How dya like THAT, Whipple?!

Fifth Estate Collective

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Lou Gordon threw his pencil down on his TV prop desk and shouted into the camera; 'How do you like that, Ben Whipple?"

Lou, the conservative Detroit TV personality, had obviously been stirred by the spectacle of the Army's invasion of channel 50 that afternoon in order to suppress Sp/4 Jerry Brown's exposure of foul-ups in the Ft. Wayne induction station. Lou has an 18-year-old son who is facing the draft.

A squad of MPs plus the Southfield police had raided the Channel 50 TV station that afternoon (July 26) just after Lou had finished taping an interview with Jerry. They had a warrant for Jerry's arrest signed by Ben Whipple, Provost Marshall of the Detroit area military police. Fortunately, Jerry had already split the scene.

Gordon went ahead to admonish the Army for its tactics, both in ignoring the Court's restraining order against Jerry's transfer and its attempts to prevent Jerry's exposure of Ft. Wayne physicals. He commended Jerry for his efforts to correct the physicals and he announced that his staff had called Jerry at home to warn him that the MPs were after him.

The Army wants to ship Brown out of Ft. Wayne and possibly even overseas because of the uproar resulting from Jerry's exposure of the incorrect and illegal physicals being given at the Detroit induction center.

The U.S. Army appeared in court to show cause why the order for Jerry's transfer should not be cancelled. Jerry's attorney, Dennis James, contends that the transfer order is illegal because it is merely an informal punishment (avoiding the formalities of a court martial) and abridges Jerry's First Amendment rights of free speech—specifically, his right to file a complaint against the military and publicly expose what Jerry sees as illegal practices at Ft. Wayne.

The U.S. District attorney asked for dismissal of the show cause hearing based on lack of jurisdiction by the Federal Court over such a case, contending only the military had jurisdiction in the matter. Judge Stephen Roth declined to rule on this point of jurisdiction pending his ability to hear testimony on the case first.

The Army was not prepared to present this testimony because they had expected an immediate dismissal of the case based on the jurisdictional question, so the Judge adjourned the case to August 11 at which time both sides will present testimony and witnesses, especially that of the former base commander of Ft. Wayne, Major Edwards, who is presently on leave pending reassignment.

At the conclusion of the hearing the court called both attorneys before the bench. In the resultant conversation the District Attorney agreed to advise the Army against any further attempts to arrest Jerry pending a decision of the court.

Jerry's attorney has received a copy of a report (just made public) prepared by the General Accounting Office of the U.S. Government of physical misinductions—a report which was prepared at the request of Sen. Richard Schweiker of Pennsylvania.

The report reveals that in the period 1968 — 1969 there were 40,000 people who were discharged from the army because they had been improperly inducted (not through any injuries received while in the Army). In 1969 alone those misinduction discharges cost the U. S. government $19.7 million. That's $19.7 million wasted on processing people in and out of the Army who never should have been in at all. This figure, by the way, does not include all of those who were misinducted but have not yet been discharged.

Some of the more gross examples of those people misinducted and discharged are: a man who is a dwarf who was in the Army for 9 months before they discharged him; one man who was blind in one eye, another man who had only one kidney. This listing goes on and on.

Jerry's attorney will attempt to offer this U.S. government report as evidence in Jerry's behalf.

Affidavits from people who have complaints about their physicals at Ft. Wayne, especially those of the present time, are still needed for Jerry's case. Contact the Fifth Estate office at 831–6800 if you wish to make out such an affidavit.

Money is also needed because of the many expenses being incurred in the legal proceedings, such as filing fees, witnesses fees and the cost of using a court stenographer should depositions (testimony from witnesses out of court) be necessary. Contributions in Jerry's behalf should be directed to this office, 1107 W. Warren, Det., 48201.

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