

'Just War' Teaching Faces Court Ruling

Detroit — (NC) — If the precedent-setting decisions of two California judges go unreversed by the U.S. Supreme Court, a Catholic opposed to the Vietnam War may be able to claim selective conscientious objector (CO) status on the Church's teaching on "just war."

Two young men — Leslie C. Bowen of Grand Rapids and James McFadden of San Francisco — have already done so. They argued in court that the Selective Service law discriminates against Catholics and other denominations subscribing to a theory of just war . . . and thereby violates the Constitution.

Their argument, in the first round at least, has won.

Bowen, 24, of Muskegon, Mich., a Catholic high school

graduate who studied at Aquinas College in Grand Rapids before transferring to Grand Valley State College, says:

"At Aquinas, I had a philosophy seminar on the theory of just war, based on St. Thomas Aquinas' writing in the 'Summa Theologica.'

"It was the first time I'd heard the Catholic position explained in detail."

Briefly, the draft law maintains that only those whose beliefs prevent them from fighting in any war at all can refuse military service as conscientious objectors.

Jehovah's Witnesses, for instance, can't qualify, nor can anyone who would have shot back at Pearl Harbor. Selectivity in being a conscientious objector is out.

But Catholic theologians, from St. Augustine on, have held that not all wars are "just," and that Christians may not take part in them if they are unjust.

"Most theologians cite five criteria for a just war," Bowen said, "although some have fewer criteria and some have more. The five are:

• Was it declared by proper authority?

• Is the evil prevented by war greater than the evil resulting from it?

• Is it defense against an unjust aggressor?

• Can it be won?

• Have all other alternatives failed?"

"The Vietnam war is doubtful on several of those points," Bowen contends.

Bowen's lawyer was Richard Harrington, a San Francisco attorney specializing in draft-resistance cases.

In the case of U.S. vs. Bowen, U.S. District Judge Stanley A. Weigel found for Bowen. To draw a distinction between a Catholic objector and a Quaker, he decided, would be "serious and unjustifiable discrimination."

Later, James McFadden, 26, also represented by Harrington, argued a similar case before U.S. District Judge Alfonso Zirpoli.

His defense was based on vir-

tually the same religious and constitutional arguments and Zirpoli dismissed the indictment.

Contacted in San Francisco, Harrington said:

"Rulings in a district court, of course, aren't binding. They stand as a powerful precedent, but can be overruled by the high court.

"In Bowen's case, the government decided not to appeal. Having been tried once on a criminal charge, any appeal might violate 'double jeopardy' provisions.

"But McFadden's case is another story. The charges against him were dismissed, not tried. The government, consequently, has filed a notice of appeal with the U.S. Supreme Court.

Draft Counseling View

Jersey City, N.J. — (NC) — Draft counseling on the college level is not just a matter of advising young people how to stay out of service, according to Father Edmund J. Ryan, S.J., dean of students at St. Peter's College here.

Father Ryan, who has directed the college's counseling for five years, noted that as many students come to his office seeking information on ROTC as come to enquire about applying for conscientious objector status. He added that the great bulk of the work load rests with neither group but with students concerned with obtaining normal student deferments.

Because of the variety of work the draft counseling program entails, Father Ryan has two aides—one of them being John Kincaid, a pacifist who

works at the college's Urban Studies Office, and another being an officer from the ROTC staff.

The Jesuit said there is considerable interest in ROTC, although the program is now voluntary. Close to 100 freshmen signed up for it this year. But Father Ryan said he can testify to the mushrooming effect of the Vietnam war on the minds of young people.

When he became dean of students five years ago, there were only seven applications for CO status. But with the Vietnam buildup, increasing stress on individual moral responsibility, and the statement of American bishops on conscientious objection, the number rose to 30 during 1966-67 and has remained at that level since, Father Ryan said.



K. of C. Honors Lt. Gov. Wilson

Lt. Gov. Malcolm Wilson (center) was honored by the State Council of the K. of C. for loyalty and dedication to the Knights of Columbus. Pictured at the plaque presentation at the recent K. of C. diamond jubilee convention are Terence Cardinal Cooke and Wallace J. Stevenson, state deputy of the K. of C.

Pastor Named Auxiliary Bishop

Washington, D.C. — (RNS)— A diocesan pastor has been appointed an auxiliary to Bishop Aloysius J. Wycislo of Green Bay.

Announcement of the appointment by Pope Paul of Father

Mark F. Schmitt was made by Archbishop Luigi Raimondi, Apostolic Delegate to the U.S. Bishop-designate Schmitt, 47, is pastor of St. Bernard's Church in Green Bay and a native of Algoma, Wis.

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