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愛知学院大学教養部

Lattice Defects of Naphtacene Single Crystals Obtained by Physical Vapor Transport Technique Investigated by White-Beam X-ray Topography

Sadaharu JO

Lattice defects of naphtacene single crystals obtained by the physical vapor transport technique were investigated by white-beam X-ray topography, which revealed line patterns along the crystallographic [110] direction as dislocation lines. The estimated dislocation density indicates that the crystals are of superior quality.

Keywords: naphtacene single crystal, physical vapor transport technique, white-beam X-ray topography, lattice defect, dislocation

1. Introduction

Organic devices have a high potential for sub-nanoscale applications in next-generation flexible electronics.[1–14] The use of the physical vapor transport (PVT) technique to obtain organic single crystals has been increasing[15–29], and such crystals have been focused on for their applications in various types of device, such as solar cells, field-effect transistors, and light-emitting diodes.[30–35] There are high expectations that the high crystallographic periodicity and ideal electronic structures of these crystals can be retained because most impurities can be excluded during the physical vapor growth process. Naphtacene, a chainlike aromatic molecule composed of four benzene rings, is a promising material for many device applications; however, only a few scientific evaluation studies of naphtacene crystal defects have been performed thus far. X-ray topography is a powerful method of characterizing crystal quality, because various types of dislocation in Laue spots can be observed directly as topographic images. Crystal quality is reduced by the included impurities, strain, the disorder of periodicity, and other factors. For the precise control of electronic characteristics, high-quality single crystals with perfect and ideal periodicity

are required. Thus, it is extremely important to investigate and determine suitable conditions for obtaining high-quality organic single crystals. In this paper, the quality of naphtacene single crystals obtained by the PVT technique (PVT-naphtacene single crystals) is discussed on the basis of the results of a morphological investigation and white-beam X-ray topography.

2. Experimental Procedure

The naphtacene single crystals investigated in this study were obtained by the PVT technique. Fig. 1 shows a schematic of our handmade growth furnace, which was composed of a reaction tube, a growth tube, a source boat, a resistance wire, and a band heater. The lengths of the reaction and growth tubes were 500 and 250 mm, and the diameters were 30 and 25 mm, respectively. Tubes of 5 mm diameter were set along both ends of the reaction tube to enable the flow in and out of a carrier gas that circulates evaporated source materials by forced convection. The reaction tube was surrounded by a resistance wire at equal intervals for maintaining the desired temperature in the furnace. A band heater was placed at the same location as the source boat to generate a temperature gradient. To obtain PVT-naphtacene single crystals, the growth temperature was varied between 220 and 400 °C. Helium gas was employed as the carrier gas and its flow rate was fixed at 50 ml・min^{-1}. After the crystal growth by the PVT technique, the growth tube including the PVT-naphtacene single crystals was removed from the furnace. The crystal morphology was investigated by several types of optical microscopy technique. For crystallographic characterization based on the Laue method, the white-beam X-ray topography apparatus at SPring-8, Japan Synchrotron Radiation Research Institute (JASRI), BL28B2 beamline was employed. The apparatus was arranged in accordance with the forward reflection Laue method. The available X-rays had a wide energy band with an energy higher than 5 keV. The critical energy of the X-rays was 28.9 keV. To reduce the damage to the crystals caused by X-ray irradiation, a water filter unit of 5 mm path length was attached. The crystal quality was sufficiently high for conducting white-beam X-ray topography more than ten times. The camera length was set at 120 mm. The slit dimensions were set at 5×5 mm^2, and the X-ray irradiation time was varied from 10 to 30 s. Specimens were set with the plane with the largest width normal to the incident X-ray beams, which is the [001] direction. The normal direction corresponds to the [001] direction. To determine the crystallographic indices, specific programs, namely, the Laue Pattern Digitize & Laue Analysis & Result Display Program and the Laue Pattern & StereoGraphic Projection Display Program, which were originally produced for our study by Norm Engineering Co. Ltd., were employed. Diffractometry was also performed to precisely investigate the quality of PVT-naphtacene single crystals.

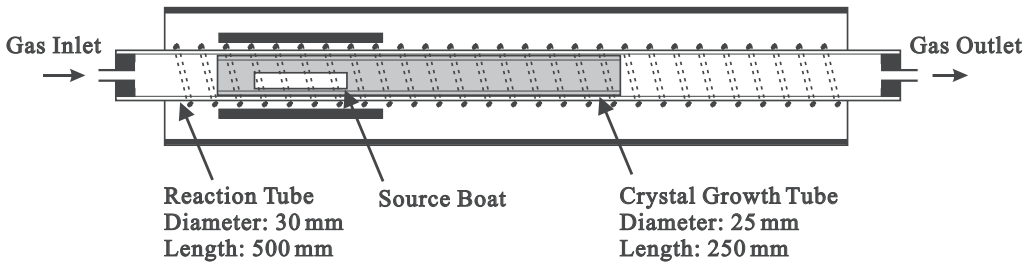


Fig. 1 Schematic of growth furnace for obtaining naphtacene single crystals by PVT technique.

3. Results and Discussion

As shown in Fig. 2, the typical morphology of a PVT-naphtacene single crystal is plateletlike with a large-width hexagonal plane, which is surrounded by very thin lateral planes. The width of a plateletlike crytal is ca. 10 mm and the thickness is only ca. 500 nm. Many plateletlike crystals possessed planes with larger widths of 20–30 mm. The crystallographic index of the hexagonal plane with a large width was characterized to be the (001) plane by diffractometry, as described in our previous report[25]. The narrow lateral planes were formed by {100} and {110} planes.

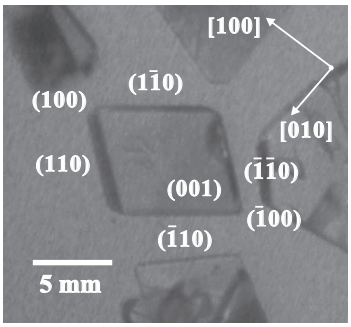
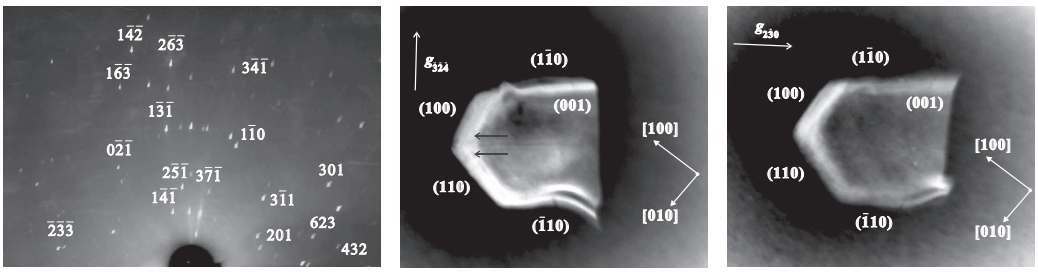


Fig. 2 Typical morphology of naphtacene single crystal obtained by PVT technique.

Fig. 3(a) shows a Laue pattern of a PVT-naphtacene single crystal. Many Laue spots with high intensity can be recognized in the pattern. The large black shadow at the bottom of Fig. 3(a) corresponds to the direct-beam stopper of the X-ray apparatus. The spot arrangement perfectly agrees with that of the basal (001) pattern for naphtacene with a triclinic system: a=7.90 Å, b=6.03 Å, c=15.53 Å, α=100.3, β=113.2, and γ=86.3[36]. The configuration of Laue spots indicates the crystal morphology and suggests that the crystal we obtained includes little strain and possesses long-range coherent periodic structures, because even the Laue spots with high indices such as 623 and 432 spots indicate that the crystal configuration is still maintained with little elongation. As described in our previous report[25], large PVT-naphtacene single crystals are of excellent quality; however, the small PVT-naphtacene single crystals are of inferior quality. It appears that the small PVT-naphtacene single crystals cannot grow further because of the inclusion of strain. Figs. 3(b) and (c) show enlarged topographs of the $\bar{3}\bar{2}\bar{4}$ and $2\bar{3}0$ reflections, respectively, which were recorded with the incident white beam parallel to the

[001] direction. Both topographs substantially reflect the crystal configuration. As observed in Fig.3 (b), several line patterns with dark contrast are nearly parallel to the [110] direction, which are indicated by two black arrows. This experimental result excellently agrees with the report of Pflaum et al. indicating that the formation of side edges of grooves occurs along the [110] direction[37]; they, however, obtained their naphtacene crystals by the solution technique. On the basis of the theory of the invisible criterion for the dislocation contrast, the dislocations in images are assumed to be invisible at $\boldsymbol{g}\cdot\boldsymbol{b}=0$. Here, $\boldsymbol{g}$ is the diffraction vector and $\boldsymbol{b}$ is the Burgers vector. When assuming that the origin of a line pattern is a screw dislocation, line patterns should be invisible or visible with weak contrast in Fig. 3(b); on the other hand, when assuming that the origin of a line pattern is an edge dislocation, line patterns should be invisible or visible with weak contrast in Fig. 3(c). Actually, the line patterns are visible, when they are normal to the diffraction vector of $\boldsymbol{g}_{\bar{3}\bar{2}\bar{4}}$, as seen in Fig. 3(b); however, the line patterns are invisible when they are parallel to the diffraction vector of $\boldsymbol{g}_{2\bar{3}0}$, as seen in Fig. 3(c). Thus, the line patterns seen in Fig. 3(b) are possibly the dislocation lines formed owing to the edge dislocation. The expected orientation of the Burgers vector of the edge dislocation is in the [320] or [001] direction. Thus, this result indicates that crystallographic slip planes form easily along the [320] or [001] direction. Electronic carriers can possibly overcome the energy barrier against the slip planes. Moreover, the dislocation density was estimated to be ca. 1.0×10^3 cm^{-2}. Koizumi et al. described that organic crystals with ordered dislocation densities of 10^2–10^3 cm^{-2} are of high quality[38]; hence, we consider that our PVT- naphtacene single crystals investigated in this study are of high quality.



(a)　(b)　(c)

Fig. 3　(a) Laue pattern of naphtacene single crystal grown by PVT technique. The incident X-ray beam was parallel to the [001] direction. (b) and (c) show enlarged topographs of the $\bar{3}\bar{2}\bar{4}$ and $2\bar{3}0$ reflections, respectively.

4. Conclusion

Lattice defects of PVT-naphtacene single crystals were investigated by white-beam X-ray topography.

The dislocation lines observed parallel to the crystallographic [110] direction originated from edge dislocations, as confirmed on the basis of the theory of the invisible criterion for the dislocation contrast. The estimated dislocation density indicates that the crystals are of superior quality.

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固有名詞や言葉遊びにおける『ドン・キホーテ』邦訳比較

誉　田　百合絵

本稿は、拙論文「日本における『ドン・キホーテ』の紹介と受容の様相」の一部分である「Ⅰ–2.　翻訳史」を一部修正し簡潔にまとめたうえで、『才知溢れる郷士　ドン・キホーテ・デ・ラ・マンチャ』を、英語からの重訳時代の作品とスペイン語からの直訳である作品の違いという視点から比較したものである。今回は特に、①名前や地名といった固有名詞の表記、②単位の表記、③言葉遊びやそのほかスペインの文化的背景の知識が肝要となる表現に分けて分析を試みる。

キーワード：重訳、直訳、底本、註釈

Ⅰ.『ドン・キホーテ』邦訳の歴史

まず、簡単に日本における『ドン・キホーテ』翻訳の歴史をまとめる。ここでは便宜上、明治から第二次世界大戦時までを第一期、第二次世界大戦後から現在までを第二期として簡単にまとめる。これは第二次世界大戦の時期を境に翻訳の特徴が大きく変わったため、この時点で分割して分析するのがよいと判断したからである。

Ⅰ–1.　第一期（明治～第二次世界大戦期）

『ドン・キホーテ』翻訳の黎明期の主要な作品を紹介する。この時期にはまだ、原文から直接日本語に翻訳できるような熟練したスペイン文学研究者がいなかったため、英語やフランス語などからの重訳しか出版されていなかった。なお、明治18年に刊行された『毆州情史 玉薔薇』は『ドン・キホーテ』の翻訳だとする資料があるが、実際は同じ作者の別の著作『模範小

説集』の中の一編を翻訳したものであるため、ここでは触れないでおく。

1．ワ・シ編訳「鈍喜翁奇行傳」『教育雑誌』贊育社、1887年

ワ・シこと渡辺修二郎氏による、『ドン・キホーテ』初の邦訳書である。英語版からの重訳で、前編52章のうち20章までの内容の大筋をまとめた抄訳となっている。『教育雑誌』という雑誌に8回にわたって連載されており、渡辺は雑誌の主筆を担当していた。

2．松居松葉訳『鈍機翁冒険譚』（上下）、博文館、1893年

前編のみを43の章に分けて綴った抄訳版である。

3．雄島濱太郎訳『世界奇書　ドン　キホーテー』育成会、1902年

前編6章までの抄訳である。底本については「そへがき」で、イギリスで最良の翻訳本が出版されたと聞いているがいまだに手に入らないので「主にヂョーヂ　マンロー出版の英譯とラオトレツヂのとより之を重譯しぬ」とし、機会があれば、修正を加えるつもりだと述べている。

4．近藤敏三郎訳『新訳　ドン・キホーテ物語』精華堂書店、1910年

原作前後編の抄訳。底本は手近にあったCarvin Dill Wilsonの抄訳本とBook for the Bairns、そしてSixpenniesの中の抄訳を参照しながら訳したと述べている。

5．佐々木邦訳『全訳ドン・キホーテ』東亜堂書房、1914年

タイトルに「全訳」と銘打ってあるが、実際は前後編126章の中から主なエピソードを抜き出し30章にまとめた抄訳本である。「はしがき」に「此飜譯はJones, -*The Adventures of Don Quixote de la Mancha*を骨子とし、Shelton, - *The History of the Valorous & Witty Knight- Errant Don Quixote of the Mancha*を参照して、成るべく日本の読者に分かり易いやうにと心掛けて書いたものである。若し是によって有名なドン・キホーテの什麼ものかが紹介出来れば甚だ幸ひと思ふ」（佐々木、「はしがき」、p. 7）という訳者のコメントが添えられている。

6．島村抱月・片上伸共訳『ドン・キホーテ』（上下二巻）、植竹書院、1915年

初めての完訳本である。イギリスのオームズビーの訳が最も質がよいとして、これを底本とし、同国のジャーヴァス、シェルトン、フランスのヴィアルドー、ドイツのテイークを参照しつつ翻訳作業を進めた。

7．森田草平訳『ドン・キホーテ』（上下）、国民文庫刊行会、1927−1928年

2番目に出版された完訳版である。Motteuxの英訳を底本にしているが、これは「この書の英譯は数十種出てゐるが、最も凡く英國に行はれてゐるもので、能く原作者の精神を伝へた譯本として定評のあるものを取つたに過ぎない」（上巻「譯者の序」、p. 7）からであると、上巻巻頭の「譯者の序」の部分で述べている。

8．矢口達監修『ドン・キホーテ』潮文閣、1928年

前編の抄訳で、『カラマーゾフの兄弟』との合本となっている。セルバンテス作品の翻訳経験がある樋口正義は矢口の翻訳内容を検討した結果、「訳文は片上伸の翻訳に酷似しているので、おそらくこれは片上訳を一部改変もしくは省略して、面白そうな部分だけを抜き出し、さらに難しい表現をやさしく書き直したものだと推測される」と評している[1)]。

Ⅰ–2. 第二期（第二次世界大戦後～現在）

第二次世界大戦後、スペインの言語や文化に対する専門的な知識を持った訳者があらわれ、その当時の最新の研究を反映させた邦訳版を次々と発表していった。その内容も基本的に完訳ばかりとなっている。その一方で、ここでは触れないが、青少年向けに簡潔にまとめられた抄訳版や、子ども向けの絵本の出版なども相次いで出版されている。

1．永田寛定・高橋正武訳『ドン・キホーテ』（正篇・続篇 6 冊）、岩波文庫、1948–1977年

初めてスペイン語から直接訳された完訳本である。正篇 3 冊と続篇の 2 冊目までを訳した。その後仕事は高橋に受け継がれ、1977年にようやく『ドン・キホーテ』翻訳事業が完遂した。ロドリーゲス・マリンの訳を底本としている。

2．進藤遠訳『英邁なる貴紳ラ・マンチャのドン・キホーテ』（前篇）、河出書房、1951年

1949年に思索社から前篇27章までの部分訳を、1951年には前篇52章の全訳を河出書房から出版している。後篇は訳されていない。

3．会田由訳『才智あふるる郷士ドン・キホーテ・デ・ラ・マンチャ』（前篇）、河出書房新社、1958年、（後篇）筑摩書房、1962年

永田の方が先に翻訳作業を開始していたが、彼は作業の半ばで亡くなり、残りの仕事は弟子である高橋に引き継がれたので、事実上は会田のほうが先に前篇、後篇を通した完訳を達成したことになる。原本のほかに英訳、仏訳、邦訳では片上訳と永田訳を参照していた。

4．堀口大學訳『奇抜な郷士ドン・キホーテ・デ・ラ・マンチャ』（正編）、講談社、1976年

正編のみの翻訳である。仏訳ではガリマール書店から1956年に出版されたプレアード版とミオマンドル訳のストック版を参照し、原文はフランシスコ・ロドリゲス・マリン校注のエスパサ–カルペ社版を使用したとある（「解説」、pp. 532–533）。

5．牛島信明訳『機知に富んだ郷士ドン・キホーテ・デ・ラ・マンチャ』（前後篇）、岩波書店、2001年

底本は Vicente Gaos 版を用いている。なお、その際に参照したのは Martín de Riquer, Planeta, 1990; L. A. Murillo, Castalia, 1978; Juan Bautista Avalle-Arce, Alhambra, 1979; Instituto Cervantes,

dirigida por Francisco Rico, Crítica,1998などであると述べている。これに加えて、ときには英訳、仏訳、そして邦訳である永田・高橋訳、そして会田訳も参考にしたという。

6．荻内勝之訳、堀越千秋絵『ドン・キホーテ』（前後篇）、新潮社、2005年

本文には「後書き」も「解説」もなく、翻訳作業に関する記述が添えられていない。しかし、作品の出版に際して荻内は毎日新聞のインタビューにて『ドン・キホーテ』を訳しきった感想を述べ、その文体の特徴を説明している。以下、記事を一部引用する。

> 歌舞伎役者の家系の血か、遍歴好きの学者で、もちろん芝居も大好き。「だから僕の文体は芝居のようです。声を出して読みたくなるような語りにしたつもりです」[2)]。

7．岩根圀和訳『新訳ドン・キホーテ』（前後編）、彩流社、2012年

最新の翻訳本である。底本には Francisco Rico, Florencio Sevilla Arroyo y Antonio Rey Hazas および Luis Andrés Murillo のものを使用している[3)]。訳者は「あとがき」で既存の邦訳版の特徴を比較している。趣旨をまとめると、永田訳はかなり昔の訳であるためさすがに古く、堀口訳はフランス語訳を参照しながら翻訳している影響があり、会田訳は新しく読みやすい、牛島訳はカタカナ語を取り入れた点で新鮮であり、荻内訳は著者の語り口を重要視して訳している、ということだ。最後に、総括してどの作品も特徴のある文体で貴重な労作と評している。

II．翻訳内容の比較

この節では、前節で挙げた翻訳本のうち、完訳されたものの中からいくつかの版を選び、本文を比較して時代ごとの翻訳の特徴を明らかにする。今回は、英語からの重訳で、底本がはっきりと提示されている片上訳[4)]（1915年）、と森田訳（1927年）、スペイン語からの直訳は永田訳（1948年）、牛島訳（2001年）、荻内訳（2005年）、そして岩根訳（2012年）を扱う。なお、原文は1941年の Marín 版を用いる。また、英語版の『ドン・キホーテ』は片上が底本にしたという Ormsby 版と、森田が底本にしたという Motteux 版を参考にする。

II-1. 固有名詞の比較

はじめに、主だった登場人物の名前を比較してみる。（表1）は、それぞれの訳者の訳語一覧表である。なお、永田訳以降はほぼ同じ表記なので掲載を省略する。

表 1

Marín	Ormsby	Motteux	片上	森田	永田
Don Quijote de la Mancha	Don Quixote of la Mancha	Don Quixote de la Mancha	ラ・マンチャのドン・キホーテ	ラ・マンチャのドン・キホーテ	ドン・キホーテ・デ・ラ・マンチャ
Sancho Panza	Sancho Panza	Sancho Panza	サンチョー・パンザ	サンチョー・パンサ	サンチョ・パンサ
Aldonza Lorenzo	Aldonza Lorenzo	Aldonza Lorenzo	アルドンザ・ロレンゾォ	アルドンザ・ロレンゾー	アルドンサ・ロレンソ
Dulcinea del Toboso	Dulcinea del Toboso	Dulcinea, with addition of del Toboso	ドゥルシネア・デル・トボソォ	※	ドゥルシネーア・デル・トボーソ
el Cura	the curate	the curate	牧師補	牧師	司祭、和尚

※かくて彼は最後に彼女をダルシネアと呼ぶ事に定め、苗字は彼女が生まれた地名から取ってデル・トボソーとした。

今回比較対象としたいずれの作品も、最も早く翻訳されたワ・シ（渡辺）版『鈍喜翁奇行傳』の時期に比べると、原語であるスペイン語の発音にかなり寄せた表記で書かれているが、細かいところで重訳と直訳のあいだに差異があることがわかる。例えばサンチョの苗字“Panza”や、騎士の想い姫であるドゥルシネーアのモデルになった女性“Aldonza Lorenzo”に用いられているｚの音は、片上版では一般的なスペイン語の読みかたとは違ってザ行の表記になっているし、さらに言えば“Lorenzo”や、ドゥルシネーアの名前の一部である“Toboso”は、「アルドンザ・ロレンゾォ」や「ドゥルシネア・デル・トボソォ」といったように、本来のアクセント位置ではないところにアクセントがあるかのような表記がなされている。これは英語式の読みかたに倣った表記であろう。一方で、永田以降の翻訳ではほぼ統一して「アルドンサ・ロレンソ」「ドゥルシネーア・デル・トボーソ」といったスペイン語の発音に近い表記で一致している。

登場人物の訳出の違いで顕著なのは、ドン・キホーテの同郷の友人である“el Cura”の訳だ。永田以降の直訳版では「司祭」や「神父」と訳されることが多い[5)]。英語版では Motteux 訳と Ormsby 訳のいずれも“the curate”となっているが、これを片上は「牧師補」、森田は「牧師」としている。“Curate”という単語を辞典で調べると、確かにイギリス国教会の役職である「牧師補」と言う単語が出てくるが、その他にカトリック派の「助任司祭」を指すともある。よって、重訳と直訳のいずれの版でも“curate”という単語自体の翻訳に齟齬はないのだが、スペインでは、特に『ドン・キホーテ』が執筆された17世紀のスペインでは、カトリックの勢力がプロテスタントよりもはるかに強大であった。そういった文化的背景をふまえると、「牧師」という言葉を使うのは適切であるとはいえない。なお、箇所によっては永田は「和尚」、岩根

は「住職」と訳していることもあるが、これは宗教の認識の齟齬というよりは、読者である日本人への馴染みやすさを優先し、あえて仏教用語を用いているのであろう。

以上は、スペイン語そのものに対する知識や、スペインという国への知識の有無によって差異が生じている箇所の指摘であった。しかし、今回比較をしているいずれの版でも、小説のタイトルであり、かつ主人公の名前にもなっている “Don Quijote” だけは、いずれの時代も「ドン・キホーテ」とより原語に近い表記となっている。特に、Ormsby や Motteux の英語版では j が x になっているにもかかわらず、それを底本としているはずの片上訳や森田訳は英語風の発音表記を避け、一貫して「ドン・キホーテ」と書いている。スペイン語に明るい翻訳者や研究者がまだ日本にほとんどいなかった時代でさえ、『ドン・キホーテ』という小説のタイトルだけは（内容はともかくとも）早い段階から広く認識されていた証左といえよう。一方「デ・ラ・マンチャ」の部分だが、騎士や貴族といった身分にある人物は出身地を名前に添えて名乗り、みずからの立ち居振る舞いによって地元の名声を高めるという慣習がある。実際、ドン・キホーテがあこがれるスペインの著名な騎士道物語の主人公アマディス・デ・ガウラも、同様の理由でデ・ガウラを名乗っているのだという記述が『ドン・キホーテ』本文にある。また、想い姫のドゥルシネア・デル・トボーソの名前を考案する際にも同様に、いかにも貴婦人らしさを出すために、姫のモデルとなった女性アルドンサの故郷であるトボーソ村の名前を冠した。そういった経緯から、主人公もそれに乗っ取って「デ・ラ・マンチャ」と名乗るのだが、英語訳ではこの “de” を “of” と訳出する場合が多く、これに倣って片上や森田の重訳も「ラ・マンチャのドン・キホーテ」と訳している。一方、永田以降の訳者は名前をひとつながりの固有名詞としてそのまま訳しているという点で両者に違いがみられる。なお、この「ラ・マンチャ」という地域は「イスパニヤで最も蒙昧な地方で、住民は頑迷なわからずやとされていたから、ドン・キホーテと名乗る騎士どのには、デ・ラ・マンチャよりも恰好な苗字はまずないのである。」（永田、pp. 270–271）、「ラ・マンチャはスペインで最も荒涼とした地方で、伝統的な騎士道物語の、城などからなる華麗で貴族的なロマンスの舞台とはまさに好対照である。」（牛島、p. 417）などと解説されるような土地として一般的に認識されており、直訳作品ではこの注釈が入ることによって、老騎士がいかに滑稽で荒唐無稽なことをしでかしているのかがより読者に伝わりやすくなっている。

次に、作中に登場する騎士道小説の名前や地名を比較していきたい。こちらもそれぞれの訳者の訳語を、（表2）の一覧にまとめた。

表 2

Marín	Ormsby	Motteux	片上	森田	永田
Amadís de Gaula	*Amadis of Gaul*	Amadis de Gaul	ゴールのアマディス	アマディス・デ・ゴール	アマディース・デ・ガウラ
Don Olivante de Laura	*Don Olivante de Laura*	Olivante de Laura	ドン・オリヴンテ・デ・ラウラ	オリヴンテ・デ・ラウラ	ドン・オリバンテ・デ・ラウラ
Palmerín de Inglaterra	*Palmerin of England*	Palmerin of England	イギリス國のパルメリン	英吉利のパルメリン	パルメリン・デ・インガラテルラ
Alejandro	Alexander	Alexander	アレキサンダア	アレキサンダア	アレクサンドロス
Córdoba	Cordova	Cordova	コルドーヴ	コルドーヴァ	コルドバ

前の項目でも述べたが、騎士の名前をタイトルに冠している小説の場合、英語からの重訳の際にもっとも顕著に影響を受けるのは、固有名詞中にある接続詞の解釈であろう。英語版で接続詞 “de” をそのまま残すか、それとも “of” と訳してしまうのかが、日本語訳に影響を与えている。例えば、前編第 6 章、ニコラス親方や司祭がドン・キホーテを狂気から救いだすため彼の蔵書を一斉処分してしまう場面では、実在する騎士道物語のタイトルが多数登場する。そのなかのひとつで、Marín 版では “Amadís de Gaula” と書かれている騎士道小説を、永田や牛島はそのまま『アマディス・デ・ガウラ』のように、ひとつの固有名詞として原語版に書かれているまま日本語に置き換えている。ところが、これを “Amadis of Gaul” と英語風に訳している Ormsby 訳を底本としている片上版では、それに倣って『ゴールのアマディス』と表記されている。その一方で、同章に登場する “Don Olivante de Laura” という作品は、英語版もスペイン語版とまったく同じ表記で書かれており、これにともなって片上版も『ドン・オリヴンテ・デ・ラウラ』としている。なお、いくつか本文中の作品を比較して見てみると、傾向として、『アマディス・デ・ガウラ』のように『(地名) の誰々』という場合には “de” を “of” と訳し、『ドン・オリヴンテ・デ・ラウラ』のように『(人名) の誰々』という場合にはそのまま “de” と訳出しているように見受けられる。

また、スペインの地名も、底本で英語風の表記に訳されているものは重訳でもその表記に倣った発音で訳出されている。例えば、コルドバはスペイン語では “Córdoba” と書くのが一般的であるが、Ormsby や Motteux の英語版では “Cordova” と書かれているために、片上版でも「コルドーヴ」となっている。こうなるとアクセントの位置も原文とは違ってきてしまい、結果的に『ドン・キホーテ』を読んでいるにもかかわらず、読者は訳本からスペインらしさを味わいづらくなってしまっている。

なお、アレクサンドロス大王といったスペイン語由来ではない人名、地名に関しては訳によって多少の差異がみられる。Marín 版ではスペイン語風の名前に置き換えて “Alejandro” と

表記されているが、Ormsby や Motteux は英語風の名前に置き換えて “Alexander” とし、片上や森田もそのまま「アレキサンダア」としている一方で、永田以降の直訳では日本で一般的に認知されている「アレクサンドロス大王」という呼びかたで統一されている。

II–2. 単位の比較

次に、作中で登場する単位の表現についていくつか抜き出して比較する。まずは Marín による原語版で p. 53 に登場する “hanegas”（現代では “fanega” と表記）についてみてみよう。物語の主人公ドン・キホーテは、騎士道物語を愛するあまりに所持していた土地の大部分を手放し、本の購入に充てていたという趣旨の文中に登場する単位である。牛島訳『ドン・キホーテ』には、巻末の訳注ページ冒頭に主だった単位の解説がまとめて載っており、そこでファネーガについて「穀量の単位で、五五.五リットル。また、一ファネーガの小麦をまくことのできる面積」と明確に解説している（p. 411）。これを、片上は底本にしている Ormsby 訳に則って「エーカー」と英米風の単位で訳出しており、さらに文中に「一エーカーは四段十八町歩に當る」と注を入れている（p. 8）。Motteux も Ormsby 同様に “acres” と英米風に訳しなおしているが、森田は “acres” をそのまま訳さずに「多くの田畑」と曖昧な表現にしている（p. 2）。

直訳版を見てみると、永田は「何町という畑地」（p. 109）、荻内は「幾町歩も」（p. 38）と、スペイン語の単位を使わず日本語の表現に置き換えている。他方、岩根は「幾ファネーガも」（p. 50）と表現をそのまま使い、単語の解説はしない代わりに、同ページ末の脚注で「例えば牛肉半キロが八マラベディ…中略…の一五五六年頃、騎士道物語『パルメリン』の価値は八十マラベディ…」（p. 51）と、物価の具体例を出すことでドン・キホーテがいかに騎士道物語にのめりこんでいたかを示している。なおマラベディは後の節で言及するレアルと同時期に使用されていた通貨の単位である。

次に長さの単位レグア（legua）である。前編第 8 章の、ドン・キホーテが風車を見て巨人と勘違いする場面で、風車の羽（ドン・キホーテにとっては巨人の腕）の長さを誇張して表現する台詞で用いられている。牛島訳では「腕の長さ二レグア」（p. 142）と訳していて、巻末の訳注で 1 レグアを「約五・六キロメートル」と説明している（p. 411）。英語版を見ると、片上訳の底本である Ormsby 訳では “league” と訳している（p. 18）。“legua” もしくは “league” はスペインに限らずヨーロッパで広く使われている単位であり、イギリスでもその長さをイメージしやすいであろう。片上は Ormsby 訳に忠実に、注つきで「二リーグ（一リーグは約一里八丁）」としている。一里は約4km 弱、一丁は約110m なので、片上の解説では 1 リーグ（レグア）は約4.88km 弱という計算になる。やや牛島の解説よりも短いが、大まかに一致していると言っていいだろう。森田も片上と同様に、注つきで「二リーグ［一リーグは約一里八丁］」

と表現している（p. 62）。

永田による直訳は、「二里」と端的に日本風の表現に訳しなおしている（p. 174）。先ほど述べたように一里は約4km なので、既に述べた三者よりもさらに短い距離となってしまうが、文脈的に言ってここでは正確な数字は必要ないので、おおよその規模が伝われば充分であろう。荻内も「里」と表現しているが、「二里」ではなく「三里」と数字を変えて訳すことで4km×3=12km と計算を近づけている（p. 101）。岩根は「十キロ以上」と、読者にとって一番馴染みの深い単位であるキロに変えている（p. 89）。

II–3. ユーモアの表現の比較

次に、セルバンテスの文章の特徴でもあるユーモア、言葉遊びについて言及する。前編第 1 章の、ドン・キホーテが遍歴の旅への出立にあたり連れていく痩せ馬の特徴を描写している場面の一部を引用する。Marín 訳の “y aunque tenía más cuartos que un real” の部分である（p. 57）。Marín は同ページ下部にて “Cervantes juega aquí de la voz cuartos, en sus dos acepciones de monedas y cierta enfermedad de las caballerías.” と注をつけているので、合わせて比較したい。まずは比較基準となる永田訳だが、「十銭（レアール）をくずした小銭（クワルトス）よりも多い爪割（クワルトス）れがあり、…」となっている（p. 114）。そして、巻末に注釈として以下の文章が記載されている。

> レアールは現ペセータ[6]…中略…の四分の一だが、…中略…クワルトも昔の銅貨で、レアールの四分の一の意義だが、一ばんに、銅貨という意味、または銭という意味に使われる。セルバンテスはこのクワルトを馬の病気の爪割―やはりクワルトという―にかけたのである。（永田、p. 270）

原文の言葉の洒落をほぼ完全に回収し、解説しているのがわかる。同様に、牛島も注こそつけていないがほぼ永田と同義の解釈をしている。

では、重訳である片上訳はどうだろう。片上は、文中に注を挟みつつ「それはレーェル銀貨（凡そ二十五銭に當る）を割つた小銭よりも多い足の蹄裂（蹄裂の言語 quarte は一種の馬の病気なる蹄裂を意味すると同時に、スペインの廢貨 ral 銀の八分の一小銅貨をも意味し、原文では言葉の洒落となつてゐる）を有ち」としている（p. 11）。底本である Ormsby 訳を見ると、本文は “with more quartos than a real”（p. 2）、同ページ下部の注で “An untranslatable pun on the word *quarto*, which means a sand crack in a horse’s hoof, as well as the coin equal to one-eighth of the real.” としており、大部分が底本に忠実に訳されている。しかし、Ormsby が “real” としたところを片上は “ral” と表記しているほか、「 4 分の 1 」という単語に由来する “cuarto” を “one-

eighth”、「八分の一」と誤訳してしまっている。また、レアルの価値を片上が作品を出版した当時の相場に置き換えて「二十五銭」と解説している。既に論じた「ファネーガ」の件でもいえるが、片上は当時の日本人にとって馴染みの深い単位に置き換えて解説することで、読者が『ドン・キホーテ』の世界をよりイメージしやすくなる工夫をしている。

もう一方の重訳である森田訳だが、“whose bones stuck out like the corner s of a Spanish real”（p. 18）と訳した Motteux に倣い、文中に注を挟みつつ「骨は西班牙のレアル［昔の銀貨］の角のやうに突つ張つてゐた。」（p. 6）としている。レアルという表記は片上のそれよりもスペイン語に近く、また注でレアルが旧貨幣であることに言及してはいるものの、原語の “cuarto” が生かされていないどころか、意味も変わってしまっていて、原文の言葉遊びは読者には伝わらない。

近年の翻訳を見てみると、荻内は「蹄などは小銭を並べたように皹割れた」（p. 42）、岩根は「蹄はボロ壁よりもひび割れ」（p. 52）としており、両者とも原語の言葉遊びの要素は省略しているほか、注もない。さらに言えば、言葉遊びの要素を省いたことによってかなり意訳に近い形になっている。

次に、ドン・キホーテの友人である司祭についての一文から引用する。Marín による原語版ではこの司祭について “que era hombre docto, graduado en Sigüenza（シグエンサ大学を卒業した知識人）” という紹介文がある（p. 55）。原語版ではこれ以上の解説はないのだが、永田訳ではこの「シグエンサ大学」に注がついており、「シグエンサ大学はイスパニヤの三流大学で、こゝを卒業した学問のある人間と言ったのは、村の和尚を滑稽化したのである」と解説している（p. 268）。この司祭（訳者によってこの「司祭」を「牧師補」や「和尚」などさまざまな訳出をしていることは上記に述べたとおりである）と主人公のドン・キホーテは、愛読書である騎士道物語について日々議論を交わしていたという描写があり、いかにもこの司祭は教養のある人物であるかのような印象を受けるが、実際のところはこの司祭の「教養人」という肩書きは大変疑わしいものであるという、母語話者にとっては笑いを誘う場面なのだ。しかしスペインの社会的通念についての知識を持ち合わせていないと、このセルバンテスの皮肉はなかなか理解できない。永田以降の訳ではいずれもこのことが注か、もしくは本文中に織りこむ形で説明されている。牛島は巻末の注にて「三流大学の代名詞のような大学。したがってここでは村の司祭が諷刺されている」としている（p. 416）。岩根は同ページにおける注釈で「シグェンサ大学は一四七二年の設立以来の三流校。したがってそこを出た司祭を博識な人物と言うのは皮肉である」と表現している（p. 51）。荻内は注はつけずに「三流で知られるシグエンサ大学を出た教養人である」と端的に本文で皮肉であることを示している（p. 40）。

ところが、重訳である片上は、Ormsby が “Siguenza was one of the *Universidades menores*, the

degrees of which were often laughed at by the Spanish humorists.”（p. 1）と正確に解説しているにも関わらず、「大学の名、そこの学位は價値を認められてゐたからだ」（p. 9）と真逆の解釈をしてしまっている。森田はこの大学についての解説は一切していない。底本となった Motteux 訳も同様である。したがって、重訳の時代に出版された 2 つの作品では、この司祭が「シグエンサ大学出身」であるという面白みを理解することはできないのだ。こういった原文の妙を生かすも殺すも訳者次第なのである。

もうひとつ例を挙げる。前編第 4 章の、遍歴の旅に出たドン・キホーテが窮地に立たされているアンドレス少年を助け、彼の主人に滞納している賃金を支払うよう命ずる場面である。少年が月 7 レアルの給金が 9 か月分滞納していると言うと、ドン・キホーテはそれを計算して 73 レアルの支払いが必要だと結論を出す。しかしこれでは計算が合わない。この箇所は解釈が分かれる場面である。重訳時代の作品は、セルバンテスの計算間違いとして底本、重訳ともに “sixty-three reals”（Ormsby、p. 9、および Motteux、p. 41）、「六十三レーェル」（片上、p. 26）と修正して書いている。また原語の Marín 版も “sesenta y tres reales” と注釈なしに訂正されており、これを底本としている永田も「六十三貫文（レアール）」としている（p. 137）。

ところが、別の底本である Riquer 版では “setenta y tres reales” となっており、注で「初期のドン・キホーテの版ではそのまま 73 レアルとなっているが、近年の版では 63 レアルに修正されている。しかしながら、セルバンテスはドン・キホーテにわざと計算を間違えさせ、弱者である少年を助けるという英雄的行為をさせたのだとする考察もある」といった趣旨の解説をしている（p. 56）。Riquer を底本とした牛島訳は同様に「七十三レアル」（p. 86）に注釈で「六十三レアルの誤植の可能性もあるが、セルバンテスはドン・キホーテに故意に間違えさせているとも考えられる。もちろん、弱い立場にある下男にとって有利になるようにとの配慮からである」（p. 419）とつけ加えている。岩根も「七十三レアル」と書き、「印刷ミスではなくおそらくわざとドン・キホーテに計算違いをさせたのであろう」（p. 67）と注をつけている。荻内は注釈はなくただ「七十三レアル」（p. 66）としている。これは重訳、直訳の差というよりは翻訳された時代による解釈の変遷の一例だが、専門家による『ドン・キホーテ』研究が進むにしたがって、このように新しい「面白み」を作品に反映させることが可能となるのだ。

おわりに

ここまで、明治時代から現在までの『ドンキホーテ』の邦訳の流れをつかみ、その第一期にあたる重訳の作品と、第二期にあたる直訳の作品とを比較してきた。重訳の時代はスペイン語の知識もなく、また 17 世紀当時の文化的背景についての見識も不足したままの翻訳であるの

で、どうしても細かいニュアンスを拾うことが難しい。そのようななかでも、物語の内容が大筋において原文と一致していて正確なのはひとえに訳者の尽力と力量の賜物であり、また底本となった英語訳の正確性によるものである。言葉遊びや洒落の表現もある程度は日本語訳に反映されており、重訳しかなかった時代の読者であっても、この物語の筋を追い、面白さを味わうことは充分に可能である。しかしながら、セルバンテス特有の文章構成の面白さであったり、スペインの社会的背景を踏まえた表現であったりと、作品をより奥深く味わうためには、やはり直訳である永田以降の作品を読むことに勝るものはない。そういった意味で、最初に直訳による完訳を果たした永田（会田もほぼ同時期に訳していたが）の功績は大きく、のちの『ドン・キホーテ』邦訳に大きな影響を与えたといえる。また、最新の訳が出版されるたびに、『ドン・キホーテ』研究で新たに明らかになった要素も盛り込まれ、その内容はより充実してゆくのだ。

また、各翻訳を時代ごとに整理すると、翻訳する際に何を重視し、何を削るのか、その取捨選択の傾向がより鮮明に見て取れる。片上は、スペインについての知識を持たない読者にいかにこの物語を楽しんでもらうかという点を念頭に置いて翻訳を進めたように思える。森田も、片上よりは意訳に傾きつつも、『ドン・キホーテ』が本質的に持つ可笑しさを日本語で表現することを重要視している。その一方で、永田や牛島など直訳初期の訳者は、その豊富な知識を生かしてより鮮明に、具体的に読者に情景を想像させるため、単位や通貨といった用語を解説も交えつつ積極的に使用しながら、リアリティをともなった翻訳を目指しているように思う。そして、スペインや『ドン・キホーテ』について一定程度の情報が日本人に広く知られた近年において翻訳に取り組んだ荻内や岩根は、率直な翻訳を控えめに、かつその精度は失わない絶妙なバランスでもって、読み進めやすさに最も重きを置いた作品を生み出している。これからは、より翻訳者ごとの個性が生きた日本語版『ドン・キホーテ』が生まれるのであろう。将来、また新しいスタイルのドン・キホーテやサンチョ・パンサ、そしてその物語の世界と出会うことを楽しみにしたい。

注

1）樋口正義他著『「ドン・キホーテ」事典』より「『ドン・キホーテ』翻訳の変遷」、p. 391。
2）毎日新聞2005年10月25日付、朝刊、p. 3。
3）「『ドン・キホーテ』の背景とセルバンテス」内の「翻訳をめぐって」、pp. 20–23。
4）島村と片上の共訳というかたちで出版されているが、実際はほとんどの部分を片上が訳したので、以下この版を「片上訳」とする。
5）ただし、永田の後に出版した進藤の訳では「牧師」となっている。
6）永田の『ドン・キホーテ』出版当初のことで、現在の通貨はユーロである。

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Cohen モデルにおける$\mathfrak{s}(I)$と$\mathfrak{r}(\mathcal{I})$の振る舞いについて

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概要

F_σ イデアルによる商代数 $\mathcal{P}(\omega)/\mathcal{I}$ における分離基数 $\mathfrak{s}(\mathcal{I})$ と非分離基数 $\mathfrak{r}(\mathcal{I})$ の Cohen 強制法での振る舞いを調べ, $\mathfrak{s}(\mathcal{I}) < \mathsf{cov}(\mathcal{M})$ や $\mathfrak{r}(\mathcal{I}) > \mathsf{non}(\mathcal{M})$ の相対無矛盾性を示す．これらは 2021 年度に国内研究で行った成果の一部である．

キーワード

強制法, Cohen 強制法, F_σ イデアル, 分離基数, 非分離基数

1　導入

自然数の部分集合全体を有限集合で割った $\mathcal{P}(\omega)/\mathsf{fin}$ の構造は集合論において詳しく研究されている．ここで $[A], [B] \in \mathcal{P}(\omega)/\mathsf{fin}$ にたいして $[A] \leq [B]$ を $A \setminus B$ が有限のときのことと定める．このとき $(\mathcal{P}(\omega)/\mathsf{fin})$ の組み合わせ論的な性質は基数不変量として表現され，それらのあいだの関係は van Douwen の図式として表されて長いあいだ研究されてきた．

近年，$(\mathcal{P}(\omega), \leq)$ と似た構造と van Douwen の図式にあらわれる基数不変量と類似な基数不変量が定義され分析されている．ここでは $\mathcal{P}(\omega)/\mathcal{I}$ という構造の基数不変量を分析する．

1.1　準備と定義

ここでは関連する概念を紹介する．この論文では標準的な集合論の慣用と記号を使う．ω^ω は自然数全体 ω から自然数全体 ω への関数全体を表す．$\omega^{<\omega}$ で自然数から ω への関数の全てを表す．無限集合 X にたいして $[X]^\omega$ と $[X]^{<\omega}$ はそれぞれ X の可算無限集合全体と X の有限集合全体を表す．

$A, B \subset \omega$ にたいして A は B に **ほとんど含まれる** $(A \subset^* B)$ とは $A \setminus B$ が有限集合であるときのことをいう．$A, B \subset \omega$ にたいして A と B が**ほとんど等しい** $(A =^* B)$ とは $A \subset^* B$ かつ $B \subset^* A$ が成り立つときのことをいう．$\mathcal{P}(\omega)/\mathsf{fin}$ とは $=^*$ によって導入された同値類に, $[A] \leq [B]$ という順序を $A \subset^* B$ によって定めたものである，ただし $[A]$ とは A の同値類のことである．以降，簡単のために同値類 $(\mathcal{P}(\omega)/\mathsf{fin}, \leq)$ を考える代わりに $([\omega]^\omega, \subset^*)$ という構造を扱う．

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$A, B \in [\omega]^\omega$ にたいして A が B を**分離する**とは $|A \cap B| = |B \setminus A| = \omega$ となるときのことをいう．$\mathcal{S} \subset [\omega]^\omega$ が**分離族**であるとは，任意の $B \in [\omega]^\omega$ にたいして $A \in \mathcal{S}$ で A が B を分離するものがあるときのことをいう．**分離基数** $\mathfrak{s}$ は分離族の最小濃度のことである．

$\mathcal{R} \subset [\omega]^\omega$ が**非分離族**であるとはどんな $A \in [\omega]^\omega$ を選んでも全ての $\mathcal{R}$ の要素を分離できないときのことをいう．言い換えると任意の $A \in [\omega]^\omega$ にたいして $B \in \mathcal{R}$ で $|A \cap B| < \omega$ または $|B \setminus A| < \omega$ となるものが存在する．**非分離基数** $\mathfrak{r}$ は非分離族の最小濃度のことである．

基数不変量を分析するさいに Cichoń の図式と呼ばれる図式とそこにあらわれる古典的な基数不変量が重要になる．まず Cichoń の図式にあらわれる基数不変量を導入する．

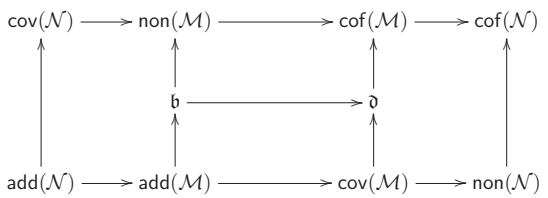
$f, g \in \omega^\omega$ にたいして $f \leq^* g$ を有限個を除いて全ての $n \in \omega$ で $f(n) \leq g(n)$ が成り立つことで定める．このとき $\mathcal{G} \subset \omega^\omega$ が**支配的な集合族**であるとは任意の $f \in \omega^\omega$ にたいして $g \in \mathcal{G}$ で $f \leq^* g$ となるものが存在するときのことをいう．このとき**支配基数** $\mathfrak{d}$ は支配的な集合族の最小濃度のことである．また $\mathcal{F} \subset \omega^\omega$ が**非有界集合族**であるとは任意の $g \in \omega^\omega$ にたいして $f \in \mathcal{F}$ で $f \leq^* g$ とならないものが存在するときのことをいう．このとき**非有界基数** $\mathfrak{b}$ は非有界集合族の最小濃度のことである．

実数 $\mathbb{R}$ 上のイデアル $\mathcal{J}$ にたいして次の 4 つの基数がよく使われる．

$\mathsf{add}(\mathcal{J}) = \min\{|\mathcal{H}| : \mathcal{H} \subset \mathcal{J}$ かつ任意の $J \in \mathcal{J}$ にたいして $H \in \mathcal{H}$ で $H \not\subset J$ となるものが存在する $\}$.
$\mathsf{non}(\mathcal{J}) = \min\{|\mathcal{X}| : \mathcal{X} \subset \mathbb{R}$ かつ任意の $J \in \mathcal{J}$ にたいして $x \in \mathcal{X}$ で $x \notin J$ となるものが存在する $\}$.
$\mathsf{cov}(\mathcal{J}) = \min\{|\mathcal{H}| : \mathcal{H} \subset \mathcal{J}$ かつ任意の $x \in \mathbb{R}$ にたいして $J \in \mathcal{H}$ で $x \in \mathcal{J}$ となるものが存在する $\}$.
$\mathsf{cof}(\mathcal{J}) = \min\{|\mathcal{H}| : \mathcal{H} \subset \mathcal{J}$ かつ任意の $J \in \mathcal{J}$ にたいして $H \in \mathcal{H}$ で $J \subset H$ となるものが存在する $\}$.

特に $\mathcal{J}$ が痩集合イデアル $\mathcal{M}$ や零集合イデアル $\mathcal{N}$ のときが基数不変量の分析で重要となる．

これらの基数不変量のあいだには次の関係がある．($\kappa \to \lambda$ は $\kappa \leq \lambda$ が ZFC で証明可能を意味する)

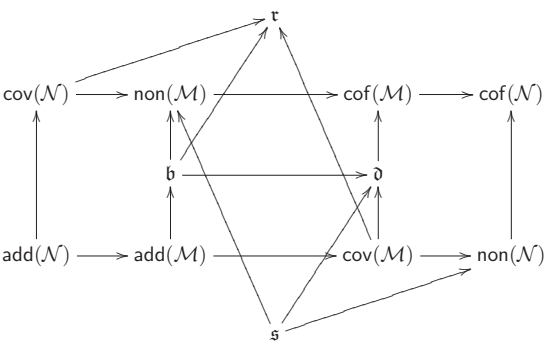


この図式は *Cichoń* **の図式**と呼ばれる．

$\mathfrak{r}$ と $\mathfrak{s}$ は古典的な基数不変量と次のような関係がある．

命題 1.1. $\mathfrak{r} \geq \mathsf{cov}(\mathcal{M}), \mathsf{cov}(\mathcal{N}), \mathfrak{b}$. $\mathfrak{s} \leq \mathsf{non}(\mathcal{M}), \mathsf{non}(\mathcal{N}), \mathfrak{d}$.

図示すると次のようになる．($\kappa \to \lambda$ は $\kappa \leq \lambda$ が ZFC で証明可能を意味する)



さらに $\mathfrak{s}$ と $\mathsf{cov}(\mathcal{M})$ の関係は決定できない．$\mathfrak{s} < \mathsf{cov}(\mathcal{M})$ が Cohen モデルで成り立ち，$\mathfrak{s} > \mathsf{cov}(\mathcal{M})$ が Mathias モデルで成り立つ．同様に $\mathfrak{r} > \mathsf{non}(\mathcal{M})$ をみたすモデル (Cohen モデル) と $\mathfrak{r} < \mathsf{non}(\mathcal{M})$ をみたすモデル [BJ, Model 7.5.9] が存在する．

与えられた集合 X の部分集合族 $\mathcal{I} \subset \mathcal{P}(X)$ が X 上の**イデアル**であるとは以下をみたすときのことをいう．

(1) $A, B \in \mathcal{I}$ ならば $A \cup B \in \mathcal{I}$.
(2) $A, B \subset X$, $A \subset B$ で $B \in \mathcal{I}$ ならば $A \in \mathcal{I}$.
(3) $X \notin \mathcal{I}$.

イデアル $\mathcal{I}$ が与えられたとき $\mathcal{I}^+$ は X の部分集合で $\mathcal{I}$ の要素でないもの全体を表す．

このとき ω 上のイデアル $\mathcal{I}$ にたいして $\mathcal{P}(\omega)/\mathsf{fin}$ 同様に $\mathcal{P}(\omega)/\mathcal{I}$ という構造を考えることができる．$A, B \in \mathcal{I}^+$ にたいして $A \subset_{\mathcal{I}} B$ を $A \setminus B \in \mathcal{I}$ で定める．$A, B \in \mathcal{I}^+$ にたいして $A =_{\mathcal{I}} B$ は $A \setminus B \in \mathcal{I}$ かつ $B \setminus A \in \mathcal{I}$ で定める．$\mathcal{P}(\omega)/\mathcal{I}$ は $=_{\mathcal{I}}$ による同値類に順序 $[A] \leq_{\mathcal{I}} [B]_{\mathcal{I}}$ を $A \subset_{\mathcal{I}} B$ によって定めたものである．ただし $[A]$ は A の $=_{\mathcal{I}}$ による同値類である．$\mathcal{P}(\omega)/\mathsf{fin}$ 同様に, 簡単のために $(\mathcal{P}(\omega)/\mathcal{I}, \leq_{\mathcal{I}})$ を考えるかわりに $(\mathcal{I}^+, \subset_{\mathcal{I}})$ を扱う．

$[\omega]^\omega$ のときと同様に $\mathcal{I}^+$ にも分離族，非分離族が導入できる．$A, B \in \mathcal{I}^+$ にたいして A が B を $\mathcal{I}$-**分離**するとは $A \cap B \in \mathcal{I}^+$ かつ $B \setminus A \in \mathcal{I}^+$ となるときのことをいう．$\mathcal{S} \subset \mathcal{I}^+$ が $\mathcal{I}$-**分離族**であるとは，任意の $B \in \mathcal{I}^+$ にたいして $A \in \mathcal{S}$ で A が B を $\mathcal{I}$-分離するものがあるときのことをいう．$\mathcal{I}$-**分離基数** $\mathfrak{s}(\mathcal{I})$ は $\mathcal{I}$-分離族の最小濃度のことである．$\mathcal{R} \subset \mathcal{I}^+$ が $\mathcal{I}$-**非分離族**であるとはどの $A \in \mathcal{I}^+$ を選んでも $B \in \mathcal{R}$ で A は B を $\mathcal{I}$-分離できないものが存在するときのことをいう．すなわち $B \in \mathcal{R}$ で $A \cap B \in \mathcal{I}$ または $A \setminus B \in \mathcal{I}$ が成り立つものが存在する．$\mathcal{I}$-**非分離基数** $\mathfrak{r}(\mathcal{I})$ は $\mathcal{I}$-非分離族の最小濃度のことである．

この先，主に X として可算集合を考える．このため扱うイデアルは ω 上のイデアルと見なすことができる．さらに $\mathcal{I}$ はイデアル fin を含むものとする．ここで fin は ω の有限集合全てからなる集合のことである．

$\mathcal{P}(\omega)$ の位相は ω の部分集合をその特徴関数と同一視したものから導かれるものとする．ここで 2^ω は積位相が入っているものとする．このときイデアル $\mathcal{I}$ が Borel, F_σ, 解析集合であるとはそれぞれがこの位相において Borel, F_σ, 解析集合であるときのことをいう．

典型的な F_σ イデアルとして summable イデアルがある．イデアル $\mathcal{I}$ が *summable* であるとは, ある関数 $p : \omega \to \mathbb{R}_{\geq 0}$ が存在して，$\sum_{n \in \omega} p(n) = \infty$ となり

$$\mathcal{I} = \{A \subset \omega : \sum_{n \in A} p(n) < \infty\}$$

をみたすときのことをいう．ここで $\mathbb{R}_{\geq 0}$ は非負の実数全体の集合である．

この論文ではイデアル $\mathcal{I}$ が F_σ イデアルであるときの $\mathfrak{r}(\mathcal{I})$, $\mathfrak{s}(\mathcal{I})$ と $\mathsf{cov}(\mathcal{M})$, $\mathsf{non}(\mathcal{M})$ の関係を調べる．イデアルを制限するのは次の性質があるためである．

命題 1.2. *$\mathcal{I}$ が F_σ イデアルであるとき，$\mathcal{P}(\omega)/\mathcal{I}$ は σ-閉である．*

このことより $\mathcal{I}$ が F_σ-イデアルのとき $\mathfrak{s}(\mathcal{I}) \geq \omega_1$ となる．なお $\mathfrak{s}$ や $\mathfrak{r}$ との関係は次のことが知られている．

定理 1.1. *[Brendle]* 任意の *summable* イデアル $\mathcal{I}$ にたいして $\mathfrak{s}(\mathcal{I}) < \mathfrak{s}$ は ZFC と相対無矛盾である．同様に $\mathfrak{r}(\mathcal{I}) > \mathfrak{r}$ は ZFC と相対無矛盾である．

$\mathfrak{s}$ と $\mathfrak{s}(\mathcal{I})$, $\mathfrak{r}$ と $\mathfrak{r}(\mathcal{I})$ はそれぞれ異なるため，先ほどの図式にあらわれた古典的な基数不変量との関係を調べることが重要になってくる．

2　$\mathfrak{s}(\mathcal{I})$, $\mathfrak{r}(\mathcal{I})$ と古典的な基数不変量の関係

Mazur による F_σ-イデアルの特徴付けを導入する.

集合 X 上の *submeasure* φ とは関数 $\varphi : \mathcal{P}(X) \to [0, \infty]$ で以下の 3 つの条件をみたすものである：

(1) $\varphi(\emptyset) = 0$.
(2) $A \subset B$ ならば $\varphi(A) \leq \varphi(B)$ かつ
(3) $\varphi(A \cup B) \leq \varphi(A) + \varphi(B)$.

つまらない場合を避けるために，さらに次の条件をみたすものとする:

(4) 任意の X の有限集合 F にたいして $\varphi(F) < \infty$.

ω 上の submeasure φ が**下半連続な** *submeasure* であるとは, $\varphi(A) = \lim_{n\to\infty} \varphi(A \cap n)$ をみたすときのことをいう. φ が下半連続な submesure であるならば $\mathsf{Fin}(\varphi) = \{A \subset \omega : \varphi(A) < \omega\}$ はイデアルとなる. この下半連続な submeasure を使って, Mazur は以下のような F_σ イデアルの特徴付けを与えた.

定理 2.1. *[Mazur]* 以下は同値である*:*

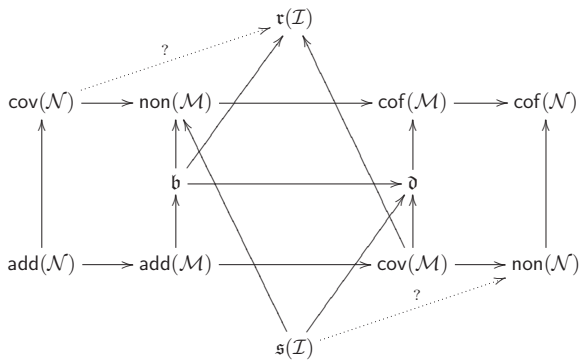
(1) $\mathcal{I}$ は F_σ イデアル.
(2) ある下半連続 *submeasure* φ が存在して $\mathcal{I} = \mathsf{Fin}(\mathcal{I})$.

この定理から $\mathfrak{s}$ と $\mathfrak{s}(\mathcal{I})$, $\mathfrak{r}$ と $\mathfrak{r}(\mathcal{I})$ は命題 1.1 とよく似た性質が成り立つことがわかる.

命題 2.1.　*(1) [Brendle]* F_σ イデアル $\mathcal{I}$ にたいして, $\mathfrak{s}(\mathcal{I}) \leq \mathfrak{d}$.
(2) F_σ イデアル $\mathcal{I}$ にたいして, $\mathfrak{s}(\mathcal{I}) \leq \mathsf{non}(\mathcal{M})$. 同様に $\mathfrak{r}(\mathcal{I}) \geq \mathsf{cov}(\mathcal{M})$.

ただし， $\mathsf{non}(\mathcal{N})$ や $\mathsf{cov}(\mathcal{N})$ との関係で同様の結果が成り立つかどうかはまだわかっていない.

図示すると次のようになる ($\kappa \to \lambda$ は $\kappa \leq \lambda$ が ZFC で証明可能であることを表す. 点線矢印は不明を表している).



3 $\mathcal{I}$ が F_σ イデアルであるときの $\mathfrak{s}(\mathcal{I}) < \mathsf{cov}(\mathcal{M})$ と $\mathfrak{r}(\mathcal{I}) > \mathsf{non}(\mathcal{M})$ の証明

定理 3.1. *$\mathcal{I}$ を F_σ イデアルとすると $\mathfrak{s}(\mathcal{I}) < \mathsf{cov}(\mathcal{M})$ は ZFC と相対無矛盾である．同様に $\mathfrak{r}(\mathcal{I}) > \mathsf{non}(\mathcal{M})$ は ZFC と相対無矛盾である．*

証明は次の補題から導かれる．

補題 3.1. *$\dot{X}$ を $\mathbb{C}$-名前で $\Vdash_{\mathbb{C}} \dot{X} \in \mathcal{I}^+$ となるものとする．このとき $\mathcal{I}^+$ の要素の可算列 $\langle X_n : n \in \omega \rangle$ で $Y \in \mathcal{I}^+$ で Y が全ての $n \in \omega$ にたいして X_n を $\mathcal{I}$-分離するのであれば*

$$\Vdash_{\mathbb{C}} \text{“}Y \text{ は } \dot{X} \text{ を } \mathcal{I}\text{-分離する”}$$

補題 *3.1* の証明. *$\mathcal{I}$ は F_σ イデアルであることから下半連続な submeasure φ で $\mathcal{I} = \mathsf{Fin}(\varphi)$ をみたすものが存在する．Cohen 強制法 $\mathbb{C}$ は可算なので $\{p_n : n \in \omega\}$ と枚挙ができる．各 $n \in \omega$ にたいして $\mathbb{C}$ の下降列 $\langle p_n^i : i \in \omega \rangle$, 自然数の上昇列 k_i と $X_n \in \mathcal{I}^+$ を次のように定める:*

(1) $p_n^0 = p_n$ で各 $i \in \omega$ にたいして $p_n^i \geq p_n^{i+1}$.
(2) $p_n^i \Vdash$ “$\dot{X} \cap k_i = X_n \cap k_i$ かつ $\varphi(\dot{X} \cap k_i) \geq i$”.

$Y \in \mathcal{I}^+$ が任意の $n \in \omega$ にたいして X_n を $\mathcal{I}$-分離したとする, すなわち全ての $n \in \omega$ にたいして $Y \cap X_n \in \mathcal{I}^+$ かつ $X_n \setminus Y \in \mathcal{I}^+$, これは Mazur の特徴付けからさらに $\varphi(Y \cap X_n) = \varphi(X_n \setminus Y) = \infty$ だといえる．

このとき $\Vdash$ “Y は $\dot{X}$ を $\mathcal{I}$-分離する” を示す．これを示すには任意の $p \in \mathbb{C}$ と任意の $m \in \omega$ にたいして $r \leq p$ かつ $r \Vdash$ “$\varphi(\dot{X} \cap Y) \geq m$ かつ $\varphi(\dot{X} \setminus Y) \geq m$” となる r が存在することを示せばよい．

$p \in \mathbb{C}$ と $m \in \omega$ が与えられたとき $\{p_n : n \in \omega\}$ が $\mathbb{C}$ の枚挙であることから $p = p_n$ となる $n \in \omega$ がある．Y が X_n を $\mathcal{I}$-分離することから $\varphi(Y \cap X_n) = \varphi(X_n \setminus Y) = \infty$ となるので, φ が下半連続であることから十分大きな $i \in \omega$ をとれば $\varphi(X_n \cap Y \cap k_i) \geq m$ かつ $\varphi(X_n \setminus Y \cap k_i) \geq m$. ここで $p_n^i \leq p_n$ は $p_n^i \Vdash$ “$\dot{X} \cap k_i = X_n \cap k_i$” となるので $p_n^i \Vdash$ “$\varphi(\dot{X} \cap Y \cap k_i) \geq m$ かつ $\varphi(\dot{X} \setminus Y \cap k_i) \geq m$”. したがって $r \leq p$ かつ $r \Vdash$ “$\varphi(\dot{X} \cap Y) \geq m$ かつ $\varphi(\dot{X} \setminus Y) \geq m$” となる r が存在する．よって補題が成り立つ． □

定理 *3.1* の証明. *有限台反復強制法の保存定理から [BJ] 補題は κ 回の有限台反復強制法でも成り立つ (κ は任意の基数)．基礎モデル V では連続体仮説が成立すると仮定し, $\kappa > \omega_1$ の正則基数とすると κ 回の有限台反復強制法 $\mathbb{C}_\kappa$ による拡大 $V^{\mathbb{C}_\kappa}$ を考えると $V^{\mathbb{C}_\kappa} \models \mathsf{cov}(\mathcal{M}) = \kappa$ となる [BJ]. 補題と保存定理から $(\mathcal{I}^+)^V$ 集合が $(\mathcal{I}^+)^{V^{\mathbb{C}_\kappa}}$ の要素を $\mathcal{I}$-分離するので $V^{\mathbb{C}_\kappa} \models \mathfrak{s}(\mathcal{I}) = \omega_1$. あわせて $\mathfrak{s}(\mathcal{I}) < \mathsf{cov}(\mathcal{M})$ の相対無矛盾性がいえる．*

$\mathfrak{r}(\mathcal{I}) > \mathsf{non}(\mathcal{M})$ の相対無矛盾性を示す．基礎モデル V はマーチンの公理 MA をみたして連続体濃度 $\mathfrak{c}$ を $\kappa > \omega_1$ とする．このとき $\mathfrak{r}(\mathcal{I}) = \mathfrak{c} = \kappa$ である．ω_1 回の Cohen 強制法の有限台反復強制法 $\mathbb{C}_{\omega_1}$ による拡大 $V^{\mathbb{C}_{\omega_1}}$ を考えると $V^{\mathbb{C}_{\omega_1}} \models \mathsf{non}(\mathcal{M}) = \omega_1$. 補題と保存定理から各 $\dot{X} \in (\mathcal{I})^{V^{\mathbb{C}_{\omega_1}}}$ にたいして $\{X_n : n \in \omega\} \in V$ で $Y \in V$ が任意の $n \in \omega$ にたいして X_n を $\mathcal{I}$-分離するなら, Y は $\dot{X}$ を $\mathcal{I}$-分離する．$V^{\mathbb{C}_{\omega_1}}$ で $\mathcal{R} \subset \mathcal{I}^+$ が $|\mathcal{R}| < \kappa$ をみたすなら, $\mathcal{R}' = \bigcup\{\{X_n : n \in \omega\} : \dot{X} \in \mathcal{R} \text{ で } \{X_n : n \in \omega\} \text{ は } \dot{X} \text{ にたいして補題をみたす}\}$ とすると $\mathcal{R}' \in V$ で $|\mathcal{R}'| < \kappa$. $V \models \mathfrak{r}(\mathcal{I}) = \mathfrak{c} = \kappa$ より $\mathcal{R}'$ は $\mathcal{I}$-分離基数ではないのである $Y \in V$ で全ての $\mathcal{R}'$ の要素を $\mathcal{I}$-分離できる．すると保存定理と補題から Y は $\dot{X} \in \mathcal{R}$ の要素を全て $\mathcal{I}$-分離できるので $\mathcal{R}$ は $\mathcal{I}$-非分離族ではない．以上から $V^{\mathbb{C}_{\omega_1}} \models \mathfrak{r}(\mathcal{I}) = \mathfrak{c} = \kappa$ となるので $\mathfrak{r}(\mathcal{I}) > \mathsf{non}(\mathcal{M})$ の相対無矛盾性がいえる． □

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資料

Recollections of a Grunt in America's Draft Resistance Movement

(Part Two: The legal defense)

R. Jeffrey Blair

My brothers and I were part of a generation that grew up in the shadow of military conscription (see table on page 28). Our grandfather and his two sons—Dad and Uncle Russ—were career Army officers (Blair, 2024, 79–80). Our cousin Robert H. Blair joined the Army during the Korean War and made it his career. We grew up in the 1960s when the times they were a-changin'. With it came unrest, the Civil Rights Movement, a vibrant counterculture, and an anti-war movement that included draft resistance.

More and more young men refused induction or simply failed to report. They faced prison sentences of up to five years under the Selective Service Act or six years under the Federal Youth Corrections Act. Rather than simply waiting to be inducted into the draft resistance movement, resisters began violating draft card regulations. The penalties for violations of Selective Service regulations (32 CFR 1621) were just as severe. Registrants were required at all times to carry two cards: (a) a Registration Certificate and (b) a Notice of Classification.

When a photo appeared in Life magazine of Chris Kearns burning his draft card at Whitehall Induction Center on July 29, 1965, enraged congressmen and senators quickly inserted a *new clause* into the penalty section of the Selective Service Act (50 USC 462 (b) (3)). House Resolution 10306 was introduced on August 5 and passed the House five days later by a vote of 393 to 1. It passed the Senate on August 13 and was enacted August 30. This 1965 Amendment made it a separate offense to *destroy or mutilate* the cards. Despite this, resisters continued setting them on fire, tearing them up, and turning them in.

Enacted	Expired	Events
Selective Service Act of 1940		
Sep. 16, 1940	March 31, 1947	World War II
Selective Service Act of 1948		
June 24, 1948	June 24, 1950	Brothers Bob and Russ born
June 23, 1950	July 9, 1950	Korean War begins
June 30, 1950	July 9, 1951	China enters the Korean War my birth May 30, 1951
Universal Military Training and Service Act (1951)		
June 19, 1951	July 1, 1953	
June 29, 1953	July 1, 1955	Korean War ends Brother Greg born
June 30, 1955	July 1, 1959	kindergarten to 2nd grade
March 23, 1959	July 1, 1963	3rd to 6th grade
March 28, 1963	July 1, 1967	Gulf of Tonkin incident 7th to 10th grade
Military Selective Service Act of 1967		
June 30, 1967	July 1, 1971	11th and 12th grade two years of college
Induction authority lapses		
about 3 months		AWOL sanctuary
Military Selective Service Act (1971)		
Sep. 28, 1971	July 1, 1973	draft card burning arrest and trial

Yet indictments for draft card violations remained quite rare. Only fifty men during the Vietnam era were ever charged (Baskir and Strauss, 1978). Forty of them were convicted. Let's look at a few of those cases. Most of this information comes from official court records: the Federal Supplement, the Federal Reporter (2nd series), and Supreme Court Reports.

A Short History of Draft Card Violations

On 15 October 1965, at a rally near Whitehall Induction Center, **David Miller** burned his Notice of Classification Certificate to protest the draft, the war in Vietnam, and "the draft card burning law itself" (367 F. 2d 72). A grand jury in the Southern District of New York indicted him for destroying it. He waived his right to a jury trial and was convicted. Judge Tyler sentenced him to three years' imprisonment but

suspended the sentence and placed him on two years of probation. The Second Circuit Court of Appeals in New York City applied a balancing test: Freedom of Speech vs. efficient functioning of the Selective Service System. The three judges decided in favor of Selective Service and affirmed the conviction.

Five days after Miller, **Stephen Smith** burned a substantial portion of his Registration Certificate at an anti-war rally in Iowa City (249 F. Supp. 515). He was charged in a two-count indictment (I) for mutilation and destruction and (II) for failing to have it in his personal possession. Like Miller, he waived his right to a jury trial. Federal Judge Stephenson (Southern District Court of Iowa) dismissed Count II because it failed to state that he had *willfully and knowingly* failed to possess the card. As for Count I, the judge found him guilty as charged and placed him on three years' probation. The Eighth Circuit Court in St. Louis (368 F. 2d 529) agreed with the ruling of the Second Circuit in the *Miller* case and affirmed the conviction.

On 6 November 1965, **Tom Cornell**, Marc Edelman, Roy Lisker, David McReynolds, and Jim Wilson burned their cards at a public rally at Union Square Park Pavilion in New York City. Upon conviction, Cornell was imprisoned for five months in Danbury Correctional Institution in Connecticut.

On March 31 of the next year **David O'Brien**, John Phillips, David Reed, and David Benson burned draft cards on the steps of the Federal Courthouse in South Boston. A grand jury in the District of Massachusetts charged O'Brien with mutilating, destroying, and changing his Registration Certificate. A jury found him guilty. He was sentenced to six years in prison under the provisions of the Youth Correction Act, *one year more* than the maximum sentence provided by the Military Selective Service Act.

The First Circuit Court of Appeals in Boston, however, held the 1965 Amendment to the Military Selective Service Act to be an unconstitutional abridgment of his Freedom of Speech (376 F. 2d 538). The amendment was aimed at *public* destruction, witnessed events, the speech element of the offense. Intentional non-possession was also a violation of regulations. The three judges thought that O'Brien should have been charged with non-possession, and that the facts that were presented at his trial sustained this alternative charge. They affirmed his conviction for the *lesser included offense* of non-possession and remanded the case back to the district court for resentencing.

Both the United States government and O'Brien appealed the First Circuit's decision to the Supreme Court. O'Brien wished to challenge his conviction for a crime that he had not been charged with. The government, on the other hand, objected to the ruling that the 1965 Amendment, which had earlier been ruled *constitutional* in the Second Circuit and the Eighth Circuit[1], violated the defendant's right to free speech. The Supreme Court accepted the case so that it could eliminate this contradiction.

The majority opinion, written by Justice Earl Warren, vacated the judgement of the First Circuit, reinstating both the conviction and the sentence (391 U.S. 367). They noted that the destruction amendment could be applied to anyone who destroys *someone else's* draft card. The incidental restriction of Free Speech was *outweighed* by substantial government intertest in preserving the *information* printed on Selective Service certificates, which promoted the smooth functioning of the Selective Service System. Justice John Harlan II wrote a separate concurring opinion, while Justice William Douglas wrote a dissenting opinion, in which he pleaded for a hearing on the constitutionality of a peacetime draft.

This landmark decision had wide repercussions for Freedom of Speech. Draft cards deserved protection, only because of the *important information* that they contained. Twenty years later in a split decision (5–4) the Supreme Court decided that a protester could legally burn the American flag (491 U.S. 397). Freedom of Speech *outweighed* any government interest.

On 14 December 1966, **Bruce Dancis** ripped one of his draft cards into four pieces and returned the pieces to his local board (406 F. 2d 729). He was indicted in the Northern District of New York for mutilating it and was sentenced to six years under the Youth Corrections Act. The Second Circuit Court of Appeals affirmed the conviction and the sentence.

Dancis' supporters at Cornell University called for a mass card-burning at an anti-war march on 15 April 1967 (Ferber and Lynd, 1971, 72). Their goal was to get 500 people to pledge to participate. On April 14th they decided to go ahead with only 57. The next day in Central Park at Sheep's Meadow about a hundred more men joined them. **Gary Rader**, a reserve member of the Special Forces, wore his uniform for the occasion. His green beret stood out. He seems to have been the only one arrested—for mutilating his draft card and, incidentally, the unauthorized wearing of his army uniform (Rader, 1967).

The goal of the Selective Service System was to provide manpower for the Armed Forces, not prisoners for the U.S. Bureau of Prisons. With that in mind the Director of the Selective Service System on 24 October 1967, responded to such widespread acts of defiance with Local Board Memorandum #85. General Lewis B. Hershey suggested a new strategy—induction, *rather than* prosecution. Local boards were directed to *reclassify and induct* Selective Service violators, reporting only the most flagrant cases to the U.S. Attorney for prosecution. Thus **David Gutknecht**—who had dropped his draft cards at the feet of a U.S. Marshal eight days earlier during a protest in Minneapolis (406 F. 2d 494)—was NOT indicted for failure to be in possession of his draft cards. Instead, his local board classified him I-A *delinquent* on December 20 and six days later ordered him to report for induction on 24 January 1968, even ahead of other men that had volunteered to be inducted.

He reported as ordered, but when he announced his intention to refuse, he was separated from the other inductees. Although he was thus *deprived of the opportunity to refuse* to take the required step forward into military life, he was indicted in the District of Minnesota for failing and neglecting to comply with an order to report for and submit to induction. He waived a jury trial and was convicted. The Eighth Circuit Court of Appeals affirmed the conviction. The U.S. Supreme Court, however, ruled that the Selective Service System lacked Congressional authority to punish "delinquents" by *accelerating* their inductions and reversed the conviction (396 U.S. 295).

On December 4 **David Rehfield** and **Bradley Littlefield** burned their Notices of Classification on the steps of Tucson City Hall (416 F. 2d 273). A number of people, including two FBI agents, were standing near them, close enough to record their names and selective service numbers. Both Rehfield and Littlefield were indicted in the District of Arizona on two counts: (I) destruction and (II) non-possession. Juries found them guilty on both counts. The judge sentenced them to prison under the Federal Youth Corrections Act and the Ninth Circuit Court of Appeals affirmed their convictions and sentences.

On the exact same day, a draft counselor in Chicago returned his Registration certificate to the Department of Justice. Nothing happened to **Jeffrey Falk** (479 F. 2d 616).

On 30 August 1968, **Michael Weissman** tore both his Registration Certificate and Notice of Classification Certificates in half at a demonstration in front of St. Louis City Hall (434 F. 2d 175). Declaring his independence from the Selective Service, he handed the pieces to a plain clothes detective, who he thought was an FBI agent. He was indicted for mutilating, destroying, and changing his Registration Certificate by tearing it asunder. His conviction in the Eastern District Court of Missouri and sentence were affirmed by the Eighth Circuit Court of Appeals in St. Louis. The three-judge panel noted that tearing up legal documents was the traditional way to nullify them and concluded that tearing up a draft card constituted *both* mutilation *and* destruction.

In October, Jeffrey Falk mailed his I-A Notice of Classification to Federal Judge Hubert Will. Nothing happened (479 F. 2d 616).

In May 1969 he sent another Notice of Classification certificate to his Local Board. Nothing happened … until he refused to submit to induction in May 1970. Then five months later he was charged in the Northern District of Illinois with four counts: refusal to submit and three counts of non-possession. The indictment was approved by the Chief of the Criminal Division, the First Assistant, the District Attorney in the Chicago office, and then the Department of Justice in Washington, D.C. Falk made motions to dismiss

the three draft card violations before and during his trial. He contended that he had been deliberately and illegally selected for prosecution because of his draft counseling work for Chicago Area Draft Resisters (CADRE). These motions were dismissed without a full hearing. Although the jury found him guilty on all four counts, the judge granted a post-trial motion for acquittal on the first count. He sentenced Falk to one year in prison for each of the three cards and made the sentences consecutive, a total of three years' imprisonment.

Draft card violations were difficult to prosecute. Courts required evidence: witnesses and physical evidence, or perhaps, self-incriminating testimony. For over a year General Hershey's memorandum diverted the flow of violations away from mutilation, destruction, and non-possession (50 USC 462 (b)) to failure to report for and submit to induction (50 USC 462 (a)). After the *Gutknecht* decision, these indictments had to be dismissed, convictions reversed, prisoners released, and inductees discharged from miliary service. From then on violators had to be indicted or ignored. They were often ignored.

When charges were filed, they could take a "shotgun approach"—mutilation ***and*** destruction in a single count—or specify just one: destruction ***or*** mutilation. None of the defendants seems to have burned or torn up more than one card. Smith, Rehfield, and Littlefield were charged with destruction ***and*** a separate count of non-possession. That extra charge was dismissed on a technicality in the *Smith* case. Falk alone was charged with three separate draft card violations. The violations had occurred over several years. The Justice Department saved them up and tacked them on to a charge of refusal to submit to induction.

1970–1971: Retirement and Protest

By the end of 1970 two generations of Blairs had retired. Uncle Russ had retired from the Army in 1958 and from Culver Military Academy, where he taught Spanish and Russian, in June 1970. He was living in a retirement community in Alajic, Mexico. Dad had retired from the Army and moved to Foster Village on the outskirts of Pearl Harbor. My grandfather was living half of each year with Uncle Russ and the other half with us.

The two cadets in the third generation had left their military schools: Virginia Military Institute (VMI) and Culver Military Academy (CMA). Brother Bob spent his fourth year at University of Hawai'i, graduating in June 1970. He attended law school at the University of North Carolina, Chapel Hill as part of the U.S. Army's Judge Advocate General's Corps program. I attended California Institute of Technology.

In the spring of 1971, we both left school. We began protesting in tandem (Blair, 2024, 90–91). Bob was arrested at a sit-in at the Pentagon in May. I was arrested at sit-in during an AWOL sanctuary in July. In November I burned my draft cards at a demonstration inside the offices of my Local Board and abandoned them. A photograph of the scorched cards appeared in the Honolulu Advertiser (see Appendix 1). The FBI began their investigation. To paraphrase the words of Paul Simon's song *Keep the Customer Satisfied*, we had been in trouble with the law and now we were headed in for more.

1972: Call-ups by Lottery for Men Born in 1952

My cards had been turned over to the FBI. Selective Service staff quickly identified me when agents presented photos of several possible suspects. The case seemed airtight. On January 27, Local Board #2 forwarded my Selective Service file to Hawaii State Headquarters. Perhaps this represented a significant step towards prosecution. I don't know, but on that same day something else that would prove of *great significance* happened. In Washington, G. Gordon Liddy met with Attorney-General John Mitchell, Jeb Magruder, and John Dean. He presented a wild plan to disrupt the Democratic National Convention and protect the security of the Republican National Convention. Mitchell's later approval of a scaled down version of Operation Gemstone led to the Watergate scandal. In the interim, the Attorney-General left the Justice Department to head up President Nixon's re-election campaign.

Meanwhile back in Honolulu, Assistant U.S. District Attorney William J. Eggers, III was trying to decide what to do. He had all the evidence that he needed to go to the grand jury. Busy with other cases, however, he was seriously considering ignoring the violation. He decided to consult with his headquarters. The Justice Department in Washington, D.C. insisted that he go forward with the prosecution. In fact, they offered to dispatch one of their own attorneys to the Islands, if need be. Eggers assured them that the Honolulu office would handle it.

My one-year leave-of-absence from college was coming to an end. Aware that I *might be* indicted, I requested an extension until the fall. I didn't want to be dragged away from my studies in handcuffs in the middle of a term. There was no such thing as online classes in 1972. Caltech granted the extension for a *full year*. I was very reluctant to put my education on hold for so long but decided to wait until mid-summer. If I wasn't charged by then, I would renew my request to come back in the fall. Little did I imagine that a full year later I would still be awaiting trial.

During this period, I was looking for a job to replace the one I had lost in the wake of the trial for the

sanctuary at Our Lady of Peace Cathedral. Employers often used to ask applicants about their draft status. I had returned a letter from my Local Board unopened, but assumed that I had been reclassified to I-A. With a lottery number of 209, however, I was unlikely to be called up. I told prospective employers that I was I-A. The two young male interviewers at one job interview informed me that they would be happy to consider me for a position but only *after* I completed my military service. Two years after the first draft lottery, General Hershey's channeling scheme (Hasbrouck, 2022) was still interfering with young men's lives. Pushing them in the direction of the Army or jobs contributing to the national interest.

Lack of a job allowed me to devote full-time to my work at American Friends Service Committee (AFSC) as a volunteer draft counselor. As luck would have it, Program Secretary Murph Henkle, was offered a position with AFSC staff in Vietnam. It would be six weeks until his replacement, Bill Sullivan, could arrive, so I was offered the position of Interim Program Secretary starting at the end of March.

American troops were being withdrawn from Vietnam, and Special Forces were among the first to leave. My cousin Robert H. Blair, however, managed to get back into the action as a major in the regular forces. His fourth tour of duty in Vietnam was with the Military Assistance Command, Team 47 in Loc Ninh. These teams trained, advised, and mentored the ground troops of South Vietnam (ARVN).

As America's participation in the ground war cooled down, the campaign in the air heated up. Electronic warfare was in its infancy. Detection was primitive by today's standards. Without cameras it was blind. Any movement that set off detectors could trigger massive retaliation, including cluster bombs. Jim Albertini and Jim Douglass were convinced this was a violation of the Nuremberg principles. They were looking for a way to go beyond protest, to resist and expose these war crimes.

They found it one morning in February, when they got stuck in a line of rush-hour traffic headed into Hickam Air Base (Breems, 2022 and Messman, 2015). The cars were waved onto the base *without inspection*. This gave their small group, called catholic Action of Hawaii, direct access to the base and the Directorate of Electronic Warfare. First, Dr. Fred Dodge collected some human blood from Albertini, Douglass, and volunteer doners within the anti-war community. Then on March 2, Chuck Giuli drove a van full of protesters to the adjacent parking lot. TV news reporter Linda Coble went along for the ride and to report on the action. Albertini and Jim Douglass walked inside the building. Douglass delivered an envelope addressed to the "commanding officer". Major LaFrance accepted it. As the major stepped into an inner office to deliver it, Douglass poured the blood on some files in an open drawer marked "top secret". LaFrance came back, saw what had happened, started choking him and then used him as a human mop in a vain attempt to wipe blood off the floor. Out in the parking lot, the protesters handed out leaflets

to people arriving for work. The eight protesters were expelled from the base with letters barring them from coming back. Albertini and Douglass were released. No one was arrested that day.

Six days later, however, FBI agents suddenly arrested Albertini and Douglass at their homes. The following day, after hearing the news on my car radio, I drove over to the Federal Courthouse. Pending criminal docket sheets kept in the Court Clerk's Office are public information. I asked to see them. After handing me the small pile of docket sheets, one of the assistant clerks wondered to another in a low, but audible, voice, if it was okay to put a docket sheet out before *all* the defendants had been arrested. Too late. I had already seen the sheet with the names of all *three* defendants: United States vs. Albertini, Douglass, *and Guili*. They were charged with destruction of government property and conspiracy to destroy property. Chuck Giuli was still at large, and I knew exactly where to find him.

I drove from the Federal Courthouse to Roosevelt High School in Makiki, where Chuck was giving a slide presentation about electronic warfare to Setsuko Okubo's class. He saw me in the hallway from behind the overhead projector. In the hallway, he asked if *everyone* had been charged. No, just three—the two who had poured the blood and their driver. When his presentation finished, he went to the FBI and turned himself in. "Where was the defiant spirit of Berrigan's resistance?" I asked myself. If they were looking for me, I would go underground and make them find me. That chance came very soon.

I formally requested the National Director to cancel my registration in a letter dated March 20 to the Headquarters of the Selective Service System in Washington. Eight days later General Counsel Walter H. Morse declined on his behalf.

Playing Cat and Mouse with the FBI

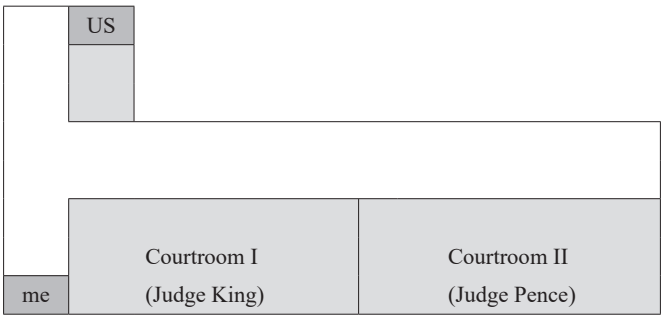
On Friday 7 April 1972, the Oahu Federal Grand Jury indicted *me*[2]. Although I had burned two draft cards (see Appendix 1), I was only indicted for the destruction of my Certificate of Registration. Federal Judge Beeks, visiting from the Western District of Washington State, set bail at $1,000 and issued an arrest warrant. The docket sheet for criminal case #13,021 for the year[3] was placed in the file of pending cases.

Six days later, on April 13, I walked into the Clerk's Office to check the pending criminal docket before heading to the court martial of George Lee. It was at his sanctuary at Our Lady of Peace Cathedral that I had first been arrested (Blair, 2024, 91). He had recently gone AWOL from the Coast Guard again.

As I flipped through the docket sheets, I came across it—United States vs. Richard Jeffrey Blair[4] (similar to Appendix 5).

Indictment filed – Bench Warrant ordered –
Bail $1,000.00 – Bench Warrant issued.

A bench warrant (Appendix 4), also known as an arrest warrant, commands U.S. Marshals or other authorized officers[5] to arrest defendants and bring them to federal court. I was, of course, standing in the Court Clerk's Office, located on the second floor of the Federal Courthouse. The U.S. Marshal's Office was a short distance down a narrow hallway. Around a corner, between the two offices, was the main corridor in front of the two courtrooms. Destiny was calling. I had been promoted from protester to resister. Nonchalantly I handed all the sheets back to the staff and said thank you.



Federal Courthouse 2F

I was checking the pending criminal docket sheets in the Court Clerk's Office. The U.S. Marshal's Office (US) was a short distance down a narrow hallway. The main corridor in front of the two courtrooms was just around the corner.

Then I proceeded on to Lee's trial in the Gold Bond Building on Nimitz Highway and broke the news of my indictment to anti-war friends, who had gathered to support him and witness the trial. As expected, he was convicted and sent to the brig at Pearl Harbor.

Afterwards I phoned Mom to let her know why I was leaving home. I was going to go "underground", possibly one of the FBI's ten *least* wanted fugitives. They hadn't even shown up at my parents' house in Foster Village yet. The U.S. District Attorney's Office probably hadn't given them the go-ahead, because prosecutors were still trying to decide whether to charge me with destruction of my Notice of Classification—a II-S student deferment *until 30 September* 1971, one month *before* being burned. Had it expired? A new Notice of Classification certificate had not yet been issued. Was the card legally protected from destruction until a new one arrived?

My friends Ian and Meda Chesney-Lind offered to let me housesit their apartment, while they were

on vacation. I immediately moved to the fourth floor of the Circle Jade apartments in Kaimuki. Before dawn the next morning I drove past my family's home in Foster Village. The coast seemed to be clear, so I dropped in to pick up a few things. I explained to my parents that my moving away from home wasn't personal. The FBI would be coming for me. I was trying to avoid arrest.

Mom offered to send me to Canada. Later Grandpa Ed (Connelly) offered to let me hide out at his beach house on Cape Cod. I declined both offers. I had no intention of running away. It was more like a game of hide-and-go-seek. It was *the FBI's job* to find me, and I had no doubt that they would eventually succeed.

A day or two later, I paid a brief visit to the Friends Meeting House in Manoa Valley to inform AFSC that I wouldn't be able to fulfill my duties as Interim Program Secretary. I assumed the FBI knew where I worked. Indeed, after my arrest and arraignment Assistant District Attorney Eggers called me at the AFSC Office.

Prosecutors finally decided to charge me with two counts, one for each of the two cards. Eggers withdrew the original indictment and went back to the grand jury. On April 25, I was re-indicted (see Appendix 2–3). Judge Martin Pence doubled the bail and issued a new arrest warrant. The case got a new number—Criminal No. 13,032 and a new docket sheet that would grow to three pages in length (Appendix 5–7).

Two of President Nixon's appointments were above politics and thus carried over from the Johnson administration: legendary FBI director J. Edgar Hoover and CIA director Richard Helms. On May 2, Hoover passed away. The next day, Patrick Gray replaced him. He would soon become entangled in the biggest political scandal of the century.

On the afternoon of May 4, two FBI agents finally arrived at our home in Foster Village. I, however, was long gone. While Mom was talking with them, Greg came home from school. Afraid that they might haul my younger brother off to jail, she hurriedly blurted out, "That's not the one." They questioned him, but he didn't know my whereabouts or how to contact me. As they left, they asked Mom to tell me that "they wanted to talk". She interpreted that to mean "*just* talk". On a subsequent, surreptitious visit home, I told her that I knew exactly what they wanted to say. "You're under arrest." Upon realizing that she had been played, she let out a groan.

I didn't expect to be arrested anytime soon. I had moved to Kay and Jim Linn's house at the top of Saint Louis Drive and was enjoying the fruit of their lychee tree and the company of their 3-year-old

daughter. My life as a fugitive, however, wouldn't last forever. Although I intended to represent myself in court, I wanted to request a court-appointed lawyer to act as my legal advisor. I had someone specific in mind, Jim Blanchfield. He had defended me and twelve others in state court on a misdemeanor charge stemming from an AWOL sanctuary at Our Lady of Peace Cathedral (Blair, 2024, 91). Now he was in private practice. He had left the Legal Aid Society with Brook Hart and several other lawyers. Their office was located on the fourth floor of the Dillingham Transportation Building. As I entered the building at 735 Bishop Street, I looked at the directory.

Hart, Sherwood, Leavitt, Blanchfield,
and Hall ……..… Suite 433

Federal Bureau of Investigation,
Honolulu Field Office … Second floor

I took the elevator, wondering if the door would open along the way. It didn't. Blanchfield was delighted to take my case.

Murph Henkel's replacement landed at Honolulu Airport, and I went out to welcome him. Bill Sullivan arrived with his wife and two young children. He expressed surprise that I was not in some kind of disguise, not even a pair of sunglasses. In the words of Buffalo Springfield "paranoia strikes deep, into your heart it will creep, it starts when you're always afraid". I guess that I wasn't afraid that the man would come and take me away. It would eventually come to pass, but not yet. By chance, I found a recent Yale graduate that had just moved to Honolulu and was looking for a roommate. We began sharing his apartment in Waikiki.

A month after his court martial, George Lee was still in the brig. Prisoners with good behavior, however, were allowed to go to church under supervision. Tom Morrison, a fellow resister discharged from the Coast Guard, thought it would cheer him up to see a couple of familiar faces at the 9:30 am Catholic mass. On Sunday, May 14 we managed to get through the gate *into* Pearl Harbor Naval Base. Everything went smoothly, until we tried to leave. We hadn't expected to be stopped going *off* base, but we were, apprehended and detained as trespassers. At the office of Base Security, guards asked to see our identification, including my draft card. What, no draft card? "Are you registered with the Selective Service?" No online data bases in 1972, and almost all government offices were closed on Sundays. They

demanded my home phone number, so they could inquire with one of my parents. Dad answered. He confirmed my registration and neglected to mention my fugitive status. Tom and I were released.

June was coming. Dad had plans to attend the 30th Reunion of West Point's Class of 1942. When I dropped by, he asked me if, under the circumstances, it was all right to go. I assured him that it would take the FBI several weeks, maybe even months, to find me. As it turned out, I was overconfident.

On May 28, White House "plumbers" successfully broke into the Watergate apartments in Washington, D.C. and planted listening devices. Overconfidence would be their downfall, as well. Two days later I turned twenty-one. Then my father flew to West Point to get together with old friends and share their stories of military service and family life.

In early June, John Witeck announced the news of my indictment at a small rally on the lawn in front of the Federal Courthouse. I was in the audience. Witeck had scooped me. I had planned to announce it myself in *Hawaii Draft News*, an occasional publication of AFSC-Hawaii. I happened to have purchased from the Honolulu *Advertiser* an unpublished photo of Melvin Sanehira and I burning our cards. I put that photo on the front page with a caption quoting the Thirteenth Amendment to the Constitution (see below). I was going to pass it out to registrants at the Bethel Street office Local Boards, the scene of our crime, and then disappear like a Daniel Berrigan.

H a w a i i D r a f t N e w s

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or anyplace subject to their jurisdiction.
—13th Amendment to the Constitution—

In the evening of Monday June 5, I attended a catholic Action meeting at an old church in Waikiki. Of the 16 or so active members, four of us had now been charged with felonies. My Selective Service violation was on the agenda. What did we discuss? I don't remember the details. Perhaps it was my plan to distribute the story of my offense and indictment and then disappear. A member of Local Draft Board #6 had dropped in. It seems there was sympathy, or at least interest, in strange places. That is how divisive the Vietnam War was.

The next day I was about to have lunch at a Chinese restaurant in Manoa with Jim Albertini and a couple other friends. Just as we were getting ready to order, he blurted out that two FBI agents were in the parking lot and headed our way. Was he sure? "Yes," he said, "Agent Henry Burns[6] is one of the two that arrested *me*." Luckily this restaurant had *two* perpendicular entrances. As they approached one, I swiftly left through the other. Albertini had a little chat with his FBI friend about what brought them so far from their downtown office. Supposedly they were just dropping in for lunch. Yet the FBI was getting closer.

A Weekend Behind Bars in Halawa Valley

At about 2 pm on Friday June 9 Chuck Bollingmo[7] and I went to the third floor of the Bethel-Pauahi Building with some copies of *Hawaii Draft News*. Before doing that and making my escape, however, I wanted to check the public records in the adjoining room. As usual, the reception staff in Room 307 gave me permission. I assumed that the staff was still in the dark about my indictment and the arrest warrant. Unfortunately, they weren't. One of them must have called the FBI.

As I was looking through the large book of records, someone close behind me called my name. Two men were standing on either side. Agents Malone and Bender[8] led me a few feet further away from the door to a table against the back wall. They informed me that I was under arrest and gave me the required Miranda Warning[9] in writing. They asked me to sign their copy, acknowledging the fact. They failed, however, to mention that it *included*, underneath the warning, ***a waiver* of rights**[10]. I declined to sign. No reaction and no interrogation. Continuing to the next step, they put me in handcuffs and led me out the door into the hallway. I was still holding some papers, including copies of Hawaii Draft News. As we passed Chuck, I handed him the papers and said good-bye.

The two agents and I walked down a couple of side streets to a brand-new building. Apparently, their old office at the Dillingham Transportation Building had been vacant for a while. I wonder how long. Their new office occupied an entire floor of the building. The agents took my photo and fingerprints, then asked me to sign. I asked them if it was required. Rather than a simple yes or no, they informed me that I

wouldn't be allowed to pay bail unless I signed. Since I hadn't planned on posting bail, I declined to sign as I had before. Again, no reaction. Continuing to the next step, they let me make a phone call, in fact, they let me make two. They dialed the numbers for me and wrote them down in a little notebook.

First, I called home. My brother Greg answered. Mom was taking her afternoon nap. "I'll tell her when she wakes up. This may be the last good sleep she'll have for a long time." We hung up. She wasn't sound asleep, however. She had woken up, heard Greg's half of the conversation, and then spent a few hours trying to call me back. The second call was to Mary Neilson so that she could let people at A.F.S.C. and catholic Action know that I was in custody. My arrest was announced in the Honolulu *Advertiser* (10 June 1972) the next day.

Having been booked by the FBI, it was time for them to take me to the Federal Courthouse on Merchant Street[11] and transfer me to the custody of U.S. Marshals (see Appendix 4). They are responsible for moving federal prisoners—taking them to jail, bringing them to court, and taking them to prison after conviction. This time the FBI *drove* me to the courtyard in the middle of the courthouse. It was a short ride. The FBI agents deposited me in the U.S. Marshals' small office on the second floor of the courthouse and removed their handcuffs.

The marshals put me in a chain-link holding cell for a few minutes. When it was time to go, they dressed me up in a long waist chain—long enough to accommodate two prisoners. The chain had long slim links at each end. These Martin links could slide through any of the other links. A marshal wound the chain two or three times around my waist and inserted one of the Martin links through a link at the front to fit my waist size. He cuffed one hand and slid the empty cuff through the Martin link before cuffing my other hand. My upper body was thus fully restrained. Two marshals escorted me down the hall, into the elevator, and to a car in the courtyard. Just before I got into the back seat, they added leg shackles. Then we were ready for the drive along the old H–1 Freeway[12] to Halawa Valley. Turning off the freeway, down to the end of a narrow dirt road brought us to a chain link fence and a small guard shack.

Inside the fence was a medium-sized building[13] with just one floor. The solid vault-like door at the entrance made a big clanging sound when it was unlocked and locked back up. Once inside the building a guard asked me my waist size. Not being much of a shopper, I hesitated. He shoved me against a wall. I made a guess. Afterwards things went more smoothly. I was allowed to shower, then given a brown uniform and supper before being escorted to my cell.

Solid concrete walls divided the cells. The back wall of each was concrete, but the front was open and barred, with a hinged cell gate. Guards called "turnkeys" used massive keys to open and close them

as well as the gate at the end of the cellblock hall. The solid concrete wall standing opposite the cells was lined at intervals with TV sets on portable stands.

A turnkey dropped me off at the first cell. It was divided into two halves which were separated by bars and an open doorway. The half that you entered had one toilet and a couple of concrete picnic tables. The inner half had some bunkbeds against the side wall. Although my uniform was *brown*, my cellmates were all wearing *blue* uniforms[14]. At about 8 pm I was called out of the cell for a phone call. Mom had finally found me. I assured her that I was fine. The lights went out at about 9 pm.

They came back on at 5:30 am, time for breakfast. My cellmates and I filed out of our cell gate and the gate at the end of the cellblock hall, turned left, went a short distance, and turned left again into the mess hall. Only 15 or 20 prisoners in all. Two long concrete tables. I sat down next to one of my cellmates. He told me that I would have to sit at the other table, where the inmates in *brown* uniforms were sitting. I moved to the other table. No knives, of course, or forks, just a soup spoon. Sometimes there was a thin piece of meat, easy to cut. Lunch at 10:30am and dinner at 3:30 pm. That's why I ate alone the first night. The other inmates had already finished eating.

I'm not a picky eater. The food was sufficient. Meals were short affairs, not much conversation. One thing that the inmates showed an interest in was the charges against each new prisoner. I was just a couple of weeks past my twenty-first birthday and was sporting a light beard. They thought that I must be facing drug charges.

After breakfast, it was time to shave. A turnkey passed a single razor from cell to cell, so that he could easily keep track of it. The TVs in the hall were constantly on. If inmates wanted to watch a different channel, they called out, "Turnkey" and made their request. They liked to watch the 6 o'clock news, with particular attention to crime reports and who had just been arrested, the new prisoner on the cellblock.

I was lucky to have been arrested on a Friday afternoon. Saturday and Sunday were visiting days. You could have visitors for up to 30 minutes in the morning and again in the afternoon. I had plenty of visitors—family and friends. My father, of course, was still at his reunion. Mom visited me each time and brought my brother Greg along. Mary Neilson had spread the word to catholic Action and AFSC. It was a short trip from her house in Aiea to Halawa Jail. Our house in Foster Village was even closer, but there was no direct route. Mom had to go to Aiea to get on the H–1 Freeway. I remember seeing Jim Albertini's face talking on the phone on the other side of the wire mesh glass. I repaid the favor later. One of Mom's visits was cut short, because my friends had arrived earlier. The 30-minute countdown starts whenever a visitor arrives.

Arraignments and sentence hearings in federal court were scheduled for Monday afternoons. This year, Monday June 12 was a state holiday. King Kamehameha I Day was moved from Sunday to Monday. A parade was scheduled to commence at Iolani Palace—just across the street from the Federal Courthouse—and end at Kapiolani Park, on the other side of Waikiki. It was not, however, a federal holiday, so after lunch another federal prisoner and I changed into our civilian clothes before being escorted by U.S. Marshals to the Courthouse. Reverse direction, but same procedure as on the day of my arrest, except for one thing—no leg shackles. Instead, we were connected by a shared waist chain. At the Marshal's Office all restraints were removed. We were put in the chain-link holding cell, where we could look down into the courtyard at the center of building.

Here Comes the Judge

When it was time, we were taken to Courtroom II to face Judge Martin Pence. Judge Cyrus Tavares was Hawaii's first federal judge after becoming a state, appointed temporarily prior to nomination, just three weeks before Vice President Richard Nixon lost the 1960 Election to Senator John F. Kennedy. Eisenhower officially nominated him ten days before Kennedy's inauguration. Kennedy nominated Pence on September 14, 1961. The U.S. Senate confirmed them both a week later. Pence took over as Chief Judge. Tavares had gone into semi-retirement as a Senior Judge two months before my arraignment. Although Nixon had nominated Samuel King as his replacement, Senate confirmation was still two weeks away. His first case would be the trial of the Hickam Three (see page 46).

The trial of the Cathedral 13 (Blair, 2024, 94) had prepared me for this moment. When it was my turn, I knew exactly what to do. Although an article in the next afternoon's Honolulu *Star-Bulletin* (Unknown, 13 June 1972) stated that I "plead innocent", defendants only have three choices: (a) guilty, (b) not guilty, (c) or, occasionally, no contest—*nolo contendere*. I plead not guilty to both counts and asked to be released on my own recognizance, effectively reducing the bail to zero. Assistant U.S. District Attorney Eggers objected. He complained that I had been avoiding arrest. Nevertheless, Pence granted my request and pointed out that if I failed to show up in court, I would be committing a new, separate felony.

I told him that I would be representing myself in court but would like to have a court-appointed legal advisor, specifically James Blanchfield. I assured him that Blanchfield had agreed, and he granted the request. Then he gave me two weeks to file any pre-trial motions. When he set the trial date for August 8, I pointed out that he would be presiding over the trial of the Hickam Three on that date[15]. He was well aware of that. He allowed the double booking to stand. Apparently, courts overbook to accommodate

the possibility of a quick settlement through plea bargaining. I was free to go after signing the necessary documents in the Court Clerk's Office. I went home, back to Foster Village.

The FBI had nabbed me on a Friday afternoon when I returned to the scene of my crime. The next Friday night, James McCord, Jr. and his "plumbers" returned to the Watergate offices of the Democratic National Headquarters. They wanted to fix one of their bugs and take photographs of hundreds of pages of documents. They were caught in the early hours of Saturday, June 17, arrested and arraigned the same day on charges of burglary.

The investigation and the cover-up soon followed. Nixon's campaign manager John Mitchell had Stephen King confine his outspoken wife to a hotel room in California and hold her incommunicado. On June 22, she managed to make one late-night phone call to reporter Helen Thomas before the phone cord was ripped out of the wall. When she tried to escape five men subdued her, and she was drugged.

Mitchell's deputy Jeb Stuart Magruder immediately contacted John Dean. They had been in on the original planning (see page 33). Now Dean and John Ehrlichman took custody of papers and money from E. Howard Hunt's safe. They met with FBI Director Patrick Gray. He agreed to provide daily updates of the investigation and accepted Hunt's papers, at least those that Dean had not destroyed.

Meanwhile Nixon met with White House Chief of Staff H. R. "Bob" Haldeman to discuss plans to involve the CIA in the cover-up. They wanted the CIA to pretend that Watergate was a covert CIA operation and tell the FBI to back off. Deputy CIA Director Vernan Walters got the FBI to delay its investigation for a couple of weeks, but together with Director Richard Helms refused to put a stop to it. FBI investigators followed the money trail to G. Gordon Liddy and Hunt. Both were indicted on September 15 along with the five Watergate burglars.

Back in Federal Court for the District of Hawaii, Herbert Tom was chosen on a rotation basis from a list of private attorneys as my court-appointed attorney. On our first meeting, I informed him that I had specifically requested Blanchfield. He was willing to agree to a substitution if the court would allow it. We discussed the case. He was concerned that even if the court ruled that the cards have not been destroyed, that I would be convicted of non-possession. He must have read the Appeal Court's decision in the O'Brien case (376 F. 2d 538). He left me with a question that resembled a Zen Buddhist Koan: "How can you destroy a card and still possess it?"

Brother Bob was working at Honolulu Book Store and had been enjoying Island life since returning

in June 1971. One day at the Ft. DeRussy section of Waikiki Beach, he just happened to run into the head of the UH Army ROTC Program. Colonel David L. Silver was shocked, when he realized that Bob was not yet in the army. Some paperwork also surfaced in which Bob had written that he would be unwilling to serve in Vietnam. First the Army told Bob that he was not qualified to be an *officer*, he would have to join the Army as an *enlisted man*. He pointed out that there were no extra qualifications for officers. He was either qualified to serve or not. Rank was irrelevant.

Then the Army started to play the Blame Game. They charged him with willfully failing to report for Basic Training. They convened a disciplinary hearing or court martial. If found guilty, the Army could call him up as a private. The proceedings caught the attention of the media—newspapers and radio—at the same time that my court case was starting to appear in the news. State Senator Joe Kuroda asked his legislative assistant, Brother Russ, "How many brothers do you have?" To add to the media confusion, Russ was Vice President of Hawaii Young Democrats and running for the State House of Representatives in the 19th District (Aiea-Moanalua).

There was also a series of Letters to the Editor from my supporters: Dolly Foster, Mary Neilson, and Jim Albertini in June (21, 27, and 29). Bonnie Fackre and Jean Howard in July (3 and 12), even one from draft resisters Ko Hayashi and Stan Masui (July 18) stating that they, too, had destroyed their own draft cards and wondering why they had never been charged.

Two days later, Sidney Leong, State Chairman of the Young Republicans publicly confused Russ and me in his own Letter to the Editor (July 20). "Several letters have appeared in support of Jeff Blair, Democratic candidate for the House, because of his declaration to oppose [sic] the draft system and symbolically burning [sic] his draft card. … Then again, perhaps, this is the only reason why Mr. Blair is a candidate." The Honolulu *Advertiser* printed a correction the next day. That was followed with letters (July 26) from Allison Lynde, President of the Hawaii Young Democrats, and Russ, setting the record and issues straight. Both the Democratic Party and the Republican Party were in favor of an all-volunteer armed force. On July 31 the Advertiser ran a feature article entitled "The Brothers Blair decides each has a way to help" (Hoyt, 1972).

> Any jackass can kick down a barn, but
> it takes a good carpenter to build one.
>
> —Sam Rayburn—

Draft resisters had been kicking down the Selective Service System's barn for several years. I had

joined them. Brother Russ wanted to be a carpenter. Even President Nixon, who hated the “jackasses” had decided to try to build a new “barn” in order to defuse the Vietnam anti-war movement. Shortly after taking office, he appointed the Gates Commission. Five of the members wanted to build a new “barn”, five wanted to fortify the old one, and five were undecided. Their final report (Gates, 1970) recommended establishing an all-volunteer armed force. Secretary of Defense Melvin Laird had, in fact, been hard at work getting the Joint Chiefs of Staff on board and was carrying out those plans.

Meanwhile on June 26 Herbert Tom had filed motions (see Appendix 5) for a bill of particulars, dismissal of the indictment, and a substitution of attorneys. Assistant U.S. Attorney Eggers asked for more time. In a different court, Bob Blair successfully absolved himself of any wrongdoing. In the end the Army had to accept him as an officer or not at all. They decided to release him from any obligation to serve in the Armed Forces. He joined the Peace Corps as an English teacher and shipped out to Thailand.

A War Crimes Trial

The trial of the Hickam Three (see pages 34–35) proceeded according to schedule on August 8 in Judge Samuel King’s courtroom. It was King’s first case as a federal judge. Judge Pence (Messman, 2015) had withdrawn from the case after a shouting match with the defendants during pretrial motions. Jim Albertini, Jim Douglass, and Chuck Giuli were defended by a team of lawyers that included two lawyers from out of state. Mary Kaufman and Benjamin Ferencz had been prosecuting attorneys at the Nuremberg War Crimes Tribunal. The trial of the Hickam Three took about one week. One of the Berrigan brothers, either Phil or Dan, flew into town to give their support. The courtroom was packed every day. There was a big public forum every night (Breems, 2022).

During the trial charges were reduced from felonies to misdemeanors[16], the maximum sentence from fifteen years to six months, because the government refused to enter the top-secret files into evidence. Charges against the driver were dismissed for lack of evidence connecting him to the crime. Like the leafleteers and news reporter Linda Cobal, none of whom were indicted, Chuck Giuli hadn’t entered the building and didn’t necessarily know what Albertini and Douglass intended to do. Albertini and Douglass, on the other hand, were convicted. King sentenced the two of them to one year of probation and a fine of $500. Neither one paid.

Jim Douglass, having resigned his teaching job at the University of Hawai’i in anticipation of several years of incarceration, returned to his previous teaching position in Hedley, Canada. This unauthorized

move, of course, was a violation of his probation (Messman, 2015). He was eventually arrested in 1975 at a Catholic Worker conference in Los Angeles. U.S. Marshals brought him back to Honolulu for resentencing. Judge King sentenced him to *unconditional* probation and stalked out of court.

On September 15, E. Howard Hunt, G. Gordon Liddy, James McCord, Jr. and the other four Watergate burglars were indicted by a federal grand jury. Six days later, my attorney and I had our day in court, one of many to come. Evan Shirley, on behalf of the American Civil Liberties Union, filed an *Amicus* brief and joined Herbert Tom and I in court to argue in favor of the substitution of Jim Blanchfield as my legal advisor. At the hearing that motion was granted, but the other motions to dismiss one or both counts of the indictment were denied. Blanchfield was officially appointed eight days later.

Mary Neilson helped me publicize such court appearances with press releases. A mother of nine children, prematurely gray at the age of 45, she was a human dynamo and a master of multi-tasking. She chauffeured me around to the offices of the Honolulu *Advertiser* and the *Star-Bulletin* and to various TV and radio stations in her Volkswagen Beetle with her youngest child, Sean, strapped in his baby seat in the back, chatting away about her older children—Nora in New York or David. Sometimes we'd drop in to see Rosie or Martha at work. I was even invited to the reception for Joey, Jr.'s wedding.

The Honolulu Advertiser and Star-Bulletin were happy to get our press releases. It encouraged them seek out information on their own and, perhaps, attend some of the hearings. When their court reporters had a slow news day, they would check court records. Small articles about rather trivial matters sometimes unexpectedly appeared. This caused a problem for my parents during the six months of the year that my grandfather was staying with us (see page 32). Colonel George Blair, a combat veteran of World War I, was now 93 years old (Blair, 2024, 79–80). The first thing he did each morning was sit back in his easy chair and read the Honolulu *Advertiser*. It might upset him to suddenly discover that his grandson, a card-burning draft resister, was in trouble with the law. For that reason, they woke up early and checked for any articles about the case and clipped them out. Many of them found their way into a second scrapbook that Mom made for me, to which I have been referring while writing this article.

Mary Neilson also arranged for me to speak on October 2 to a class at St. Louis High School that was studying Comparative Political Systems. Apparently, they had been discussing my case in class. This gave them an opportunity hear my point of view and share their opinions in a written assignment. Some addressed their comments to me. One, in particular, caught my attention:

> I think you are right, but I think you should slow down on what you are doing, because in

> the last school that I went to we had a teacher named James Albertini and he was just like you, but now he is in jail.

Yes, having refused to pay his fine, Albertini found himself behind bars in Halawa Valley. It was my turn to visit him. He served a 90-day sentence for contempt of court, but never paid the original $500 fine nor the additional $250 fine for contempt (Breems, 2022).

In late September I had been *ordered to report*, not for induction, but for jury duty. I was summoned to appear before the Honorable Dick Yin Wong on Tuesday, October 10, 1972, at 8:15 am as a prospective *trial juror*. Hmm. Another case of involuntary servitude. Should I refuse? Will I be acceptable? Will they think to ask me if I am or have ever been charged with a criminal offense? We will never know, because the order to report was cancelled and I was never ordered to report again.

The similarities are obvious, the differences interesting. Nobody registers for jury duty, the names and addresses come from voter lists. There are no cards to carry or burn in protest. What happens if someone fails to report? Is it a crime? Interesting questions for further research.

Judge Solomon's Rocket Docket

As the wheels of justice slowly turned, I continued with my draft counseling activities. Mary Neilson was even more proactive, often asking me to tag along with her and help with various paralegal projects[17]. I, for example, would check the pending criminal docket in federal court for Selective Service cases *to report* about them in Hawaii Draft News. She would try *to contact* the defendants to see if we could be of any assistance. One day we knocked on the door of a Jehovah's Witness who had refused induction. He didn't want anything to do with us, so we left. In mid-October, she and I attended the trial of Lester Uyeda before visiting Judge Gus J. Solomon from the District of Oregon. There was no jury[18]. There was no defense. It was a complete charade.

We arrived in court before the defendant and his attorney. The judge and Assistant District Attorney were already there, having disposed of the previous case, perhaps[19]. The court-appointed "defense" attorney arrived before his client. He and the judge started discussing the upcoming case. The attorney had prepared no defense and had no intension of presenting one. In that case, said Solomon, he would let the defendant take the stand and make any statement he wished before sentencing him.

That is exactly what happened, when Uyeda arrived a few minutes later with his mentor Toshi. Toshi

was a kooky local artist known for his large abstract bamboo structures[20] on the Manoa campus of the University of Hawai'i. The defendant was charged with two counts (U.S. v. Uyeda, 476 F. 2d 958): (I) failure to report for induction on 17 February 1971 and (II) refusal to report on April 14.

Uyeda had lost his II-S deferment as a UH student in December 1970, but quickly enrolled in Leeward Community College, nine days *before* his Local Board sent him the February 17 order to report for induction. On February 4, he requested a I–S(c) student deferment but failed to clarify the date of his enrollment. Misled into thinking that he had enrolled after the order to report, his Local Board sent him the other order to report for induction, on April 14. None of these facts were presented at trial. Instead, in an empty gesture of magnanimity, Solomon dismissed the first count. Then he, the prosecutor, or defense attorney—it doesn't really matter who—put Uyeda on the stand. Uyeda gave a very short, unprepared speech against war. Solomon cut in demanding to know "Who told you to say that?" He was looking directly at the defendant but referring to the two observers—Mary Neilson and me.

"No one," said Uyeda, "I thought it up myself, just now." Then the trial was over, all within a matter of minutes. Solomon *immediately* sentenced him to two year's imprisonment, without any stay during the appeal process. In fact, he added an order that the defendant be sent off to prison on the mainland[21] *without delay*. The U.S. Marshals swiftly whisked Uyeda off to Halawa Jail.

This was the bleak picture of resistance that my mom had painted for me in the summer of 1971 (Blair, 2024, 91–92). My trial was going to fall somewhere between the two extremes of Lester Uyeda's sad little affair and the Hickam Three's grand spectacle. My trial would last a full day before a jury and a couple of dozen spectators. It would be preceded by several days of pretrial motions with a dozen or so observers. Sentencing would take place in a packed courtroom a full two months after the trial and after an extensive Presentence Investigation Report by Probation Officer Earnest Lee, including several letters on my behalf. Each turn in the legal process was accompanied by media attention.

After witnessing this travesty of justice in Solomon's court, Mary secured for Uyeda a competent criminal attorney, David Bettencourt. The two of us described the collusion before the defendant arrived and the farce that followed, and Bettencourt went to work. He filed a motion to have Uyeda released. Solomon denied it without listening to oral arguments. As soon as he was gone and Judge Pence had returned, Bettencourt convinced Pence to free … Uyeda pending his appeal to the Ninth Circuit (Paulicka, 1972). The defendant had spent two weeks in jail. Now he was free and would remain so. On 27 March 1973, Judges Browning, Goodwin, and District Court Judge Taylor from Idaho allowed Bettencourt to present facts and make arguments that, obviously, had not been put into the trial record (476 F. 2d 958). They then decided that Uyeda would have been guilty of ignoring the first order to report, had Solomon

not dismissed Count I. The Local Board, however, had all the information that they needed to defer him before they issued the second order to report. Count II should, therefore, have been dismissed. His conviction was reversed.

When the year 1972 came to an end, men with **lottery numbers from 1 to 95** had been called up for induction and 49,514 had been inducted. Seven hundred and fifty-nine U.S. troops had been killed. Selective Service issued a call-up on December 7. It turned out to be the last. President Nixon won reelection with 520 electoral votes to McGovern's 17. FBI Director Patrick Gray had destroyed the documents from E. Howard Hunt's safe.

1973: Call-ups by Lottery for Men Born in 1953

President Nixon was looking forward to a new era of peace during his second inauguration. On January 27 the Paris Peace Accord was signed, giving the United States 60 days to pull its troops out of Vietnam. The next day, Secretary of Defense Melvin Laird announced that there would be no more call-ups. Starting on February 12, American prisoners of war returned home.

As the Vietnam War was coming to a close, however, the Watergate Scandal was just getting started. The first Watergate trial began on January 8 with five of the defendants changing their pleas to guilty. Lawyers for G. Gordon Liddy and James McCord, Jr. fought the evidence for three weeks, but on January 30 both were convicted. A week later, four democrats and three republicans were named to the newly formed Senate Watergate Committee. It would look into the coverup.

By February it was time for me to make a choice about my leave-of-absence. If I tried to extend it again, Caltech might insist that I take another full year off (see page 33). Feeling that three years would be too long, I decided to request the court's permission to return to school. Judge King granted the motion on February 20 with the comment "We don't want him to be dumb." He was trying to inject a little humor, I suppose, but Mom really resented it. A hearing on pretrial motions was set for March 5.

On March 5 Paul Miguel brought his high school class at MidPac Institute to Courtroom II to observe the hearing. Colonel Henry C. Oyasato[22] testified[23] with respect to a motion to dismiss Count II, destruction of the Notice of Classification. The fact that my II-S classification was due to expire on 30 September 1971, a full month before it was burned, was clearly visible on the card (see Appendix 1). I argued that any duty to possess the card and keep it intact had expired on that date. On the stand Colonel Oyasato

explained that along with the extension of the Military Selective Service Act on September 28 (see page 28) some new regulations had been enacted and published in the Federal Register. They could not legally take effect for thirty days. In the interim all processing of registrants, including change of classification had been suspended. Normal operations were resumed on November 2. The II-S classification was still valid on that day. The point I was trying to make seems to have been missed. Due Process under the Sixth Amendment to the Constitution requires that *registrants be given sufficient notice* of any laws that they are required to obey.

There should be no question that *old* Notices of Classification can be destroyed and disposed of. The tricky question is *when* do they become legally old: (a) the expiration date on the face of the card, (b) when the registrant has been reclassified, or (c) when they get a new Notice of Classification? The government argued for (b). I argued for (a). Judge Pence sided with the government and denied our motion to dismiss. We would raise the issue again on appeal. Further hearings for pretrial motions were set for March 12.

Judge Pence would occasionally talk off the record about how the legal system works. He was relaxed and seemed to enjoy the role of teacher. I still remember the principles he explained in three of these mini lectures: (a) not everyone that is indicted is guilty, (b) the function of appeals courts is to fix the mistakes of district judges, and (c) courts prefer to base their decisions on small, uncontroversial precedents, rather than tackle large, unsettled issues. He illustrated the first principle by recounting how he himself had once been *falsely accused* of a crime.

Although the President's authority was due to expire at midnight between June 30 and July 1, the lottery continued. Registrants born in 1954 got their lottery numbers on March 8. My brother Greg got the lowest number in our family—186. All four of us boys had been very lucky.

Airstrikes in Cambodia and other supporting operations had continued after U.S. combat troops had left. In March Nixon indicated that the United States might reenter Vietnam to enforce the provisions of the Paris Peace Accord. Nixon, however, was facing formidable opposition in Congress.

Pretrial hearings continued, on March 12. The legal issue was selective prosecution. Melvin Sanehira had burned his cards at the same time as I did. Only one of us was indicted. Numerous men in Hawaii Draft Resistance had publicly destroyed cards. None of them had been indicted. On March 12 Don Sharp and John Witeck courageously testified under oath in federal court that they had violated the law with impunity. They described their illegal actions in great detail. This was my evidence to argue that I had

been singled out for prosecution because of my *perfectly legal* draft counseling activities for the American Friends Service Committee. I contended that the charges should thus be dismissed.

When I finished, it was time for Assistant District Attorney Eggers' rebuttal, but he told Judge Pence that he would rest his case without any rebuttal. Pence warned him against it. Apparently, I had succeeded in establishing a *prima facie* case. Without any counter evidence, the charges against me would have to be dismissed. Eggers took the hint and brought his own witnesses to court the next day.

Blanchfield and I arrived at court a little late. Judge Pence fined me one dollar per minute, a total of five dollars. Blanchfield objected, saying it was *his* fault that we were late. Pence insisted on fining *me*, since I was representing myself. He pointed out that Blanchfield could pay the fine, if he wished.

Eggers called three witnesses to the stand: an FBI agent, the State Director of Selective Service, and a former federal prosecutor. I do not recall the content of the testimony given by Colonel Oyasato. The full court transcripts[23], however, are available in the Hawaiian and Pacific Collection of Hamilton Library on the Manoa Campus of the University of Hawai'i.

Special Agent Henry Burns[24] explained why Melvin Sanehira had not been indicted. Selective Service clerks who had witnessed the demonstration were unable to pick him out of a photo lineup. They identified my photo without any trouble because of my previous visits to their office to inspect public information. In addition, Melvin's cards had been more thoroughly burned (see Appendix 1) making them harder to identify. It would have been difficult to prove Melvin's case[25], mine was an easy slam dunk.

Joseph M. Gedan had been an Assistant District Attorney before Nixon appointed District Attorney Harold M. Fong. He testified that he and some of the other federal prosecutors under the previous administration had placed cases involving draft card violations, such as Sharp's and Witeck's, at the bottom of their piles, and then they never surfaced. He confessed that he had done this without authorization and had felt a bit guilty about it. Thus, I had not been selected for prosecution. The other cases had fallen through the cracks provided by arbitrary decisions of assistant prosecutors[26]. These pretrial motions continued the next day.

This time the prosecutor arrived two minutes late. Blanchfield immediately pointed it out to the judge. Judge Pence presented me with a choice: (a) he could fine Eggers two dollars or (b) reduce my fine by two dollars. I did the math, seven dollars for the U.S. Government OR three dollars. I chose three dollars. Then it was time for arguments.

Eggers had successfully countered our contention, but only partially. The arguments in court focused entirely on the decision at the *local level*. Even though, the District Attorney's Office had overwhelming evidence, Eggers was reluctant to seek indictment, until consulting with the *Justice Department* in

Washington, D.C. (see page 33). That fact had come up in a private conversation between Blanchfield and Eggers, which was later relayed to me in casual conversation.

Unknown to us, Jeffrey Falk (see page 31) had made a similar motion for dismissal. He, too, was a draft counselor charged and convicted of draft-card violations. The formal decision to prosecute included not only the Assistant U.S. District Attorney, but also three other three higher-ranking staff members in the Office of the Northern District of Illinois, and then the *Justice Department* in Washington. The trial court refused to hear his arguments. In October 1972, a three-judge panel of the Seventh Circuit Court of Appeals affirmed that decision, the convictions, and the sentence by a vote of 2 to 1 (472 F. 2d 1101). Two months later, however, they granted a rehearing before the full circuit court. The *Falk* case and my own point to the possibility that discriminatory prosecution was occurring at the *national level*.

We had missed a golden opportunity to challenge the Nixon Justice Department. Judge Pence denied our motion to dismiss and set the trial date for April 24. On April 19, by a decision of 5 to 3, the Seventh Circuit Court of Appeals reversed Falk's convictions and remanded the case back to the district court for a hearing on the motion to dismiss because of selective prosecution (479 F. 2d 616).

On March 21, just two days before the day that was set for the sentencing of the seven Watergate defendants, Judge John Sirica received a letter from James McCord, Jr. confessing perjury and implicating White House officials in a cover-up. Watergate was not a CIA operation. The judge made the letter public, postponed McCord's sentencing, and handed down provisional sentences to pressure the other defendants into revealing more information before final sentences were imposed. Presidential advisor John Dean notified Nixon that there was "a cancer on the presidency". Within two weeks, he also began cooperating with prosecutors.

I returned to Caltech for the first time in two years. Suddenly I was living in a different world, my academic world. It's all a blur now, not even a blur, completely erased from my mind. I lived on campus in Lloyd House, ate on campus, and majored in history, but only remember one course—Physics 2, Quantum Mechanics, which I later dropped. There was a physics mid-term exam in April, but I had to return to Hawaii for my trial. I talked to my professor, Richardo Gomez. He told me not to worry and wished me luck.

Then I was back in my world of protest and politics. I stopped in to see Blanchfield. He was very happy and looking forward to the trial. Eggers had offered us a plea bargain—if I joined the Army, he would drop the charges. Blanchfield told me how much he enjoyed turning it down and telling Eggers that we *were going to win* in court. As always, he was cheerful and optimistic heading into court.

April 24 was another beautiful, sunny day in paradise. The trial started at 9am and took the entire day. The first order of business was to select a jury. I wanted the make-up of the jury to be as diverse as possible, so I suggested waving preemptory challenges. The defense has more of them than the prosecution. Eggers agreed. Judge Pence questioned the jurors about their connections to the military and asked if they could be impartial. Only a few were removed for cause, one of them exclaiming that *the Selective Service System* should be on trial as he left the jury box. Twelve jurors and one alternative were quickly chosen and sworn in.

Two of the Local Board clerks, Hannah Kaaihui and Yaeko Morisaki, testified that they saw me burn my draft cards and return them. The cards themselves were entered into evidence. Upon cross-examination, Morisaki, identified the cards and admitted that none of the information on them, except the first name on the Notice of Classification had been affected (see Appendix 1). When asked to read the information, she had no trouble reading the name, selective service number, date and place of birth, the clerk's signature, the name of the local board, the date of registration, the classification and its expiration date, the date of mailing, and the advice and warning printed on the back. The usefulness of the cards for their intended purposes was unimpaired. When the government rested its case, I made a motion for a directed verdict of not guilty on both counts. The cards had NOT been destroyed. Nevertheless Judge Pence denied the motion.

I took the stand. Instead of questioning myself, Jim Blanchfield was allowed to question me. Then Eggers cross-examined me. He asked me if I had intended to *destroy* my draft cards. My answer was no. I had intended to and did *burn* them to demonstrate my opposition to military conscription. The fire had gone out before they were destroyed. I did not try to relight them. I simply abandoned them. In fact, I had, for some time, intended to *return* my cards to the Local Board. I only decided to burn them when invited to do so as part of the All Souls' Day protest. In any case, the message to the Selective Service was the same—I resign, I am not going to cooperate.

Eggers asked if I understood the law and its consequences. I affirmed that I understood that the maximum penalty for mutilation or destruction of cards was five years in prison and a $10,000 fine. My failure to possess the cards was also a violation. I continued, however, to deny that the cards had been destroyed. That issue had come before the judge and would come before the jury. Eggers called Colonel Oyasato to the stand for rebuttal. I again made a motion for a directed verdict of not guilty on both counts. Judge Pence again denied the motion. The jury would have to decide.

Pence gave the jury their instructions. It was about 4 pm when the jury began their deliberations. An hour later the deadlocked jury requested further instructions on the meaning of "destruction". Then

Eggers, Blanchfield, and I went to the judge's chamber to discuss the issue. There was no consensus. When Pence had had enough, he suddenly stopped the discussion, took the bench, and instructed the jury. He gave a long rambling explanation that included both the government and defense's sets of requested instructions, some dictionary definitions, a legal definition, and some comments of his own referring to the *Weissman* case (see page 31). Five minutes later the jury returned their verdict—guilty on both counts. The young clerk's voice cracked a little with emotion when he read it. I again made a motion for a directed verdict of not guilty on both counts. Judge Pence again denied the motion.

Eggers gleefully informed the judge that he hadn't said "the magic words". Judge Pence dryly replied that there was no "magic" in them and continued. He ordered me to undergo a presentence report. I asked that the sentencing be postponed until I finished the school year. He set a date for sentencing—July 2. I told him that I would be back in June, but he insisted on that date and demanded that I waive my Right to a Speedy Hearing. I agreed.

One of the jurors followed Mom and I into the elevator. She was haunted by the idea that I was going to go to prison. I assured her that it was all right. I was ready for it. I had always assumed that I was headed there. She said that she wouldn't be able to sleep. Mom took her contact information and kept in touch with her.

Within a few days I was interviewed by a probation officer. Ernest K. K. Lee filed his five-page Presentence Investigation Report on May 13 and attached letters on my behalf from Mom, Dad, Brother Russ, and Steven Kroll. It covered my offense, my family background, prior criminal record[27], home and neighborhood, education, religion, physical and mental health, employment, military record[28], financial condition, interests and leisure-time activities.

Back in Washington, D.C., FBI Director Patrick Gray was being interviewed as well—confirmation hearings by the U.S. Senate. At the end of February, he had admitted providing daily updates on the Watergate investigation to the White House at the request of John Dean. When the committee found out that he had also destroyed documents from E. Howard Hunt's safe, support for his confirmation dried up. On April 27, he was forced to resign. Three days later, the President's closest advisors: H. R. "Bob" Haldeman and John Ehrlichman resigned at the request of President Nixon. Nixon simply fired John Dean. Act II of the Watergate scandal was about to unfold.

In America May 1 is Law Day. Judge Pence was invited to a luncheon at Pearl Harbor Officers' Club where he gave a "blunt and hard-hitting speech" to local attorneys and military officers (Milz, 1973). Punishment, rather than rehabilitation, should be the aim of the correctional system. Two days later an editorial by John Griffin in one of our local newspapers questioned my prosecution, noting that

the case had come from “the same Administration that brought you the Watergate scandal, the bombing of Cambodia, and so much talk of peace with honor (3 May 1973)”. Mom noticed both articles and added them to my scrapbook.

In Pasadena, school friends were delighted to see me, assuming that I had been acquitted. I soon disabused them of that notion, informing them that I was going to be sentenced on July 2. A pink slip for Physics was waiting in my mailbox. I had missed the mid-term exam and was flunking. I decided to drop it and take it again later. As always, I concentrated on my studies with a break in the afternoon for sports. It was a routine familiar from military school (Blair, 2024, 84).

Across the United States, the political climate had changed. The campus unrest of my first two years of college had been replaced with a deep interest in the drama of Watergate. The Senate Watergate Committee had opened hearings on May 17. All four TV channels were broadcasting them live during the daytime, something that hadn’t happened since the Kennedy Assassination (Blair, 2024, 82). After a while, the four channels agreed to rotate coverage. The hearings were rebroadcast at night on PBS (Public Broadcasting Service). America was officially “wallowing in Watergate” with Elliot Richardson as the new Attorney General and Archibald Cox as the Special Prosecutor.

The Court Clerk mailed an official Notice (see the top half of Appendix 8) to remind me of my date with destiny. At the beginning of June, I flew back to Hawaii.

There wasn’t much to do except wait for July 2. Happily, I got an invitation to accompany Molly March and a friend on a trip to Maui and Molokai. The Marches were old family friends. We first met them at Fort Meade, Maryland. Their father, an Annapolis graduate and expert on Russia and the Russian language, was working for the National Security Agency (NSA). They followed us to Arlington, Virginia where our fathers worked at the Pentagon and then in 1972 to Honolulu, Hawaii. Their quarters were located between Pearl Harbor Naval Base and Foster Village, where we lived after Dad retired from the Army. Admiral Patrick G. March had three lovely daughters: Molly, Terry, and Peggy. Terry, who was my age, had attended Pershing Hill Elementary School and Gunston Jr. High with me. In fact, I had visited her at Cornell University in 1970 (see Blair 2024, 88). Molly was a year or two older.

I needed Judge Pence’s permission to leave the Island of Oahu and got it (Appendix 7). It was a memorable trip. The three of us spent two days hiking from the top of Haleakala[29] down to the ocean. We read Winnie-the-Pooh stories around the campfire. Hitched a ride along the north shore of Maui to the airport. Chartered a small plane to take us to Molokai. Spent a week on the beach on the eastern end of the

island. Then we flew back to Honolulu.

I got a phone call from Don Sharp. He wanted to burn his draft card in protest on the day of my sentencing. I discouraged him from taking such a great risk on my behalf. He and John Witeck had already testified under oath in federal court about their numerous draft card violations (see page 51). I expected to be sentenced to two or three years in prison but realized that the Ninth Circuit Court of Appeals might reverse my conviction, thus vacating that sentence.

On June 25, John Dean began four days of testimony before the Senate Watergate Committee. It was his word against the President's. He insisted that President Nixon was well aware of the coverup. They had discussed it at least 35 times. Dean's accusations were a sensation, but there was no evidence to back them up, not yet.

Sunday July 1 the draft was officially over. Young men still had to register with the Selective Service, but the President's authority to order them to report for induction had expired. At 3 o'clock the next afternoon, I was back in Courtroom II with my supporters, including Dana Park, John Witeck, Don Sharp, Jim Albertini, and Chuck Guili. First up was the Assistant U.S. District Attorney, not Eggers, but William McCorriston. He recommended a fine of $2,500. I was shocked. What did money have to do with my crime?

Next it was my turn to speak. I had prepared a speech[30], assuming that I would be sent to prison. I now prefaced that speech by pointing out that I would have the same problem with a fine that Albertini had had[31]. I remember praising the courage of draft resister Dana Park, whom Pence had sentenced in 1968 to six years under the Federal Youth Corrections Act. Acknowledging that I "had acted neither in haste nor in ignorance of the [draft] law", I affirmed that I "remained 'unalterably opposed to [it]'" (Coughlin, 3 July 1973).

Judge Pence told me to stay standing at the lectern (Lind, 18 July 1973). He announced that he had found an abandoned draft card that had been slipped under the door of his chamber, undoubtedly Don Sharp's. It would not, he assured us, influence his decision. Then he began by eliminating the possibility of probation. "All the probation officers in the world wouldn't stop you… You would do it all over again". Blanchfield, no longer my legal advisor, now my attorney, stood up and said, "This sounds ominous". Freedom of Speech, of course, allows judges to sound just as ominous as they like, and Pence continued, referring to Dana Park. "You just want to join Dana Park. Well, I'm not going to put you where I put him." Pointing out that the draft had ended, he declared that he would not feed my "martyr complex. You even want the scars[32]." Instead, he would fine me $250 for each of the two counts, a total of $500. It was the

same sentence as the Hickam defendants had gotten. Like them I had no intention of paying it. Blanchfield announced our intention to appeal the conviction.

I went home. In tears, Mom wanted me to drop the appeal and pay the fine. Dad patiently explained to her that an appeals court could not increase the sentence. There was nothing to lose. The Ninth Circuit Court of Appeals could only affirm or reverse my conviction. I immediately went over to the Marchs' house to deliver news of the day's event. Terry asked me if I had a martyr complex. I don't remember if I answered her question. Today I would say no. Like any soldier, I took a risk when I challenged the Selective Service System, but I also kept my head down and tried to keep out of prison.

Ranking Judges

Now the pressure was off. Prison was off the table. I was only facing a fine, even if my appeal failed. It was all in the hands of the lawyers. Blanchfield and Eggers would be facing the judges of the Ninth Circuit Court of Appeals.

How about the district court judges that I had encountered: Martin Pence, Samuel King, and Gus Solomon? Solomon's shameful behavior in the *Uyeda* case was simply a disgrace to his profession. As Forest Gump would say, "And that's all I have to say about that."

Most of my court time had been spent in Judge Pence's courtroom. So much so, that Mom came to refer to him as "your judge". He had the reputation of being a tough judge. The Hickam defendants had been delighted that he recused himself from their case, and Judge King took over. I, however, came to have greater respect for Pence after seeing how they both handled the *Yamada* case (#73–13,269). It happened as the summer of 1973 was turning to fall, just before I returned to Caltech to continue my studies and await my appeal.

Calvin Kiyoshi Yamada was a Selective Service violator. He had refused induction. His attorney, James Blanchfield, wanted an investigator to scrutinize his client's draft board records, all at government expense. He decided to ask the court to appoint Mary Neilson and I as the investigators. Needless to say, Assistant U.S. District Attorney William J. Eggers, III was not thrilled with his choice. He wrote a brief in opposition to the motion. It would provide Mary and I, he wrote, another opportunity to advocate draft resistance, oppose the Vietnam War, and turn the *Yamada* case into a political trial.

Then it went before the bench, Judge King presiding. He *summarily* dismissed the motion. One of the investigators had recently been convicted and sentenced in federal court. Me, of course. No discussion. That was the end of it … until Blanchfield took the same motion to Judge Pence's court. This judge was

willing to listen. "Why" he asked, "do you want these particular individuals?" Strangely, Blanchfield's reason was economic, rather than the quality of the service we could provide. Using us would save the government money. The ball was now in Egger's court, figuratively speaking. It was an easy slam. The government was willing to pay a premium. The motion was again dismissed.

As in this example, Pence turned down almost all my motions, but he was fair. He always listened patiently to both sides before making his decision. Some of his decisions were favorable. He released me on my own recognizance, appointed an attorney as my *legal advisor*, granted the motion to appoint Blanchfield, and stayed my sentence pending appeal. And, of course, his sentence was a very lenient one for a draft case. Typically, Selective Service violators are sentenced to prison. Fines are almost unheard of. While researching draft cases, I have come across two examples. One judge, apparently unsatisfied to simply imprison Vietnam draft resisters for the full five years, also imposed the maximum fine of $10,000. At the other end of the spectrum, a judge in Arizona sentenced Japanese American draft resisters from World War II relocation camps to a one-penny fine and no imprisonment (Muller, 2023).

Do Not Publish

On Friday July 13, the Senate Watergate Committee unearthed a bombshell when Haldeman's top deputy revealed the existence of a comprehensive taping system in the White House. Alexander Butterfield was called to testify at the public hearing on Monday. Within hours, Haldeman's replacement as White House Chief of Staff ordered the system turned off and removed. Nixon refused to turn the tapes over to the Committee until ordered to do so by the Supreme Court a year later.

In September, I returned to Pasadena, to my studies, and to the wrestling team as the investigation of the new Watergate Seven continued, including John Mitchell, H.R. Haldeman, and John Ehrlichman. It would be March before they would be indicted. President Nixon was named as an unindicted co-conspirator. In October Vice President Agnew was forced to resign for corruption that began during his time as Governor of Maryland. Gerald Ford was nominated to replace him. Nixon ordered his Attorney General to fire the Special Prosecutor. Elliot Richardson refused and resigned. His deputy William Ruckelhaus also refused and resigned. Finally, Solicitor General Robert Bork was brought to the White House in a limousine and sworn in as acting Attorney General in order to carry out the "Saturday Night Massacre". Nixon appointed Leon Jaworski to replace Archibald Cox.

Meanwhile back in Honolulu, James Blanchfield and William J. Eggers, III exchanged legal briefs that they filed with the Ninth Circuit Court of Appeals. Oral arguments were going to be delivered in

late December, and I wanted to attend. I arranged a flight home for Christmas on a jumbo jet that flew a triangular route: Honolulu to Los Angeles to San Francisco to Honolulu. I pulled an all-nighter to finish a term paper and catch the flight. I was the only customer on board for the leg from Los Angeles to San Franciso. Unfortunately, San Francisco Airport was fogged in, so we circled for a few hours. When fuel ran low, the pilot had to make a choice: return to LA, or land in the fog. We landed. Irene Dobzranski picked me up and took me straight to the courthouse, but it was too late. Neither had Blanchfield or Eggers appeared. Blanchfield, with my permission, was looking at land in Australia. A partner in his firm argued for a reversal of my conviction. Eggers had been injured in a motorboating accident. Another assistant district attorney defended the government's case against me.

The Court of Appeal's decision came out in January, when I was back at school. Elated, Mom made her first long-distance phone call ever, prohibitively expensive in those days. She knew I wouldn't pay the fine and dreaded paying on my behalf, imagining that it would damage our relationship. She needn't have worried. Blair family ties remained stronger than that.

At the top of the printed decision (see the bottom half of Appendix 8), in capital letters—DO NOT PUBLISH. At first, I thought it was a gag order, a secret decision. "We are obliged to reverse the judgement." The three-judge panel, two circuit court judges and a visiting district court judge, wanted to affirm the conviction, but couldn't. Federal prosecutors had made a fatal mistake. My draft cards were mutilated, not destroyed. Both mutilation and destruction are felonies. The penalties are the same, but the government must prove the charges stated in the Grand Jury's indictment. Yes, the Grand Jury made a mistake. Did any of the jurors vote against the indictment? The decisions of trial juries are required to be unanimous, but not grand juries. If grand jury records are available, historians can examine them to see if their decisions are simple rubber stamps. The trial jury, too, had made a mistake. Those in favor of acquittal in the first hour of deliberations should have stuck to their arguments and prevailed.

Judge Martin Pence made the same mistake when he denied our motions to dismiss. His musing about jurisprudence (see page 51), however, prove correct. First, criminal charges can be false—completely or slightly off the mark. They should be scrutinized with care. Secondly, one of the functions of appeals courts is to fix the bad decisions of district courts. The Ninth Circuit Court of Appeals did that in a unanimous decision, even though they didn't seem happy about the result. Finally, courts prefer to base their decisions on uncontroversial principles. By declaring my drafts to have only been "burned at the borders", they could avoid more difficult questions. It became unnecessary to balance the slight amount of destruction or mutilation against the speech element that was recognized in the Supreme Court's *O'Brien* decision. Nor was it necessary to decide at what point a Notice of Classification is no longer protected, the

expiration date of the II-S classification stamped on the front of the card, or some other date.

Burgeoning caseloads have forced the Federal Circuit Courts to sort cases out for differing types of treatment (Wasby, 2004, 67–69). Some are published in the Federal Reporter; increasingly more are not. The use of unpublished memorandum dispositions (called memodispos in the Ninth Circuit) began sometime in the 1960s or early 70s. They existed in the libraries of the various appeals courts, identified only by their numbers—no citation in the Federal Reporter. Citing them as precedent was even prohibited. The Ninth Circuit had effectively buried their decision in their law library. While the opinion has remained under the radar for the legal community, it did serve notice to my attorney and the U.S. Attorney's Office. Jim Blanchfield released a statement to the press (Unknown, January 1974), explaining that the conviction was reversed and expunged from my record. The government could have re-charged me, but decided not to.

The Watergate defendants were convicted and eventually sent to prison. Their co-conspirator President Nixon resigned in the face of impeachment in August 1974. Vice President Ford became President and in September granted a "full, free, and absolute" pardon to Nixon (Proclamation 4311). A week later he established a program of *conditional clemency* for "draft evaders" and military deserters, except those that had fled the United States (Proclamation 4313). In March 1975 he terminated Selective Service registration (Proclamation 4360).

The day after his 1977 inauguration, President Carter pardoned all Vietnam War Selective Service violators (Proclamation 4483). Then in July 1980, he reinstated the requirement to register and to keep Selective Service informed of one's current address (Proclamation 4771). The Selective Service no longer issues Registration Certificates or Notices of Classification. A "registration card" can be printed once only, at the time of registration. Registrants do NOT have to carry that card, nor is it against the law to destroy it.

Notes

1 The Second Circuit covers the states of New York, Connecticut, and Vermont. The Eighth Circuit is made up of Missouri, Iowa, Arkansas, Nebraska, Minnesota, North and South Dakota. The First Circuit covers the states of Massachusetts, Rhode Island, New Hampshire, and Maine.

2 The very same day that Cousin Bob (Major Robert H. Blair) was evacuated from Loc Ninh in the face of North Vietnam's bold Easter Offensive.

3 Criminal case #13,021 is sometimes called #72-13,021 to distinguish it from criminal cases in other years.

4 The original indictment was soon withdrawn and superseded on April 25 by a two-count indictment (see Appendix 5).

5 The standard operating procedure in most criminal cases is for FBI agents to make the arrest and turn the defendant

over to U.S. Marshals.

6　Special Agent Henry Burns would later testify during pretrial motions about the role of the FBI in my prosecution.

7　Due to a complicated family situation, Chuck Bollingmo had a choice of family names. He is now better known as Charles H. Smith.

8　I never actually saw the badges and IDs of the FBI agents during my interview (Blair, 2024, 94–95) or my arrest. The names that I remember and have used here are Agents Bender and Charles Malone.

9　**Your Rights**: Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him [sic] with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

10　**Waiver of Rights**: I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

11　Since the building of a new federal courthouse, it has become known as the King David Kalakaua Building.

12　Interstate H-1 used to designate a stretch of highway that continues straight past Fort Shafter, Halawa Valley, and Aiea. Interstate highways in Hawaii, obviously do not connect to other states, but get the same federal funding as other interstate highways.

13　The building is now used as a “special needs” facility for maximum security, protective custody, and mentally ill prisoners. A much larger medium security facility was built in 1987. Federal prisoners used to be housed in Halawa Jail. Since 2001 they have been incarcerated in the Federal Detention Center located next to Honolulu International Airport.

14　Brown uniforms were for prisoners *awaiting trial*. Blue uniforms were for those that *had been convicted* and were serving sentences of one year or less. Convicts with longer sentences were moved from Halawa Jail to state prisons or to federal prisons, typically the ones located at Lompoc, California or Safford, Arizona.

15　Judge Pence recused himself during pretrial motions. Judge Samuel King presided over the trial, which began on schedule.

16　Destruction of government property was a felony if and only if the property was worth $100 or more. Otherwise, it became a misdemeanor. Felonies are crimes where the maximum length of imprisonment is more than one year. Crimes with a maximum length of imprisonment of one year or less are misdemeanors.

17　She later became a professional paralegal.

18　My recollection here is contradicted in newspaper articles that appeared the following week (see Unknown, 25 October 1972 and Unknown, October 1972), apparently based on Mary Neilson’s press releases and court records. I, however, have absolutely no recollection of a jury or jury selection.

19　Meyer Eisenberg referred to Solomon’s speedy approach to judicial procedure as a “rocket docket” (Stein, 2006, 143). Judge John R. Ross called him “the Fastest Gavel in the West”.

20　The structures were well overhead, maybe 10 or 15 feet in height. There may have been some deep oriental philosophy of life behind his work. The University allowed his creations to remain for a period of weeks or months.

21　There were no federal prisons or detention centers in the State of Hawaii. Most Selective Service violators were sent to the Correctional Institution at Safford, Arizona.

22 Colonel Oyasato's name was misspelled on the docket sheet entry for March 5 (Appendix 6).

23 The full court transcripts for the pretrial hearings on February 26, March 5, and March 12–14 and for the trial are available in the Hawaiian and Pacific Collection of Hamilton Library on the Manoa Campus of the University of Hawai'i.

24 Agent Burns, you may recall, arrested James Albertini and almost ran into Albertini and I having lunch, while I was still a fugitive (see page 40).

25 Difficult, but perhaps, not impossible. KGMB-TV had filmed the part of the demonstration where we burned our cards, and a Honolulu Advertiser photographer had taken lots of photos, one of which was published in Hawaii Draft News (see page 39). The film and photos would make it easy to identify Melvin. Enhanced images might have allowed verification of the draft cards. Was Melvin ever questioned by the FBI? I don't know. If so, they must have been unable to trick him into a confession.

26 Eggers had had similar feelings, but consulted with his superiors in Washington, D.C. (see page 33).

27 Trespassing 13 July 1971 at an AWOL Sanctuary (Blair 2024, 91). Found not guilty 4 November 1971 (Blair 2024, 94).

28 Registered at Local Board #2, classified I-A, lottery number 209.

29 Haleakala (meaning house of the sun) is a massive volcano that rises 3,055 meters (10,023 feet) above sea level on the eastern coast of Maui.

30 That speech has been lost. I am relying on a combination of (a) my memory, (b) *Another Voice*, and (c) the Honolulu *Advertiser*.

31 James Albertini refused to pay his fine of $500 and was sent to jail for 90 days (see pages 47–48).

32 Pence assumed that I wanted to keep the criminal conviction (the scars) on my record. Convictions under the Youth Corrections Act are expunged after the sentence has been served. Imprisonment is for up to six years. The parole board, however, may release these prisoners at any time.

33 The photo of the burned cards at the bottom of Appendix 1 was published in the Honolulu *Advertiser*, page 2 on November 3, 1971.

Acknowledgments

I wish to express my sincere thanks to Richard Hough and Paul Tanner for their encouragement and their reactions to an earlier draft. Not all the advice received was necessarily heeded, however, and I retain full responsibility for the final product, including the documents in the Appendix.

This paper is dedicated to the memories of Mary Neilson (1927–2012), James Blanchfield (1938–1982), Elaine "Woody" Schwartz (1924–1999), Dana Rae Park (1948–2016), an old family friend, Rear Admiral G. Patrick March (1924–2009), and to those who risk either life or liberty to make our world a more peaceful place.

Points of Contact

Any comments on this article will be welcomed and should be mailed to the author at Aichi Gakuin University Junior College, 1–100 Kusumoto-cho, Chikusa-ku, Nagoya 464–8650 or e-mailed to him at pds.english (at) au.com. Some previous papers may be accessed at http://www3.agu.ac.jp/~vicks62/jeffreyb/research/index.html.

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Appendix

Burned cards and statement[33] … Appendix 1
Four cards, one seems to have expired before being burned.

Indictment …Appendix 2–3
This was the second indictment. The first was withdrawn.

Arrest Warrant …Appendix 4
FBI agents make arrests, then marshals transport the prisoners to jail, to court, and to prison.

Docket sheet …Appendix 5–7
Before being arrested, I saw docket sheet #13,021 for the first 1-count indictment, not this one (#13,032) with 2 counts.

Notice of Sentencing …Appendix 8 (top)
Notice the date, one day after the draft ended.

Opinion of the 9th Circuit Court of Appeals …Appendix 8 (bottom)
Not published even though the conviction was reversed.

Note:

In the spring of 2023, I realized that it was time to make a decision. The generation which had lived under the threat of induction was now living under the threat of death, the destiny of all living things. Resistance leader David Harris had passed away in February, my brother Bob was losing his fight with cancer. What, I wondered, would happen to these documents that I had been saving for fifty years? Was the next generation even interested in them? I e-mailed the newspaper articles to my children. Not much of a response. One of my nephews was a lawyer, so I e-mailed a page of the indictment (Appendix 3). His response … "This belongs in a museum."

Absolutely right. I then *resolved to publish them* as an appendix to my story. Appendix 2–4 and 8 are images of *my personal copies*, undoubtedly the only surviving copies, of the indictment, the arrest warrant, and notice of sentencing. The opinion of the Ninth Circuit (appendix 8) is an image of *my personal copy*. The copy of the docket sheet (Appendix 5–7) was provided by the Hawaii Federal District Court Clerk's Office, where it is available for public inspection and copying.

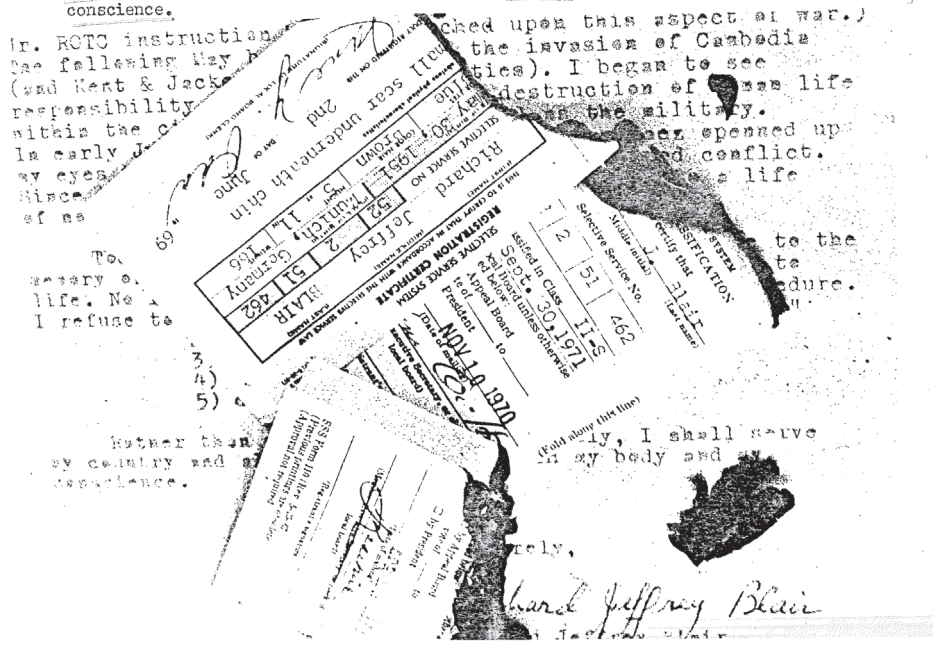
Appendix 1

On Memorial Day 1969 we, the cadets of Culver Military Academy, marched to the chapel to listen as the names of all our alumni that had died on the battlefields of two world wars, Korea, and Vietnam were read aloud. I couldn't help but to feel a sense of uneasy community with the men whose names I heard. This day was my eighteenth birthday. Shortly after this chapel service I reported to the Commandant's Office and submitted to registration with the Selective Service.

In the course of the next year, the impact of three events changed my life and its commitments. The National October Moratorium introduced to me the suffering and destruction that has been taking place in Vietnam, the same suffering that occurs in all wars. (Strange that my three years of Jr. ROTC instruction had not touched upon this aspect of war.) The following May brought with it the invasion of Cambodia (and Kent & Jackson State Universities). I began to see responsibility for the illegitimate destruction of human life within the civilian government as well as the military. In early June a magazine interview with Joan Baez openned up my eyes to some non-violent alternatives to armed conflict. Since then I have slowly developed a commitment to a life of non-violence.

Today, on All Souls' Day, as we again pay tribute to the memory of all of the dead, I make public my commitment to life. No longer will I SUBMIT to Selective Service procedure. I refuse to: 1) keep SS informed of changes in my "status"
2) retain possession of "draft" cards
3) submit to SS physical examinations
4) submit to induction
5) destroy human life

Rather than serve America in body only, I shall serve my country and all of mankind with BOTH my body and my conscience.



Appendix 2

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,
Plaintiff,
vs.
RICHARD JEFFREY BLAIR,
Defendant.

CR. NO. 13,032

(50 USC App. § 462(b)(3))

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 25 1972

at 11 o'clock and 55 min. A.M.
WALTER A.Y.H. CHINN, CLERK
BY (s) Roy T. Sakai
Deputy

INDICTMENT

I hereby order a Bench Warrant to issue forthwith on the within Indictment for the arrest of the defendant named therein, bail being fixed at $ 2,000.

Martin Pence

UNITED STATES DISTRICT JUDGE

ATTEST: A True Copy
WALTER A.Y.H. CHINN
Clerk, United States District
Court, District of Hawaii
By Mary T. Sakai
Deputy

Appendix 3

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, Plaintiff, vs. RICHARD JEFFREY BLAIR, Defendant.	CR. NO._____ (50 USC App. § 462(b)(3))

I N D I C T M E N T

COUNT I

The Grand Jury Charges:

That on or about November 2, 1971, in the District of Hawaii, RICHARD JEFFREY BLAIR wilfully and knowingly and unlawfully destroyed his Selective Service Registration Certificate, in violation of Section 462(b)(3) of Title 50, Appendix, United States Code.

COUNT II

The Grand Jury Further Charges:

That on or about November 2, 1971, in the District of Hawaii, RICHARD JEFFREY BLAIR wilfully and knowingly and unlawfully destroyed his Selective Service Notice of Classification Certificate, in violation of Section 462(b)(3) of Title 50, Appendix, United States Code.

DATED: April 25, 1972, at Honolulu, Hawaii.

A TRUE BILL

/s/ WILFRED M. MOTOKANE, JR.
FOREMAN, GRAND JURY

William Sycamore
ASSISTANT U. S. ATTORNEY

Appendix 4

Warrant for Arrest of Defendant (Rev. 7-52) Cr. Form No. 12

United States District Court

FOR THE

DISTRICT OF HAWAII

UNITED STATES OF AMERICA

v.

RICHARD JEFFREY BLAIR

Criminal No. 13,032

To: ANY UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER:

You are hereby commanded to arrest Richard Jeffrey Blair and bring him forthwith before the United States District Court for the District of Hawaii in the city of Honolulu to answer to an Indictment charging him with

in violation of 50 USC App. Sect. 462(b)(3).

Dated at Honolulu, Hawaii

on April 25 1972

Bail fixed at $ 2,000.00

WALTER A.Y.H. CHINN, *Clerk.*

By _____, *Deputy Clerk.*

Appendix 5

CRIMINAL DOCKET NO. 13,032
UNITED STATES DISTRICT COURT

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES *vs.* RICHARD JEFFREY BLAIR	*For U. S.:* WILLIAM J. EGGERS, III AUSA ~~EVAN R. SHIRLEY, ESQ.~~ American Civil Liberties Union of Hawaii 235 Queen St., Suite 410 *For Defendant:* as Amicus Curiae HERBERT K. TOM, ESQ. 1000 Bishop Street, Room 901 ~~Honolulu, Hawaii~~ James Blanchfield (CA)
Violation 50 USC App. §462(b)(3) 2 counts Destroying Selective Service Registration and Notice of Classification	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk	1973 Mar 14	Blair	3 00	
J.S. 3 mailed AUG 6 1973	Marshal	16	TUS		3 00
Violation	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
1972 Apr 25	Entering proceedings - INDICTMENT filed - BW ordered - Bail $2,000.00 BW issued
Jun 9	Return on service of writ - warrant executed 6-9-72 Clerk's Temporary Commitment filed - committed Halawa 6-9-72
12	Entering proceedings - Arraignment and plea - Deft present without counsel - Arrn waived - request for atty as an advisor granted - plea of not guilty entered as to all counts - motion reduction of bail granted - Deft ROR - motions to be filed in two weeks (DO) PENCE
13	Order Specifying Methods and Conditions of Release filed PENCE
15	Release filed (released on his own recognizance)
26	Motion for Substitution of Attorney, Motion to Dismiss Indictment and Motion for Production of Statements and Scientific Tests and Reports and Affidavit filed
28	Memorandum filed

Appendix 6

DATE 1972	PROCEEDINGS
Jul 25	Motion For Continuance, Affidavit of William J. Eggers, III and Order filed PECKHAM
26	Supplemental Motion To Dismiss Indictment, Supplemental Motion To Dismiss Count II of The Indictment, Motion For Bill of Particulars, Memorandum and Affidavit filed
27	Certificate of Service filed
Sep 8	Motion for Continuance, Affidavit of William J. Eggers, III and Order filed
15	Motion for Leave to File an Amicus Curiae Brief, Affidavit of Evan R. Shirley and Certificate of Service filed PENCE
21	Amicus Curiae Brief and Affidavit filed Entering proceedings - M/Dismiss - argument - M/Dismiss denied in part - M/Substitution of Atty - contd - (DO) PENCE
Jun 12	Appointment filed PENCE
Sep 25	Affidavit of William J. Eggers, III filed
29	Order filed (Court apptd James Blanchfield) PENCE
1973	
Feb 5	Motion for Order Permitting Defendant To Leave the Jurisdiction Prior To Trial - Affidavit of Richard Jeffrey Blair filed
16	Motion to Set and Notice filed - hrg on Deft's M/Dismiss set on 2-20-73 at 1:30 p.m., Ctrm II
20	Entering proceedings - Further hearing on M/Dismiss set for 3-5-73 at 11:00 a.m. - M/Leave Jurisdiction GRANTED (DO) KING
21	Motion for Discovery and Inspection - Memorandum of Points and Authorities Affidavit of Richard Jeffrey Blair - Affidavit of Don Sharp - Affidavit of John Witeck - Exhibits A.1 to A.2 - Notice of Motion filed - set for 2-26-73 at 2:30 p.m., Ctrm I
26	Entering Order - case cont'd to 3-5-73 at 11:00 a.m.
Mar 2	Supplemental Memorandum in Support of Defendant's Motion to Dismiss Count II of the Indictment - Exhibits A, B, C, D. filed Government's Response to Supplemental Motion to Dismiss Indictment filed Memorandum in Opposition to Defendant's Motion for Discovery and Inspection filed
5	Entering Proceedings - Col. Henry C. Uyesato CST - Govt's Exh #1, & 2 admitted - M/D on Count II DENIED - M/Discovery set for 3-12-73 at 11:00 a.m. (TC) PENCE Order filed - deft allowed to leave jurisdiction - KING
9	Defendant's Reply Memorandum In Opposition To Government's Memorandum In Opposition To Defendant's Motion For Discovery and Inspection filed
12	Entering proceedings - Various Motions - M/Discovery on National Basis - denied - Govt's exhibit P-1 admitted - witnesses Don Sharp & John Witeck CST - case contd to 3-13-73 ¶ 9:00 a.m. - (TC) PENCE
13	Entering proceedings - Further hrng on Various Motions - witnesses Henry Burns, Col. Henry C. Oyasato and Joseph M. Gedan - Govt's exhibits P-2 thru P-9 admitted - Court ordered P-3 thru P-8 be kept in a sealed envelope - case contd to 3-14-73 ¶ 9:00 a.m. - (TC) PENCE
14	Entering proceedings - Further hrng on Various Motions - parties rested - argument - M/Discovery & Inspection granted in part - M/D because of Selective Prosecution denied - M/D denied - Jury Trial 4-24-73 @ 9:00 - Instructions & Voir Dire to be filed by 4-23-73 @ 4:30 - Govt's P-10 admitted - (TC) PENCE

Appendix 7

D. C. 100 A
CRIMINAL DOCKET CR 13,032 U.S.A. vs Richard Jeffrey Blair

DATE	PROCEEDINGS
1973	
Apr 23	Plaintiff's Requested Instructions filed
	Defendant's Requested Instructions filed
24	Entering Proceedings - Jury Trial - Parties stipulated to waiving their preemptory challenges - 12 jurors & 1 alternate sworn - witnesses: Yaeko Morisaki & Hannah Kaaihui CST - Govt's exhs P-1 & P-3 admitted - Govt rested - M/Directed Verdict DENIED - Richard Blair CST - D-1 admitted - def rested - Henry Oyasato CST as rebuttal witness - Renewed M/Directed Verdict DENIED - Instructions settled - closing arguments - jury instructed - jury retd with verdict at 5:40 p.m. - deft found GUILTY as to Counts I & II - M/Judgment of Acquittal Notwithstanding the Jury Verdict DENIED - case contd for presentence investigation & report - Notes from Jury filed (TC) PENCE
	Verdict filed
May 1	Waiver of Right to Speedy Hearing on Sentencing filed
2	Withdrawal of Counsel filed - Blair, pro se PENCE
18	Notice of Setting of Case for Sentencing filed - 7-2-73 at 3:00 p.m., Ctrm II - cc: U.S.A., Blanchfield, Deft
Jun 14	Order - Affidavit of Richard Jeffrey Blair filed PENCE
25	Order - Affidavit of Richard Jeffrey Blair filed - to Maui & Molokai PENCE
Jul 2	Entering Proceedings - sentencing - deft 21 yrs of age - FYCA (18 USCA §§5005-5024) - in accordance with provisions of 18 USCA § 5010(d) deft fined Ct I $250.00; Ct II $250.00 to the United States - mitt stayed to 8-6-73 (DO) PENCE
	Judgment and Commitment filed PENCE
13	NOTICE OF APPEAL - Motion for Leave to Proceed on Appeal in Forma Pauperis from District Court to Court of Appeals - Motion for Stay of Execution of Sentence Pending Appeal - Affidavit of Richard Jeffrey Blair & Notice of Motion filed - 7-16-73 at 2:30 p.m., Ctrm II - cc: 9th CCA, U.S.A., Blanchfield
	Statement of Docket Entries filed - cc: Clerk, 9th CCA
16	Entering Proceedings - M/for Leave to Appeal in Forma Pauperis GRANTED (DO) PENCE
Apr 24	Plaintiff's Requested Instruction No. 1 filed
Apr 24	Court's Instruction No. 1 filed
Aug 3	Order Allowing Defendant to Appeal in Forma Pauperis filed PENCE
8	Transcripts of Proceedings filed (orig + 2 copies 2-26-73, 3-5-73, 3-12,13 & 14, 1973 and 4-24-73) TC
	Record on appeal in forma pauperis airmailed to 9th CCA cc ltr US Atty and Blanchfield
9	Authorization V No. 3100 - (TC) 761.40 filed
1974	
Feb 15	Order Enlarging Time filed - 9th CCA - USA has up to 3-2-74 to file Pet for Rehearing
28	Affidavit of James Blanchfield In Support of the Motion for Attorney's Fees for Richard Jeffrey Blair filed
	Appointment filed - V No. 49030
Aug 2	Judgment and Opinion filed - Judgment of DC reversed - notified: USA, Blanchfield

Appendix 8

NOTICE OF SETTING OF CASE FOR SENTENCE — D. C. Form No. 15 (Rev. 1962)

United States District Court
FOR THE
DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
MAY 10 1973
at 9 o'clock and 30 min P.M.
WALTER A.Y.H. CHINN, CLERK
(s) Leimomi Y. C. Calderon
Deputy

THE UNITED STATES OF AMERICA
vs.
RICHARD JEFFREY BLAIR
Criminal No. 13,032

To Richard Jeffrey Blair
Lloyd House, Caltech
Pasadena, California 91109

☒ TAKE NOTICE that the above entitled case has been set for Sentence in said Court at Honolulu, Hawaii, on July 2, 1973, at 3:00 p.m. before Judge Martin Pence in Courtroom No. II.

☐ As surety for the said defendant you are required to produce [2] in said Court at said time, otherwise the bail may be forfeited.

May 18, 19 73

WALTER A.Y.H. CHINN, Clerk
By (s) Leimomi Y. C. Calderon
Deputy Clerk

DO NOT PUBLISH

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

United States of America,
Plaintiff-Appellee,
vs.
Richard Jeffrey Blair,
Defendant-Appellant.

No. 73-2495
MEMORANDUM

Appeal from the United States District Court
for the District of Hawaii

Before: KOELSCH and DUNIWAY, Circuit Judges, and GRAY,* District Judge.

We are obliged to reverse the judgment.

The government's proof was all to the effect that appellant "mutilated" his Selective Service Registration and Notice of Classification certificates. It showed no more than that he burned the borders. But the charge as laid in the indictment was that he "destroyed" the certificates. This variance between the indictment and the proof as to the method and manner by which the offense was committed is material and fatal. *Gipe v. State*, 165 Indiana 433, 75 NE 881 (1905). With a bit more attention in drafting this indictment, the government could easily have avoided this pitfall, for the relevant statute broadly provides that: "Any person...(3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation thereon..." is guilty of a felony. 50 U.S.C.App. 462(b)(3).

REVERSED.

研究業績（2023年1月〜12月）

浅原正和

〈論文〉

アズマモグラ *Mogera imaizumii* のウシガエル *Rana* (*Aquarana*) *catesbeiana* による被食事例（共）	哺乳類科学 63	1月	1
Revisiting the evolutionary trend toward the mammalian lower jaw in non-mammalian synapsids in a phylogenetic context.（共）	*PeerJ* 11	6月	e15575

糸井川修

〈その他〉（翻訳・資料・その他）

〈講演録〉ベルタ・フォン・ズットナーの文学と平和運動―トインビー・池田対談の視点を交えて―（単）	『東洋学術研究』（公益財団法人東洋哲学研究所）第62巻第1号	5月	166–200

岩佐宣明

〈学会発表〉

コギトとデカルトの循環	第82回日本哲学会大会 （早稲田大学）	5月	口頭発表

〈その他〉（翻訳・資料・その他）

〈講演〉デカルトの認識論と幸福論	愛知学院大学教養部2023年度春学期教養教育研究会 （愛知学院大学）	6月	

上原宏行

〈論文〉

等価選択肢数を用いた教養共通テスト分析の一例（単）	『愛知学院大学教養部紀要』第70巻第3号	3月	29–37

内田康弘

〈著書〉

［改訂新版］通信制高校のすべて：「いつでも、どこでも、だれでも」の学校（共）	彩流社	7月	131–148

〈学会発表〉

昼間二交代定時制高校の設置状況に関する基礎的研究（単）	日本教育学会 第82回大会 （オンライン開催）	8月	口頭発表
通信制高校の「多様化」とそのゆくえ―高等学校通信制課程の質の確保・向上はいかにして可能か―（単）	日本通信教育学会 第71回研究協議会 （横浜情報文化センター）	12月	シンポジウム

〈その他〉（翻訳・資料・その他）

〈取材協力〉“タイパ”重視、顔文字チャットにWスクールも…通信制高校を選ぶ生徒たち（単）	Yahoo! ニュース オリジナル［特集］	6月	Web版

〈取材協力〉学びのカタチ：通信制という選択（単）	新潟日報（2023年7月14日、第28896号）	7月	24面
〈取材協力〉注目集める通信制高の学び〔上〕広島県内の現状：進学先に選ぶ生徒10年で倍（単）	中国新聞（2023年9月4日、第46401号）	9月	8面

大松久規

〈論文〉

『方等三昧行法』の位置付け（単）	『愛知学院大学禅研究所紀要』第51号	3月	107–123
『釈禅波羅蜜次第法門』における観境と観法（単）	『曹洞宗総合研究センター学術大会紀要』第24号	6月	91–96
禅観と止観とのあわい（単）	『印度學佛教學研究』第72巻第1号	12月	58–64

〈学会発表〉

天台大師所説の禅観と止観（単）	法華コモンズ仏教学林2023年度前期第1回（常円寺）	4月	
禅観と止観とのあわい（単）	日本印度学仏教学会第74回学術大会（龍谷大学）	9月	オンライン発表
中国仏教における「禅観」について（単）	曹洞宗総合研究センター第25回学術大会（曹洞宗宗務庁）	10月	

河合泰弘

〈論文〉

瑩山の衆生済度の原点（単）	『日本佛教學會年報』第87號	8月	125–147

〈その他〉（翻訳・資料・その他）

〈紹介文〉坐禅会紹介　愛知学院大学禅研究所参禅会（単）	『参禅の道　曹洞宗参禅道場の会会報』第78号	3月	40–46
〈講話〉不立文字	禅と法話の会　放光（名城公園キャンパス）	1月	
〈講話〉非思量	禅と法話の会　放光（名城公園キャンパス）	5月	

香ノ木隆臣

〈論文〉

ロバート・ペン・ウォーレンの想像力の展開とその現代における意義（単）	『愛知学院大学教養部紀要』第70巻第3号	3月	39–53

〈その他〉（翻訳・資料・その他）

〈書評〉*Subjects in Poetry*（単）	日本英文学会中部支部『中部英文学』第15号	3月	15–17
〈書評〉*The Routledge Companion to Literature of the U.S. South*（単）	日本ウィリアム・フォークナー協会『フォークナー』第25号	4月	115–119

小栁竜太

〈論文〉

キックルールを導入したタグラグビーの学習効果に関する検討―計量テキスト分析を用いた検証―	スポーツ健康科学研究第45巻	6月	25–38

〈学会発表〉

Can The BONE program rejuvenate perceived age?	International Conference on Adaptations and Nutrition in Sports 2023	7月	ポスター発表

柴田哲雄

〈論文〉

新疆ウイグル自治区における強制的な婚姻と同化に関する試論（単）	日本現代中国学会『現代中国』第97号	9月	93–106
新疆ウイグル自治区における強制的な不妊手術に関する検証（単）	中国現代史研究会『現代中国研究』第51号	11月	11–31

〈学会発表〉

ウイグル族の強制労働の疑惑（単）	中国現代史研究会2023年秋季研究集会（谷岡学園梅田サテライトオフィス）	10月	オンライン発表

〈その他〉（翻訳・資料・その他）

〈取材協力〉核心　中国で施行　恣意的な運用懸念　改正反スパイ法　外資不安　識者指摘　「台湾統一への環境整備」（共）	『中日新聞』2023年7月1日付	7月	朝刊3面

白木優馬

〈学会発表〉

些細な親切の送り手が推測する受け手の感謝	日本社会心理学会第64回大会	9月	ポスター発表

〈その他〉（翻訳・資料・その他）

〈対談〉「特別対談　心理学で考える恩送りの法則」（共）	若山陽一郎『恩送りの法則―仕事で、人生で幸福度を上げる考え方』アスコム	4月	233–249

菅井大地

〈論文〉

A Fable of the Anthropocene: The Disturbing Naturalist Humanity in Frank Norris's *The Octopus*.（単）	*Western American Literature*, vol. 58, no. 2	9月	143–62

〈学会発表〉

Urban Nature Writing: Literary Imaginations of Environmental Realities from Brautigan to Mullen.（単）	A One-Day Symposium "Writing Climate / Changing Fictions"（中京大学）	3月	口頭発表
清潔さの暴力に抗して―Frank Norris の *Vandover and the Brute* における匂いと病―（単）	第39回日本アメリカ文学会中部支部大会（中京大学）	4月	口頭発表

スペイン内戦の風景とヘミングウェイの嗅覚（単）	第35回エコクリティシズム研究学会大会シンポジアム「環境と戦争」（広島県民文化センター）	8月	口頭発表
アメリカ文学と環境的想像力（単）	第38回語学研究所研究発表会（愛知学院大学）	11月	口頭発表
〈その他〉（翻訳・資料・その他）			
〈書評〉日本ヘミングウェイ協会編『ヘミングウェイ批評―三〇年の航跡』（単）	『中部アメリカ文学』第26号	3月	49–54
〈書評〉日本ヘミングウェイ協会編『ヘミングウェイ批評―三〇年の航跡』『ヘミングウェイ批評―新世紀の羅針盤』（単）	『中・四国アメリカ文学研究』第59号	6月	91–96
〈学会報告文〉小森はるか氏による講演（単）	*ASLE-Japan Newsletter*, no. 55	12月	5

菅原研州

〈論文〉			
近世洞門の伝法作法の一考察―附録『附法道場儀規並所辨用具』翻刻資料―（単）	『愛知学院大学教養部紀要』第70巻第1・2合併号	2月	28–46
天桂派『伝法儀規』について―附録・天桂派『伝法儀規』翻刻資料―（単）	『愛知学院大学教養部紀要』第70巻第3号	3月	69–80
近世洞門における『梵網経』の学びについて―附録・面山瑞方『永福老人梵網古迹戒題鈔』翻刻資料―（単）	『愛知学院大学禅研究所紀要』第51号	3月	55–86
〈学会発表〉			
大内青巒居士の仏教と戦争（単）	東海印度学仏教学会第69回学術大会（名古屋大学）	7月	
近世洞門僧における病との向き合い方（単）	日本佛教学会第92回学術大会（駒澤大学）	10月	
瑩山紹瑾による僧侶教育について（単）	日本仏教教育学会第32回学術大会（大正大学）	11月	
〈その他〉（翻訳・資料・その他）			
〈投稿〉面山瑞方禅師とその周辺（三）	『永福会報』令和5年度号	3月	
〈書評〉川村覚昭・笹田博道・小池孝範『日本仏教教育の戦前と戦後の連続性と非連続性―宗教教育の公共性に向けて―』（単）	『日本仏教教育学研究』第31号	3月	
〈講演〉学びぬいた鎌倉時代の僧―無住道暁の生き方―	愛知県安城市シルバーカレッジ・レベルアップ講座	3月	
〈講演〉宗門における「利行」について	曹洞宗総合研究センター教化研修部門勉強会	4月	
〈講演〉徳川家康の宗教政策について	愛知県知立市生涯学習推進講座	5月	
〈講演〉『行持軌範』の成立と展開（4～6）	曹洞宗滋賀県宗務所現職研修会	9月	
〈講演〉ともに生きるセクシュアルマイノリティ	曹洞宗長崎県第三宗務所現職研修会	9月	
〈講演〉宗門の伝法式について（1～2）	曹洞宗埼玉県祖門会研修会	10月	

〈講演〉太祖瑩山紹瑾禅師の御生涯について	曹洞宗宮城県宗務所第17教区住職護持会役員合同研修会	10月	
〈講演〉なぜ、仏教で葬儀や供養を行うのか？	大成会（宮城県）勉強会	11月	

富田啓介

〈著書〉

『シリーズ〈水辺に暮らす SDGs〉2　水辺を活かす：人のための湿地の活用』高田雅之・朝岡幸彦（編集代表）「アニメーション映画作品における湿地の表現」（単）	朝倉書店	4 月	58–59
『シリーズ〈水辺に暮らす SDGs〉3　水辺を守る：湿地の保全管理と再生』高田雅之・朝岡幸彦（編集代表）「湿地の地理学的調査」（単）	朝倉書店	4 月	95–110

〈論文〉

東海地方の大学生が持つため池のイメージ（単）	『ため池の自然』64 号	12 月	1–4

〈その他〉（翻訳・資料・その他）

〈講演〉「小さな湿地の大きな役割：大森奥山湿地群の自然」	可児市桜が丘大学	2 月
〈勉強会〉「東濃・中濃地域湿地群および美佐野のハナノキ群生地について」	重要湿地の保全に関する勉強会（主催：御嵩町）	2 月
〈講座〉「小さな湿地の大きな役割：文化と自然が織りなす東海地方の水辺」	愛知学院大学公開講座	6 月, 10月
〈出前授業〉「大森奥山湿地群について」	可児市立可児東中学校	6 月
〈講演〉「東山の湿地・水辺を再生して地域に活かそう」	第37回東山再生フォーラム　どうする？東山湿地（主催：名古屋市東山総合公園）	7 月
〈勉強会〉「湿地保全の考え方および美佐野のハナノキ群生地について」	日本弁護士連合会公害対策環境保全委員会（オンライン開催）	7 月
〈勉強会〉「湿地保全の考え方および美佐野のハナノキ群生地について」	岐阜県弁護士会（オンライン開催）	8 月
〈出前授業〉「大森奥山湿地群を探検しよう！」	私立帝京大学可児小学校	9 月
〈出前授業〉「大森奥山湿地群を探検しよう！」	可児市立桜ケ丘小学校	9 月
〈講座講師〉「湿地の保全」	あいち生物多様性担い手育成講座基礎講座（主催：愛知県）	9 月
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『教養部紀要』第71巻第3号をお届けします。皆様のご協力をいただき、本号には論文3編と資料1編を掲載することができました。また、報文の編集や確認、また、研究業績の掲載にあたっては、多くの先生方のご協力をいただきました。心より御礼申し上げます。

今後も教養部で行われる研究がますます深化・発展し、『教養部紀要』がより充実したものになるよう、祈念いたします。（富田記）

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