

Box 1576
Grand Coulee, Wash.
Jan. 12, 1954

Selective Service System
Local Board No.22
Wenatchee, Washington

NOTICE OF APPEAL TO APPEAL BOARD

I wish to have my I-A classification changed to IV-D. I believe that recent court decisions and the evidence in my file will support my claim to a IV-D classification. I believe the reason why the local board did not classify me IV-D is because of the age at which I was ordained and because of the March 9, 1953 decision in the Dickinson case, which is now reversed. These points were raised in a letter to me from Charles M. Toynbee, Deputy State Director, on June 11, 1953, he said, "Your letter states that a document you have submitted to the local board shows that you were" "ordained in a public ceremony on September 20, 1942". At that time you were approximately 8 years of age. In a recent case before the United States Court of Appeals for the Ninth District, (Dickinson vs U.S.) a decision was handed down on March 9, 1953. It is the Court pointed out the position of the draft board when confronted with a situation which required that it give the appellant's claim rather careful scrutiny. The entire language of that certain portion of the Court's decision and the result of the consideration given to your case by your local board and by the Appeal Board appear to be consonant."

I would like to point out that the Selective Service Regulations provide that it is the persons status at the time of his classification that determines what his classification shall be. Regardless of the age at which I began my ministry there is nothing to show not that I am not a minister and entitled to such a classification. (For more information on this see pages 3,4 of the seven page report I left with the board on Dec.1, 1953) I believe the Supreme Court backs me up in this regard when it said in its majority opinion on the Dickinson case: "That the ordination, doctrines, or manner of preaching that his sect employs diverge from the orthodox and traditional is no concern of ours; of course the statute does not purport to impose a test of orthodoxy." (Emphasis added).

Mr. Toynbee applied the results of the March 9, 1953 decision of the Dickinson case to my case. On November 30, 1953 the Supreme Court of The United States reversed this decision. The important points in the Dickinson case are consonant with my case. Dickinson is a full time "pioneer minister", I am too. Said the Court: "The principal and decisive issue before us is whether there was a basis in fact for denying Dickinson's claim to a ministerial exemption under Sec. 6(g) of the Universal Military Training and Service Act." The Court found that there was no basis for denying Dickinson's claim to ministerial exemption.

If there be any doubt as to whether I am now a pioneer minister inquiry can be made to the Watchtower Society.

Sincerely yours,

Richard M. Eave