

Cabbage Found Guilty Of Evading Induction

By WILLIAM GREEN

A federal court jury of six white men, four white women and two Negro men yesterday found black power advocate Charles LaVerne Cabbage guilty of draft evasion.

The verdict could result in a maximum sentence of five years imprisonment and \$10,000 fine. No date has been set for sentencing. The jury deliberated an hour and five minutes.

The defendant, who had testified he now is willing to serve, remained free on \$5,000 bond. His attorney said he would appeal.

The conviction was a rejection of the defense's argument that Cabbage, 25, had intended to report to Local Board 83 on the morning of last May 10, but was unable because of deep depression caused by a "persecution complex and a fragmented personality."

Cabbage is a founder of the black militant Invaders and a graduate of Morehouse College in Atlanta.

"What made you change your mind (about going into the service)?" Asst. United States Atty. Henry Klein asked Cabbage in cross-examination.

"Other than going to prison," the defendant answered, "I might be able to continue my education and study law."

"Why didn't you report for induction," Mr. Klein asked.

"It was my intention to be there on May 10," said Cabbage, who, according to a psychiatrist, views the Vietnam War as a fight that should not involve black men. "I was incapable."

Defense attorney Howard Moore Jr. of Atlanta, also charged in his final argument that Cabbage was a conscientious objector who now is willing to enter the armed services in a non-combat capacity.

The defendant testified that among the reasons he resisted

induction was his unawareness of all the noncombat alternatives the Army offered conscientious objectors.

Government witnesses, including two FBI agents and the executive director of Local Board 83, testified that at least twice Cabbage was offered but did not fill out forms necessary to qualify as a conscientious objector. They said he told authorities he never intended to enter the service.

Judge Bailey Brown said the argument that Cabbage had changed his mind about service was irrelevant to the indictment.

Cabbage, who laughed and conversed with friends while awaiting the verdict, stood solemnly when the "guilty" was pronounced by the jury foreman. A usually colorful dresser, he wore a bright yellow sweater and black bell-bottom trousers.

Mr. Moore, a Southern Defense Fund attorney who represents draft cases, told his client "Don't worry, baby" as they left the courtroom.

"You know me," Cabbage said with a laugh. He was flanked by his mother and numerous friends.

A former employe of the War on Poverty program, Cabbage still has two state court indictments to face — one charging him with third-degree burglary, larceny and receiving stolen property; the other with carrying a pistol.