

# IT'S NOT TOO LATE KNOW YOUR RIGHTS

Many of you taking physicals or being inducted today will soon be sent to Vietnam. Some of you probably feel that the war should be stopped, others feel that you just don't want to go to Vietnam; most of you probably feel there are better things to do than spend two years in the Army. If you feel this way, as a civilian here are some completely legal things to do to at least temporarily avoid being drafted. Remember you are not in the Army until the very end of the induction process.



## A. IF YOU ARE HERE FOR A PRE-INDUCTION PHYSICAL:

1. You can refuse to fill out the security questionnaire, DD Form #98, that asks about your relations with a list of organizations. The constitution says its your right under the 1st and 5th amendments. The sergeant may threaten you and tell you it's "unpatriotic", but they can't force you to fill it out. Your draft board can't declare you delinquent and induct you right away if you don't fill it out. If you refuse to fill out the oath they'll send you in to see a guy from Military Intelligence. You don't have to tell him anything and you don't have to sign anything. However, it's best to tell him what you think about the war and the army. If you don't answer the questions they will probably not decide whether you're acceptable until they've done a security check on you, which takes 2 months. They may ask you to fill out DD #398 (see below) but you don't have to if you don't want to.

2. You can ask the sergeant to read you or show you the Surgeon General's list of physical standards for Induction. If he won't do it tell the other inductees that he's not letting them find out if they are eligible for a medical deferment. You or they may have something wrong with you that will get you out. Ask the sergeant to explain what the diseases are. Many people are afraid to mention some disease or don't think it matters. If they won't show you the list, we have a copy.

3. If you want to see a psychiatrist, you should mark the boxes on the medical history form marked "periodic depression", etc. The psychiatrist won't look at you very long or carefully, and he'll think you are faking, but tell him how you feel about the army and what you'd do if you got taken in. If he thinks you won't be able to adjust to army discipline, he may let you out. Using drugs doesn't automatically get you out but if you have problems with drugs the Army may not want you. As with medical matters, it's best to have a letter from a psychiatrist so try to get a delay until you can see a private psychiatrist.

## B. IF YOU'RE HERE FOR INDUCTION

1. You can refuse to fill out the "Personal History Questionnaire", DD #398. It's an invasion of your privacy and right to free speech under the 1st and 5th amendments. If you were to answer yes to questions 17, 18 or 19 you could be prosecuted. They'll threaten you with all kinds of things, but there's really nothing they can do. They'll make you talk to an officer from Military Intelligence who will ask you a lot of questions. You don't have to answer them and you don't have to sign anything. However, if you tell him what you think about the war and the army they will probably not take you for a few months while they check up on you and they might let you out permanently.

2. You can ask to see a copy of the Code of Military Justice (UCMJ). These are the laws that govern you while you're in the service. You don't have the same rights as when you're a civilian. When you get inducted into the army, you give up many of these rights and you should know which ones. You can ask to read the UCMJ or have a lawyer explain it to you. The army tells you not to sign anything you haven't read, and since by going into the army you're essentially signing away your civilian rights, you should know what you're getting into. They usually only mention the UCMJ just before the induction ceremony, but you and the other inductees can ask to see the UCMJ earlier. Asking to see it can delay your induction. If they don't show you the UCMJ and you refuse to go, our lawyers say they couldn't convict you. Instead they'd just try to induct you again.

3. As a last resort you can simply refuse to go. If you do this you are breaking the Selective Service law, and liable for up to five years in jail. However, many recent jail terms for refusing induction have run about two years, the same amount of time you'd spend in the army. And many guys who are in the army now tell us that it's even worse than jail.

4. If all else fails and you do end up in the army, it is possible, although very difficult, to get out. A number of men have been discharged for "failure to adjust." This type of discharge is often given the first few months of service, during basic training to men who clearly don't adjust to army life. They are guys who don't break any army regulations if they can help it, but who aren't getting along and don't really fit in. This isn't the kind of discharge you apply for, but if you do have trouble adjusting to Army life, you can talk to an Army psychiatrist.

### IN EITHER CASE

1. You should make sure you haven't missed out on a deferment. If you have anything medically wrong with you, even some childhood sickness, make sure you put it down on the form. If you don't have a letter from the doctor who treated you, request a delay in your physical or induction for you until you get it. If you don't get the delay, write your draft board telling them what happened and complain to them. If there is anyone dependent on you for support tell your draft board and the people at the induction center. The dependency doesn't have to be financial: for example if you live with your widowed mother and she needs you to drive her around, you may be eligible for a deferment. We have draft counselors and lawyers available who can help you get such a deferment.

2. You can pass out this leaflet inside the induction center. As far as we know, it's not illegal and no one has been arrested for doing it. In most cases the induction center officials kick out people who hand out the leaflet inside. In spite of what they may tell you, the draft board can't induct you right away if they kick you out, provided you cooperate otherwise. If they kick you out or take the leaflets away get the name of the officer and get a witness to write out what happened.

3. Talk to the other guys about the war and the draft. Many of them probably don't want to go in or don't really know why they're being sent to fight in a foreign war. The army won't let you out because you're against the war, but if they think you will persuade a lot of other G. I. 's to oppose the war, they might have second thoughts about taking you.

4. Get in touch with the Anti-Draft Union as soon as possible. We can help you get your rights under the law, and we can help you apply as a conscientious objector.

## WHY ARE WE FIGHTING IN VIETNAM?

The U.S. Government says that we must stop communism in Vietnam in order to help the people there build democracy and to defend the national interest of the United States. Let's analyze these reasons more closely.

### BUILDING DEMOCRACY IN VIETNAM

The U.S. is supposed to be protecting democracy. But we've all seen the endless stream of military dictators who rise and fall in Saigon. South Vietnam has never had truly free elections. There were supposed to be free elections in 1956, but as President Eisenhower admitted, "had elections been held as of the time of the fighting (1954-56), possibly 80% of the populace would rather have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai". In elections held since then, no "communists" or "neutralists" were allowed to run. This would be like having "free elections" in the U.S., but not allowing anti-war Democrats to run. There is no democracy in Vietnam, because if the people would choose, they would tell the U.S. to get out.

### DEFENDING THE NATIONAL INTEREST

What is the national interest? For the past 20 years, the government has told us the national interest is stopping Communism. As a result, the U.S. has more foreign bases and more troops stationed abroad than any other nation. We've made ourselves the world's policeman, and it seems that every time we intervene somewhere, it means stopping any attempt of a people, Communist or not, to improve their lives by regaining control and enjoying the benefits of their own wealth and labor. This happened in the Dominican Republic and it's happening now in Vietnam. Why do we intervene so often? Because big corporations in the U.S. have billions of dollars invested abroad which would be lost if these revolutions succeeded. Anti-communism means risking your life to protect the property of the rich at the expense of the poor. The effect of our military intervention doesn't only hurt poor people abroad. At home it means:

- Money going into the manufacture of Armaments for war rather than for hospitals, housing education, and eliminating poverty.
- Inflation and a rising cost of living
- Unemployment in Arms industries when government contracts end and in consumer goods industries when people can't afford autos and houses.
- Increasing taxes
- Giving the government an excuse (the 'national interest') to prevent break strikes such as the railroad, ILWU, electrical, and Airline strikes.
- Drafting more and more working people. The "new" draft law only makes it harder on working people because it now gives complete exemptions to college students.
- All these things lead to increasing frustrations and rebellions in black ghettos.

Workers who are getting screwed at home so bosses can make profits are also dying for them in Vietnam.

### WHO ARE WE FIGHTING?

Supposedly, the communists. And there are Communists among the Viet Cong. Yet most people in South Vietnam seem to support the guerrillas. Despite the great increase of American GI's in the South and the bombing by American B-52s of the North, no one in our government claims we are winning. The washerwoman at the American air base at Da Nang brought a bomb to work one day. The little boy who takes candy from American GI's often slips off and tells the guerillas where Americans are. It is impossible, say the military, to tell the Viet Cong from the civilians. Why do so many people support the Viet Cong? Among the rebels are the same men who have fought for 20 years to rid their country of the Japanese and the French. They believe that American soldiers are just as bad as these earlier foreign rulers.

### HOW ARE WE FIGHTING?

Because we can't tell our friends from our enemies, American soldiers are forced to use increasingly brutal tactics against everyone. We've all seen pictures of mothers holding babies burned to death by napalm that was supposed to kill only the "enemy". We've watched on TV as GI's under orders kick and beat old men of 60 to get information. And we read daily that American soldiers burned thousands of pounds of rice which was to feed starving peasants.

We at home must try to end this brutality--to end the war by getting the U. S. out of Vietnam.

### WE WANT TO BRING THE GI'S HOME NOW

### BUT WHERE DO YOU COME IN?

As a soldier, you will be ordered to do many of these things you see on TV. You may not know whether they are right or wrong, and you may not wish to do them. But in the Army you have very little choice. The time to act is NOW, while you are still a civilian. So look again at those points we mentioned; and then if you want help, just talk to us now, or call us.

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