 4.

Hodges v. *United States*, 203 U. S. 1, involved an indictment seeking enforcement of the criminal sanctions clause of the Civil Rights Act. While the dismissal of the indictments was ordered the court wrote on the subject of "involuntary servitude" words used in the Thirteenth Amendment. The Court said: "The meaning of this is as clear as language can make it. The things denounced are slavery and involuntary servitude, and Congress is given power to enforce that denunciation. All understand by these terms a condition of enforced compulsory service of one to another. While the inciting cause of the Amendment was the emancipation of the colored race, yet it is not an attempt to commit that race to the care of the Nation. It is the denunciation of a condition and not a declaration in favor of a particular people. It reaches every race and every individual, and if in any respect it commits one race to the Nation it commits every race and every individual thereof."—203 U. S., at pages 16-17.

It is submitted, therefore, that the order for the defendant to perform work at a state hospital and the regulations authorizing such order constitute a construction and application of the statute which makes it unconstitutional, because it is brought into conflict with the mandate of the Thirteenth Amendment.

POINT THREE

THE ACT, AS CONSTRUED AND APPLIED BY THE REGULATION AND THE ORDER, IS UNCONSTITUTIONAL BECAUSE IT DEPRIVES THE DEFENDANT OF DUE PROCESS OF LAW CONTRARY TO THE FIFTH AMENDMENT TO THE CONSTITUTION.

The due process clause under the Fifth Amendment, as stated under Section 684 of Volume 12 of *American Jurisprudence* on "Constitutional Law," requires "* * * that the law shall not be unreasonable, arbitrary or capricious and that *the means selected shall have a real and substantial relation to the object sought to be attained.*"—Emphasis added.

The Court's attention is called to the case of Ex parte *Mitsuye Endo*, 323 U. S. 283. This case held habeas corpus proper to secure the release of a concededly loyal citizen who was being illegally detained by the War Relocation Authority under presidential executive power. The Supreme Court, speaking through Justice Douglas, after calling attention to the constitutional safeguards against improper exercise of the war power, one of these being "due process" under the Fifth Amendment (see page 299), ruled that a concededly loyal citizen presents no problem of espionage or sabotage and since the power to detain is derived from the power to protect the war effort against espionage and sabotage, the detention, which had no relation to that objective, is unauthorized. The force of the reasoning in that case falls upon this case here before the Court.

It is to be noted that the Supreme Court of the United States as early as Ex parte *Milligan*, 4 Wall. 2, 120-121, has held that the Fifth Amendment is a valid bar against the improper exercise of the war power. The *Milligan* case involved the release on habeas corpus of a civilian who had been sentenced to death upon a military trial during the Civil War in the state of Indiana, where federal court trial was available. —Compare *Cummins* v. *Missouri*, 4 Wall. 277, at page 325.

While some of the cases dealing with the exercise of the war power speak of the presumption of regularity attaching to presidential and other official acts, nevertheless, the Supreme Court itself has recognized such presumption will be of no avail where a presidential war order is clearly shown to be arbitrary and repugnant to the Federal Constitution.—See *Highland* v. *Russell Car & Plow Co.*, 279 U. S. 253, at pages 261 and 262.

A Selective Service case deemed worthy of mention on this question is *United States* v. *Emery*, (2d Cir. 1948) 168 F. 2d 454. The prosecution was under the 1940 Act for a conscientious objector's *leaving detached service "for which he had volunteered."* He had previously been hired out as a *volunteer laborer* from a Civilian Public Service Camp "to do private dairy herd testing." The prevailing wages for this farm-out laborer were paid to his employer, the Federal Government. Out of his wages he was paid the $15.00-a-month Civilian Public Service Camp allowance by the Federal Government. The balance of his wages was paid into a separate fund of the United States Treasury.

The defendant was not a volunteer. The *Emery* case, *supra*, is not in point. It is to be noted that the United States Court of Appeals for the Second Circuit held that, as to the wages paid the defendant, his rights under the First and Fifth Amendments had not been violated. The court at 168 F. 2d 454, page 456, said: "* * * The conscientious objector cannot refuse to perform his work of national importance even if he thinks he is being underpaid and acts on conscientious scruples to avoid what he considers the status of contract labor." The language was dictum, since the defendant was in no position to assert the defenses because he had volunteered for the work he later questioned. Had it been without his consent the case would have been different. Also the points on forced labor were not presented in that case, as they have been here, which distinguishes that case.

It is submitted that inasmuch as the defendants in these cases do not consent to the work and since they are ordered to do work that is not in the "national" or "federal" interest or welfare as distinguished from "state" or "local" welfare, and because the work is against their wishes, it is plain that they have been deprived of their rights contrary to the due process clause of the Fifth Amendment to the Constitution.

There may be other grounds to raise. The only way to determine this is to read the draft board file in advance of trial. The defendant should get a photostatic copy of the file. This is obtained by the defendant and his attorney writing letters to both the State Director and the National Director of Selective Service requesting it. A reason for its being promptly supplied should be stated, as it is needed to prepare for trial. This is usually supplied at little or no cost to the defendant. If there is time to do so before the trial, counsel may mail the file to me and I should be glad to see what, if anything, can be found in addition to the above points.

Please keep me informed of developments.

HAYDEN C. COVINGTON
Attorney at Law
124 Columbia Heights
Brooklyn 1, New York

May, 1954.

NEW PROCEDURE IN DEPARTMENT OF JUSTICE TO BE FOLLOWED BY JEHOVAH'S WITNESSES

The Supreme Court of the United States has rendered decisions recently affecting the procedure of the Department of Justice in handling conscientious objector cases. Because of the changes that have been made and those that will be made by the Department of Justice and the Selective Service System it will be necessary to change the procedure to be followed by registrants as well. This memorandum will take up the departmental procedure from its beginning. It is suggested that you follow each step here outlined carefully. Where it is suggested that a letter be written be sure to keep a copy of your letter. Also keep the letters and envelopes that you receive from the Department of Justice or the draft boards.

The Secret FBI Report

Section 6(j) of the Universal Military Training and Service Act provides for the reference of a conscientious objector claim by the appeal board to the Department of Justice. First the Department of Justice has the FBI agents make an investigation. This is followed by a secret report by the FBI to the hearing officer of the Department of Justice. Then the registrant is notified to appear before the hearing officer for a hearing. Before the hearing he is sent a notice of the time and place of hearing. Along with this notice the registrant receives instructions. Accompanying these, also, is a summary of the important parts of the secret FBI investigative report.

Upon receipt of the summary of the FBI report the registrant should examine it. The registrant will note that no names and addresses of informants are included. If there is any false information given by an unknown informer it will be impossible for the registrant to know who the person was or even whether the informant had the knowledge of what he is reported to have said. There is no way to determine whether the information is outright false. There is no means of checking this information.

Immediately upon receiving this summary the registrant should write a letter to the hearing officer. Several copies of this letter should be prepared. A copy should be mailed to the local board to be placed in the draft board file. In this letter to the hearing officer the registrant should state that he desires to be supplied by the hearing officer before the hearing or at the hearing with the secret FBI investigative report itself. He should state in his letter that he needs the secret report to compare with the summary to determine whether the summary is fair and accurate. He should also add in his letter that he desires to identify the source of the information and know who the informants are in order to be able to answer the information or challenge the informants because of evil motive, lack of knowledge or on other grounds. He should also state that he desires to have the entire FBI report so that he can prepare a full and complete answer to the entire FBI report.

The registrant should state to the hearing officer, in this letter, that he wants to make a copy of the entire report so that the entire report can be put in the draft board file and forwarded to the appeal board for the reason that the appeal board is entitled to all the favorable as well as the unfavorable evidence. He should then add that if he is not permitted to make a copy of the complete FBI report then he desires that the hearing officer and the Department of Justice both see to it that the entire FBI report not only be supplied to him at the hearing but also that it be sent to the appeal board together with the final recommendation of the Department of Justice.

In conclusion in this letter the registrant should state that he does not want to call the informers before the hearing officer or cross-examine them. He should add that he does not desire to delay the proceedings. He can say that all he wants is to have an opportunity to answer and also to have the favorable evidence brought to the attention of the appeal board and to make use of the favorable evidence at his hearing before the hearing officer.

Summary of FBI Report Received from Hearing Officer

Upon receipt of the letter from the hearing officer of the Department of Justice, including the summary of the FBI report, the registrant should write another letter to the hearing officer of the Department of Justice. He should make six copies of the summary of the FBI report mailed to him by the Department of Justice as soon as possible after it is received. He should send one of the copies of the summary to the local board and request that it be forwarded to the appeal board. He should put another copy with his letter to the hearing officer and request that this copy be included in the draft board file sent to the appeal board along with the final recommendation of the Department of Justice. He should state that the copy enclosed is identical with the copy received from the hearing officer. He should state that if the Department of Justice does not want to make use of this copy in filing the summary with the appeal board the Department of Justice can send its own copy of the summary to the appeal board.

The registrant should then take up the summary of the FBI report and deal with each sentence of the adverse material appearing in the summary of the FBI report. The registrant should explain, answer or contradict, whichever the case may be, each sentence of the unfavorable evidence appearing in the FBI report. He should point out, also, how this unfavorable evidence is contradicted by other material appearing in the summary of the FBI report. Several copies of this answer or comment upon the adverse evidence should be made. One extra copy of the answer or comment upon this unfavorable evidence should be forwarded to the Department of Justice with the letter to the hearing officer, along with a request that it be sent to the appeal board to be included in the registrant's file along with the final recommendation of the Department of Justice.

In this letter to the Department of Justice hearing officer the Department of Justice should be requested to include the hearing officer's report in the draft board file and forward it to the appeal board so that it can be compared with the final recommendation of the Department of Justice and considered along with the other papers in the file.

(*over*)

Final Recommendation of the Department of Justice

The Department of Justice will mail to the registrant a copy of the final recommendation of the department to the appeal board or a summary of it containing the grounds of the unfavorable recommendation. If the summary comes from the appeal board the answer should be directed to the appeal board. If the summary of the recommendation comes from the Department of Justice then the answer should be to the Department of Justice unless you are advised to write your answer to the appeal board. In any event, wherever the registrant is told to write his reply to, he should comply with the instructions, but, also, he should send a copy of his letter to the local board to be filed with the draft board papers.

Each sentence of the adverse recommendation should be dealt with separately. Each sentence should be quoted in the answer and then explained or denied. Full answers should be made on each sentence of the adverse or unfavorable recommendation. Any references to reports by informants should be answered. Any unfavorable arguments or conclusions of the Department of Justice should be argued fully in the answer of the registrant.

In the event the recommendation refers to informants' unfavorable evidence, then the informants' evidence should be challenged. The registrant should state that he has no opportunity to defend against the evidence given by the unknown informants because he has no way of saying whether the persons are known to him or know the facts stated against him, because he has no way of knowing the names of the persons, or their addresses. A statement should be made in the letter that it is necessary to have the names and addresses of the informants to protect the registrant.

In this same letter to the Department of Justice or to the appeal board, whichever the case may be, the registrant should request again that he be supplied the entire FBI report so that he can protect himself and his rights under the law.

The registrant should also complain to the appeal board or the Department of Justice, whichever the case may be, about the recommendation's being based on the secret FBI investigative report and complain that it is not included in the file. Both the Department of Justice and the appeal board should be requested to include all the FBI report in the file so that all the evidence for the benefit of the registrant will be included. The registrant should again demand that he be supplied the copy of the FBI report so that he can answer the informants whose names will become known to him when he reads the report showing their names and addresses.

The appeal board or the Department of Justice, whichever the case may be, should be informed that the hearing officer of the Department of Justice gave the registrant a summary of the unfavorable evidence. He should state that a copy of the written document is being enclosed with the letter to the appeal board or the Department of Justice, whichever the case may be, and it is requested that it be filed with the papers in the draft board file so that the summary will be considered by the appeal board.

In the conclusion of the letter answering the unfavorable recommendation the registrant should complain about being tried behind his back and being denied a fair hearing in the appeal board by not being supplied the secret FBI investigative report. The registrant can say that the Department of Justice used it in making its recommendation and based its recommendation upon the secret investigative report, but did not give the registrant the report, and that the supplying of the meager summary by the Department of Justice through the hearing officer was entirely inadequate to enable the registrant to protect his rights and to defend himself before the appeal board. The appeal board should be requested not to take any action unless and until the entire FBI report is supplied to the registrant and the registrant has an opportunity to consider and answer it before the appeal board reaches its final decision.

The registrant in this letter should also complain about the failure of the Department of Justice to include the report of the hearing officer in the draft board file. He should state that the report should accompany the recommendation of the Department of Justice.

This letter of argument and request directed to the appeal board should be mailed to whatever place the registrant is informed to mail his answer to the recommendation. It may be directly to the appeal board. It may be to the Department of Justice or it may be sent by the registrant to the local board (acting as agent for the appeal board). The registrant should keep a copy of his letter in answer to the recommendation. He should make sure that he keeps a copy of the unfavorable recommendation or the recommendation itself, whichever one is sent to him. He should also preserve the summary of the unfavorable evidence appearing in the FBI report sent to him by the hearing officer.

Conclusion

Please keep me informed of the developments in your case. Follow the procedure outlined in the booklet "Procedure of Jehovah's Witnesses Under Selective Service." If you do not have a copy of this booklet you can obtain it by writing to this office and making a contribution of ten cents to the Watchtower Bible and Tract Society, Inc., to cover the printing cost.

HAYDEN C. COVINGTON

124 Columbia Heights
Brooklyn 1, New York

General Counsel for
Jehovah's Witnesses

April, 1955.

ADDENDUM NO. I TO INSTRUCTIONS TO HEARING OFFICERS APPOINTED PURSUANT TO THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

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NOTICE OF HEARING AND INSTRUCTIONS TO REGISTRANTS WHOSE CLAIMS FOR EXEMPTION AS CONSCIENTIOUS OBJECTORS HAVE BEEN APPEALED

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1. Pursuant to the provisions of section 6(j) of the Universal Military Training and Service Act (P.L. 51, 82nd Cong., 1st Session; 50 USC App. 466(j), hereinafter referred to as the Act, and section 1626.25 of the Selective Service Regulations, the Department of Justice will make an inquiry and hold a hearing with respect to the character and good faith of the registrant's objections to training and service under the Act on the ground that the registrant is conscientiously opposed to participation in war in any form. The scope of the hearing is restricted to consideration of the merits of the ~~conscientious objector~~ claim. Consideration of ministerial claims and all other claims is within the exclusive jurisdiction of the Selective Service System.

2. The hearing will be conducted by the undersigned, a Hearing Officer duly designated by the Department of Justice as a Special Assistant to the Attorney General of the United States.

3. It is incumbent upon the registrant to establish that he is entitled to the conscientious objector classification he claims.

The registrant has a right to appear at the hearing and make a full and complete presentation of his claim. The registrant may testify orally and may present witnesses in support of his claim. However, no Government funds are available for the payment of witness fees or travel expenses.

4. The registrant may also submit at the hearing written statements or documents, or certified copies thereof, in support of his claim. Written statements shall be sworn to or affirmed before a notary public or other persons authorized to administer oaths.

5. Attached hereto is a resumé of the information developed by the inquiry conducted pursuant to the aforementioned Act. At the hearing the registrant will be entitled to discuss the information contained in the resumé and to present witnesses to refute or corroborate such information.

6. The hearing will not be in the nature of a trial or judicial proceeding, but will be informal and non-legalistic. Legal rules of evidence will not apply at the hearing, but reasonable bounds will be maintained as to relevancy and materiality. In addition to his witnesses, the registrant may have an attorney, relative, friend, or other adviser present at the hearing. Such person, whether an attorney or not, will not be permitted to object to questions, or to make any argument concerning the proceeding. In order that the conduct of the hearing may comport

with the necessary requirements of dignity, orderliness, and expedition, the Hearing Officer will be the sole judge in the matter of choice of a method of procedure designed to effectuate the desired result.

7. Failure to comply with these instructions may result in the termination of the proceeding.

Harry T. Dawson, Hearing Officer
Special Assistant to the
Attorney General

Classification Questionnaire mailed to me.
Nov. 12. Got back on 21, 1952
Series VI. MINISTER. SERIES. XIV
Conscientious Objector
DEC. 9, 1952 CLASSIFIED I-O
INFORMATION ON BACK OF Pamphlet 11, mailed classification to me
APRIL. 14, 1953 Reopened case considered anew
17, notice of classification I-O
May 20 Class. I-O By Appeal Board Entered in the
Spokane, Wash.
June 2, 1953, Notice of Classification sent to me

Special Form for Conscientious Objector
mailed to me Nov. 24, 1952
I mailed back R. DEC. 1, 1952

ASKED FOR PERSONAL APPEARANCE DEC. 19, 1952
RECEIVED WASHINGTON STATE HEADQUARTERS. DEC. 29, 1952
Sent back from State head quarters DEC. 31, 1952
and said for them to notify me for a personal
appearance. Local Board received this information
back to them Jan. 2. 1953

Certificate for Pioneer received by Local Board them Jan. 13, 1953
also testimony Card.

Notified of Personal appearance to be there
on March. 17, 1953 but was Changed

to March 26 but had to be postponed to April 14, 1953

April 14, 1953

Summary of Additional Information Presented to Board.

Registrant was granted courtesy interview with local board.

Mr. Bennett asked registrant, to take his case to the board and registrant stated he wanted to point out to the board that several documents had been added to file since he was classified I-O and which he thought would entitle him to a I-W classification

Registrant stated that members of Jehovah's Witnesses do not have to attend college to become ministers; that he attends four to five classes a week and works in the field with another member.

Board told registrant that he could appeal his classification and file would be sent to Appeal Board for their decision

Reopen and consider anew: Reclassified I-O

Elegance Allen
Clerk

(3)

Notice of Appeal sent to me April 20, 1953
they received it April 27, 1953

June 1, 1953 appeal board Classified me
I-O - By VOTE 5-0

In a letter to Local Board from the State board, the State Board wanted the Local Board to define the meaning of a "Courtesy Interview" explaining whether of this was taken to mean as "personal appearance" Local Board replied that this was the meaning;

DATES OF CLASSIFICATION

DEC. 11, 1952	I-O	original
April 14, 1953	I-O	personal appearance
June 1 MAY 20, 1953	I-O (5-0)	appeal board
OCT 29, 1953	I-A (3-0)	President
NOV 12, 1953	I-A	Board Local
JAN 7, 1954	I-A	LOCAL BOARD (PERSONAL APPEARANCE)
OCT 26, 1954	I-O	appeal Board (4-0)
MARCH 9, 1955	I-A	PRESIDENT (3-0)
JULY 14, 1955	I-A	LOCAL BOARD
NOV. 8, 1957	I-A	" "
DEC. 5, 1957	I-A	" "
JAN 11, 1960	I-O	APPEAL BOARD (4-0)
JUNE 20, 1960	V-A	PRESIDENT.

Selective Service
Local Board No. 22
Chelan Co. Court House
Wenatchee, Washington

June 7, 1953

Dear Sir:

Enclosed please find a copy of a letter to the State and National Directors requesting them to take an appeal to the President in my behalf. Please include these letters in my file.

I also want to get the Local Board to delay any further action in my case until the Director's have

~~Selective Service~~
State Director of
Selective Service
State Armory
Olympia 3, Wash.

Information from Local Board on June 5, 1953 acted on my request.

There are enclosed also in this letter 5 other letters from different persons stating how they view me in relation to my ministry. Please include these 5 letters in my file also.

Sincerely yours,

RICHARD RAWE

In Regard to Series VI

I would like to make this statement concerning my ministry.

I came into contact with Jehovah's Witnesses about the year 1940. In the years that followed I learned of God's requirments to gain endless life in a righteous new world. (same globe only with perfect conditions) Please see Ecclesiastes 1:4 Psalms 78:69 Proverbs 10: 28-30 Isaiah 45:18 Matthew 6:10 John 17:3 2 Tim. 4:2 Rev. 21:1.

From 1940 till now I have spent many hours of personal study on these Bible subjects. I also have regularly attended four one hour Bible classes weekly (study for these classes is done outside of class). These classes consist of two general Bible studies using Watchtower publications as aids, also one Service Meeting in which I was trained for door-to-door and Bible study work along with other necessary instructions. I also received practical field training. The fourth meeting is called the Theocratic Ministry School. The purpose of this meeting is to train students for public speaking. Students are assigned 6-8 minute talks which after delivery before an audience they are counciled by the school instructor and is this way become efficient speakers. As students progress in school they are also given 15 minute talks. Because of this training I have recently given 3 one hour talks which were advertised in the area where talk was given. Enclosed is are copies of handbills used in advertiseing talk.

On September 20, 1942 I was baptized in accordance with the prescribed ceremonies of Jehovah's Witnesses. Jehovah's Witnesses believe that baptism constitutes formal ordination therefore from September 20, 1942 to April 30, 1952 I was a part-time ordained minister of religion. From May 1, 1952 to now I am serving as a full time minister(pioneer) devoting a minimum of 100 hours a month to this service. I also have authorized territory assignment in the Moses Lake Company of Jehovah's Witnesses Territory by the Watchtower Bible and Tract Society. I also have been appointed to the position of Assistant Company Servant and Theocratic Ministry School Servant by the Society in the Ephrata Company of Jehovah's Witnesses.

I hope these few brief facts will help the board in proper classification of me as a ordained minister.

If more information is needed please do not hesitate to write me.

Richard Rawe

(copy of Bush letter)

Local Board No. 10

Clark County
Cith Hall
Neillsville, Wisconsin

REQUEST FOR REOPANING
OF CLASSIFICATION

Gentlemen:

In Sept. of 1956 I wrote to you, completely? new and additional information not before considered by any board in classifying me. No favorable action towad my proper classification as IV-D was taken on the obvious merits of that material.

At this time, therefore, I am renewing my reauest and appealing to you to exercise your authority under Section 1625.2 of the Selective Service Reg. "The local board may repon and consider anew the classification of a registrant (1) upon the written request of the registrant/... if such request is accompied by written information presenting facts not considered when the registrant was classified, which, if true, would justify a change in the registrant's classification."

This new information that I am submitting at this time is a sample copy of a certificate that shows I am authorised or recognized to perform marriages in the state of Wisconsin. I have obtained this and sent it to the board to substantiate what I have heretofore toald the board in my papers and orally, which apparently, the local board chose to disregard of disbelive. I have reference to the claim that I have made that I am a minister.

To obtain this I had to register with the Clerk of Circuit court my credentials as an ordained minister. To firmaly establish my credentials I submitted a photostatic copy of my "Pioneer Certificate" to the Clerk of Circuit Court which has been filed with the Court. This certificate is in effect a certificate of my ordination.

— I have filed a copy of this same " Pioneer Certificate"with the Local Board, doing so on September 14, 1956, I wish to call your attention once again to this Cerificate Because I feel that it was not given proper and ample consideration and weight.

This cerificate is comething the local board requested from me on March 6, 1956, in order , apperently, to ~~did~~ enable the board to grant me my desired classification of ~~I~~ IV-D.

On record at this time, in my Selective Service file, I have a "Memorandum of my Personal Appearance" which was submitted after my personal appearance on Sep. 20, 1955. On the second page of that memorandum the opening line of paragraph four stated the boards future policy and dealings relative to my case.

I submitted the evidence on Sept. 14, 1956 but the material in your letter to me dated Oct. 26, 1956 indicated you were not coherent with your preceding statement.

At the time of my personal appearance you stated you would reopen my case in event of further evidence. Your letter dated Sept. 14, 1956 says that if my case were reopened I would be notified on SSS Form No. 119?, Notice of Classification, since I have not received any form of this nature since April 4, 1956, I can only

conclude the board did not reopen my case upon reception? of the additional material it received on September 14, 1956.

To this, my pionee certificat, then, (which was a part of this additional material) which the board apparently chose either to disregard of overlook I now wish to direct your attention.

You will note that the Certificate speaks of my ORDINATION. A religious organization may select any cermony it wishes as its form of ordination. Section 1622. 43 (b) of the the Regulations just says that a'duly ordained minister of religion' must be ordained according to the ceremony or practice of his religious organization. Therdfor my ordination, being in the manner prescribed by my religious organizatiOn, must be recognized.

My ordination, however, does not qualify me for the ministerial classification of IV*D. This is beacause Section 1622.43 (b) lays down one other test. That is whether a man, in addition to having been ordained according to the principals of his religion, preaches and teaches "as his regular and customary voaction.". Now, if I meet both of these test, then the regulations, is they are administer without prejudice or partiality, say that I "shall be placed" in Class IV*D.

Is the ministry my vocation? That is the question. At the time of my first personal appearance before the board I had mentioned that I devoted about 20 hours a week at the ministry work. At this time However that statement is no longer meritorious. It is errounious, actually I now devote, each month, well over 200 hours in performaning my various ministerial duties. I spend about 115 hours monthly in public and teaching alone. Other time is spent in moring worship and devotionals . comforting and aiding the spiritualllly sidk and ~~aaadul~~ affilicated; caréng for my functions as Theocratic Ministry School Conductor and Magazine-Territory Servant (two Positions of servant responsibilities) in my local congregation of Jehovah's witnesses; preparing and researching public sermon; and other such Christial responsiblilites/ All in all, the majority of my time is devoted to ministry.

It may be that you have deinied that I am a minister because I perform a l little part time secular work to support myself... about 10 hours a week. In my"Memorandum of my Personal Appearance" on page two, paragraph 1-4 particularly, I discussed this subject. It is not at all strange that I should be working part time at a secular job. From apostolic times this has been an honorable practice. The Apostle Paul, as ever Bible student knows, made tents as a secular by-line to his ministry. I hardly believe that the local board would deny Paul a IV-D classification! He said: "by labor and toil, night and day we were working so as not to impose an expensive burden upon any one of you." He said of those whod did not work but lived off the congregation: " We hear certain ones are waskin g disorderly among you, not working at all but meddling with what does not concern them. " (2 Thes. 2:8,11 N. W. Trans.) I am no such a one "wasking disorderly" but do a little part time secular work aside form my vocation of the ministry so as "not to impose and expensive burden on anyone."

Part time secular work is a recgonized part of the life of the majority of preachers and ministers in the United States today. Not all clergymen are blessed with a finacially strong congregation. In the Northern Baptist Convention 80 percent of all clergymen in rural sections "help earn their keep by work not connected with their churches. " (Hartshorne and Froyd, Theological Education in the Northern Baptist Convention (1945) Judson Press, Philadelphia, p.72) It is well known that the majority of the ministers of the Society of Friends (Quakers), Church of Jesus Christ of Latter-day Saints (Mormons), Mennonites and many others are dependant enitrely upon sedular work for their support, no salary being paid to their ministers as a general rule. Yet they may be given the IV-D classification that I ask for.

It may be that you have denied that I am a minister, because I have not graduated from some theological or divinity school. That is not a valid reason for denying the ministerial classification to-me. It that were so, then you would not, could not classify Jesus Christ himself as a minister. The Apostles of the Lamb were "unlettered and ignorant men" (King James Version), "unlettered and ordinary" (New World Translation), Acts 4:13. The Selective Service Regulation lay down no test as to school schooling. The only test is ordination and vocation. That I meet in every respect. Therefore I should be classified IV-D.

I preach. I have my congregation of laymen that are dependent upon me for spiritual and soriptural instruction aand councle. I am not the type of minister who has a church building and a numbered congregation that I can call to chruch by ringing a bell so they can hear me preach. I am the missionary evangelist type of minister. It is reported of Jesus thathe "went round about the villages, teaching". Mr. 6:6 . He sent out seventy disciple to teach and preach in the homes of the people, giving them insturction to that effect in Luke, the 10 Ch.

The very essance of Christianity is to "go ye therefore, and teach all nations" (Mt. 28:19) converting them to the religion of Jesus Christ. This I do. There are some 70 million persons in the United States that do not belong to any reli gious many millions of persons that nominally belong to a religion, do not attend chrub at all; some only on Christman and Easter and other special days. Unless there were peripatetis ministers like myself, these would not be spiritually cared for, In performing my ministry there are many persons that have come to look upon me as their religious insturctor. I conduct Bible studies in their homes. I regularly call back on them and many others to give them a sermon 'at the fireside' so to speak. They look to me for comfort and guidance, which I give them from the Bible.

Unless I h ve my ministerial claim, which is a valid one by reason of minitry being my vocation, recognized by the local board, a great disservice will be cone to the community and to all the members of my congregation. They will be deprived of a religious leader and teacher. It is for this reason that I so deeply desire the proper recgnition as a minister.

It may be that that the local borard has denied ministerial classification to others of JehovahEs witnesses who have made that claim, but who were only part time ministers. (Note the discussion we had on this subject at the time of my first personal appearance, found on page 2, paragraph 4 of my Memorandum of my Personal Appearance. The board had a case of one of Jehovah's Witnesses, who was only a part time minister, in mind at this time.) I am not a part time minister--I am a full time minister. I devote over 200 hours every month to performance of my ministerial duties, with only 10 hours a week to secular support. Ministry is my vocation in life.

~~The this case~~ In this connection, I would like to mention the case of Dickinson v. United States, 346 U.S. 389, involving a minister of Jehovah's Witnesses like myself. Our situation are quite similar. He was a Pioneer Minister I am a Pioneer Minister. He did a little secular work part time. I do a little secular work part time. The Surpreme Court declared the he was a minister and stated that:

> "a ligitmate minister cannot be, for the purpose of the Act, unfrocked simply because all the members of his sect base an exemption claim of theof the dogma of its faith. That would leave the congregation without a cleric."

Concerning performace of secular work the Court said:

> "The statutor difination of a 'regular or duly ordained minister' dose not preclude all secular employment. Many preachers, including those in the more traditional and orthodox sects, may not be blessed with congregations , with perishes a pable of paying them a living wage. A statutory ban on all secular work would mete out draft exemptions with an uneven hand, to the detriment of those who minister to the poor and thus need some secular work in order to survive."

Since our cases are so similar, I ask the local board to take the same attitude as did the Supreme Court when it said:

> We think Dickinson made out a case which meets the statutory criteria. He was ordained in accordance with the ritual of his sect and, accordin g to the evidence here he meets the vital test of regularly, as a vocation, teaching and preaching the principales of his sect and conductiong public worship in the tradition of his religion."

Gentlemen, I am only interested in fulfilling my vows to God without interference, As a christian minister, I have a grave responsibliity to God and to the people of my congrgation, It is an unselfish desire that prompts me to request the exemption provided for ministers such as I by the Congress of the United States.

The second and third paragraphs from the end of my "Memorandum of my Personal Appearance" says the local board had no adverse or contredicory evidence agains me. Too my knowledge there still is noe against my claims.

Therefore I respetfull ask you to reopen my classification and reclassify me as a minister of religion, in Class IV-D,
on the basis of the new evidence presented herewith, and in my notes of last Sept. so that I may vows to God and minister to my fellow man for our mutual blessing from God.

Respectfully,

Stanley M. Bush
Ordained Minister

(Original written Feb. 15, 1957)

1. What is the Basis of your Conscientious objections?

2. What reasons do you have for your conscientious objections?

3. Is this country opposed to God's Kingdom?

4. What is your belief about the use of force? Under what circumstances woul you use force?

5. Do you believe Satan Controlls this world? This Nation? Our President?

6. Would you let an aggressive nation destryy this nation?

7. Do you believe in defending your loved ones and family? Your Country?

8. Would you bear arms in Defense of your family, Kingdom Hall, Country?

9. Didn't Christ use violance in chacing out money changers from temple?

10. Didn't Peter use carnal wepons whenhhe cut off the Priests Ear?

11. Didn't Christ authorize carnal weapons when he told them to buy swords?

12. Don't you believe in 'rendering Ceasers things to Ceaser'?

13. Is It love to stand by and watch your neighbors killed?

14. Would you defend yourself with a gun if an individual made a personal attack on you, your brothers, home or Kingdom Hall with a gun?

15. Don't you accept military protection without doing anything to help?

16. Arn't you supporting wars by paying taxes? Why not go futher and render time in service, which time you are taking to earn money out of which you pay from 20% up in taxes, over half of which goes for war purposes?

17. What ever job you work at, dosen't it contribuite to supporting this world, nation, in its war preparation even if indirectly? Like Saul holding Coat.

18. Why won't you work in non-combatant service, which is just as indirect as the job you may be holding, to defence, and in supporting this world?

19. If you relay on God's protection on a group basis, why not relay on him when It comes to personal defense against bodiley attack?

20. Do you believe in killing if necessary in your own defense?

21. Would you attempt to stop a thief? With force, (like a gun or club) if necessary?

22. Would you retalliate? To what extent would you try to stop him?

23. Why not relay on Jehovah is such circumatances to protect you?

24. Would you participate in any war that you understand is authorized by Jehovah?

25. Wouldn't that be inconsistant with 2 Cor. 10:3-5? Eph. 6;10-20 and with your previous statements?

26. Arn't you a Pacifist? What is the difference between a Co O. and Pacifist?

27. Do you get advise from the Society on what to say and how to say it?

28. Wouldn't this country be destroyed if everybody took the same attitude as you do?

29. Dosen't the Bible support wars? Didn't the Jews fight? Why don't you?

30. Isn't this a Christian nation? Dosen't God give us the right to protect our country

31. Don't you believe in submiting to those governing you?

32. Arn't you helping Comminisum by the way you act? Arn't you breaking down the countries morral? Isn't it wrong to try to get others not to defend themselves?

33. Don't you beleive in obeying all the laws of the Land? Wasn't our Countyy founded by God fearing men or even by God himself?

34. Don't we give you people freedom to preach? Shouldn't you do something in return?

35. Why don't you fight for your country? Sulate the Flag? Why? unpatirotic?

36. If our land was like Russia then you wouldn't be Bree to operate and win court cases. So why don't you do something about it to help us?

37. Do you believe in using guns for hunting? In killing anaimals?

38. Would you arm yourself if some ones were coming to mob you? Would you trust in God.

39. Why don't you be a minister in the Army like our minister who became a Chaplin?