

THE WASHINGTON AREA MILITARY AND DRAFT LAW PANEL

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Returning to Ft. McClellan, Alabama one evening from an off-post meeting, Pvt. Jeff S. was arrested by the military police for speeding. Because he was wearing a peace button on his civilian clothes, he was also charged with demonstrating on post, disorderly conduct, and disrespect to a superior officer. Two months earlier, he had filed a conscientious objector discharge application. He was given only 3½ hours to complete the massive paperwork such an application requires.

Three months after the speeding citation, Jeff's discharge application was denied. He refused to continue training and began a hunger strike. He was then thrown bodily into a truck and driven to a training area where, continuing his refusal, he was made to stand 12 hours in sub-freezing weather. He was later beaten under the supervision of two sergeants.

After 45 seconds of deliberation, a court martial convicted him of refusing orders to train. He subsequently lost a habeas corpus suit in federal court contesting the denial of his CO discharge application. Ordered to clear post for more training, he went AWOL for 40 days, finally surrendering himself at Ft. Meade, Maryland.

The Law Panel was contacted for legal assistance by the office of Jeff's Senator. A Panel attorney was assigned to the case. Because of his help, Jeff is expecting to receive a discharge shortly.

Private Jeff S.'s problems are common to many GIs. Over the last three years, military and selective service problems have increased tremendously nationwide, precipitating the formation of Law Panels in many cities.

In Washington, two categories of clients are particularly in need of the legal assistance which a Law Panel can give. These clients, by the nature of their status, have little money to pay for counsel.

Poor people and black people, because of the administrative structure of the Military Selective Service Act of 1967, are drafted in numbers disproportionate to the fraction of the population which they comprise. Because of the limited access to information which is characteristic of poverty, many such individuals waive, by default, rights they never knew they had, and are consequently drafted unnecessarily. The problem is especially acute in Washington, where 70% of the population is black.

Servicemen, likewise, can ill afford to pay for legal representation, yet they have a rapidly growing need for it. The widespread disaffection within the military is graphically reflected in a rapidly expanding military counseling case load. Because there are over 15 military posts in the Washington area, the demand for expert legal assistance here is very great.

The Washington Area Military and Draft Law Panel was formed to meet precisely these needs. It is a group of 40 Washington area attorneys who are willing to become involved in Military and Selective Service litigation. The Panel's purpose, simply, is to meet the needs of servicemen and potential draftees by providing competent and sympathetic counsel for such clients, free of charge when necessary.

The Law Panel is a project of the National Lawyers Guild. Membership is open to any attorney who is willing to take Panel cases free of charge. Cases which come to the Panel, both paying and non-paying, are distributed as equitably as possible. The average load of cases has been roughly two per member per month.

Attorneys who are unable to represent clients in open court, because of job demands or other reasons, are nevertheless welcomed as Panel members. Their skills are invaluable in assisting with research and in representing clients outside the courtroom.

The Law Panel is staffed on a full-time basis by a draft counselor and by a military counselor. It relies substantially on interested law students for research and on volunteer help for assistance with other aspects of its program. The staff counsels persons needing assistance or refers them to physicians, psychiatrists, lawyers, or other counselors, as appropriate. The staff also conducts research on case law and administrative policies in Selective Service and military matters. This research provides important inputs for the Law Panel Newsletter, which is published ten times per year and keeps subscribers abreast of recent changes in the law. It also provides valuable additions to the Panel's library on military and Selective Service law.

The Panel provides numerous services for its attorneys and affiliated counselors, including training sessions for draft and military counselors, seminars for attorneys, the Newsletter, and its library.

The Panel also undertakes programs which increase its visibility to those who would otherwise be deprived of legal assistance. For example, a Freedom Physical was held in July 1970. This was a weekend medical examination clinic, held in the black community, to discover and document physical deficiencies of black registrants which would legally qualify them for medical deferment from military service, and which would not otherwise have been noticed.

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Through these programs, the Washington Area Military and Draft Law Panel is building a legal service which assists large numbers of young men in resolving the problems created in their lives by military service.

The Washington Law Panel began its operations with the help of an initial grant from the Civil Liberties Legal Defense Fund. To continue its operations, it must rely heavily on individual contributions.

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a legal service for gi's and draft age men