



MUHAMMAD ALI KEEPS IN SHAPE BEHIND DAUGHTERS' CARRIAGE.

EXPENSIVE FIGHT

How much money does it take to fight City Hall?

On June 28, 1971, the U.S. Supreme Court reversed unanimously the draft-evasion conviction of former heavyweight boxing champion Muhammad Ali.

In an unsigned 8 to 0 decision the Court held that the U.S. Justice Department had improperly intervened in the case of the black boxer who had been sentenced to five years in prison for refusing to be drafted into the Army.

In 1966, Cassius Clay, also known as Muhammad Ali, claimed exemption from the draft as a conscientious objector. His local draft board in Louisville, Ky., rejected his claim.

Ali then appealed to the Kentucky State Appeal Board, which tentatively classified him 1A. At the same time it referred his file to the Department of

Justice for an advisory recommendation.

The Justice Department asked the FBI to investigate. The FBI conducted a thorough investigation, interviewing 35 people, among them friends, neighbors, business associates, religious contacts, and members of Ali's family.

The Justice Department also appointed a special hearing officer to the case. He was Judge Lawrence Grauman, a member of the Kentucky Circuit Court for 25 years. Judge Grauman read the full report of the FBI, questioned Ali, his parents, one of his attorneys, and his minister.

After weighing all the evidence, Judge Grauman recommended that Ali be granted draft exemption on the grounds of conscientious objection.

"Notwithstanding this recommendation," the Supreme Court decision states, "the Department of Justice wrote a letter to

Parade 8/30/72
the Appeal Board advising it that the petitioner's conscientious objector claim should be denied."

Who was the official in the Justice Department who took it upon himself to disregard the recommendation of Judge Lawrence Grauman after Grauman had declared "that the registrant is sincere in his objections"?

He was T. Oscar Smith, a Georgia-born, Georgia-reared lawyer who had started out in the Justice Department in 1935 as a clerk and had worked his way up to become chief of the conscientious objector section. Smith died in August, 1969.

After the Kentucky Selective Service Appeal Board received Smith's letter, it ordered Ali to report for induction. He refused to be sworn into the Army, was tried and convicted.

It cost Ali approximately \$150,000 in legal fees, and four years of incalculable stress and strain, according to one of his attorneys, Chauncey Eskridge of Chicago, to fight and win the case, which in the final analysis was caused by the error of T. Oscar Smith of the Department of Justice. As the court unanimously ruled, "...The Department was simply wrong as a matter of law in advising that the petitioner's beliefs were not religiously based and were not sincerely held."

What recourse does Ali have against the government? Since T. Oscar Smith is dead and there is no way of weighing Smith's motives or competency, Ali for all practical purposes has no recourse.

More important yet, what chance does the average young man who cannot afford \$150,000 in legal fees have against the government?