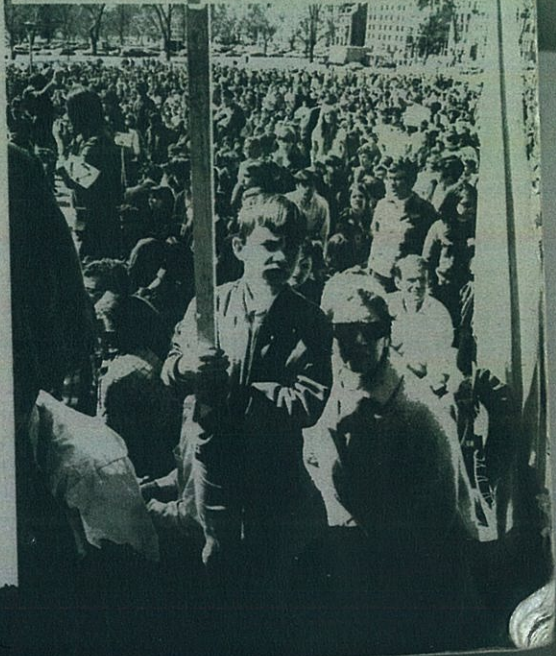


MICHAEL S. FOLEY

# CONFRONTING THE WAR MACHINE

DRAFT  
RESISTANCE  
DURING THE  
VIETNAM  
WAR

BUST the DRAFT





licity added a completely new dimension to his activism, one that put a tremendous strain on his family. "I hated the whole thing," he later said. "Hated it."<sup>35</sup>

Most important, the public nature of his resistance brought constant harassment and torment to his entire family. According to Marston, the head of his draft board called to tell his family that he had information suggesting that their phones were tapped. Marston also claims that during this same period much of the mail the Marston family received had already been opened. Hate mail came addressed to "Chicken" Marston. In addition, Marston and his sister, Deb, recall the day that a local Boy Scout leader led his troop in a march up their street so they could throw rocks at the Marston house. All of this added up to a tense household. Marston's mother was a "nervous wreck," especially when faced with reporters seeking interviews. "She'd start shaking uncontrollably," her son later said.<sup>36</sup>

Eventually, the U.S. Attorney in Boston, after indicting Marston and bringing him to trial in the fall of 1968, dropped the case because the Selective Service had mishandled Marston's classifications. The legal challenge that Howard Marston Sr. wanted never materialized, and a technicality ended it all. The press and, for the most part, the draft resistance movement did not know the case had been dismissed. Just like that, the ordeal ended with no fanfare, though it left Chick Marston "close to a breakdown when it was all over." Thirty years later, he recalls being "lost for quite a while" and doing his best to leave that past behind. He finds it difficult to see how useful his resistance had been.<sup>37</sup>

Chick Marston's induction refusal did, however, help to further intensify the commitment of many resisters and activists to the draft resistance movement. Just as Marston's father dominated his draft resistance, the movement co-opted it for its own purposes.

#### JAMES OESTEREICH AND RICHARD HUGHES

In sharp contrast to Chick Marston's induction refusal experience, a month later Jim Oestereich and Dick Hughes cheerfully invited the New England Resistance and the Boston Draft Resistance Group to capitalize on their day of noncompliance. Neither Oestereich nor Hughes knew each other before February 26, 1968, their date of induction, but when both approached the BDRG and the NER for help (Oestereich had already done some work for NER), the groups teamed them up for promotional purposes. Two resisters always beat one. A leaflet produced jointly by the two organizations featured photographs of each man with a brief statement encour-

aging other inductees and draft resisters to take a stand against the Selective Service as an accomplice to *mass murder* of so many resisters. "It is very important with me that this war is won and lives until the war is over."<sup>38</sup>

Although they arrived at the draft board to resist with the same sense of purpose, Oestereich and Dick Hughes came from very different backgrounds. Oestereich was a Quaker and a Quaker pacifist, a Quaker abolitionist and Quaker Unitarian at Andover-Newton Theological Seminary, the Arlington Street Church of the South, and the Arlington Street Church of the North. Oestereich's draft board, acting on the basis of his classification from 4-D, threatened to draft him. The editorial writers did in the *Boston Globe* and *Boston Herald* boards, Oestereich questioned his classification. He consulted with Professor Oestereich contacted the Army and Navy in the leadership of Melvin White. Oestereich brought suit against his local draft board. The court dismissed the suit. The court affirmed the lower court's decision. When induction approached, Oestereich's draft board would hear the case.<sup>39</sup>

Richard Hughes, a teaching assistant at Carnegie Mellon University, on the other hand, was a Quaker in Pittsburgh, Pennsylvania, and a Quaker Unitarian. He had 1-O status (1-O) even though, as a Quaker, he was the faiths traditionally recognized. In October 1967, however, he was drafted when his new employer offered him an occupational deferment for his status as 1-O but then sent him to the headquarters for "review and advice." He was granted conscientious objector status, and his draft board reclassified him to 1-A. Even under General Hershey's policy, Hughes had done nothing to



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aging other inductees and draft-age men to join them. "I have chosen to  
take a stand against the Selective Service System which presently functions  
as an accomplice to *mass murder*," Oestereich wrote in the definitive style  
of so many resisters. "It is *very* clear to me and the thousands who stand  
with me that this war is wrong—and we will not return to our everyday  
lives until the war is over."<sup>38</sup>

Although they arrived at their evaluations of the war and their decision  
to resist with the same sense of clear-eyed moral righteousness, Hughes  
and Oestereich came from very different backgrounds. Oestereich, a semi-  
narian at Andover-Newton Theological School, turned in his draft card at  
the Arlington Street Church on October 16. Soon after, his Cheyenne, Wyo-  
ming, draft board, acting on the instructions of General Hershey, changed  
his classification from 4-D, the ministerial exemption, to 1-A. As so many  
editorial writers did in the days after Hershey's memorandum to local  
boards, Oestereich questioned the legality of such reclassifications. After  
he consulted with Professor Vern Countryman at Harvard Law School,  
Oestereich contacted the American Civil Liberties Union, which, under  
the leadership of Melvin Wulf, jumped at the chance to challenge the  
reclassification in court. By the beginning of the new year, Oestereich  
brought suit against his local draft board in the U.S. District Court in Den-  
ver. The court dismissed the complaint, and the court of appeals quickly  
affirmed the lower court's decision. In late February, as the date of his  
induction approached, Oestereich and Wulf waited to learn if the Supreme  
Court would hear the case.<sup>39</sup>

Richard Hughes, a teaching fellow in the theater department at Boston  
University, on the other hand, did not turn in his draft card. His local board  
in Pittsburgh, Pennsylvania, granted his request for conscientious objector  
status (1-O) even though, as a former Catholic, he did not belong to any of  
the faiths traditionally recognized by the Selective Service for that defer-  
ment. In October 1967, however, Hughes apparently ran afoul of his local  
board when his new employer, the Theatre Company of Boston, applied for  
an occupational deferment for him. The board denied the request and kept  
his status as 1-O but then sent his file to the Selective Service state head-  
quarters for "review and advice" for reasons that remain unclear. The state  
headquarters immediately recommended a challenge to Hughes's consci-  
entious objector status, and without notifying him in advance, his local  
board reclassified him to 1-A at their next meeting (December 18, 1967).  
Even under General Hershey's new guidelines for handling draft resisters,  
Hughes had done nothing to compromise his draft status—no turned-in



draft card, no draft board sit-ins, no polemical letters to his local board. Hughes could only guess that they objected to his attempt for an occupational deferment while he worked for a theater company. Meanwhile, throughout the fall, he became more and more "obsessed" with the war because, as he later remarked, "it was becoming a distraction from the acting world." He attended numerous teach-ins, got to know Howard Zinn well (in part because he dated Zinn's daughter, Myla, for a while), and read the *BU News*, all of which influenced his thinking about the war and the draft. When the actor Peter Ustinov spoke at Boston University and took questions from the audience, Hughes asked him if he had, in the course of his career, ever jeopardized his work because he felt he had to take a stand over a certain issue; the crowd booed the question, but Ustinov quieted them with a thoughtful answer, saying that although he had never been faced with such a dilemma, he sympathized with American students and the young actors who were. In the end, when the Pittsburgh draft board responded to Hughes's inquiry about his changed status with an induction notice, Hughes decided he would go to the induction but then refuse to be inducted.<sup>40</sup>

On February 26, 1968, a throng of some 350 people picketed the Boston Army Base in support of Oestereich and Hughes. They had marched from the Boston Common through Downtown Crossing, then all the way down Summer Street to the Boston Army Base. The crowd included ministers and seminarians from Andover-Newton, all in clerical collars; faculty and students from Boston University; and a large contingent from the BDRG and the Resistance. Howard Zinn spoke to the crowd as did the two resisters. Jim Oestereich arrived not knowing how the day would end for him. He and his lawyer feared that if he refused induction it might jeopardize his court case, but accepting induction was not an alternative. In the days leading up to the induction, Melvin Wulf contacted Supreme Court justice Byron White and asked for the induction to be stayed until the Court decided if it would hear the case. On the morning of February 26, they had heard nothing. In spite of this confusion, Oestereich made a strong public statement to the crowd outside the base, one that conveyed the urgency and moral rigidity endemic to the movement. "I have come to the Boston Army Base this morning," he said "to say that the securities of being a student, a minister, or a citizen in this land are worth nothing unless I can also affirm the duties and rights of moral and political protest when that country engages in disastrous and illegal actions against an underdeveloped nation of the world community." He said that he could no longer

study, teach, or live in America "upon this government to force an positive program for peace and e understandings and blind destruct he renounced his "ministerial imr Hughes, "who have chosen to risk concrete act remaining to us—th illegal system in pursuit of an unju

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so people picketed the Boston offices. They had marched from the office, then all the way down the street, a crowd included ministers and clerical collars; faculty and student contingent from the BDRG and a crowd as did the two resisters. The day would end for him. He understood that it might jeopardize his job but not an alternative. In the days following, the Supreme Court justice was expected to be stayed until the Court ruling on February 26, they had decided. Oestereich made a strong public statement that conveyed the urgency of the situation. "I have come to the Boston office that the securities of being a resister are worth nothing unless I can make a political protest when that is necessary. Actions against an underdeveloped country said that he could no longer

study, teach, or live in America "until we have brought enough pressure upon this government to force an end to this war and the initiation of a positive program for peace and equality in a world torn by our fatal misunderstandings and blind destructiveness." Consequently, Oestereich said, he renounced his "ministerial immunity" to stand with resisters like Dick Hughes, "who have chosen to risk their lives and their futures in the most concrete act remaining to us—the severing of our relationship with an illegal system in pursuit of an unjust war."<sup>41</sup>

Once inside, the pair of resisters followed instructions while doing their irreverent best to disrupt the proceedings enough to attract the attention of the other inductees. When base officials administered an intelligence test to the men, Oestereich raised his hand and said, "Uh, listen, I'm looking at this test, sir, but I don't see any questions about the legality of the Vietnam war. Shouldn't that be on here if that's where we're going?" Nonplused draftees looked at him as though he had lost his mind. Similarly, Dick Hughes elicited bewildered expressions as he filled out one of the numerous forms provided and asked: "If you're refusing induction, do you have to fill out question number. . .?"<sup>42</sup>

Not long after Oestereich entered the base, the base commander, Lt. Col. Ridsen, pulled him aside to tell him that word had just arrived from the Supreme Court that his induction had been stayed. Oestereich, ready for this eventuality, produced a statement for Ridsen to sign. The statement, prepared by his lawyer as a means of protecting him from any miscommunication or foul play, asserted that Oestereich had appeared as ordered, that he had not interfered with the induction of other registrants, and that Ridsen was now ordering Oestereich to leave the premises because of the injunction staying the order of induction. The demonstrators outside cheered when Oestereich emerged with the news. They then marched back into downtown, where they picketed the federal courthouse in Post Office Square briefly before breaking up.<sup>43</sup>

Inside, Dick Hughes went through the rest of the army's procedures and then refused induction. He stood with about forty other men in the room in which all inductees took the oath of service. An officer told them that the oath was binding and irrevocable. When he called each man's name, each stepped forward in symbolic acceptance of the oath. He left Hughes until the end, and when he called his name, Hughes stepped backward. The officer called his name again, and again the draftee refused to step forward. A soldier then took him out of line and explained that if he did not step forward he would be committing a crime. When Hughes again refused



to comply, base officials asked him to write and sign a statement indicating that he had intentionally refused induction. Thanks to the FBI and the Freedom of Information Act, the statement that Hughes wrote has been preserved. On a blank piece of paper, Hughes began with a quote that he had memorized from the London newspaper the *Sun* regarding the recent American destruction of the South Vietnamese village Ben Tre:

What meaning is left in language when the Americans claim to save a town by destroying it? [After the assault on Ben Tre, U.S. Air Force major Chester Brown of Erie, Pennsylvania, explained to the Associated Press that "it became necessary to destroy the town in order to save it," noting that he thought it "a pity about the thousands of civilians who were killed and left homeless."] Can President Johnson and Ho Chi Minh reach the stature to understand that any military gains will count for nothing in the face of horrors like Ben Tre, a town devastated by fighting? If not, history in the end will record of them that they made a desert and called it peace.

Hughes then extemporaneously wrote a statement that equaled the force of Oestereich's morning speech:

I deeply believe this war is wrong. I deeply believe the present draft law is wrong. After what I consider to be sincere and painful self-examination, I see no other choice.

I cannot, regretfully, reconcile this war and the draft law to my deepest desires: freedom to choose, human survival, and service to principle. I have searched for other alternatives. I have found none. There are none.

Thus it seems evident to me that all of us, as a nation, must face the inevitable question, 'throughout history, and perhaps even now, have not the greatest crimes against humanity happened through silence?'

I, Richard Hughes, on this day 26 Feb 1968 refuse induction into the Armed Forces of the United States. The above statement speaks for my motivations.

[signed]

Richard Michael Hughes.

When he finished, a base official escorted him to the door and allowed him to leave. The demonstrators were long gone (he had been inside almost all day), and the grey clouds overhead produced a light drizzle. Hughes later described this as "a very sad moment in a way." He walked down a rainy,

empty street with only the *BU News* reporter caught up from some perspective. He recalled, "It's important to realize that it's not a decision that's so obviously personal," he told the reporter. "The decision to go to war is not the choice, but in

Dick Hughes soon carried on. Zinn later called one of the war activists in America. Raft was a prosecution for violation of the law left the country. But he did not know what the draft evaders did; nor did he know another 2,000 Americans that he went to South Vietnam. Hughes was at the Vietnamese embassy in Washington, D.C. (as provided by the *BU News*), Hughes was at his desk in his apartment. In Saigon, care of the Joint U.S. Military, changes of clothes and with the country for pay. Hughes did not tell them where he planned to go. Thien. Not long after his father, who was then director of the office in Pittsburgh, at his office. Hughes's whereabouts (they appeared to be) Hughes's father gave the further questions.<sup>45</sup>

Although Hughes went on to start to do some kind of work and helped establish Disruption in Hershey in breaking the street. He settled into social work, and that eventually grew into houses set up in Saigon as a shoe-shining trade. The Dick Hughes left Vietnam. His operation had grown to a total of 300 kids. Over 1,500 years. In addition, the fo



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empty street with only the tall street lights for companions. By the time a  
*BU News* reporter caught up with him later that night, Hughes had gained  
some perspective. He recognized the individual nature of resistance now.  
"It's important to realize that decisions like this [resistance] are tremen-  
dously personal," he told the reporter. "But you just have to know that the  
sin is not the choice, but in not choosing."<sup>44</sup>

Dick Hughes soon carried his draft resistance over into what Howard  
Zinn later called one of the "most imaginative" protests made by any anti-  
war activist in America. Rather than wait for the imminent indictment and  
prosecution for violation of Selective Service laws, Hughes picked up and  
left the country. But he did not go to Canada, as more than 30,000 Ameri-  
can draft evaders did; nor did he go to Mexico or Sweden, nations to which  
another 2,000 Americans fled. He did what probably no other resister did:  
he went to South Vietnam. In March, having secured a visa from the South  
Vietnamese embassy in Washington (based on reporter credentials pro-  
vided by the *BU News*), Hughes wrote a letter to the FBI and left it on his  
desk in his apartment. In the letter he said that he could be reached in  
Saigon, care of the Joint United States Public Affairs Office. He packed two  
changes of clothes and with a couple of friends drove someone's car across  
the country for pay. Hughes stopped in Pittsburgh to see his family but did  
not tell them where he planned to go. He sent them a postcard from Con  
Thien. Not long after his parents received the postcard, the FBI visited his  
father, who was then director of Lands and Buildings in the mayor's cabinet  
in Pittsburgh, at his office. When the FBI agents asked about his son's  
whereabouts (they apparently never entered Hughes's Boston apartment),  
Hughes's father gave them the postcard. The agents left without asking  
further questions.<sup>45</sup>

Although Hughes went to Vietnam as a reporter, he intended from the  
start to do some kind of social work. At first, he did do some reporting  
and helped establish Dispatch News, the agency that later aided Seymour  
Hersh in breaking the story of the My Lai massacre. But ultimately he  
settled into social work, establishing a home for orphaned boys in Saigon  
that eventually grew into the Shoeshine Boys Foundation, a network of  
houses set up in Saigon and Danang to house the boys and teach them the  
shoe-shining trade. The operation continued to grow every year. When  
Dick Hughes left Vietnam in August 1976, the last American to leave, his  
operation had grown to six homes in Saigon and two in Danang, housing a  
total of 300 kids. Over 1,500 boys passed through his centers in those eight  
years. In addition, the foundation owned two farms on which some of the



boys worked and developed an extensive program aimed at reuniting children with their parents after the war ended. By the time the foundation disbanded, scores of children had been reunited with their families.<sup>46</sup>

According to FBI records, in November 1968, John Wall of the Boston U.S. Attorney's office informed the Selective Service and the FBI that he would not prosecute Hughes. He believed Hughes to be "sincere in his beliefs" and that he had been reclassified, probably unfairly, the year before. It did not matter because Hughes stayed in Saigon for another eight years.<sup>47</sup>

Jim Oestereich's story did not unfold quite as dramatically as Dick Hughes's, but it followed its own twists and turns. Since Oestereich was a seminarian preparing for a ministerial career, his decision affected his fellow seminarians as well as members of the United Parish in Lunenburg, where he served as youth minister. Although Oestereich received mixed reactions from fellow students at Andover-Newton, the faculty there supported him without equivocation. At a chapel forum on the issues raised by Oestereich's upcoming induction refusal, Dean George W. Peck announced that the faculty had voted unanimously to "express its faith in Mr. Oestereich's integrity" and to defend his right to object to the war and the draft in this way. The faculty and Dean Peck found Oestereich's reclassification to be particularly offensive, "utterly contradictory of what is finest in the American tradition." He urged even those who did not "take an unequivocal stand against the war" to speak out against this kind of "mindless repression." "We are dangerously close to a course of action with regard to men like Mr. Oestereich which is more in keeping with the Nazism we condemned at Nuremberg than with the liberty and respect for conscience of which this nation boasts," he said. "No war, however just, is worth that."<sup>48</sup>

Outside the city, at his suburban church in Lunenburg, however, Oestereich faced a situation not unlike the one Michael Jupin confronted in Winchester. Though the United Parish did not erupt when Oestereich turned in his draft card, it came apart at the seams when he refused induction. Three days after Oestereich had been sent home by the army, the church held a meeting to which more than 100 people came. According to newspaper reports, most people in the crowd were outraged by Oestereich's stand. Active duty military men, members of veterans groups, parents of servicemen, and many others spoke. Oestereich claims that some of the people there were members of the John Birch Society and that more than one had pistols tucked in their trousers. When one man made an analogy between the American Revolution and the Vietnam War, Oestereich told him that the analogy did not fit, unless he likened American involvement in Vietnam

to the British role in the Revolution. They groaned in response. As was the case with Oestereich's critics feared his influence and wanted him removed from the church. One of the ministers who spoke in Oestereich's defense, however, was not a member of the church; he was a member of other groups; they said that the seminarian had done them and that they rather admired that.

Eventually, however, Oestereich's decision on the issue so polarized the parish that he felt the removal of the two ministers. His decision did not save the church. It remained separate from the people's ministry" in nearby Fitchburg with its own position. Oestereich, meanwhile, waited for his case.<sup>49</sup>

#### RAY MUNGO

On March 6, 1968, Ray Mungo refused induction in a manner that stood in stark contrast to that of Oestereich. As a former editor of the *BU News* magazine, Mungo could easily mobilize large numbers of people through the media in ways that no other resistance organizations grabbed on to Mungo's wild ride he orchestrated on his own. His refusal made the front page of Boston newspapers. The Oestereich/Hughes one, turned up in newspapers; Ray Mungo's induction refusal was on the front page.

Outrageous leaflets publicized Mungo's refusal. They announced that Mungo had "joined Johnson's Army" and simultaneously "joined Pepper's Brigade." Mungo promised a "free ride" from Howard Zinn, followed by blueprints for a "resistance" movement. Then, uncharacteristically for that time, that "lots of pretty girls will be publicly violated!" and "resisters will be sergeants!" Moreover, it said, "Josef Mungo over and say LBJ SUCKS just as the can demonstrators would plant 8,000 marionettes in the base and noted that one resi-



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groaned in response. As was the case for Jupin in Winchester, many of  
Oestereich's critics feared his influence on the young people in the con-  
gregation and wanted him removed immediately. The minority of those  
who spoke in Oestereich's defense, however, were members of the youth  
groups; they said that the seminarian had never tried to impose his views  
on them and that they rather admired the stand he took on the war.

Eventually, however, Oestereich concluded that he had to resign. The  
issue so polarized the parish that he feared his draft resistance might lead  
to the removal of the two ministers. Ultimately, though, his resignation  
did not save the church. It remained split until one minister began a "peo-  
ple's ministry" in nearby Fitchburg with those who supported Oestereich's  
position. Oestereich, meanwhile, waited for the Supreme Court to hear  
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#### RAY MUNGO

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could easily mobilize large numbers of activists and attract the attention of  
the media in ways that no other resister could. The two draft resistance  
organizations grabbed on to Mungo's coattails and went along for the  
wild ride he orchestrated on his own. Chick Marston's induction refusal  
made the front page of Boston newspapers, but subsequent refusals, like  
the Oestereich/Hughes one, turned up deeper and deeper in subsequent  
papers; Ray Mungo's induction refusal put draft resistance back on the  
front page.

Outrageous leaflets publicized Mungo's act of noncompliance well in  
advance. They announced that Mungo would refuse induction into "Lyn-  
don Johnson's Army" and simultaneously accept induction into "Sergeant  
Pepper's Brigade." Mungo promised a rock band, a parade, and a speech  
from Howard Zinn, followed by blueberry pancakes after the demonstra-  
tion. Then, uncharacteristically for the Resistance, the leaflet predicted  
that "lots of pretty girls will publically say yes to guys who say no," "young  
girls will be violated!" and "resisters and inductees alike will goose the  
sergeants!" Moreover, it said, "Josef Mlot-Mroz's BOMB PEKING sign will flip  
over and say LB SUCKS just as the cameras zoom in." It also pledged that  
demonstrators would plant 8,000 marijuana seeds on the grass surround-  
ing the base and noted that one resister had threatened to "dump two