

Draft lawyer lists legal options

By Katherine Merrill
Of the Emerald

Young men who failed to register for the draft may have more legal options than it appears, according to a prominent draft lawyer and activist.

Bill Smith, national co-chairer of the Committee Against Registration and the Draft, and chairer of the Selective Service Law Panel of Los Angeles, spoke to about 50 people Thursday at the University law school.

There are legal defenses for non-registrants and draft counseling under the new Selective Service regulations, he said, adding that the government will soon begin prosecuting approximately 300 men who refused to register, after having given them a grace period that ended February 28.

The government must prove the person is male, a U.S. citizen or an alien residing here, and of draftable age. It must also prove that he received notice of his obligation to register within 60 days of his 18th birthday, that he did not register and that he intended to violate the law.

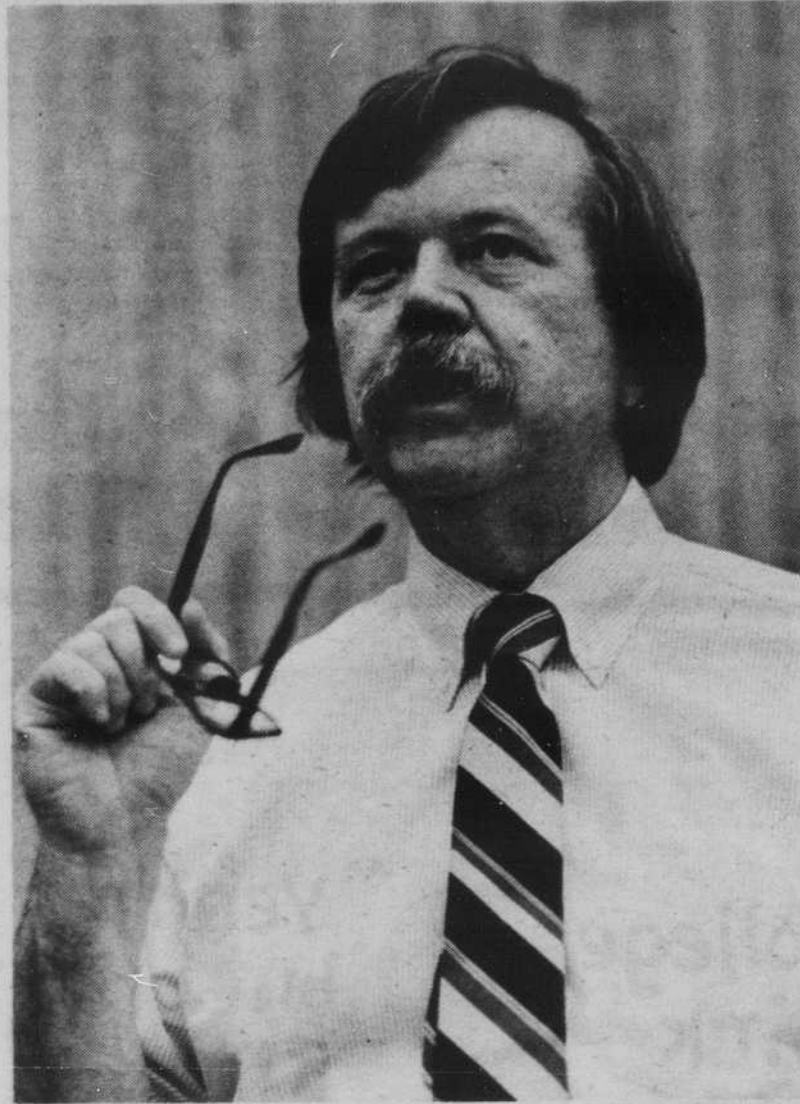
Prosecution is "not going to be nearly as easy as it sounds," Smith said.

Confusing news coverage in June, 1980, including a front page article in the New York Times that mistakenly announced draft registration would be voluntary, and a since-overturned verdict by a three-judge federal court ruling the draft to be discriminatory may have confused people, he said.

These and other factors may make it difficult to prove one "purposefully, intentionally violated the law," Smith said, adding that if one "did not intend to violate the law because he thought it was unconstitutional, you've got a defense."

Selective prosecution charges may be made because those being prosecuted are the "very vocal, anti-draft" people, he said. The "you're just picking on me" defense is a "good argument, except the courts usually don't buy it," Smith added.

Other defenses can be made regarding the process undertaken in the reinstatement of draft registration, and defendants may effect court delays as well, he said.



Bill Smith

Photo by David Corey

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Patron sues Duffy's, group 'Hot Whacks'

A lawsuit charging that the negligence of the band "Hot Whacks" caused Michael Valdenegro to lose 60 percent of his hearing is "frivolous," according to Jim Watson, the band's drummer.

"(Hot Whack's) doesn't play any louder than any other rock and roll band," he says. "I think it's frivolous, there are no specific dates or times in the suit."

Valdenegro initiated the lawsuit which charges "Hot Whacks" and Duffy's, a campus area tavern, with negligence because of a failure to warn of music that was "played with such intensity as to constitute a danger to patrons."

According to Valdenegro, he entered the tavern at 13th Avenue and Alder Street in April, 1980. He claims that he listened to two songs that "Hot Whacks" performed and then left because of "pain and ring-

ing in his ears." Valdenegro maintains that he visited a doctor the next day, who told him that he had become partially deaf in both ears.

The lawsuit, which Watson says he received notification of on Wednesday, was filed on March 26.

Watson, a student at the University, says that neither he or any member of the band has ever experienced hearing loss.

"I've been playing rock and roll since fourth grade and I can still hear the birds chirp in the morning," says Watson.

The band plays at Duffy's about two weekends a month, says Watson, and nobody has ever registered a complaint similar to Valdenegro.

"We're really responsive to an audience," Watson says. "We would take any request to turn the volume down as seriously as a request to play more 'Doors.'"

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