

4-22-1971

## 04-22-1971 Justice Douglas, Opinion

William O. Douglas  
*US Supreme Court Justice*

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 783.—OCTOBER TERM, 1970

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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[April —, 1971]

MR. JUSTICE DOUGLAS.

This case is very close in its essentials to *Negre v. Larsen*, 400 U. S. —, decided March 8, 1971. The Church to which that registrant belonged favored "just" wars and provided guidelines to define them. The Church did not oppose the war in Vietnam but the registrant refused to comply with an order to go to Vietnam because participating in that conflict would violate his conscience. The Court refused to grant him relief as a conscientious objector, overruling his constitutional claim.

The case of Clay is somewhat different, though analogous. While there are random bits of evidence showing conscientious objection to the Vietnam conflict, the basic objection was on the teachings of his religion. He testified that he was "sincere in every bit of what the Holy Qur-can and the teachings of the Honorable Elijah Muhammad tells us and it is that we are not to participate in wars on the side of nobody who—on the side of non-believers, and this is a Christian country and this is not a Muslim country, and the Government and the history and the facts show that every move toward the Honorable Elijah Muhammad is made to distort and is made to ridicule him and is made to condemn him and the Government has admitted that the police of Los Angeles were wrong about attacking and killing our