

Former Nebraskan Abbott convicted on draft charge

by Jim Pedersen
Staff Writer

Stephen Abbott, former University of Nebraska student, was convicted Jan. 10 on the federal felony of refusing to step forward for induction into the U.S. Army.

In a separate ruling based on Abbott's defense, U.S. District Judge Robert Van Pelt ruled that there was basis in fact for the decision of Selective Service Board No. 58 which denied Abbott classification as conscientious objector.

ABBOTT HAS since filed a motion in U.S.

Steve
Abbott



District Court requesting a new trial. If his motion is denied, Judge Van Pelt will pass sentence.

Abbott has said he then will appeal the decision of the court to the Eighth Circuit Court of Appeals in St. Louis, Mo. and to the Supreme Court if necessary.

Abbott has returned to Atlanta, Ga., where he is a graduate student in English at Emory University. He remains free on \$500 bond posted after he was indicted for failure to step forward in October of 1967.

"I refused induction because it is against my conscience to serve in the military service," Abbott testified, "and because I feel that my induction was illegal since the local draft board refused to classify me I-O (conscientious objector)."

THE CONVICTION was a special disappointment to Abbott's parents, Mr. and Mrs. Eugene Abbott of 2625 Scott Ave.

"He had such a good defense and so much support," she added, "that we expected him to be acquitted even though there was the possibility of conviction."

In the trial Abbott's attorney, Peter Rindskopf of Atlanta, Ga., hinted that both the local board and the Nebraska Selective Service Appeal Board were prejudiced against Abbott because he was Roman Catholic, not one of the traditional "peace churches" which sponsor many conscientious objectors.

"THE STATE appeal board first contended that Steve could not be granted a I-O classification because he was not a member of one of the 'peace churches,'" Mrs. Abbott said. "It was not until they had been approached by ministers from several different churches that they changed their tactics and declared he was insincere."

In testimony before the court, Nate Holman, chairman of the state appeal board, said that "there couldn't be fewer than 100 Catholics who have appealed for I-O classification and in more cases than not they were granted such classification."

Abbott appealed his classification to the state board twice. On both occasions he sought classification as conscientious objector.

On the first occasion the state board overruled the local board which had given him a I-A classification, and, since he was teaching high school, awarded Abbott a II-A deferment.

Abbott maintained that deferment until June, 1967, when he was reclassified I-A. He again ap-

pealed to the state board, but this time the board confirmed the I-A classification.

HE WAS preparing to appeal for an FBI hearing to prove his sincerity in seeking I-O classification when Congress passed a new Selective Service law barring such hearings for conscientious objector applicants.

Rindskopf, in filing for a new trial, said that Abbott was denied due process and equal protection by not being given a hearing before impartial officials on his claim to be a conscientious objector.

According to Mr. Abbott, his son learned of the Presidential Appeals Board in Washington, D.C. only after it was too late to appeal there on his own.

THE STATE board in denying Abbott his appeal for a I-O classification for the second time, did so by a vote of 4-0.

An individual cannot appeal to the Presidential Board if the state board's action is unanimous. However, the state Selective Service director can make the appeal directly to the Presidential Board for the individual.

"Although we asked General Henniger, the state director, to make the appeal," Mr. Abbott said, "no action was taken."

JUDGE VAN PELT admitted to both the defense and the prosecution that the testimony by members of the local board was so befuddled that he didn't know what the local board was driving at, Mr. Abbott added.

"It was only after he recalled John L. Beau, a member of the board who testified that Steve was not sincere, that Judge Van Pelt handed down his ruling," he said.

It took the judge over 45 minutes to read the Abbott file, according to Mr. Abbott. Yet the local board often handles 100 cases in a two hour period.

"I think because Steve was a leader both at the University of Nebraska and at Emory University and because he might influence other young men," Mr. Abbott added, "the authorities wanted to make an example of him."

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