

All-Male Jury Picked for Trial of Spock and 4

Draft Case Opens Calmly— Church Shelters 2 Youths Who Say They Defy War

By HOMER BIGART
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BOSTON, May 20—A trial that may define the limits of allowable dissent against the Vietnam war began here today in Federal Court.

An all-male jury was selected late this afternoon to try the well-known pediatrician, Dr. Benjamin Spock, 65 years old, and four others. Among the four is the chaplain of Yale University, the Rev. William Sloane Coffin Jr., 43.

The charge against the defendants is conspiring to counsel, aid and abet young men to violate the draft laws.

This landmark case opened in a calm atmosphere. Only about 20 youthful pickets were on the rainswept streets outside the court.

In the courtroom, 85-year-old Judge Francis Ford, a Harvard classmate of Franklin D. Roosevelt, kept the proceedings sternly in hand during a day devoted entirely to selection of the jury.

Church Grants Sanctuary

The only excitement occurred at the Arlington Street Unitarian Church, two miles away, where last fall Mr. Coffin and another defendant, Michael Ferber, a Harvard graduate student, collected draft cards from young men.

Here, church officials announced that they had granted sanctuary to two youths who said they were wanted by Federal authorities for flouting the draft and the war.

The executive director of the church, Victor G. Jokel, said that the two men would be permitted to stay in the church, "as long as they need or are able to stay."

The men for whom sanctuary was invoked said they were Robert Talmanson of Boston and William Chase of Dennis, Mass.

Talmanson, a thin bespectacled youth with a straggly moustache, said that he had been sentenced to three years in prison for failing to report for induction and that his appeal to the Supreme Court had been denied.

Chase said that he had deserted from Fort Lewis, Wash., after having served with the Army in Vietnam, because he believed that continued Army duty "was a detriment to my mental stability" and because he refused to "commit violence or kill an innocent victim."

When the court convened this morning, Dr. Spock's attorney, Leonard B. Boudin, objected to the way the panel of 100 prospective jurors had been chosen. There were only half a dozen women on the panel, he said.

He called Russell Peck, the Clerk, to the stand in an effort to show discrimination against the summoning of women jurors. Mr. Peck insisted that the small number of women called had been purely accidental.

Judge Ford rejected Mr. Boudin's motion to strike out the entire array of jurors.

At the outset, the press had been barred from the small courtroom when it was announced that the first order of business would be the selection of jurors. But when Judge Ford learned that the defendants were challenging the jury selection system, he let the press enter.

Subsequently, two women on the panel were questioned as potential jurors, but they were dismissed after challenges by the Government.

The other defendants, besides Dr. Spock, Mr. Coffin and Mr. Ferber were the author, Mitchell Goodman, of Brooklyn, and former White House disarmament aide, Marcus Raskin, who now serves as co-director of the Institute for Policy Studies, a private research organization in Washington.

In front of them was an im-



Associated Press
Dr. Benjamin M. Spock and his wife outside court in Boston

posing group of defense lawyers.

Besides Mr. Boudin, there were Telford Taylor, Chief United States Prosecutor at the Nuremberg trials, assisting in the defense of Mr. Raskin; James D. St. Clair, counsel for Mr. Coffin and one of Boston's ablest trial lawyers; William Homans Jr., counsel for Mr. Ferber, a prominent civil rights attorney and former executive director of the Voluntary Defenders Committee.

Also, Edward Barshak, counsel for Mr. Goodman, a member of the advisory committee for the Civil Liberties Union, and Calvin Bartlett, Mr. Raskin's chief counsel, a partner of Hill & Barlow, a Boston firm long identified with civil liberties cases.

Heading the Government's

team was Assistant United States Attorney John Wall of Lynn, Mass., former member of the organized crime section of the Justice Department.

The defendants, if found guilty, would face a maximum penalty of five years in prison and fines of \$10,000 each.

Demonstration Here

About 50 demonstrators—including seven who turned in what they said were their draft cards—marched quietly in front of the United States Court House in Foley Square yesterday in support of the five men on trial in Boston.

The cards were handed to the Rev. Findley Schaes of the Washington Square Methodist Church, who said that they would be sent to the United States Attorney General's office in Washington.