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**Officer Guilty
In Protest Case**

An American Air Force captain was convicted yesterday of participating in an antiwar demonstration in London in violation of an Air Force regulation prohibiting such activities by men stationed abroad.

The officer, Capt. Thomas L. Culver, said he will appeal the constitutionality of the regulation, which does not apply to airmen in the United States.

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A.F. Captain Convicted For Protest in London

By Dan Yergin

Special to The Washington Post

LAKENHEATH, England, July 13 — Capt. Thomas L. Culver, a 32-year-old legal officer, was found guilty today of violating an Air Force regulation forbidding demonstrations by airmen outside the United States.

The court-martial was the first test of the right of U.S. airmen abroad to petition and demonstrate.

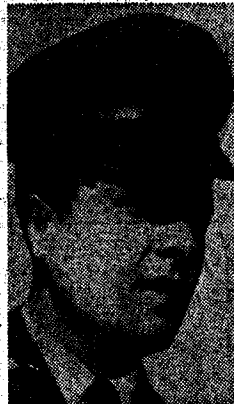
Culver was charged with participating in an antiwar demonstration in London on May 31 and also with soliciting others to participate, both in violation of an Air Force regulation which bars such activity. The regulation does not apply within the United States.

The jury of eight officers returned to the small courtroom here this afternoon after almost four hours of deliberation. More than two-thirds voted for conviction. Sentencing will be Wednesday.

Outside the courtroom shortly after the verdict, Culver, visibly shaken but still calm of voice, said, "I'm upset, but not surprised. The judge gave such a broad definition of demonstrations that the jury had to find me guilty. This will be a big hunk out of my life, but I hope that the appellate court will decide on the constitutionality and rule that I am not guilty and that servicemen do have rights. Somebody had to stick their neck out. This is the way you make law."

Culver can move his case through the military appeal court system up to the Court of Military Appeals which sits in Washington. That board is made up of three civilians. The case could also be taken by the U. S. Supreme Court if it agrees with the defense contention that a constitutional issue is involved.

Similarly higher commands up the line, up to and including the President, the commander in chief, will be re-



CAPT. THOMAS CULVER
... "Not Surprised"

viewing the case with the option of lessening the charge or the sentence.

Early in the trial the defense challenged the constitutionality of the regulation barring participation in demonstrations outside the United States. The trial judge, Carl R. Abrams, ruled against it.

Both sides generally agreed to the facts of the May 31 incident—that 200 off-duty airmen assembled in civilian dress at Speakers Corner in Hyde Park, that they walked in groups of six to the embassy to deliver their anti war petition addressed to the President and Congress, and that they then attended a concert in Victoria Park.

The five-day trial focused on the question of whether this was a demonstration.

Abrams, stating that he had consulted five dictionaries, defined a demonstration as "a public showing or display by a large group of assembled persons, of feelings such as sympathy or antagonism, especially towards a person, a cause, or action of public interest—for a large crowd to intentionally assemble to protest against or dictate favor

for some official action or attitude against—a public exhibition of welcome, approval or condemnation, a public manifestation of feeling."

Edward F. Sherman, civilian defense counsel and professor of law at Indiana University, described the definition as "wholly inadequate."

Prosecutor Franklin A. Luna argued that "there was planning and organization afoot, attempts to get attention, statements read out, and political satire. What happened down there was a demonstration."

The defense concentrated on trying to prove that no demonstration had occurred, that it was only the presentation of a petition—a right guaranteed by the first amendment to the Constitution, as well as by section 4 of Air Force regulation 35-15, which guarantees airmen the right to petition Congress.

Replying to prosecution's suggestions that the incidents had threatened "harmonious relations" with Britain, the defense called several British citizens. Commander Harold Hodgson of Scotland Yard said the airmen were "anxious not to break any law and to stay within U.S. military regulations."

Summing up for the defense, Capt. Frank Wessen stated, "these young men—and we have to remember that the servicemen today are a lot different from those of 25 years ago, they are better educated and more aware of the world around them—came in a relaxed and peaceful manner, guided by a rather vague regulation, attempting to stay within the law, to present a petition to the members of Congress and to the President."

Wessen concluded by quoting President Nixon who declared in 1969 that "everyone in uniform is a citizen first and a serviceman second, and we must resist any attempt to isolate or separate the defender from the defendant."