level either before or after conviction. This would not only have a deterrent effect upon those military leaders who are totally onesighted in their goal, or mission, but would give a meaningful "double" review of actions of military courts. Certainly it would be no more time consuming or expensive than attempting to include the 3,000,000 plus men in our military all within the federal system for common law, statutory and *military* crimes.

HOWARD T. BRINTON*

THE NEW DRAFT LAW: A MANUAL FOR LAWYERS AND COUNSELORS. Edited by Ann Fagan Ginger. National Lawyer's Guild: Berkeley, 1970. Pp. 240. $10.00.

The highlight of this book is the back cover which depicts a realistic game for beating the system, whether one intends to delay his induction, obtain a deferment, obtain an exemption (more specifically, conscientious objection), win a criminal trial for refusing to perform a duty imposed by the Selective Service System, or win release or discharge once one is inducted.

This pictorial maze becomes a headnote for the material which relates in layman's language how to present one's case before the draft board and how to obtain the administrative review, such as it is, prior to indictment. For the discussion of the lawyer's involvement in pre-induction review of a classification, the defense of a criminal action, the obtaining of a habeas corpus for release of an inductee, and the court martial proceedings, Mrs. Ginger's material changes to legal and more technical language.

Mrs. Ginger's simplicity in language is an imperative for the registrant and his lay counselor, for the Selective Service System specifically denies the right to counsel during its administrative adjudications. The book reflects the editor's compassion and concern by detailing for the registrant the nature of prison life for one who must serve a sentence. This is of extreme importance since the decision to defy the Selective Service System must incorporate the possibility of a prison term. (In St. Louis, for example, everyone has been sentenced to five years with the exception of two Jehovah's Witnesses).

The minor problems that the editor has with her material relate to a

* Member, Illinois Bar.

condition over which she has no control—the immense volume of Selective Service cases in the federal courts. The cases that are cited are meant to be representative of a class of suits, but some rules of law are now obsolete and overruled because of the ever-changing massive volume of cases from every district and appellate court. For example, the editor's sections on the delinquency regulations are of no value now,since these regulations have been declared unconstitutional in *Gutknecht*![1]

The editor fully discusses conscientious objection and the effect of the monumental *Seeger*[2] decision. This edition of the book was published prior to *Welsh*[3] which reinforced the *Seeger* decision. The hope of the editor and selective service lawyers that the Supreme Court of the United States would affirm Judge Wyzanski's decision in *Sisson*[4]—the right to conscientious objection to a particular war—was thwarted by the Supreme Court when it dismissed the appeal for lack of jurisdiction.

Of particular interest to lawyers are the book's charts which set forth the standards of due process for agencies covered by the Administrative Procedure Act. Out of some thirty-six due process standards, the Selective Service System affords six of these guarantees.

The Editor apparently has been active in the civil rights field and immigration and naturalization law, since many of her references incorporate these areas of law. The book reflects her bias in these areas by reprinting portions of the brief of the attorney for Dr. Spock before the First Circuit Court of Appeals in which the issues of the constitutionality of the Viet Nam War and the Selective Service Act were raised. Classically, these issues have been raised by draft lawyers for some time, but with no success and with only one glimmer in *Holmes v. United States,*[5] in which Justice Douglas said that certiorari should be granted on the issue of conscription in the absence of a declaration of war.

In conclusion, this book is valuable for lay counselors in draft work, or as a primer for lawyers learning the field, but not exhaustive for those lawyers who are active in draft litigation. Mrs. Ginger in fact has said that the "book is not intended to be a case finder for lawyers. If anything, the hope is that it will be an idea finder and a form finder."

LOUIS GILDEN*

1. Gutknecht v. United States, 396 U.S. 295 (1970).
2. United States v. Seeger, 380 U.S. 350 (1965).
3. Welsh v. United States, 398 U.S. 333 (1970).
4. United States v. Sisson, ___ U.S. ___, 90 S. Ct. 2117 (1970).
5. Holmes v. United States, 391 U.S. 936 (1968).

* Member, Missouri Bar.