

CONSCIENTIOUS OBJECTORS AND THE DRAFT



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Introduction

If you're under age 35 and have at some point questioned whether or not you could kill another person, then you might be a conscientious objector (CO). This guide will help you to determine if you are "opposed to participation in war in any form" –the statutory definition of a conscientious objector's belief—and walk you through the steps of making a CO claim.

Like other governments, the U.S. government has war-making powers and legal authority to draft people into the military. Fortunately, the draft law also requires the government to recognize conscientious objectors. The law provides that COs who are drafted may serve in the military in tasks not directly involved in killing or they can work outside of the military to serve society.

Getting the government to acknowledge and protect conscientious conviction is often difficult. With adequate preparation, however, conscientious objectors can expect to succeed with their claims.

If you think you might be a CO, you should begin to prepare your claim now. A longer history of expressing your views will significantly help your claim in the event of a draft. Please note that you cannot officially claim CO status until there is a draft, although there are steps you should take to document your status.

If you are already in the military, including ROTC or the reserves, and realize that you are a CO, that is grounds for honorable discharge. Contact the Center on Conscience and War for help and copies of military regulations.

What You Can Do Now

1. Determine whether or not you are a conscientious objector through personal research and reflection and dialogue with others.
2. If the answer is yes, and you are not already registered for the draft, you should decide if registering violates your beliefs. There can be severe consequences, so read the information below and be absolutely clear before you chose to not register.
3. Whether you to chose to register or not, or if you're already registered, you should start documenting your conscientious objection immediately. This guide will help you do that (including how to do so as part of registering for selective service).

Are you a Conscientious Objector?

This is a serious question with real consequences, so it should not be taken lightly. Read about being a CO. The reflections, beliefs, and witness of others may help you to clarify and

strengthen your own views. You may find prayer and meditation will clarify your position.

Talk over your decisions with people you trust: family members, friends, clergy, teachers, or anyone else on whom you rely for guidance. A trained draft counselor can help you understand the laws and procedures governing COs.

If you decide that you are a CO, you should start documenting you claim immediately. By following the steps suggested in this guide, you can create the record necessary to make a successful CO claim in the event of a draft.

Selective Service

Selective Service is the US Government Agency that tracks young men who would be compelled to enter the Armed Services if a draft is authorized by Congress. Should the draft begin, the first people drafted would be those turning 20 during the current calendar year. The exact formula for drafting is discussed below in "How the Draft Would Work."

The Presidential Proclamation of 1980 orders you to register during the 60 days beginning 30 days before the "eighteenth anniversary" of your birth. Since your birthday is one of those days, the period ends 29 days after it. Selective Service allows you to register by mail, telephone and over the Internet.

Will You Register?

Most conscientious objectors register as the law requires even though they must wait until there is a draft to be classified by the government as a CO. However, some conscientious objectors have a problem complying with the legal requirement to register with the Selective Service System because it will not recognize their registration as a conscientious objector. Others view the draft as an instrument of war and cannot register in good conscience. **You should know that the law does not provide for conscientious objection to registration and the draft itself.**

The government claims that 90% register by age 20. Between 1980 and 1985, only twenty persons out of those who did not register were prosecuted. All but the last two had expressed their convictions publicly (and those two did comply once the requirement was properly interpreted to them.) The other eighteen held conscientious beliefs that compelled them to oppose war in any form, and that included preparations for war. No one has been prosecuted since 1985, but that could change at any time.

In *Welsh v. U.S.*, 1970, the Supreme Court characterized those who qualify as COs as people "whose consciences, spurred by deeply held moral and ethical beliefs will give them no rest or peace if they allowed themselves to become any part of an instrument of war." Many who object to the draft and registration see it as an instrument of war, and therefore believe they ought not to register.

Draft registration has in fact already been used as a part of war. In his State of the Union Address to Congress in 1980, President Carter introduced draft registration in order to send a message to the Soviet Union in response to its military presence in Afghanistan. Dr. Bernard Rostker, the Director of Selective Service, had recently reported to the President that peacetime registration was not necessary.

The former Director of Selective Service, General Thomas Turnage, likened registration to "a powerful weapon. . . a defense weapon. . . that has a rightful place in America's arsenal alongside bombers and missiles"¹. His chief of staff called it a deterrent (in the sense that nuclear weapons are). Alfred Rascon, current Director of Selective Service, reaffirmed that position talking about the value of Selective Service to American's overall military readiness in Selective Service's 2001 Annual Report. These officials thus confirm the problem of conscience for persons who feel they cannot be part of hostilities even by registering for the draft.

Unfortunately, although some lower court judges have said there ought to be legal provision for those who cannot register, there are currently no legal provisions to recognize conscientious objection to the draft itself.

The "Beg Policy"

The government's policy, as described to the Supreme Court, makes every effort to get the non-registrant to register. An indictment generally will not be made if, at the last moment, you are persuaded to register. Even after indictment, you are given opportunity at the pretrial state to divert to less punitive options, if you will register.

Selective Service sends at least two warning letters before turning over the name of a suspected violator to the Justice Department for investigation. The Justice Department rarely, if ever, does anything with this information. If the Justice Department does proceed, it first sends letters, then the FBI to investigate before putting the case to a grand jury for indictment. These policies are subject to change, so you should not rely on them for a last minute reprieve.

Any conscientious person who intends not to register should discuss it thoroughly with a spiritual advisor and get good legal advice. Please note that most clergy, counselors and attorney, have not received specific training to help young people and their families understand their spiritual, moral, and legal options when faced with conscription and war. If they do not know already what is in this booklet, **do not rely on their technical advice**—get help from someone with more experience. The Center on Conscience and War and Central Committee for Conscientious Objectors maintain referral lists of trained counselors and attorneys. Their contact information is listed at the end of this guide.

You should anticipate that your life could be greatly disrupted as a result of this action.

The Consequences

The maximum penalty for anyone convicted of violating the draft law is imprisonment of up to five years and a fine of up to \$250,000². That includes failure to register, providing false information to the Selective Service System, failure to notify Selective Service within 10 days of moving, and refusing induction.

Although non-registrants face a low risk of prosecution in court, even those who have not been charged also face very real punishments. The federal government denies non-registrants loans and grants for higher education, federally funded job training, and employment in most federal jobs. Non-citizens are denied citizenship³.

Twenty-seven states and some municipalities have enacted similar laws. Selective Service is encouraging states to refuse drivers licenses or ID cards to non-registrants, and/or to have the drivers license application automatically register those who are required to do so. However, some states merely make the drivers license another way to register rather than coerce registration.

A few colleges and universities offer alternative aid to compensate for lost federal funds. Some religious organizations, such as the historic peace churches, have made special provisions to assist students who are denied financial aid because they do not qualify for government grants and loans. A national Fund for Education And Training (FEAT) to provide loans has been established by groups that support war objectors⁴.

If You Chose To Register

COs should register the "old fashioned" way by mail. The registration card should be available at the counter at the post office or a clerk will provide you with one. You must give your name, date of birth, gender, address and social security number. A privacy statement on the registration card shows that the information can be widely shared and is used by military recruiters.

The card does not have a space to indicate that you intend to claim CO classification, but you may write between the lines on the face of the card: "I am a conscientious objector," or some similar statement.

The cards are sent to the data processing center of the Selective Service System. The information is entered into the computer and microfilmed. Then the original card is destroyed.

You will want to make your own record of your registration as a CO since Selective Service has not programmed its computer to record your intention to claim CO status. Make a photocopy of the form before submitting it. You can establish the date of your copy by folding the copy over and mailing it to yourself by

writing your address on the back of the copy rather than on an envelope. The postmark on the copy will show the date you registered as verification that you indicated that you were a CO at that time. Put this in your file (which could be just a shoe box where you collect material on peace and conscientious objection).

Selective Service will send you Form 3-A acknowledging your registration. You will be given a Selective Service number, which you should use every time you correspond with Selective Service. You should correct any errors in the record of your registration, including their "error" of not acknowledging that you registered as a CO. *Form 3-B, Correction/Change Form* comes with the acknowledgment. Keep a photocopy and send it **certified mail, return receipt requested**. These also go into your file.

Use *Form 2, Change of Information Form* (available at the post office) to make later changes in the information on your card. You have 10 days to notify Selective Service of any change in your address.

Some counselors suggest that you also submit a statement of your beliefs to Selective Service. If you choose to do so, it should be a synopsis of the claim you would file later (described below). Selective Service will probably write back to tell you that it does not classify COs (or anyone else) at this time. If you get such a letter from Selective Service, put that in your file, too! It is further proof that they got a statement from you about your conscientious objection. Note, however, that Selective Service will not keep your CO letter.

Most counselors will urge you to expend this same effort to place your early statement on record with your church or other organization you have chosen for keeping track of your CO claim.

If you realized you are a CO after you registered, you can use the change of information form to make a record of it. Or you can simply write a letter to Selective Service stating this. Remember to send all correspondence to Selective Service by **certified mail, return receipt requested**. Always include your Selective Service Number. Keep your correspondence and receipts in your file. When you talk to Selective Service personnel, keep a memo of that conversation. Sign and date all materials and put them in your own file.

Understand, however, that in all this preliminary process you are not actually applying for the CO classification. That comes later. But this helps to document your later claim.

How the Draft Would Work

The total force policy developed by the Department of Defense in the mid-seventies requires the use of reserve troops before the use of draftees. Under this policy there are five separate levels of mobilization, and a draft is to be used only at the

highest level, a "total mobilization." The president would have the power to draft people only after a bill is passed by Congress authorizing inductions.

Should the draft begin, the first people drafted would be those turning 20 during the current calendar year. The First Priority Selection Group in the year 2003 consists of all those born in 1983, so in January almost all the members of that group would be 19 years old. Selective Service would hold a lottery to randomly assign a number to every date in the Year. Those facing the draft would get what ever number is assigned to their birthday. Selective Service would first draft all those who have the number one, then all the twos and so on in that First Priority Selection Group. Each subsequent year the Selective Service System will hold a new lottery for those who are turning 20 during that upcoming year, thus creating a new First Priority Selection Group. In order for someone in the Second Priority Selection Group (those turning 21 that year) to get drafted, every eligible person in the First Priority Selection Group must first be drafted. Then Selective Service would go to those in the Second Priority Selection Group with a #1.

After the Second Priority Selection Group (of those turning 21), the System would go to 22 year olds, then 23, until the age of 25. Then the System goes to extended liabilities persons up to 34 years old. Only then are 18 year olds are called.

Selective Service has developed two different plans for implementing a draft. Under either, COs would have a very short time period to file a claim, possibly less than 10 days.

Mobilization Draft: Two-Weeks

In the two week emergency scenario, the lottery will be held the day after Congress and the President authorize the mobilization draft. The next day Selective Service will send induction orders to those chosen in the lottery. The induction order would actually be a mailgram from Selective Service instructing them to report to a MEPS (Military Entrance Processing Center). The regulations state that in order to file a claim for exemption, deferment or conscientious objection, must first be ordered to report for induction. The claim must be filed no later than the day before the individual is scheduled to report (this is explained in the mailgram). These mailgrams should get to most people within a day or two of being issued, so that leaves about a week for filing claims. You waive your right to any classification you do not claim during that narrow window of time, even if you can document that you qualify for it. The Selective Service System may grant exceptions to these time limits for good cause, but if they refuse to do so there is no appeal. If you report to MEPS and pass the examination you will be on a bus to boot camp that day.

Regular Draft: Six-Months

In the more likely six-month scenario, things are a little better but not much. Presumably, there would be a large amount of publicity about the decision to resume a draft and the Selective Service System gearing up to draft folks, so there will be some advanced warning. According to this scenario draftees would be ordered to report to the MEPS for a pre-induction physical. If they flunk the physical, they will be classified 4-F. Those who pass the physical will be classified 1-A, available for unrestricted military service. They will be informed of their right to apply for reclassification, given information on how to do that, and at least 10 days to file such a claim. They could be ordered to report for induction very quickly if they do not file a claim.

Whichever system Selective Service uses, once an individual properly files a claim—which means submitting the paperwork during the small window of time that Selective Service provides—that person cannot be drafted until there has been a final determination on the claim. Final determination means that appeals have been exhausted. If the claim is approved, the applicant will be reclassified and not drafted as long as he remains qualified for that classification. Be aware that those who get a deferment or exemption and later lose it go to the top of the order for being drafted. Those individuals would be drafted *before* the next person in the "First Priority Selection Group."

Your options are briefly explained in a booklet, *Information for Registrants*, which in the event of a draft should be available at post offices, Selective Service Area Offices, and your local draft board. In a mobilization draft, you may have to take the initiative to obtain the claims form yourself. In the six-month scenario, the procedures suggest that Selective Service will make the claims form (Form 8) available to you. Filing a claim at the proper time will result in Selective Service sending you the appropriate documentation forms for the claims you have made. **Remember to sign and date all documentation submitted to Selective Service. Material submitted by others should be signed and dated by them as well. SSS has a little known rule that allows boards to disregard documentation that is not dated and signed.** Include your Selective Service Number. When you file a claim for CO status, Selective Service will send you Form 22.

Claiming CO Status (Completing Form 22)

SSS Form 22, *Claim Documentation Form—Conscientious Objector*, must be completed and you must also attach a statement of your beliefs. You may also include letters of support "from persons who have personal knowledge of your conscientious objection." It must be postmarked or delivered to the Area Office of Selective Service no later than the date

given on the form. (Usually 10 days from when it was sent.)

Form 22 has you check a box to "claim exemption from only training and service as a combatant member of the Armed Forces (Class 1-A-0)" or "all training and service as a member of the Armed Forces (Class 1-O)." For more information on these distinctions, see page 8 under the heading "Question 1: Stating Your Belief."

Form 22 also says "you must establish to the satisfaction of the board that you are conscientiously opposed to participation in [combatant or non-combatant] military training and service in any war, based on deeply held moral, ethical or religious beliefs."

The courts have determined that to qualify, you must be "sincere" in your beliefs. There is probably no difference between a "deeply held belief" and a "sincere" belief. All the preparations you made in keeping records about what you believe and have done, as well as the letters of support from those who know you personally and can vouch for your beliefs, will now become useful. The testimony of your witnesses will also help to show that you are sincere.

Part II of Form 22 reads: "Prepare and attach written responses to the information requested below. If you wish, you may attach letters from persons who know you and are familiar with your beliefs. You may also attach any other pertinent information you would like the Local Board to consider." This is when you must explain your claim and provide the supporting documents that you have been collecting. You are instructed to answer the following three questions:

1. *Describe your beliefs which are the reasons for you claiming conscientious objection to combatant military training and service or to all military training and service.*
2. *Describe how and when you acquired these beliefs. Your answer may include such information as the influence of family members or other persons; training, if applicable; your personal experiences; membership in organizations; books and readings which influenced you.*
3. *Explain what most dearly shows that your beliefs are deeply held. You may wish to include a description of how your beliefs impact the way you live.*

Your answers to these questions should be typed or computer generated and attached to Form 22. As always, be sure to sign and date them. Make several copies so that you, your witnesses, and your advisor have a chance to go over what you have provided the local board.

Part III asks you to "list below the names of individuals or organizations whose letters or documents you are submitting with this form to insure

that all the letters or documents have been received." There is enough room to list neatly all you intend to submit. If you submit too much, no one will bother to read it all. If you submit too little, you may not have met their expectations about support letters and other evidence of your belief and sincerity. The space is just about right for a half-a-dozen items to be listed.

Part IV requires you to certify "that all the information I have provided on this form and other documents that I am submitting to support this claim are true, accurate, and complete to the best of my knowledge and belief." Then you are instructed to date and sign the form.

Form 22 includes this warning: "Willful submission of false information is a violation of law and, upon conviction, is punishable by imprisonment for up to five years or a fine of not more than \$250,000, or both." A standard Selective Service System privacy act statement follows, telling what other government agencies may have access to your submissions.

Answering the Three Questions: General Tips

Do:

- The regulations direct that the answers should be concise, but you should be certain that your answer is sufficient. Answer in your own words.
- Be detailed enough explaining your belief so readers can see that the ideas you embrace are yours in a personal way. Write from your own perspective.
- If your convictions are based on a belief in God or Allah, say enough about your faith or religious principles to show how it makes you a CO. If the teachings and example of Jesus are important, show how you agree. If other important religious leaders influenced you, show how they affect your belief.
- If applicable, mention the commandments of Allah, God, or whatever teachings that affect your conduct. Include commandments such as those which instruct adherents not to kill, to love and respect all others, and to treat others as you wish to be treated yourself. If you are comfortable quoting chapter and verse, do so. Explain why it is a violation of God's will for you to enter the military.
- If your belief is not traditionally religious, it is important to talk about your values, whether they are beliefs about love and compassion; about the sacredness, dignity, and inviolability of human life; about the brotherhood and sisterhood of human beings; or about a duty to pursue peace. Show how these beliefs apply to opposition to "participation in war."
- Tell the Board about the sources of your belief. If your religious education was important in developing your basic beliefs, mention it. The influence of your parents may be very important, especially if you

adopted their values. Talk about what kind of person they raised you to be.

- If the witnesses you will bring to the personal appearance significantly influenced your life, mention how they had an effect on you. Describe other people, books, films, events that were important; show their influence on your development of beliefs.
- Check the personal file you have been keeping for those records of your life and reflections which you might appropriately mention. Some of the papers in your file should be copied and included.
- Go over the materials you are going to submit with someone whose advice you trust, preferably the person who has been advising you about the draft. Make copies for yourself, your witnesses, and your advisor. Make a spare just in case you need it. Send it certified mail, return receipt requested, or carry it by hand to the Area Office and get a receipt for your documentation.
- If it is not possible for you to type your statement, write neatly and use a dark ink (it copies better).

Do Not:

- Do not say things you do not really believe. Your witnesses will have to affirm your statements, so be honest. Do not copy thoughts that are not the way you would say them, except where you plainly want to show that your views are like those of a particular religious or moral teaching.
- Do not antagonize board members. Think of things you can say that will be sympathetic with their positions.
- Remember that patriotism, a positive personal experience in the military, and a commitment to community service frequently motivate them.
- Sometimes they will have religious beliefs that are antagonistic to yours, and they will have a hard time understanding your beliefs. Broad generalizations about the motives of others, or especially derogatory comments, will do you little good and perhaps much harm. Attacking the intentions of those who are in the armed forces invites hostility from the board members. Most of them think the military is also working for peace.
- Avoid political arguments, both in your written statement and at your personal appearance. Remember that local board members may think that any political, sociological, or philosophical reasons are not allowed. Since political opinions are often passionately held, you may be "stepping on the toes" of board members.

Question 1: Stating your belief.

Describe your beliefs which are the reasons for you claiming conscientious objection to combatant military training and service or to all military training and service.

First, talk it over with qualified persons and with those whom you know and trust. You will later have to explain these views to the local claims board. It may be helpful first to put down an outline of your main points. Then try to write some paragraphs that say what you mean. Write in your own words your conscientious objection to war. Come back to the project after it has had a chance to sit, and then revise it.

The statute requires that you be "opposed to participation in war in any form." Notice that an important part of the requirement is "participation." The issue is not an abstract one of whether or not you think there should be wars, but rather whether or not you can take part in one. Some COs would acknowledge that the civil authority has a right to conduct war, but their beliefs in a religious or moral authority will not allow them to take part. Other COs may even sympathize with the wars against oppressors, but they cannot in good conscience join in violent conflicts.

You are not required to say what you would have done in past wars, such as World War II. Many draft board members who have fought in a war might ask you about whether you would have taken part in previous wars. They recall their fears of Hitler or of Communism, and they suppose that a patriotic person would fight against these evils. So, despite the fact that you are not legally required to know what you would have done, be prepared to answer that question.⁵

"Participation" implies that the real you—not some person like you who might have lived in a previous time or in some future time—must decide. What your parents did and what your God might require you to do in a divine intervention from outside ordinary history are not appropriate considerations in deciding your claim. If you had been alive to cope with Hitler's despotism, you would not be you. Jehovah's Witnesses, who are willing to fight in the war at the end of history, are nevertheless qualified to be COs. So, participation is the relevant criterion to define your relation to war. What are you willing to do personally if called to fight in a real war?

"War," not just any fighting or violence, is what you must object to. War is an organized activity for political ends. That is what you would be conscripted for. The use of police force, your own willingness to use force, what you would do if attacked, and whether or not you would defend another person, while important questions, are relevant only if you seek CO classification as a pacifist (someone who believes that no violence is right).

Some board members may have these questions in mind and press you to declare yourself. Ordinary

courtesy should prompt you to give honest answers and not offend the board member; so, you will want to think out what you would do in advance of the hearing⁶.

Violence can be distinguished from government decisions to go to war. Focus your written and oral statements on "war in any form."

The Supreme Court has determined that those who oppose participation in some wars, but not all wars, do not qualify as COs. Many religious traditions, while affirming that war is generally not good, set out standards for judging whether a particular war is justifiable. These traditions cite things such as "last resort," "proportionality," and "immunity of civilians," which must be satisfied for a particular war to be justifiable. Those who accept this teaching, and conclude that there are wars that they might in good conscience be able to participate in, do not qualify for CO status under current US law.

However, some of these so-called "selective objectors," by applying these principles to modern warfare, cannot project circumstances in which modern war will meet these tests of moral acceptability. Thus, some conscientious people, who do not think of themselves as pacifists, might qualify as COs by using carefully argued statements, showing there are no real wars in which they could conscientiously fight. These cases may be hard to win, however, with relatively unsophisticated local boards.

Even people who are clear that there are some wars that they would be willing to fight should consider filing for a CO claim if they cannot participate conscientiously in the unjust war they are being called to fight. Such a claim, though probably failing at the local board level, the appeals levels, and finally losing in court, would be the basis for mitigating any sentence given. In several court cases during the Vietnam era, and in some instances of non-cooperation with the draft since 1980, judges have reduced sentences to court supervised community service or probation rather than imposing a prison sentence. Obviously, the assistance of an attorney who specializes in this sort of case would be important at an early stage. (And who knows, maybe a draft board will make a mistake and grant you CO status!)

At some point in answering question #1, you should provide information as to whether or not your beliefs would allow you to serve as a non-combatant in the Army. You will have checked what category of service you are applying for on Form 22. Explain why you checked 1-O rather than 1-A-O.

Being a non-combatant, class 1-A-O, simply means you could not be required to carry or use a weapon, or be trained in the use of weapons, but otherwise, you are a regular member of the military. It does not mean that you would not be sent into a combat zone. In fact, the most common assignment of COs in the military has been to the medical corps, and in time of war they were often on the front lines.

The primary job of a medic is to keep the troops in good physical condition so they can fight most effectively. This may mean deferring treatment for critically wounded or innocent civilians to treat those with minor injuries who could continue the battle.

On the eve of the Normandy invasion, General Patton said, "Every single man in this Army plays a vital role... Every department, every unit, is important in the vast scheme of this war. The ordinance men are needed to supply the guns and machinery of war to keep us rolling. The Quartermaster is needed to bring up food and clothes—because where we are going there isn't a hell of a lot to steal."

This obviously creates a moral dilemma for many conscientious objectors who are opposed to "participation in war in any form." If you think you could be a CO in the military, you should think carefully about these things. Central Committee for Conscientious Objectors' *Handbook for Conscientious Objectors* has a full chapter on thinking through this option as does The Center on Conscience And War's *Draft Counselors Manual*; see the bibliography.

Question 2: Explaining the source of your beliefs.

Describe how and when you acquired these beliefs. Your answer may include such information as the influence of family members or other persons; training experiences; membership in organizations; books and readings which influenced you.

The second test of a CO claim is that you must be opposed to war by "reason of religious training and belief." This requirement has been defined by the Supreme Court to eliminate any favoritism toward a particular religion. While you must demonstrate to the local board that your beliefs are religious, the meaning of "religion" includes moral and ethical beliefs that are in opposition to a participation in war. These moral and ethical beliefs, however, must be central in your life, and instill in you a duty of conscience as religious beliefs do for others.

The Court has affirmed "conscientious" belief as "religious training and belief." The courts have also held that a claim cannot be denied because the applicant cannot point to particular training to believe that participation in war is wrong.

Think about how your beliefs developed. Your explanation of why you believe this way should show how those beliefs are integrated into your personal history, and thus "sincere." When you point out the sources of your belief, the moral/ethical/religious foundations for your convictions, you describe the threads that come together to weave the fabric of conviction.

If your beliefs are closely related to your own religious body's statements, you will want to consult them, both to be clear where you agree and where you do not agree. You may want to include the statements from your religious tradition, if you are

going to rely on them, when you submit your claim. You should consult your pastor or religious counselor to get that information, or consult THE CENTER ON CONSCIENCE AND WAR's collection of religious statements, *Words of Conscience*. THE CENTER ON CONSCIENCE AND WAR also stocks materials from some churches and religious groups.

Your answer may include such information as the influence of family members or other persons; training, if applicable; your personal experiences; membership in organizations; books and readings which influenced you.

Negative experiences can be particularly telling. Maybe seeing the destructiveness of gang violence in your community caused you to reject violence as a way of resolving conflict. Maybe a traumatic event—being in a car crash or witnessing the attack on the World Trade Center shook you to the core of your being and caused a sudden change in your attitudes about violence. Even getting the notice from Selective Service, and for the first time confronting the possibility of your own participation in war, could have brought on a sudden change of heart. Whatever it was, explain it in answering this question.

In 1948 Congress added a requirement that COs had to believe in a Supreme Being to qualify. The Supreme Court threw out that limitation in 1965 in the case of *United States v. Seeger* (380 U. S. 163), finding that "A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition."

According to law, your belief must not be based essentially on political, sociological, economic or philosophical considerations. These factors may certainly be taken into account in relation to the basic belief, but they cannot be the basis of the claim. Please note that some Selective Service personnel may incorrectly think that these considerations cannot be included at all in a valid CO claim. The exclusion of philosophy as a reason does not exclude what some call a "philosophy of life." In *Welsh v. Tarr*, (1970), the Supreme Court held that Welsh qualified even though he crossed out the word "religious" in the definition given on the form he used. He wrote that his belief was moral and ethical. Building on the *Seeger* case, the Supreme Court ruled that he qualified.

Your opposition to war cannot be a "merely personal moral code." The Supreme Court has defined such a code narrowly to limit it to expediency or getting out of the draft for your own convenience. Your belief, to qualify, must be about something more important than your survival alone, and should be related to higher values, such as religious belief.

Question 3: Show how you live your beliefs.

Explain what most clearly shows that your beliefs are deeply held. You may wish to include a description of how your beliefs affect the way you live.

The third criterion is very important. Since your beliefs are something inside your head and heart, they cannot be examined directly. The fact that you really believe what you claim to believe is not easy to show. You can talk about your beliefs. You can show that you expressed them many times and in ways separate from your interest in impressing the local board. You can get others to tell the board in letters or in person that they know you to have these beliefs. Most of all, you can show that you act consistently with those beliefs.

Showing a negative belief-not participating in war-is harder. But such a belief really is part of a larger belief system about peace, caring for others, non-violence, obedience to God, simplicity, and a host of other concerns you may have.

Showing that your other beliefs and actions are consistent with your CO beliefs is a good way to show the sincerity of your beliefs about not participating in war. Doing positive acts of service to others, belonging to a church or synagogue and to organizations working for peace and justice, preparing for work that contributes to the highest values in our world, are all consistent with being a CO. While consistency is not the same as sincerity, sincerity is reflected in it.

You may have wanted to be completely consistent, but that is too much to expect. The times you have gotten angry and fought back do not disqualify you from your CO claim. The local claims board should recognize that you are human and make mistakes. Who among us is fully consistent? As you try out different experiences and get involved in living, it is not always easy to bring harmony to the many impulses that drive your choices. But an important way of showing sincerity is being consistent about beliefs and actions that fit with being opposed to taking the lives of others in war.

That record of what you have done for peace and non-violence, in service to others, and through advocacy for justice will therefore help to demonstrate sincerity. Keep papers you wrote for school, clippings of articles that impressed you, newspaper reports of activities you did like a "walk for hunger" or attendance at meetings, rallies, and religious observances. If you have become a member of a group that is organized for peace, and whose purposes are consistent with being a CO, such as a peace fellowship, a local peace center, FOR (the Fellowship of Reconciliation), ANSWER (Act Now to Stop War and End Racism), Peace Action, War Resisters League, or the National Draft Resistance Committee, mention that as a part of your answer to this question.

Support From Others

Letters of support and witnesses who will testify when you have your hearing will be valuable for convincing the local board. Your supporters should see your answers to Form 22 before they write or testify.

The process of explaining your beliefs to those you ask for help will clarify your beliefs in your own mind and give you invaluable practice articulating those beliefs for when you explain them to the local claims board. Having these secondary proofs of belief are a real help for all COs as they make their claims, especially those likely to "choke up" when they face board members.

Personal Appearance Before a Draft Board

The personal appearance gives the board a chance to meet you, presumably to judge your "sincerity." It also gives them the opportunity to ask you questions about things that they might not understand in your written claim and to ask questions looking for inconsistencies or to try to trip you up. The hearing also gives you the opportunity to describe the essence of your claim and call the board's attention to the most important sections of the written materials that you've submitted.

From the beginning of your preparations, try answering out loud to other people the questions you expect to be asked. There is a big difference between figuring out what you believe and telling others about it so they can understand you.

Be careful to maintain a style in writing and conduct at the personal appearance in keeping with your peaceable intentions. Do not let the hostility of board members hook you. The local board is taught to take your "demeanor" into account, so do not be strident, self-righteous, or angry.

According to the procedures manuals, you should have at least 20 minutes at the personal appearance. That is not very much time, so you should prepare for it carefully. Be prepared to make a brief summary of your claim. The local board could have had several others appearing before you do, so board members may be tired and have short attention spans.

In some circumstances it may be possible for you to attend the CO review hearing of someone else processed before you, which is an excellent opportunity to watch your board in action. Your draft counselor or clergy may be able to arrange this visit.

Practice what you want to say. Some local draft counseling groups and youth groups will arrange a mock draft board appearance. Try to anticipate the questions you may be asked. Some local board members may ask what you would do if attacked, what you would do to protect someone you love if they were attacked, or what you would do in a particular war in the past or future. Go back over the discussion in this booklet, or get additional help from others, or consult the materials in the bibliography.

Think about this ahead of time so you have some idea of how you will respond.

There is a good chance that you will be asked about your reaction to the attacks on Sept. 11, 2001. If you opposed the U.S. military assault on Afghanistan, you may be asked why, and how you think the U.S. should have responded to that attack. You may or may not have a good response to those questions; you are not required to know how to solve all the world's problems. Competent people of good will disagree on many policy issues. The important question for a CO is: Could you actually participate in killing others in war? So bring each question back to this point. But it is important to think about these things, so the questions do not catch you completely by surprise.

You should ask to have your hearing open to the public. This is your right. Your friends can come to give you moral support. But the hearing can be closed if the people you bring are disruptive.

Do not miss your personal appearance! Arrive on time. Make sure your witnesses and advisor, if you have any, are briefed and also in attendance. If you fail to make it to the personal appearance, you must state your reasons and request that it be rescheduled within five days.

Keep Cool. When you go over your case with the local board it may be helpful to find out whether the members have had a chance to read your file. Be prepared to summarize it for them.

Make sure that after about ten minutes your witnesses have a chance to speak on your behalf or you may lose the chance for them to present their information. If they wrote letters for you, you will want to refer the board members to that information in your file.

If you have anything to present to the board which was not submitted in advance, you should have copies for all the board members. Ask for questions if they do not initiate them; you want to be able to respond to any doubts they may have. They may start out asking questions, and leave you little opportunity to get across the points you intended to make. If so you should ask for the opportunity to make a statement before the hearing is over.

After you are dismissed, make a record of [lie principal points in the hearing. You will not be allowed to bring a tape recorder or a camera. Your witnesses and, if the hearing was open to the public, your friends can take notes to help you make a record, or write their own summary of the proceedings. The board will not make a transcript of what happened, so it will be helpful if you submit your summary for the record. You may need it if you have to appeal an unfavorable decision. The Board may enter into the record its summary of the hearing.

The board members will probably vote on your case soon after you leave the room. They will inform you of their decision on Form 110, Notice of Classification. If they reject your claim, they are

required to give reasons. They will also inform you of appeal rights.

About Draft Boards

The local board members tend to be motivated by patriotism and sympathy with the military. Their readiness to volunteer is closely related to how much they want the draft to succeed and to get young men to serve in the military, although board members cannot be currently in the military or retired from the military. The military officers who do the recruiting for the board membership tend to use their military and veterans connections to find willing volunteers.

The local claims boards staff will be military personnel (reservists, National Guard and military recruiters), not civilians. Since these career military, reservists, and National Guardsmen are usually unfamiliar with COs and have understandably a different point of view about participation in war, it is unlikely that they will be sympathetic and supportive.

The training of the local boards, while stressing fairness, has been seriously prejudiced by materials emphasizing how to reject CO claimants and reinforcing old stereotypes. Even if this changes, it will be hard to undo the impressions made in the original training.

The circumstances in which a CO claim will be made and processed will not be favorable to a calm and dispassionate assessment of its merit. Congress probably will have declared a National Defense Emergency or even declared war. It will have restored to the President the power to induct draftees. There will be a climate of public opinion in favor of war. Censorship may even have been invoked to silence contrary opinions.

The local claims boards will have to act quickly to determine the merits of CO claims. Selective Service fears that invalid claims delayed too long would cause some registrants to be inducted prematurely, since the rejected CO claimant should have gone instead. Local claims boards could feel under pressure to decide many cases at a single sitting, giving insufficient time to their individual merits.

Thus, the circumstances, the orientation of the local board to its task, and the staffing are all prejudicial to the CO claimant. However, none of these factors should be so influential that a properly made claim should be rejected. The case law for COs is now so well-established that a properly argued *bona fide* claim is likely to win in court.

Appeals

You have a right to appeal a decision by the local board. To appeal, return part three of Form 110 or simply write "I appeal" on a piece of paper, sign it, date it, and **include your selective service number**. Do not forget to request a personal appearance when you appeal.

You have fifteen days to appeal a denial of your CO claim by the local claims board. In those few days, you should get expert assistance. Your appeal must be postmarked or delivered to the area office that denied your claim by fifteen days from the date of issuance on the Notice of Classification. If you mail it, remember to send it certified mail, return receipt requested, and keep a copy.

Your Selective Service file should always be available to you for review, except when it is being forwarded to the appeal board. Basically, it is to be forwarded to the appeal board no sooner than 7 days after the Selective Service acknowledges receipt of your appeal. Together with your advisor, draft counselor or attorney, you should review the reasons for rejection, the evidence in your file, and determine whether to add new information in your appeal. Check for defects in both the minutes of the local board and the record of the procedures recorded in your file. Before the 7 days expire you should submit your own summary of the hearing to be included in the file. In addition, you should submit your own analysis of the errors in the file, hearing or conclusion of the denial of your claim. Remember to sign and date everything.

Selective Service will notify you of the receipt of your appeal and the date, time and place for your personal appearance. You will be given at least ten days notice of the time, place, and date of the hearing. You cannot present witnesses, but you can have an advisor present at the appeal hearing, and you can bring friends for support. Consider requesting that the hearing be open to the public. All those present can assist by working with you to prepare a summary afterward.

If the appeal fails at the district level you may again appeal the denial if there is at least one dissenting vote. This time the appeal is to the National Appeal Board.

Informal appeals to people in the system can be made from the time the claim first began. The directors at each level have the power to appeal for or against you. You can approach state and regional directors for their help. They can sometimes be reached by telephone as well as by mail. You can write the National Director. He has the additional power of being able to reclassify you on his own. His aides will probably refer the letter to the office of the General Counsel. If a serious procedural error occurred, you can expect the Selective Service System to respond to correct a mistake.

Sometimes the Governor's office or a Congressional Representative can intervene to find out what is going wrong and suggest solutions. Often it is helpful to use both the formal and informal routes at the same time.

Types of CO Service

1-A-O conscientious objectors (those who claim exemption from training and service as a combatant) will be drafted into the military as non-combatants.

1-O conscientious objectors (those who claim exemption from all training and service) are "drafted" to perform alternative service work that contributes to the national health, safety, or interest. The regulations specify 5 areas of work that are appropriate: education, health care, agriculture, social or community service, and environmental protection.

All jobs must be with government or nonprofit agencies. You must work at least 35 hours a week for 2 years. Hospitals and other social service agencies are the usual places where people are assigned. Jobs with church service organizations will still be among the most available and attractive, even though they tend to pay poorly. Employers are urged, but not required, to pay the going rate.

When you are ordered to alternative service you will be sent a questionnaire to identify your education, training, skills, and interests in order to help Selective Service assign you to an appropriate job. If the job to which you have been assigned violates your CO beliefs, you have the right to appeal the assignment to a Civilian Review Board. The decision of the Review Board cannot be appealed officially, but informal appeals can still be used.

Section IV of the Skills Questionnaire provides an opportunity for you to propose your own job. Generally, proposals will be accepted if the job meets the legal definition of work and the prospective employer agrees to hire you for that job and agrees to the terms Selective Service requires. The employer must enter into a formal agreement with the Selective Service System.

You will want to consult your advisors, your religious organization, and other job sources as you look for a job. Since you will have to work in it for twenty-four months, you have a big stake in finding the right one. Under normal circumstances, you are expected to be at your alternative service job within 30 days of receiving your Order to Perform Alternative Service.

There are procedures for changing jobs, getting medical assistance, and dealing with problems on the job. Travel to and from the job will be provided by Selective Service, except for jobs overseas.

During alternative service, the employer will be required to report to Selective Service that your work performance is satisfactory. If the alternative service position was arranged in cooperation with a national agency such as the United Methodist Voluntary Service, Brethren Volunteer Service, Mennonite Voluntary Service, the Lutheran Volunteer Corps, or the Jesuit Volunteer Corps, the staff persons with coordinating responsibility will assist in making those evaluations and dealing with problems on the job.

During a time in which COs are being assigned to alternative service, Center on Conscience & War will actively coordinate the work of many national employers and will provide a job finder service. It will also intercede with Selective Service to improve the administration of alternative service.

Bibliography

Both CCW and CCCO maintain literature services. Write them for their current list:

Center on Conscience & War (CCW)
1830 Connecticut Ave. NW
Washington, DC 20009
(202) 483-2220 or 1-800-379-2679
www.nisbco.org Email: nisbco@nisbco.org

CCCO (Central Committee on Conscientious Objectors)
1515 Cherry Street
Philadelphia, PA 19102
www.objector.org

CCCO
Western Region
630 20th Street
Oakland, CA 94612.

Bibliography on Conscientious Objection by Dan Cole. Annotated list. www.nisbco.org

Call to Conscience, Jews, Judaism and Conscientious Objection, by Albert S. Axelrad. Nyack, NY, Jewish Peace Fellowship, 1986. 207 pp. \$14.95. Superb compendium of background statements and sound advice.

Draft Counselor's Manual, 6th Edition by J. E. McNeil and Bill Galvin (based on previous work by Charles Maresca) The Center on Conscience and War \$25. (\$30. with a binder) This is the only complete review of the draft law, including how it affects COs. Contains sample forms, medical standards, opinions on legal questions. Cost includes the first six months of the periodic

updating service which replaces whole sections of the text and provides new regulations with commentary so that the manual is always current.

Handbook for Conscientious Objectors, by Robert Seeley, Central Committee for Conscientious Objectors. 12th ed., 1982. This edition is almost current with present law, and contains discussion of issues of importance to COs. Don't rely on earlier editions for information about the operation of the draft.

What Would You Do, by John Howard Yoder. Scottdale, Pennsylvania, Herald Press, 1983. 115 pp. \$4.95. Analysis and personal answers to those tough questions draft boards like to ask.

Who Is a CO? The Center on Conscience and War. Free. Quantity price @ \$0.20. Addresses concern about participating in war and the CO option in terms of the legal requirements.

Words of Conscience, 11th ed., Rachel S. Zuses. The Center on Conscience and War 2001. 182 pp. \$15. The standard reference on religious statements on CO, includes compilation of official statements with unofficial ones and personal statements; additional help in thinking through a CO claim.

Wrestling with your Conscience. Jewish Peace Fellowship.

Jailed for Peace, by Steven M. Kohn. Westport, CT, Greenwood Press, Inc., 1986. Paperback, \$9.95. Already the standard history of American Draft Law Violators from 1658-1985.

Select Religious CO Registries

Baptist

American Baptist Churches
Board of National Ministries
PO Box 851
Valley Forge, PA 19482

Southern Baptist Executive Committee
460 James Robertson Parkway
Nashville, TN 37219

Church of the Brethren

Office of Brethren Witness
1451 Dundee Ave.
Elgin, IL 60120

Episcopal Church

Registrar for Conscientious Objectors
815 Second Ave.
New York, NY 10017

Evangelical Lutheran Church in America

Commission on Church and Society
8765 W Higgins Rd.
Chicago, IL 60631

Friends, Religious Society of

Friends General Conference adherents should register with their local or yearly meeting

Friends United Meeting

Peace Board
101 Quaker Hill Dr.
Richmond, IN 47374

Mennonite Central Committee

U.S. Peace Section
21 South 12th St.
Akron, PA 17501

Presbyterian Church (U.S.A.)

Office of the Stated Clerk
100 Witherspoon St.
Louisville, KY 40202

Roman Catholic Church

Some diocesan Peace and Justice offices are prepared to keep a registry of COs.

Unitarian Universalist Association

The Registry of Conscientious Objectors
Office of the Executive Vice President
Unitarian Universalist Association
25 Beacon Street
Boston, MA 02108

United Methodist Church

General Board of Church and Society
100 Maryland Ave., NE
Washington, DC 20002

Several other church organizations also maintain CO registries. Anyone, no matter what their religious affiliation, and those without religious affiliation, may put their CO beliefs on file with the Center on Conscience and War and the Central Committee for Conscientious Objectors (see above for address).

Endnotes

¹ Semiannual Report of the Director of Selective Service, April 1, 1983-Sept 30, 1983, p. 20.

² The U.S. Sentencing Commission guidelines can change these figures both up and down in a maze of rules. The only way to know exactly what sentence would be imposed is to have an expert in this field know the precise circumstances. But this information is basically the maximum that would be imposed.

³ Challenges to these laws have thus far failed at the Supreme Court which ruled that they were not constitutionally prohibited "Bills of Attainder." Future challenges are possible. The law also provides for those whose failure to register was not "willful or intentional" to become eligible for these benefits, but processing is arbitrary.

⁴ Contact your church's "Peace Ministries" division, or comparable office to find out if your religious tradition has help available. You can also contact the Fund For Education And Training, 1830 Connecticut Avenue NW, Washington, DC 20009, which is supported by The Center on Conscience and War, Central Committee for Conscientious Objectors and the Fellowship of Reconciliation to meet the financial needs of those who believe it is wrong to register for the draft.

⁵ Jewish COs should be wary of getting into the issues of justifying wars by the State of Israel. Many people assume that Jews are automatically in favor of war because they assume all Jews approve of Israel's war policy. You should think through this issue before meeting with your draft board. It might be helpful to learn about Israeli COs and war resisters, or read JPF's *Wrestling with your Conscience*.

⁶ See John Howard Yoder's *What Would You Do?* (see bibliography).