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Prosecutor's the hero

Asst. US Atty. Robert Mueller said it all last Wednesday when he told a jury that millions of Americans have made great sacrifices since the birth of the nation two centuries ago to insure that draft registration dodgers such as Edward Hasbrouck of Wellesley get a fair hearing in our courts.

Mueller's observation came during the prosecution of Hasbrouck, who was being tried for his refusal to register with Selective Service. As expected, Hasbrouck, who has been trying his case in the media for the past couple of months, refused to offer any defense and was convicted.

But not before he made a strong effort to get live television coverage of the trial. His idea, of course, was to continue his attack on the draft over the airways. That he would, at the same time, be making a spectacle of himself by parading around the courtroom obviously didn't disturb him.

He also wasn't above the pathetic and somewhat petty ploy of refusing to stand up when US District Judge David S. Nelson entered the courtroom for the start of the proceedings.

Hasbrouck defended that display of ignorance and poor manners by saying that his "conscience" wouldn't allow him to render the court the respect which goes with Nelson's high office. His steady stream of self-serving statements make one wonder why the Justice Department bothers to go after the Hasbroucks. Who would want them? Certainly not the armed services, which are entrusted with the defense of this nation.

The courtroom contrast was striking between Hasbrouck, who said he is "prepared to go to jail" to support his convictions, and Atty. Mueller, who spoke in measured tones about the need to uphold the law.

Mueller's reference to the men and women who have served in the armed forces since the outbreak of the Revolutionary War omitted one interesting point - his own military record.

A native of Philadelphia, Mueller is not well known in this area. He left the Justice Department's San Francisco office last April to join US Atty. William F.

Weld's staff as chief of the criminal division here.

His resume reveals an extensive and impressive background in criminal law which is surpassed by his outstanding record during 33 months in the US Marine Corps.

He was a rifle platoon commander with the Third Marine Division in Vietnam. His honors include two Navy Commendation Medals, the Vietnam Cross of Gallantry, the Bronze Star and the Purple Heart - citations which are reserved for the brave and not the Hasbroucks of the country.

Mueller demonstrated enormous patience with the accused as he went far out of his way to accommodate Hasbrouck and put up with the playpen-like behavior of those who are regularly assembled by draft resister groups to display support for the cause. Mueller and US Atty. Weld wanted to be certain that they gave Hasbrouck no room to appeal the case on the grounds that he did not get a fair trial or was treated in cavalier fashion by the prosecution.

When it was all over, the jury retired briefly and came in with a guilty verdict. Judge Nelson will pass sentence on Jan. 14, and Hasbrouck may get an opportunity to spend some time at Danbury prison trying to persuade his fellow inmates about the evils of Selective Service and the flaws in our judicial system.

The judge, who has a reputation for being lenient, can let Hasbrouck off with an alternate sentence in a school for the retarded or even a suspended term.

US Atty. Weld, who happened to sit next to Hasbrouck's mother throughout the trial, is expected to ask Judge Nelson for a jail term when he makes his recommendation next month.

The Justice Dept. wants all US attorneys throughout the country to give priority to the prosecution of similar cases. Justice officials feel that such a policy, if backed by meaningful sentences by federal judges, will bring about much greater compliance with the statute. Hence the growing interest in the Hasbrouck case and its disposition.

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