

'Illegal War'**A Draft Evader
Gets 5 Years**

Hartford, Conn.

David H. Mitchell III received a maximum five-year sentence yesterday for failing to report for the draft.

Just before sentence was passed, the 23-year-old New Yorker restated his charges that the United States has been committing acts against humanity in Vietnam and elsewhere and is currently waging an illegal war of aggression.

The United States Government is "morally bankrupt and criminally liable," he said.

U.S. district Judge T. Emmet Clarie recommended that Federal prison officials treat Mitchell as ineligible for parole for at least the period of time that an inductee would serve in the armed forces. Draftees normally serve two years.

Clarie also recommended that Mitchell—a former resident of New Canaan now living in Brooklyn—be confined somewhere other than in Connecticut or New York.

When the time came for sentencing, United States Attorney Jon O. Newman asked

that Mitchell be punished for the offense he committed and not for his protests. Then defense attorney Mark Lane of New York city made a plea in Mitchell's behalf, saying he was speaking "for justice and not for mercy."

Lane referred to Mitchell as a patriot who might some day be able to say he had been in jail "for opposing an unjust war."

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