

NEW PROCEDURE IN DEPARTMENT OF JUSTICE
TO BE FOLLOWED BY JEHOVAH'S WITNESSES

The Supreme Court of the United States has rendered decisions recently affecting the procedure of the Department of Justice in handling conscientious objector cases. Because of the changes that have been made and those that will be made by the Department of Justice and the Selective Service System it will be necessary to change the procedure to be followed by registrants as well. This memorandum will take up the departmental procedure from its beginning. It is suggested that you follow each step here outlined carefully. Where it is suggested that a letter be written be sure to keep a copy of your letter. Also keep the letters and envelopes that you receive from the Department of Justice or the draft boards.

The Secret FBI Report

Section 6(j) of the Universal Military Training and Service Act provides for the reference of a conscientious objector claim by the appeal board to the Department of Justice. First the Department of Justice has the FBI agents make an investigation. This is followed by a secret report by the FBI to the hearing officer of the Department of Justice. Then the registrant is notified to appear before the hearing officer for a hearing. Before the hearing he is sent a notice of the time and place of hearing. Along with this notice the registrant receives instructions. Accompanying these, also, is a summary of the important parts of the secret FBI investigative report.

Upon receipt of the summary of the FBI report the registrant should examine it. The registrant will note that no names and addresses of informants are included. If there is any false information given by an unknown informer it will be impossible for the registrant to know who the person was or even whether the informant had the knowledge of what he is reported to have said. There is no way to determine whether the information is outright false. There is no means of checking this information.

Immediately upon receiving this summary the registrant should write a letter to the hearing officer. Several copies of this letter should be prepared. A copy should be mailed to the local board to be placed in the draft board file. In this letter to the hearing officer the registrant should state that he desires to be supplied by the hearing officer before the hearing or at the hearing with the secret FBI investigative report itself. He should state in his letter that he needs the secret report to compare with the summary to determine whether the summary is fair and accurate. He should also add in his letter that he desires to identify the source of the information and know who the informants are in order to be able to answer the information or challenge the informants because of evil motive, lack of knowledge or on other grounds. He should also state that he desires to have the entire FBI report so that he can prepare a full and complete answer to the entire FBI report.

The registrant should state to the hearing officer, in this letter, that he wants to make a copy of the entire report so that the entire report can be put in the draft board file and forwarded to the appeal board for the

reason that the appeal board is entitled to all the favorable as well as the unfavorable evidence. He should then add that if he is not permitted to make a copy of the complete FBI report then he desires that the hearing officer and the Department of Justice both see to it that the entire FBI report not only be supplied to him at the hearing but also that it be sent to the appeal board together with the final recommendation of the Department of Justice.

In conclusion in this letter the registrant should state that he does not want to call the informers before the hearing officer or cross-examine them. He should add that he does not desire to delay the proceedings. He can say that all he wants is to have an opportunity to answer and also to have the favorable evidence brought to the attention of the appeal board and to make use of the favorable evidence at his hearing before the hearing officer.

Summary of FBI Report Received from Hearing Officer

Upon receipt of the letter from the hearing officer of the Department of Justice, including the summary of the FBI report, the registrant should write another letter to the hearing officer of the Department of Justice. He should make six copies of the summary of the FBI report mailed to him by the Department of Justice as soon as possible after it is received. He should send one of the copies of the summary to the local board and request that it be forwarded to the appeal board. He should put another copy with his letter to the hearing officer and request that this copy be included in the draft board file sent to the appeal board along with the final recommendation of the Department of Justice. He should state that the copy enclosed is identical with the copy received from the hearing officer. He should state that if the Department of Justice does not want to make use of this copy in filing the summary with the appeal board the Department of Justice can send its own copy of the summary to the appeal board.

The registrant should then take up the summary of the FBI report and deal with each sentence of the adverse material appearing in the summary of the FBI report. The registrant should explain, answer or contradict, whichever the case may be, each sentence of the unfavorable evidence appearing in the FBI report. He should point out, also, how this unfavorable evidence is contradicted by other material appearing in the summary of the FBI report. Several copies of this answer or comment upon the adverse evidence should be made. One extra copy of the answer or comment upon this unfavorable evidence should be forwarded to the Department of Justice with the letter to the hearing officer, along with a request that it be sent to the appeal board to be included in the registrant's file along with the final recommendation of the Department of Justice.

In this letter to the Department of Justice hearing officer the Department of Justice should be requested to include the hearing officer's report in the draft board file and forward it to the appeal board so that it can be compared with the final recommendation of the Department of Justice and considered along with the other papers in the file.

(over)

ASK FOR
SECRET
REPORT
GIVE ANSWERS
WHY

RIGHTLY TO
BRING WITNESSES

COPY OF
SUMMARY
6 COPIES

Final Recommendation of the Department of Justice

The Department of Justice will mail to the registrant a copy of the final recommendation of the department to the appeal board or a summary of it containing the grounds of the unfavorable recommendation. If the summary comes from the appeal board the answer should be directed to the appeal board. If the summary of the recommendation comes from the Department of Justice then the answer should be to the Department of Justice unless you are advised to write your answer to the appeal board. In any event, wherever the registrant is told to write his reply to, he should comply with the instructions, but, also, he should send a copy of his letter to the local board to be filed with the draft board papers.

Each sentence of the adverse recommendation should be dealt with separately. Each sentence should be quoted in the answer and then explained or denied. Full answers should be made on each sentence of the adverse or unfavorable recommendation. Any references to reports by informants should be answered. Any unfavorable arguments or conclusions of the Department of Justice should be argued fully in the answer of the registrant.

In the event the recommendation refers to informants' unfavorable evidence, then the informants' evidence should be challenged. The registrant should state that he has no opportunity to defend against the evidence given by the unknown informants because he has no way of saying whether the persons are known to him or know the facts stated against him, because he has no way of knowing the names of the persons, or their addresses. A statement should be made in the letter that it is necessary to have the names and addresses of the informants to protect the registrant.

In this same letter to the Department of Justice or to the appeal board, whichever the case may be, the registrant should request again that he be supplied the entire FBI report so that he can protect himself and his rights under the law.

The registrant should also complain to the appeal board or the Department of Justice, whichever the case may be, about the recommendation's being based on the secret FBI investigative report and complain that it is not included in the file. Both the Department of Justice and the appeal board should be requested to include all the FBI report in the file so that all the evidence for the benefit of the registrant will be included. The registrant should again demand that he be supplied the copy of the FBI report so that he can answer the informants whose names will become known to him when he reads the report showing their names and addresses.

The appeal board or the Department of Justice, whichever the case may be, should be informed that the hearing officer of the Department of Justice gave the registrant a summary of the unfavorable evidence. He should state that a copy of the written document is being enclosed with the letter to the appeal board or the Department

of Justice, whichever the case may be, and it is requested that it be filed with the papers in the draft board file so that the summary will be considered by the appeal board.

In the conclusion of the letter answering the unfavorable recommendation the registrant should complain about being tried behind his back and being denied a fair hearing in the appeal board by not being supplied the secret FBI investigative report. The registrant can say that the Department of Justice used it in making its recommendation and based its recommendation upon the secret investigative report, but did not give the registrant the report, and that the supplying of the meager summary by the Department of Justice through the hearing officer was entirely inadequate to enable the registrant to protect his rights and to defend himself before the appeal board. The appeal board should be requested not to take any action unless and until the entire FBI report is supplied to the registrant and the registrant has an opportunity to consider and answer it before the appeal board reaches its final decision.

The registrant in this letter should also complain about the failure of the Department of Justice to include the report of the hearing officer in the draft board file. He should state that the report should accompany the recommendation of the Department of Justice.

This letter of argument and request directed to the appeal board should be mailed to whatever place the registrant is informed to mail his answer to the recommendation. It may be directly to the appeal board. It may be to the Department of Justice or it may be sent by the registrant to the local board (acting as agent for the appeal board). The registrant should keep a copy of his letter in answer to the recommendation. He should make sure that he keeps a copy of the unfavorable recommendation or the recommendation itself, whichever one is sent to him. He should also preserve the summary of the unfavorable evidence appearing in the FBI report sent to him by the hearing officer.

Conclusion

Please keep me informed of the developments in your case. Follow the procedure outlined in the booklet "Procedure of Jehovah's Witnesses Under Selective Service." If you do not have a copy of this booklet you can obtain it by writing to this office and making a contribution of ten cents to the Watchtower Bible and Tract Society, Inc., to cover the printing cost.

HAYDEN C. COVINGTON

124 Columbia Heights
Brooklyn 1, New York

General Counsel for
Jehovah's Witnesses

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