

# United States v. Clay

Federal Trials and Great Debates  
in United States History

## Case Summary:

- Boxing legend Muhammad Ali (born Cassius Clay, Jr.) objected to the Vietnam draft on religious and political grounds.
- Ali was convicted of draft evasion, but the Supreme Court of the United States overturned the verdict.
- The case is often remembered as a symbolic victory for religious freedom, but the history behind it is more complex.

## History of the Case:

Cassius Clay became heavyweight champion of the world in 1964. Shortly after winning the title, he announced he had joined the Nation of Islam (“Nation”), a controversial group of black Muslims. Following this announcement, he changed his name to Cassius X and then to Muhammad Ali. The Nation combined elements of Islam and black nationalism. Its seemingly anti-white rhetoric led many to question the Nation’s legitimacy. Critics labeled the group a cult and a criminal racket.

Ali’s conversion took place against the backdrop of an escalating war in Vietnam. During the war, hundreds of thousands of young men were inducted (or “drafted”) into mandatory military service. Ali was initially exempt from the draft because of low scores on an aptitude test, but he became eligible to serve in early 1966. Ali responded to the change in status with controversial statements indicating he did not agree with the war and did not intend to fight. His comment that he had “no quarrel with them Vietcong” became particularly infamous. Many Americans doubted the sincerity of his pacifism and believed he was motivated by self-interest or cowardice.

Ali applied to the Selective Service System (“SSS”) for conscientious objector (“CO”) status, which became one of the primary issues in the complex legal proceedings that followed. Federal law required objectors to show they had *sincere* objections to *all* wars that were based on *religious* beliefs and training. The Department of Justice (“DOJ”) advised the SSS that Ali failed each of these criteria. The DOJ’s lawyers argued: (1) he was not sincere because he did not claim CO status until he was about to be drafted; (2) he only objected to fighting wars for the white-dominated and anti-Muslim U.S.; and (3) his objections were based on racial and political arguments, rather than his religious beliefs. Although there was conflicting evidence as to whether Ali’s beliefs permitted him to fight in some wars, the legal arguments that Ali was insincere and his beliefs nonreligious were arguably strained and later provided the grounds for overturning his conviction.

In 1967, after losing at every stage of the SSS process, Ali was ordered to report for military service in Houston. He reported as ordered but refused to take the symbolic “step forward” indicating his entry into the armed forces. In response, virtually every major U.S. boxing authority refused to license Ali to fight and stripped him of his titles. He was subsequently indicted for draft evasion and tried in federal court.

Ali’s trial was presided over by District Judge Joe Ingraham. To facilitate the rapid recruitment of an army, federal statutes gave judges very little power to review SSS proceedings. Although Ali argued the process had been biased against him and was infected by institutional racism, Judge Ingraham ruled that the SSS had a sufficient legal basis for denying Ali’s CO status and refused to allow him to raise his other claims as defenses. The jury returned a guilty verdict after deliberating for just 20 minutes and Judge Ingraham sentenced Ali to the maximum penalty: 5 years in prison and a \$10,000 fine. The Court of Appeals for the Fifth Circuit upheld Judge Ingraham’s ruling.

While Ali's case was before the Supreme Court on a further appeal, government lawyers announced that his case was one of several that might have been affected by illegal FBI wiretaps. Although Ali's own telephone was never bugged, the FBI had tapped the phones of several individuals Ali spoke to, including Martin Luther King, Jr., and Nation leader Elijah Muhammad. The Supreme Court sent the case back to Judge Ingraham to determine whether Ali's conviction had been tainted by illegal surveillance. After a lengthy hearing, Judge Ingraham ruled the wiretaps had not affected Ali's conviction because the conversations they captured were "innocuous." The Court of Appeals again upheld Judge Ingraham's ruling and Ali made a final appeal to the Supreme Court.

The Court eventually ruled unanimously in Ali's favor, but this result does not reflect the case's complexity. The justices limited the appeal to a single issue: whether the DOJ had given the SSS improper legal advice. Solicitor General Erwin Griswold admitted that Ali's beliefs were *sincere* and *religious* (two of the three CO criteria), but claimed the DOJ correctly determined that his opposition to war was *selective*. Initially, the justices voted 5-3 to uphold Ali's conviction.<sup>1</sup> However, Justice John Marshall Harlan II, who was supposed to write the majority opinion, changed his mind after researching the Nation more closely. This left the Court tied 4-4. Justice Potter Stewart then persuaded the remaining four justices that it did not matter whether Ali's beliefs were selective because the DOJ had given flawed legal advice to the SSS about Ali's sincerity and religiousness, and the SSS might have based its rulings on that bad advice. Justice Stewart wrote a *per curiam* (a brief opinion on behalf of several justices) overturning the conviction on these grounds.

Popular impressions of Ali's case have been influenced by subsequent events. During Ali's lengthy appeal (1967-1971), many Americans soured on both the Vietnam War and the draft and came to respect Ali's persistence. Ali went on to regain the heavyweight title and was eventually regarded as one of the greatest athletes of the twentieth century. Many came to see him as a powerful symbol of the ability of a single person to stand up for what he or she believes. Perceptions of the case were increasingly controlled by this powerful narrative, rather than the more limited grounds on which the Court had ruled.

### **Legal Issues:**

The courts often address different issues to those that seem important from the outside. This was especially true in *U.S. v. Clay*. Many Americans, both at the time and since, thought the case was about freedom of religion under the First Amendment of the U.S. Constitution. Though Ali raised this and many other issues, none of the courts hearing his case ever held that serving in the military would violate his First Amendment religious rights or even that Ali was a CO. The Supreme Court ruled in Ali's favor because the process by which he was denied CO status relied on legal errors. While seemingly technical, this issue was also important, as it spoke to the fairness of the government's use of its power to compel citizens to fight in wars.

### **Questions for Discussion:**

- Why might high-profile cases take on broader symbolic meanings than the legal issues they actually address?
- Why is it important to understand both the issues the court analyzed and the significance society attached to the case?
- Ali was one of the most famous people in the world, and arguably one of the most hated people in America, during much of his case. What special difficulties might judges face in cases involving such individuals?

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<sup>1</sup> Justice Thurgood Marshall recused himself because he had worked at the DOJ as Solicitor General when the advice was given.