

# DR. SPOCK GUILTY WITH 3 OTHER MEN IN ANTIDRAFT PLOT

Convicted of Conspiracy to  
Urge Evasion of Service  
—Raskin Wins Acquittal

By JOHN H. FENTON  
Special to The New York Times

BOSTON, June 14—Dr. Benjamin Spock and three other men were found guilty in Federal District Court today of conspiring to counsel evasion of the draft. A fifth defendant was found not guilty.

The four convicted men are expected to carry their cases to the Supreme Court, if necessary, as part of their crusade against the war in Vietnam and the draft.

Found guilty with Dr. Spock, the 65-year-old pediatrician and author, were the Rev. William Sloane Coffin Jr., 43, chaplain of Yale University; Michael Ferber, 23, a Harvard graduate student from Buffalo, and Mitchell Goodman, 44, a teacher and author from Temple, Me.

Marcus Raskin, 34, co-director of the Institute for Policy Studies, a private research organization of Washington, was found not guilty.

## Sentencing Set July 10

With tears in his eyes, Mr. Raskin said, "I am glad for myself, but rather sad for the others."

Judge Francis J. W. Ford, 85, who has been on the Federal bench since 1938, is scheduled to impose sentence July 10. The defendants have 10 days after that to file appeals.

The maximum penalties are five years in jail and \$10,000 fines. The defendants, who had been free on bond of \$1,000 each, were released on personal recognizance.

An all-male jury brought in the verdict at 7:58 P.M. after deliberating 7 hours 23 minutes. Richard G. Hussey, foreman of the jury, read the separate verdicts in a ringing voice. Each of the other jurors also responded in a clear voice when defense lawyers called for a polling of the 12.

## Spock Explains Position

Dr. Spock, author of books on babies and foreign policy, was smiling confidently as he commented on the verdict. He said:

"My main defense was I believed a citizen must work against a war he considers contrary to international law. The court has found differently. I will continue to press my case."

Mr. Coffin, standing beside Mr. Spock in the glare of television lights on the ground floor of the Federal Court House shortly after the verdict, said, "It is wonderful that Mark Raskin was found not guilty; it was a real victory for the First Amendment. We are now happy to go on to the appeals

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Associated Press  
AFTER VERDICT IN BOSTON: Dr. Benjamin Spock and three found guilty with him in draft case outside United States District Court. From left are: Mitchell Goodman, Dr. Spock, Michael Ferber and the Rev. William Sloane Coffin Jr.



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court." The indictments returned against the five men on Jan. 5 contained four separate charges. These involve conspiring to counsel, aid and abet young men to evade the draft, to refuse to carry their draft registration cards and to refuse to carry their classification cards, and conspiracy to hinder and interfere with the administration of the Selective Service Act.

Under the heading of special findings, granted the Government by Judge Ford, all five men were specifically found not guilty of conspiring to counsel young men to give up their registration cards and their classification cards. This had no marked bearing on the general charges of conspiracy.

The case could now go from the Federal District Court to the United States Court of Appeals for the First Circuit, also in Boston. From there, it could be carried to the Supreme Court.

## Films Shown to Jury

There was little drama through the 19 days of the trial, which began on May 20. Frequent bench conferences slowed proceedings on several days. But Judge Ford strove constantly to "go forward."

The jury was shown films depicting demonstrations in which one or more of the defendants allegedly took part. And Mayor Lindsay of New York appeared on Monday as a surprise witness for the defense.

The prosecution was led for the Government by an assistant United States attorney, John Wall, 36, a former paratrooper in the Korean conflict. He praised Dr. Spock as a man "worthy of respect." But he said that all the defendants had been too "self-righteous" in making pronouncements about morality in the Vietnam war.

The defendants have contended that they are motivated by moral concern over the legality of the Vietnam war and the constitutionality of the draft.

## Instructions to Jury

In his 90-minute charge to the jury this morning, Judge Ford said, "We are not trying the legality, morality or constitutionality of the war in Vietnam or the rights of a citizen to protest."

"We are not trying the United States of America or President Johnson, nor are we trying the registrants who took part in demonstrations," the judge went on. "The conspiracy indictment is the crucial issue and it is your duty to determine whether the defendants knowingly and willingly conspired."

In its indictment, the Government cited 10 "overt acts" that it contended the various defendants had committed in furtherance of the alleged conspiracy. These included the distribution of a flyer, "A Call to Resist Illegitimate Authority," signed by 373 persons last August.

Other incidents cited were a news conference in New York

on Oct. 2, 1967; a public meeting at the Arlington Street Church here on Oct. 16, and a demonstration that included the turning in of draft cards at the Department of Justice building in Washington on Oct. 20.

Mr. Raskin was listed as being involved only in the alleged conspiracy to stage the Washington demonstration. But the acts themselves were not part of the prosecution.

Mayor Lindsay's testimony concerned a conference at Gracie Mansion on Dec. 2 at which he told Dr. Spock and others that he was concerned for public safety at a scheduled demonstration at the Whitehall Street induction center three days later. He said he wanted to protect the rights of the demonstrators but also to caution against violence.

Dr. Spock and Mr. Goodman were arrested peaceably in the demonstration after sitting on the sidewalk in front of the center.

The lawyers for the defense were Leonard B. Boudin for Dr. Spock, James D. St. Clair for Mr. Coffin, Edward J. Barshak for Mr. Goodman, William P. Homans Jr. for Mr. Ferber and Calvin Bartlett for Mr. Raskin.