



SELECTIVE SERVICE SYSTEM

Appeal Board for the Selective Service System in the Eastern
Federal Judicial District of the State of Washington
N. 214 Wall Street, Spokane 1, Washington

(LOCAL BOARD STAMP)

November 16, 1959

IN REPLY, REFER TO:

Mr. Richard Martin Rawe
Box 443
Soap Lake, Washington

45-22-34-183

Dear Sir:

Attached hereto is a copy of the recommendation of the Department of Justice to the Appeal Board for the Eastern Judicial District of Washington, concerning your claim of opposition to combatant and noncombatant duty in the armed forces.

Within thirty (30) days of the date of this letter, you may file a written reply with this Appeal Board concerning the recommendation of the Department of Justice. At the end of the thirty-day period, whether or not we have had a reply from you, the Appeal Board will review your file and proceed to classify you.

By direction of the Appeal Board

Maryellen P. Goodman
(Mrs.) Maryellen P. Goodman
Clerk

Inclosure - 1

APPEAL BOARD

NOV 16 1959

For the Selective Service System in
the Eastern Federal Judicial District
State of Wash., Spokane.

Chairman, Appeal Board, Eastern
District of Washington
Selective Service System
North 106 Washington Street
American Legion Building
Spokane 8, Washington.

NOV 16 1959

Re: Richard Martin Rawe
Conscientious Objector

Dear Sir:

As required by section 6(j) of the Universal Military Training and Service Act, as amended, an inquiry was made by the Department of Justice in the above-mentioned case and an opportunity to be heard on his claim for exemption as a conscientious objector was given to the registrant by Mr. Daniel W. Gaiser, a Hearing Officer for the Department of Justice.

The information obtained from the inquiries and considered by the Department of Justice in arriving at its recommendation is contained in the first and second Resumé of Supplemental Inquiry attached hereto and made a part hereof.

Registrant was born at Spokane, Washington on May 10, 1934. His mother is a Jehovah's Witness and the registrant was baptized in that faith in September 1942. He had an eighth grade education and completed three and one-half years of high school. His SSS Forms 100 and 150 claimed conscientious objection, ordination as a minister of Jehovah's Witnesses and exemption from combatant and noncombatant military training and service. On a former appeal from a I-A classification and following a hearing before Mr. Harry T. Davenport, a

Hearing Officer for the Department of Justice, the registrant was classified I-O but, following an appeal to the Presidential Appeal Board for a ministerial classification, he was again classified I-A. Thereafter, his file was reopened by the local board and he was again classified in Class I-A from which he appealed.

Annexed hereto and made a part hereof are Exhibits A and B submitted to the Department of Justice in behalf of the registrant.

Registrant appeared before the Hearing Officer at Spokane, Washington on July 7, 1959, accompanied by his mother and two other women, one of whom he denominated his "secretary". The registrant told the Hearing Officer that he was not married at the time of the hearing; that he began attending church with his mother in early childhood and became a Jehovah's Witness when he was about eight years old. He said that his conscience had been trained through his study of the Bible and that his conviction against military service is a result of his own study. The registrant's mother told the Hearing Officer that she felt that the registrant's beliefs and conscientious objections were the result of her religious training and she expressed pride in the registrant's ministry. Registrant's other witness was convinced of the sincerity of the registrant's convictions and believed that he is a bona fide minister.

The Hearing Officer noted that in the local board's summary of the registrant's personal appearance before it on December 3, 1957 it was stated:

"The registrant's claim in the alternative for a I-O classification was denied on the grounds that the registrant is not, by reason of religious training and belief, conscientiously opposed to war in any form; that his willingness to use force in numerous circumstances of his own choosing, even to the extent of killing, is inconsistent with his claim of conscientious objection; and that his claim of conscientious objection is based upon a reluctance to accede to secular authority and a desire to continue in his present pursuits rather than upon any religious aversion to the use of force or killing."

The Hearing Officer concurred in the finding of the local board just quoted and he was not convinced that the registrant was acting in good faith, nor was he convinced of the absolute sincerity of the registrant's conscientious-objector claim. The registrant appeared

to get a satisfaction and prestige from being a minister of his sect. He told the Hearing Officer that if God were to direct war he would fight. This led the Hearing Officer to the belief that registrant is probably not opposed to war in any form but that he places his own interpretation upon when he might be called to such service.

On September 14, 1954 the Department of Justice recommended to your Board that registrant's claim be sustained as to both combatant and noncombatant training and service and that he be classified in Class I-O. That recommendation was based upon the entirely favorable tenor of the investigative report and upon a finding by the Hearing Officer that registrant's claim was made in good faith and that he was by reason of his religious training and belief opposed to participation in war in any form. Your Board classified the registrant in Class I-O and he has been subsequently classified in Class I-A from which he has appealed. Additional inquiries were made in 1955 and again in 1958. He has been very active in his religious work and continues to serve as a Pioneer.

The registrant's willingness to use force in numerous circumstances of his own choosing, even to the extent of killing, as related in the summary of registrant's personal appearance before the Board on December 3, 1957, presents the question of the particular circumstances to which the Board referred. The details as to what circumstances the Board referred or the questions of the Board and the answers of the registrant as to the issue of use of force in numerous circumstances to the extent of killing do not appear in the December 3, 1957 summary of the registrant's personal appearance before the Board which is in the registrant's file. In the summary of the previous personal appearance of the registrant before the local board on August 8, 1955, signed by Board Chairman, the Board Clerk, and the registrant, these circumstances as to the use of force extending even to killing are recorded in detail and appear to be no more than the usual Jehovah's Witnesses tenet that a person is entitled to self-defense of himself, his family, brethren, and Kingdom interests. An expressed willingness to use force to such extent and for such purposes is not a basis for denial of a conscientious-objector claim. Affeldt v. U. S., 218 F. 2d 112; Sicurella v. U. S., 348 U.S. 385.

The registrant's statement to the Hearing Officer that if God were to direct war he would fight amounts only to an expression of registrant's belief in theocratic warfare and is not a basis for denial of a conscientious-objector claim. Sicurella v. U. S., 348 U.S. 385; U. S. v. Hartman, 209 F. 2d 365; Taffs v. U. S., 208 F. 2d 329.

With due regard for the Hearing Officer's recommendation and the local board's conclusion, the Department of Justice finds that registrant's claim is sustained as to both combatant and non-combatant training and service. It, therefore, recommends that registrant be classified in Class I-O.

The Selective Service Cover Sheet in the above case is returned herewith.

Sincerely,

T. Oscar Smith
Chief, Conscientious-Objector Section

Resumé of Supplemental Inquiry

Re: Richard Martin Rawe

Conscientious-Objector Claimant

NOTICE

A resumé of prior investigative reports was furnished the registrant in connection with a hearing held by a Department of Justice Hearing Officer on May 7, 1954. The original of said resumé was made a part of the registrant's Selective Service file and is incorporated herein by reference.

Neighbors, acquaintances, references and religious associates contacted all advised that they believe registrant is absolutely sincere in his religious beliefs and in his conscientious-objector claim. One of these persons said she sees no reason why he should be classified as a conscientious objector, because she feels that all young men should serve in the armed forces. These persons generally advised that registrant is of very good reputation and character, extremely well behaved and of excellent moral character and conduct. They said he is a clean-cut individual and indicated that they knew of only favorably information concerning his activity. They stated that his everyday life clearly reflects that he is a good Christian young man. They said he has no steady secular work, but from time to time he works part time for his father at his father's lumber mill. One person recalled that registrant had stated that he could live for a year on approximately \$400.00, and thus could devote practically all of his time to his religious work and activities. These persons advised that registrant and all members of his family, with the exception of his father, are very active in the Jehovah's Witnesses religion, and that their whole life is centered around their religious activities. They said that registrant devotes practically of his time to his religious activities. These persons also indicated that registrant's mother is considered to be the leader of the Jehovah's Witnesses in the Grand Coulee, Washington, area, and that she has no doubt reared her children to believe in this religious organization and to be active in its work. They indicated that she has been associated with this religious sect for approximately 20 years.

Many of these persons contacted were not of the same religious belief as is registrant, and indicated that they did not agree with his beliefs, but as is above indicated, they all generally agreed that they believe he is sincere in his religious beliefs and in his present claim.

The records of the Watchtower Bible and Tract Society headquarters in Brooklyn, New York, reflect that registrant was ordained a minister in the Jehovah's Witnesses on September 20, 1942. He served as a Vacation Pioneer from May to September of 1952, at which time he commenced full-time Pioneer work. The record reflect that registrant devoted an average of over 100 hours per month for the period from May of 1952 through September 1955. The records further reflect that he was appointed to the position of Theocratic Ministry School Instructor on October 8, 1952, Territory Servant on October 8, 1953, and Bible Study Servant on December 17, 1953.

Credit and criminal records are negative.

Prepared: December 28, 1955

Resumé of Supplemental Inquiry

Re: Richard Martin Howe

Conscientious-Objector Claimant

First Resumé of Supplemental Inquiry
prepared December 28, 1955

A person who has employed the registrant as a part-time plumber on two or three different occasions, said that the registrant always displayed an excellent moral character and conduct. This person was aware of the registrant's extensive activities with the Jehovah's Witnesses and said he did not work on Thursdays, Fridays, Saturdays or Sundays because this would interfere with his ministerial work. — The registrant's father, who has employed the registrant part-time over the past three or four years, gave a substantially similar opinion concerning the registrant and his religious activities. He said that he is absolutely certain the registrant is sincere in claiming exemption as a conscientious objector. Other relatives, associates, neighbors and references stated that the registrant devotes — a great deal of time to his religious activities and is undoubtedly sincere in making a conscientious-objector claim. Several of these persons gave favorable reports concerning the registrant when they were interviewed during a previous investigation of the registrant's claim. These persons indicate that their previous remarks concerning the registrant are still valid. They point out that the registrant and his mother have been active in the Jehovah's Witnesses for the past 10 year period, and they not only believe in the principles of the Jehovah's Witnesses religion but practice those principles in their everyday life. Several of these persons pointed out that the registrant is presently serving as a full-time minister in the — Soap Lake, Washington, area, and were of the opinion that the registrant should be granted a ministerial classification. On this point, the registrant's mother advised that the registrant would like to go into missionary work for the Jehovah's Witnesses and attend the Watchtower Bible and Tract Society Ministry School in New York City. —