

In the US, during the Vietnam War: Memoirs of a Draft-Card Burner

Monday 6 June 2016, by [MILLER David](#) (Date first published: 1 December 2001).

After getting involved in the civil rights and peace movements during college in the early 1960s, David Miller — today a Reclaiming teacher and activist — went to live at the Catholic Worker house in New York City. The CW, founded in the 1930s by Dorothy Day, ran both a monthly newspaper and a house of hospitality. The volunteer staff at the CW house in New York City divided their time between serving soup to hungry people and engaging in nonviolent direct action for peace and social justice.

Within days of moving to the Catholic Worker house in New York City in June 1965, I wrote to my draft board in Syracuse to tell them where I was but that I would not cooperate with them in any other way.

I enclosed my draft registration card and my notice of classification card in the letter. It was important to me to keep the local board apprised of my whereabouts, not because it was the law to do so (which it was) but rather because I did not want to be accused of “dodging” the draft.

The draft board’s response was to reclassify me #1-A delinquent, which was the highest classification possible. It meant that my name went to the top of the list. When the next call went out from the Selective Service headquarters in Washington to muster the conscripts, I would definitely receive a GREETINGS from Uncle Sam.

In August 1965, the major anti-war organizations called for a large demonstration in Washington, DC to protest the war in Vietnam and to mark the August 6th and 9th anniversaries of the atomic bombings of Hiroshima and Nagasaki. Our Catholic Worker van was brought into service to transport us from the city and farm to the Capitol. Washington was true to its reputation for hot, humid August weather, and the Capitol Police were decidedly uncool. They were edgy, irritable, and provocative as they ringed the Capitol Building.

On August 10th, a day after the demonstrations, outraged Congressmen L. Mendel Rivers (D-South Carolina) and William Bray (R-Indiana) regaled their colleagues with vituperative rhetoric about the unruly, unwashed mobs who had roamed the streets of Washington. To the perceived indignities suffered by the country at the hands of these demonstrators, Rivers and Bray boiled down their legislative solution to a bill in the House of Representatives that would add four words to the Selective Service law. The words were “knowingly destroys, knowingly mutilates.” These words referred to the draft registration and classification cards that all men in the United States between

the ages of 18 and 35 were required to obtain and keep in their possession. Mr. Rivers and Mr. Bray were the only House members to speak to the bill.

Mr. Rivers: *"Existing law provides a penalty for anyone forging or altering a draft card, but there is no specific prohibition against destroying or mutilating a draft card. The purpose of the bill is clear. It merely amends the draft law by adding the words 'knowingly destroys, knowingly mutilates' draft cards. A person who is convicted would be subjected to a fine up to \$10,000 or imprisonment up to 5 years. It is a straightforward clear answer to those who would make a mockery of our efforts in South Vietnam by engaging in the mass destruction of draft cards... This is the least we can do for our men in South Vietnam fighting to preserve freedom, while a vocal minority in this country thumb their noses at their own Government."* [111 Congressional Record 19871]

Mr. Bray: *"The need of this legislation is clear. Beatniks and so-called 'campus-cults' have been publicly burning their draft cards to demonstrate their contempt for the United States and our resistance to Communist takeovers.... Just yesterday such a mob attacking the United States and praising the Vietcong attempted to march on the Capitol but were prevented by the police from forcibly moving into our Chambers. They were led by a Yale University professor. They were generally a filthy, sleazy beatnik gang; but the question which they pose to America is quite serious... This proposed legislation to make it illegal to knowingly destroy or mutilate a draft card is only one step in bringing some legal control over those who would destroy American freedom."* [Id.]

After these speeches, the bill was brought to a vote and passed the House by 393 to 1 with 40 not voting. Three days later (August 13, 1965), the House bill went through the required readings and passed the Senate. On August 30, 1965, President Lyndon Johnson signed the bill into law.

The new law had fatal constitutional flaws. It was aimed at curbing public dissent against the war in Vietnam and the draft, and it was completely redundant. If you were already required to be in possession of your draft cards, it did not add anything to say that you must not destroy the cards. The existing prohibition against forging or altering a draft card was aimed entirely toward any attempt to use a draft card for the purposes of false identification. That part of the law had no application to the destruction of a draft card. And, the possession rule itself made no sense. As long as you had registered for the draft and kept the local board notified of your current address, the authorities had all they needed to send you the happy GREETINGS. The cards had no intrinsic purpose other than to serve as a means of notification that you were registered and what your draft classification was. The possession or non-possession of draft cards meant nothing substantively to the operation of the Selective Service System.

The public destruction of a draft card, however, meant a great deal politically. Congressional outrage was directed at protesters who destroyed their draft cards publicly. Whether draft cards were destroyed at the demonstration in Washington, I cannot say. It may have happened. But cards were certainly destroyed in the past. In fact, my comrade Chris told me that he had done so at an earlier demonstration. What angered Rivers, Bray, Thurmond and their ilk was the public display, the symbol of resistance. The four words, "knowingly destroys, knowingly mutilates," were enacted into law to clamp down on the symbolic, public display of resistance to the draft and the war in Vietnam, not to further any rational purpose in the running of the Selective Service System.

That August, I received my GREETINGS to report for induction into the Army in early September in Syracuse. I traveled to Syracuse from New York a day early. I can't recall a specific conversation with my family but they knew that I would refuse induction.

On the day appointed, I took the bus downtown to the office building where the induction center was located. Instead of entering the building, I unfurled a sign I carried that read "End the Draft, Stop

the War." I marched in a solitary circle in front of the entrance.

After walking around for a half hour, a college friend emerged from the Armed Forces Recruiting Center adjacent to the induction center. John and I had played together on our championship intramural football team at LeMoyne College in Syracuse. John looked at me and shook his head slowly from side to side with an expression that seemed to say "how could such a nice guy go so wrong."

At last, he said, "I don't understand, Red. Why are you doing this? The way you play football, you could just go over there and knock those gooks down."

An involuntary smile began to cross my face at John's comment but I caught myself and said softly, "It's not the same thing, John."

Shortly after John took his leave, the director of the local draft board came out to speak to me. He asked if my father knew where I was and what I was up to. Again the smile began to cross my face at the implication of his questions. Once more I caught myself and replied that I did not think my father knew where I was. The board director retired inside to leave me in my solitary circle.

Expecting to be arrested for refusing induction, I continued circling for another hour. Finally, I decided to fold up my sign and return to my mother's house. When no one came to arrest me in a day or two, I hopped a bus back to New York.

In late September, I heard by letter from my local draft board that the induction notice had been canceled on the day I refused induction. The process would have to begin once more. Perhaps the board felt that they had erred procedurally. That could lead to a successful legal defense for refusal of induction. Maybe they wanted to give me another chance. In any case, a new classification card was enclosed in their letter, still #1-A delinquent. This time I held on to the card. I did not have a plan in mind but I did know that peace movement people talked about confronting the new law at some point and with a draft card, I could be part of the action.

It turned out that I did not have to wait long for an opportunity. In October, 1965, peace groups and sympathetic labor unions called for "International Days Of Protest" in opposition to the increased U.S. military buildup in Vietnam. On Friday, October 15th, a rally was set for the afternoon at the Armed Forces Induction Center on Whitehall Street in lower Manhattan. On Saturday, the 16th, a parade down New York's Fifth Ave. would hopefully attract many thousands. These demonstrations were to coincide with others across the country and in Europe.

A fellow member of the Catholic Worker family, Al Urie, approached me a couple of weeks before the October 1965 "Days of Protest" and asked if I would speak for the draft non-cooperator position.

I felt flattered to be asked. A wave of apprehension swept through me but I did not mention it. What reason could I have to say that I was apprehensive about the prospect of speaking at a rally? Al assumed I could. Of course I could do it.

I told Al, "A five minute speech about non-cooperation. Sure I'll do it." Al nodded and said, "Great."

Two weeks was a long time. I could certainly think of what to say, write it out, and memorize it in that amount of time. Soon the leaflets were distributed listing seasoned orators on the peace rally circuit. My inner apprehension rose when I saw myself in that lineup. I lived in a cool, quiet panic as the rally drew closer.

Finally, two days before the rally, I seized upon a solution. I would burn my draft card at the rally.

That would take five minutes. With a deep sense of relief, I informed Al and close friends at the Catholic Worker that I was planning to burn my draft card at the rally. Al reminded me that it was against the law. I assured him that I knew.

Tom Cornell, a close friend at the Catholic Worker, argued that I should not burn my draft card alone. Wait, he suggested, until a large contingent could be organized to burn cards. Then it would be more difficult for the Feds to arrest and prosecute people for that offense. Alone, I would stand out and be picked off more easily, thereby creating an unfortunate precedent.

Tom made perfect sense but I did not let him know that. I was in no mood to be swayed. If I did not burn my draft card, what else would I do? I would be back to having to give a speech.

I mulled his advice over in silence long enough to give the impression that I was carefully considering the alternatives. Then, without revealing my private fears, I confided to Tom, "I still think I'll burn my card." Tom let my statement stand as I left his home to return to my bed in Little Italy, to sleep on the course I had set for myself.

October 15, 1965 dawned — a cool, crisp fall day with a promise in the air of a warm and sunny afternoon. After lunch at the Catholic Worker, I took the IRT downtown to Battery Park. When we arrived at the Armed Forces Induction Center, police barricades had been set up to separate the ralliers from a gathering of onlookers and hecklers on the other side of Whitehall Street. The rally site ran along a narrow side street next to the induction center. Halfway down this side street, a sound truck with a platform and microphone atop it faced towards Whitehall Street. This arrangement produced the image of a political standoff in a shaded canyon.

A crowd of 500 supporters milled around the sound truck while a fluctuating crowd of 200 lined the sidewalk behind the barricades opposite us. Folk singers warmed up the ralliers while the hecklers shouted their all-time favorite anti-protester epithets: "Get a job," and "Go back to Russia."

The rally crowd responded heartily to the impassioned oratory of the speakers as the rally progressed. The applause and cheers of one side sought to overcome the shouts and hoots of the other. Preoccupied, I hardly noticed who spoke or what was said.

Al placed me towards the end of the list of speakers. I mingled in the crowd with my friends until, at last, Al approached and said, "You're next." News that someone was going to burn his draft card had been circulating among the press and ralliers, so an air of expectancy permeated the crowd as I made my way to the sound truck. Al gave me a brief intro, then descended the ladder. On cruise control, in a state of low level panic, I climbed the ladder to face the music.

Atop the sound truck, I turned to behold the crowd below me and the hecklers across the street. Dressed in a dark pin stripe suit that my mother bought me as a graduation present several months earlier, a white button down shirt, a narrow dark tie, and short hair, I presented a far different picture from what the public imagined as the typical anti-war protester. Not that I had image consciously in mind. I simply put on my best clothes because I was going to give a speech.

Surveying the assemblage, I suddenly discovered that I would have to say something. I could not just stand there and burn my draft card without a word.

The expectant crowd fell hush in front of me. The hecklers across the street ceased their ranting and watched silently. An erie stillness settled upon our canyon as the last rays of the fall sun clung to the tops of the buildings. I said the first thing that came to my mind. "I am not going to give my prepared speech. I am going to let this action speak for itself. I know that you people across the street really know what is happening in Vietnam. I am opposed to the draft and the war in Vietnam."

I pulled my draft classification card from my suit coat pocket along with a book of matches brought especially for the occasion since I did not smoke. I lit a match, then another. They blew out in the late afternoon breeze. As I struggled with the matches, a young man with a May 2nd Movement button on his jacket held up a cigarette lighter. It worked just fine.

The draft card burned as I raised it aloft between the thumb and index finger of my left hand. A roar of approval from the rally crowd greeted the enflamed card. This awakened the momentarily mesmerized hecklers and they resumed their shouts.

As the card burned, I discovered that I had made no preparation for the card to be completely consumed. I dropped the card as the flame reached my fingertips. At my trial in federal court, the unburnt corner of my draft card, with a bit of my signature, was introduced into evidence. The FBI had been Johnny-on-the-spot in retrieving the charred remains of my card so as to assist in their prosecution even though I never denied that I burned my card. Future card burners used tongs or cans in order to complete the job.

The final thing I discovered was that I did not have an exit line. I mumbled into the microphone, "Well, I guess that's one dead draft card." I immediately regretted saying something that silly and flip and hoped that it was lost in the continuing roar of the crowd.

But it was over. Triumphant and relieved, I left the stage. But the crush of the media began halfway down the sound truck ladder so that I hung suspended in my descent. I had been transformed forever into David Miller, the first person to publicly destroy a draft card after the law was passed specifically prohibiting that act. Or, in the shorter but less accurate version, I became David Miller, the first draft card burner.

I was not arrested at the rally. But three days later the FBI swooped in on me in Manchester, New Hampshire, where I had gone with several Catholic Worker comrades to set up a literature table at St. Anselm's College and talk to students about the CW and peace issues.

In jail overnight in lieu of \$500 bail, I listened to guys singing country songs after we were locked in our cells for the night. Finally I offered to sing a song, a country classic. The chorus goes a little something like this: "I didn't know God made honky-tonk angels. I might have known you'd never make a wife. You gave up the only one who ever loved you. And went back to the wild side of life."

A few seconds after I finished the song, a guy said, "Yeah, I didn't know God made honky-tonk communists." I took the comment as grudging praise. I knew for sure that the song was appreciated when another guy said, "Ask him if he knows Ring of Fire." I was glad to oblige them with that Johnny Cash hit.

I made bail the next day. I remained free till June 1968 when the draft-card burning case finally lost in the U.S. Supreme Court. I served 22 months in federal prison in Pennsylvania from 1968 to 1970.

In the ensuing thirty years, I helped raise four daughters, did social work, practiced law, and moved from Catholic pacifism to ecofeminist Witchcraft. These days, I write, live, and teach within the Reclaiming community, demonstrate against corporate globalism, and shift the energy of our sacrificial warrior ballgame culture with a new dance that includes consensus politics and magical activism.

David Miller

P.S.

* "Memoirs of a Draft-Card Burner":

<http://reclaimingquarterly.org/82/rq-82-draftcard.html>

* This article is excerpted from I Didn't Know God Made Honky-Tonk Communists, by David Miller.