

6-28-1971

06-28-1971 Per Curiam

Potter Stewart
US Supreme Court Justice

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SUPREME COURT OF THE UNITED STATES

No. 783.—OCTOBER TERM, 1970

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| Cassius Marsellus Clay, Jr., also known as Muhammad Ali, Petitioner, v. United States. | } On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit. |
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[June 28, 1971]

PER CURIAM.

The petitioner was convicted for willful refusal to submit to induction into the Armed Forces. 50 U. S. C. App. § 462 (a). The judgment of conviction was affirmed by the Court of Appeals for the Fifth Circuit.¹ We granted certiorari, 400 U. S. 990, to consider whether the induction notice was invalid because grounded upon an erroneous denial of the petitioner's claim to be classified as a conscientious objector.

I

The petitioner's application for classification as a conscientious objector was turned down by his local draft board, and he took an administrative appeal. The State Appeal Board tentatively classified him I-A (eligible for unrestricted military service) and referred his file to the Department of Justice for an advisory recommendation, in accordance with then-applicable procedures. 50

¹ The original judgment of affirmance, 397 F. 2d 901, was set aside by this Court on a ground wholly unrelated to the issues now before us, *sub nom. Giordano v. United States*, 394 U. S. 310. Upon remand, the Court of Appeals again affirmed the conviction. 430 F. 2d 165.