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Spock and Coffin Indicted For Activity Against Draft

U.S. Says Five Conspired to Counsel Young Men to Resist Service

By FRED P. GRAHAM
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WASHINGTON, Jan. 5—Five men, including Dr. Benjamin Spock, the author and pediatrician, and the Rev. William Sloane Coffin Jr., chaplain of Yale University, were indicted today on charges of conspiring to counsel young men to violate the draft laws.

The others indicted are Michael Ferber, a 23-year-old Harvard University graduate student; Mitchell Goodman, 44, of New York and Temple, Me., an author, and Marcus Raskin, 33, of Washington, co-director of the Institute for Policy Studies, a private research organization.

In New York Dr. Spock said tonight that he hoped "100,000, 200,000 or even 500,000 young Americans either refuse to be drafted or to obey orders if in military service."

Attorney General Ramsey Clark announced the indictment, which was handed down this afternoon by a Federal grand jury in Boston.

If convicted, the men could receive maximum penalties of five years in prison and \$10,000 fines.

Mr. Clark's announcement said the men would not be arrested but would be notified when to appear for arraignment in Federal District Court in Boston after a date had been set.

The indictment represents the strongest countermove by

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The New York Times
Dr. Benjamin Spock



United Press International
William Sloane Coffin Jr.

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the Government so far to the antidraft movement that has sprung up among opponents of the United States' Vietnam war policy.

Justice Department officials said later that the briefcase had contained draft cards and other matter.

Dr. Spock, 64, is one of the best-known figures in the antiwar movement and has been mentioned as a possible independent candidate for President on a peace platform.

Mr. Coffin, who is 43, was a prominent figure in the series of antiwar demonstrations here late last October.

On Oct. 20 he turned in a briefcase full of what he said were draft cards to officials at the Justice Department building here and later accused one of them of being "derelect in his duty" for not having arrested him. He said he wanted to be arrested in order to precipitate a "moral, legal confrontation" with the Government over the draft.

The indictment accused the five men of conspiring to counsel, aid and abet young men to refuse to serve in the armed forces and perform other duties — such as carrying draft registration cards at all times — that are required by the Selective Service law.

Boston Rally Cited

Justice Department sources said the men had been indicted in Boston apparently because the first overt act of the conspiracy, as charged in the indictment, took place there. This was a rally at the Arlington Street Church on Oct. 16, at which a number of draft cards were collected to be turned over to the Justice Department. Several other acts of the alleged conspiracy were also said to have occurred in Boston.

According to the indictment, Dr. Spock, Mr. Coffin, Mr. Raskin and Mr. Goodman agreed to sponsor a nationwide draft-

resistance program that would include disrupting the induction processes at various induction centers, making public appeals for young men to resist the draft and to refuse to serve in the military services and issuing calls for registrants to turn in their draft cards.

Mr. Ferber was accused of having acted with unnamed persons to collect the draft cards at the Boston rally.

Other specific acts alleged included the distribution in New York last August by Dr. Spock and Mr. Coffin of a statement entitled "A Call to Resist Illegitimate Authority" and a speech by Mr. Ferber at the Boston rally entitled "A Time to Say No."

The men were accused of having violated Title 50, Section 462(A) of the United States Code Appendix, a section of the Universal Military Training and Service Act that dates to World War I.

It declares that any person is guilty of violating the law if he "knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces" or if he "shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise," with the administration of the draft. It also makes it a crime to conspire to commit these acts.

The Supreme Court ruled in a landmark decision in 1919, in Schenck v. United States, that the First Amendment's freedom-of-speech guarantee did not protect a person from conviction for "counseling" draft evasion in violation of this law.

Many legal scholars feel that the Supreme Court today would not follow this reasoning and that it might hold that merely "counseling" draft evasion is protected by the First Amendment.

Until today the antidraft controversy had centered on the insistence of Lieut. Gen. Lewis B. Hershey, director of Selective Service, that young men should be subject to draft reclassification if they staged illegal protests against Selective Service.