

NEWSLETTER

21st October, 1968.

"The Sun", Tuesday Oct. 15, 1968:

2 YEARS' GAOL: N.S. CHARGE

"A man, 21, was sentenced in the District Court yesterday to two years' gaol for having failed to comply with a call-up notice for National Service.

The man, John Francis Zarb, 21, postman, of Gaffney St., Pascoe Vale South, had pleaded not guilty to the charge.

Mr. C.E. Elvish SM, found the charge proved and when Zarb refused to enter into a bond to obey a further call-up notice, sentenced him to two years in a civilian gaol.

Zarb said: 'I refuse to enter to a recognisance that demands I render military service and compromise my conscientious objections.'

Counsel for Zarb, Mr. J. Little said that Zarb would appeal.

(The two-year penalty is laid down in an amendment this year to the 1966 National Service Act. Previously, such objectors were handed over to the Army. Now they are sentenced to civilian gaol, with remission for good conduct, according to the State prison rules, but with no release on probation.

It is believed to be the first conviction in Victoria under the amendment, which took effect from June 24.)

Zarb told the court yesterday that Mr. W.J. Cuthill, SM, heard his conscientious objections on November 2 last year. "He found that I had sincere and conscientious objections to serving with the Australian Forces in Vietnam," he said.

Zarb said in cross examination that twice in his judgment Mr. Cuthill "appeared to say he dismissed the objections. The following day I received an order saying I was exempted from rendering service. A few days later again I received another, which said my application was refused and I was liable. I honestly believed that the exemption order was valid. ..."

The court was told that Mr. Cuthill refused to exempt Zarb from National Service, although he found that Zarb had "sincere and conscientious objections" to serving with the Australian forces in Vietnam."

FURTHER DETAILS

In June this year a charge of 'failing to obey a call-up notice' was withdrawn against John Zarb by the Commonwealth. No explicit reason was given and costs were awarded against the Commonwealth. At this time the Liberal Government was having difficulty in moving the Amendments to the National Service Act through Parliament.

Zarb was later re-charged for failing to obey a different call-up notice.

He was tried and sentenced to two years gaol on Monday 14th Oct. Bail was refused last Friday and an appeal has been lodged against the sentence in the High Court presently sitting in Sydney. The appeal is listed for mention on Oct. 30th

As yet no firm decision has been made by Mr. & Mrs. Zarb or John in relation to increasing the public support widely expressed in his favour, as a means of assisting his release.

John will be ably represented in the appeal by prominent Q.C.'s. Counsel will be appointed this week. Owing to the importance of the case and the assumed length of time involved, legal expenses are expected to be high.

YOUR FINANCIAL SUPPORT IS NEEDED.

Make your cheques, money orders, etc. payable to J.M. & I.E. Zarb and forward

then to-D.R.M., P.O. Box 99, Northcote, 3070.

All personal letters of support should be sent direct to Mr. & Mrs. Zarb, 429 Gaffney St., Pascoe Vale, 3044. All monies should be sent to the D.R.M.'s post office box for safety.

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D.R.M.'s PUBLIC STATEMENT ON CONSCRIPTION (copy enclosed)

In view of the Federal Government not being able to prepare and present their scheduled Defence Review* until the end of November, this gives the D.R.M. an extension of time to gain further signatures. This also gives us the opportunity to answer queries that have been received.

QUERIES:

1. Publication of addresses: This will be relaxed to allow those who are reluctant to have their address published to be listed under their suburb only.

2. The \$2. 00 contribution. This will be relaxed to whatever amount the individual can forward. Alternatively, if you desire to assist the statement financially but do not wish your name to be printed, we will appreciate your support. In the latter case, please indicate clearly the purpose of your donation.

* It is expected that in the Government's defence review, consideration may be given to extending conscription. This is perhaps more likely now that Mr. Nixon has expressed the opinion that Australia can no longer rely on the U.S. for its defence.

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S T O P P R E S S

"A man who broke two windows of Walton's Bourke Street store and then waited for the police to come and get him was convicted in the City Court yesterday.

"Constable Robert Duff told the court he went to Waltons Pty. Ltd. at 8.15 a.m. yesterday and spoke to Robert James Brooks 40, of Gordon House, Gordon Place.

"When I arrived there were two bricks on the floor of the windows and I asked Brooks did he know anything about these windows."

"Reading from a statement made after questioning Brooks, Constable Duff continued. 'Why did you break these windows?'

"It's a matter of ethics,' Brooks said.

"Did you have any permission to do this damage?'

"No, it's an American store and its an American involvement in Vietnam.'

"The windows were valued at \$400. Mr. J. Marwick, C.S.M., remanded Brooks for a pre-sentence psychiatric report."

"The Age", Saturday, 19th October, 1968.

At this stage we have made no contact with Mr. Brooks, but are beginning enquiries in order to assist him.

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Conscientious Objectors Discussion Group meets every Friday at 7.30 p.m. at Unity Hall, 636 Bourke Street