

Court suit planned against draft lottery

Madison, Wis. — (CPS) — A suit has been filed in the U.S. District Court in Madison, Wisconsin, seeking to overturn the draft lottery held last December claiming it was not random.

District Court Judge James Doyle declined to issue a restraining order as was sought by the group filing suit. However, he also declined to dismiss the suit as was requested by government attorneys, saying that he sees a discrepancy between the supposedly random selection ordered by the president and the actual result of the drawing.

The lawyer for the 13 plaintiffs named in the suit, David Heitzman, said this indicated the suit was "obviously not frivolous." He characterized the case to date by saying "we're still in the discovery stage" and are seeking "positive evidence" that the lottery was not random.

HEITZMAN was to have come to Selective Service headquarters in Washington January 22 to obtain depositions from various members of the Selective Service. A deposition is a testimony that is received while a clerk of the court is present to record it officially. Heitzman indicated that the procedure can be roughly compared to cross-examining a witness.

Heitzman indicated that he intended to talk with Col. Charles Fox and Capt. William Pascoe, public information director, and possibly General Lewis Hershey, Selective Service director. Plans were also being made to film a reenactment of the process used to "randomize" the lottery for evidence in the suit.

When CPS contacted Pascoe at Selective Service headquarters January 19, he said

that he knew nothing about the case, nor that Heitzman planned to meet with him Thursday. He also declined to speculate what the implications would be if the lottery was overturned. He said he was not a lawyer and not even sure what all the legal terms such as restraining order and injunction meant.

David Stodolsky, one of the plaintiffs in the suit and graduate student at the University of Wisconsin at Madison, ran the analysis on the lottery that indicated more men with birthdays from January to June received "safer" numbers than did those born in the other months.

HE SAID he became interested in the lottery when he looked at a partial analysis compiled by a staff member in the university computer center. He became convinced that the lottery was not random when he conducted a more thorough analysis.

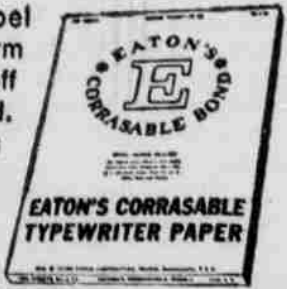
Stodolsky drew number 47 in the lottery, but says this has nothing to do with the suit.



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