

PLRC *Pacific Life Research Center*

631 Kiely Boulevard * Santa Clara, CA 95051 * Phone & FAX by appointment 408/248-1815 * E-mail bob@plrc.org
PLRC-060220A Last Updated 23 July 2007

CONSCRIPTION, CONSCIENCE, & WAR: PREPARING YOUR CASE AS A CONSCIENTIOUS OBJECTOR¹

Compiled by Bob Aldridge

*For what purpose, then,
did God endow all people
with reason and free will if,
in spite of this,
we are obliged to render
blind obedience?*

– Franz Jagerstatter (1907-1943)
Conscientious Objector under the Third Reich

I am an octogenarian veteran of World War II but I have been trying to put myself in the position of a young person opposed to killing and with the probability of a draft looming in the uncertain future. I ask myself what I could start doing right now to forestall being inducted into the military and forced to kill. I even envision a boy or girl – yes, girls too – just entering their teen years starting to think about these things. I see two courses of action. The first – to examine my beliefs on war and killing – can be accomplished immediately. The second – to prepare my case as a conscientious objector – is ongoing

¹The purpose of this paper is to compile a concise document for easy reference. Nothing in this paper is new or original. Everything has been taken from sources which have been working with war resisters and conscientious objectors for decades. Those sources are shown in the list of “Resources For Further Help” at the end of this paper. More specifically, I am preparing this paper to help the young people of both sexes, who will soon be reaching draft age, to fully analyze their feelings toward war and militarism, and to direct them toward more detailed assistance.

FIRST – WHAT IS THE ROOT AND DEPTH OF MY BELIEFS?

The first thing I would do is some introspection to determine how sincere and to what extent I do object to war. Many youth today abhor war and killing. They may not understand this feeling and they may feel guilty about a perceived disloyalty to their country. What is really happening, however, is that these people are being spoken to by their conscience. They are conscientious objectors. It is not unpatriotic to be a CO.

Once I determine that I am a conscientious objector I would have to examine how far my objections goes. Would I be willing to accept a military job if I don't have to kill? Or would I feel that any job in the military contributes to the killing and refuse to serve in any capacity? Do I object to war in any form or do I just think the current war is wrong. Is my objection based purely on moral, ethical, philosophical, or religious grounds or is it mostly for other reasons such as legal or political. Am I willing to cooperate with the Selective Service to do alternative service or do I lean toward complete non-cooperation with the draft, possibly including not even registering. Questions such as these should be sorted out and the consequences understood before a CO can meaningfully act upon his or her convictions. I will now go a little deeper into these various degrees of conscientious objection. But first let me explain what the law says about conscientious objection.

Is Conscientious Objection Legal and, if so, to What Extent?

Although the US Constitution allows the government to draft people to raise an army, it also safeguards the individual's right to moral and religious beliefs. Because of this safeguard, the Military Selective Service Act passed by Congress reads: "Nothing contained in this [law] shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form."²

A 1970 US Supreme Court decision modified that language – "religious training and belief" – to include "moral" and "ethical." The opinion of the Court stated that the Universal Military Training and Service Act "exempts from military service all those whose consciences, spurred by deeply held moral, ethical, or religious beliefs, would give them no rest or peace if they allowed themselves to become part of an instrument of war."³ So it is not necessary to belong to a religion to be a CO. You don't even have to believe in God to be a CO. Even people who consider themselves atheists can have deeply held ethical

²The Military Selective Service Act, 50 U.S.C. 456(j).

³*Welsh v. United States*, 398 U.S. 333 (1970).

and moral convictions.⁴ But on the other hand, merely belonging to a religion does not qualify a person as a CO. That person must still show that he or she personally holds those deep ethical, moral, or religious convictions.

A vivid description of what a Conscientious Objector deeply feels was expressed at a February 2005 weekend seminar sponsored by the Fellowship of Reconciliation in Nyack, New York. The participants declared support for COs because they:

... value the sanctity of life, respect for human dignity, and affirm the right of freedom of thought, as expressed in individual moral, ethical, or religious beliefs. Conscientious Objectors are those individuals who refuse to participate in, or otherwise directly support, the conduct of warfare and the killing and degradation of fellow human beings.⁵

No matter how deeply held the ethical, moral, or religious convictions might be, not all forms of conscientious objection are recognized by the government. US law still says that to qualify for conscientious objector status the applicant must object to “war in any form.” That means all war.⁶ This creates a dilemma which will be discussed below along with the various degrees of objecting to war out of conscience.

Conscientious Objection to All Wars.

You may object to participation in all wars – “war in any form” – because of your deeply held ethical, moral, or religious beliefs. You then qualify for CO status if you can convince your draft board that you are sincere in those beliefs. It is not always easy to do that, and the process is not always fair. The difficulty may vary from board to board. Being well informed is essential.

Some people have the idea that a CO must be completely nonviolent. That would be nice but it isn’t a requirement for qualifying. “The law does not require a Conscientious Objector to be opposed to all forms of violence, the use of force, police powers, or even to all taking of life. It requires only that a person be conscientiously opposed to the planned and organized killing that takes place in warfare. Willingness to use violence against another individual in order to protect yourself or your friends is not in itself legitimate grounds for denying a CO claim.”⁷

Once CO status is granted, you will be given alternative service to perform. Alternative service can be a civilian job, or volunteer work, to help the war effort. Or it can be one that provides a social

⁴For a thorough coverage of conscientious objection in the US, its history and legal evolution, see PLRC-050227, *Conscription, Conscience, & War: Conscription Or Conscience – You Have A Choice*, available at <http://www.plrc.org>

⁵Nyack Declaration of Conscience and Courage, 21 February 2005.

⁶The Department of Defense does recognize a Conscientious Objector who refuses to kill another human being but is willing to serve in the military as a noncombatant job who doesn’t have to train with or use weapons.

⁷“Who Is A conscientious Objector?”

service. If you object to performing any work that supports war, you have a legal right to be assigned alternative work in socially useful areas.

Conscientious Objection to Killing but Not to Military Service.

Perhaps you are willing to serve in the military if you don't have to kill. If granted CO status you will still be called up but will be assigned to a non-combatant job. During your time in the military you have the right to refuse any subsequent military assignment which would require you to kill another person or to train with and handle weapons. Some of these "non-combatant" jobs, such as in the medical corps, are as dangerous, and often more dangerous, than carrying a weapon.

Selective Conscientious Objection.

You are a Selective Conscientious Objector if you are not opposed to what may be perceived as a "just war" but are opposed to a particular war for specific ethical, moral, or religious reasons. The law says objection must be to "war in any form" in order to be qualified for CO status. If you apply for CO status as a Selective Conscientious Objector, your claim will be refused. You will be called up and failure to report for military duty will result in civil penalties.

The situation may not be as hopeless as it seems. Perhaps your concept of a just war is too idealistic. With further thought and analysis it may become evident to you that a contemporary just war isn't possible. The Center on Conscience & War advises:

Some Selective COs believe that conditions for a "just war" can no longer be met today. By a process of elimination they might qualify as COs under current law by showing that they believe a "just war" is impossible in our time.

Local draft boards like to ask hypothetical questions of COs, for example about Hitler. The courts have stressed that you don't have to know what you would have done in a past war or in some hard-to-imagine future circumstance. You just don't know – and that is an honest and acceptable answer under the law for a CO!

The only conflicts you must refuse to fight in are those organized wars which you might reasonably be called upon to fight in today's world.⁸

All of the mainline religious denominations and some others have teachings that support the conscience in objecting to war. They can be of help in clarifying the concept of a just war and its possibility today. In any event, if you feel you are a Selective CO, you should seek further counseling. Start by contacting one of the organizations listed at the end of this paper.

Non-Cooperating Conscientious Objectors.

Some people feel strongly against participating in or cooperating with any institution that supports war. They may refuse to register for the draft and would never think of performing alternative service to

⁸"Who Is a Conscientious Objector?"

military duty. These COs risk many penalties which range from foregoing government loans for college and being refused licenses for driving and other activities, to serving time in prison. There is no effective counseling for these individuals if they persist in this belief. They will, like Gandhi and many others, just have to follow their conscience and suffer the consequences.

If you feel that you are a Non-Cooperating CO, you should be aware of the consequences. Failure to register for the draft is a federal offense and you could be prosecuted with up to five years in prison or up to a \$250,000 fine, or both. But few have been arrested. The Center On Conscience & War points out that millions have failed to register since draft registration was resumed in 1980 and only twenty of them have been brought to court. In spite of many threatening letters, no one has been prosecuted since 1985. There are, however, other penalties that are readily enforced. Non-registrants cannot get federal aid for college or vocational training. They are barred from federal employment. If not a citizen, you cannot take out citizenship papers. Furthermore, if you don't register before reaching your 26th birthday (when you can no longer register) you forfeit these things for life. However, you may legally register later (but before your 26th birthday) and have all the benefits re-installed. The Central Committee for Conscientious Objectors points out:

Many people choose to resist by waiting until they are older to register. Legally, if you register before the age of 26, you are again eligible for federal aid, government jobs, and the other benefits listed above, so some people choose to register when they turn 21, or just before they turn 26.⁹

Some states have also imposed penalties for non-registrants. At least 21 states deny drivers licenses or high school diplomas. More than 15 states deny state employment. Over 20 states refuse state financial aid for education. Some states deny admission to state colleges and universities.¹⁰

Present Status of the Draft.

So far I have referred to 26 years of age being the cutoff for a draft registration that affects only men. A future draft would likely go to an older age and affect both men and women. Let me here clarify what the present draft law does.

The current Military Selective Service act requires only that men register with the Selective Service System (SSS) within 30 days of their 18th birthday. Those men who have passed their 26th birthday cannot register. Women cannot register. Only registration of men between 18 and 26 is required. No one is being called up for military service at present. Under present law there is no way to apply for Conscientious Objector (CO) status. But a simple and quick act of Congress can re-institute conscription that would include both men and women, and stretch eligibility beyond the 26th birthday. It is wise to be fully prepared. If you haven't started preparing your case to show your sincerity as a Conscientious Objector yet, you should start right now.

⁹“Questions and Answers About Draft Registration.”

¹⁰To find out the penalties for draft non-registration in your state, check with one of the organizations listed at the end of this document or go to the Selective Service System website at <http://www.sss.gov>

S ECOND – START PREPARING MY C.O. FILE RIGHT NOW

Whenever a young person who objects to killing starts thinking about war and the possibility of being in the military, he or she should start a file to support a conscientious objector claim. Even new teenagers of 13 or 14 years are not too young to start preparing a case for CO status. The importance of this CO file was expressed by Paul Frazier:

If a man chooses to register, he needs to know his choices, even though Selective Service will not acknowledge his request for a CO form or keep his CO claim if he makes it before receiving an Induction Order. If a man decides he is a CO, or even thinking about a CO claim, he will want to get a copy of the most recent CO form, fill it out, and start to set up his own draft file. He can send his form and a letter about what he believes to people who are important to him: a teacher, a friend of the family, his parish, his diocesan office, his football coach, the president, congressional representatives. He can, as needed, ask them to send a letter, testifying that he began his CO claim on such and such a date. A man can start his CO file even before he registers. He can collect material that will help substantiate his claim for CO status. He can gather letters of support that attest to his sincerity.¹¹ (This was written when only men had to register but it applies equally to women in a future draft.)

In this section I will discuss some ways to start preparing a Personal CO File. But at the same time this preparation is taking place the conscientious objector should also look at his or her activities.

Do Something Right Now.

What I am suggesting is getting involved. What moves you? What problems do you see that you would like to have fixed? What is happening that you deplore? What is happening that you wish to support? Sit down and make a list of everything along these lines that you are concerned about. I'm sure more searching questions can be asked. Brainstorm with family – with friends.

Then do something about it. Find an area that you feel comfortable with and motivated about. Set a schedule for the time you can spend to work in that area. It doesn't have to be big. Don't try to change the world in one swing. Just begin doing something, no matter how small. Everyone finds time to do things one really wants to do. It should be just as easy to find some small bite of time to help someone or something – to act according to conscience.

There is no better history for a conscientious objector to have than adjusting ones life as conscience prescribes. There is no better personal CO file than personal activities.

The First Step In Preparing Your Personal C.O. File.

The Military Selective Service Act refers to “training and belief” as the source of a conscientious conviction about war – it refers to any person “ who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form.” As discussed above, according to the US Supreme Court decision, that refers to ethical, moral or religious training and belief.

¹¹Frazier.

Training and belief continually interact to influence your behavior. Training, such as the guidance and teaching you received from parents during your formative years, affects the beliefs you acquire. In turn, those beliefs may guide you to seek certain new types of additional training, or experiences. This is the interactive and evolutionary process that continues throughout your lifetime to form and re-form your conscience. What is desired in a Personal CO File is to document as vividly and accurately as possible that evolution of the conscience. That is the type of information that will be most effective in proving the sincerity of your convictions.

To start your Personal CO File, reflect on all of the things, people, and events that led to your present feelings about war. You need only one of the qualifying types of belief – ethical **or** moral **or** religious. But you can also possess more of those motivators. Keep in mind, however that your CO file should not include political views such as the war not being the right method to solve the problem, or it is a waste of money. Neither should it be an abstract treatise on what war is or isn't. And above all it should not deal with how serving in the military is a hardship on you or how it would interrupt your plans for schooling, etc. Your CO file should specifically address what you believe and why those beliefs prevent you from participating in or supporting war.

Another important thing to remember. Date and sign all of your documents. The further back your CO file goes, the more weight it will carry when and if you ever file a case for CO status. If you add to or enlarge upon something already in your file, date the addendum.

Organizations that have counseled COs for decades recommend that you keep several copies of your CO file in different places. Trusted friends and some of the organizations listed at the end of this paper are good places to place duplicate files. This may be cumbersome when updating the file but, like with a computer, it is important to back up your data. However, regarding computers, I recommend that the documents in your file be hand-written. Be sure that everything that goes into your file is signed and dated. Attach all receipts and possibly even envelopes to documents. I'll be repeating this instruction time and time again throughout this paper.

Another note for latecomers. If you have already registered for the draft (even if you have already been inducted or have enlisted) it is not too late to start your Personal CO File. Just start from where you are and continue as described below. You should also immediately contact one of the organizations listed at the end of this paper.

That said, I will touch on a few suggestions to illustrate the kinds of experiences and reflections that can lead to being against participation in war, along with supporting documents. These suggestions are not all-inclusive. Anything that illustrates the sincerity of your convictions belongs in the file. These suggestions are the initial things to get into your Personal CO File. More can be added as time progresses. Addendums to existing documents can be filed.

Your Personal Statement.

The first thing to put in your file is a statement about your training and beliefs. Tell how you arrived at those beliefs and how they have affected the life you live. Explain how you are expressing your convictions through word and deed. Take your time and be as detailed as possible.

Carefully review all the training you have received that might have influenced your beliefs. I have already mentioned early training by your parents that may have instilled in you a respect for other human beings and the value of life. Church activities also help you to develop a conscience opposed to destruction of life and respect for other people. It may have even been military activities – ROTC in school, boot camp in the military, or actual combat experience – that made you realize being in the military is not the place for you. (If you are currently in the military, you can immediately contact the Central Committee for Conscientious Objectors on their GI-Rights-Hotline: 1-800-394-9544.)

Remember that the purpose of this personal statement is to illustrate how you have applied your sincere and deeply-held convictions to living your life. Tell about that. Did you work with youth, or with the elderly, or the homeless. Maybe you collected donations for a good cause. Whatever. The point is to show how you have carried your convictions into action. Remember, also, that when your personal statement is completed it is not set in concrete. As you continue to live out your convictions, and encounter other inspirations, you should prepare an amendment to your original statement. Merely thinking of a better way to express yourself or recalling something of significance that you omitted is also good reason to make an amendment. I recommend an amendment in order to keep your earlier-dated statement on record as is. Be sure to sign and date the amendment and it will then illustrate the evolution of your beliefs.

Upon completion of your personal statement, you can use it to register as a CO with your religious organization or a CO-Registry.¹² This will legally establish when you first declared yourself a CO. It will be indispensable when your draft board asks you when you first became conscientiously opposed to war.

Statements By Religious Bodies.

If you belong to a church, find the statements your denomination has made about conscientious objection. Get acquainted with it and place a copy of that statement in your Personal CO File.

Start Making Lists.

There are several lists you should compile of things, events, and people that played a part in the formation of your conscience. These are not to be in the form of a grocery list or just a compilation of a bunch of topics and names. Each item on each list should be enlarged and expanded upon as much as you can. Document everything about every item that has influenced your convictions about war. Explain everything as thoroughly and understandable as possible.

The first list will be of books or other media events that have influenced you. Conveying information through books and media are powerful tools of communication. Communicating ideas and concepts that affected your conscience and beliefs are no exception. As an example, one thing that influenced me was reading about Gandhi and how he listened to that “Tiny voice within.” It made me

¹²“Conscientious Objectors and the Draft,” pages 17 & 18 provides a selected listing of CO Registries.

realize more fully that my conscience does speak to me and that I should pay attention to it.

Another list to compile is of organizations and organized events that inspired you. They may be religious experiences, demonstrations, workshops, and much more. One young person told me about a group in high school. That group held a retreat that had special significance, perhaps a turning point, in that young person's life. All of these things are important to mention.

Still another list is of people who have influenced you. They may be people you have met or merely someone you have read about. They may be relatives, friends, or complete strangers. If any person had a part in forming your beliefs, that person should be mentioned. You may want to have some documents notarized, and that is also a good idea.

You can probably think of more lists to compile. Do it. And don't be afraid to add to the lists you already have, or elaborate more on existing items on the lists. It's all part of the purpose of your Personal CO File. Document and explain everything in your life that led to your present convictions and then keep the documentation current.

Obtain Letters of Support.

Letters from people who are familiar with your convictions, or who have observed the evolution of your convictions, are important for your Personal CO File. These can be from teachers, religious leaders, friends, or anyone else who can attest to your beliefs on war. It is important that these letters "attest to the strength of your beliefs; their moral, ethical, or religious basis for them; and that you have held these beliefs for some time."¹³

Many years ago during the Vietnam war I was a scoutmaster. Two of the boys from my troop requested that I write a letter to their draft board to support their CO claim. I was able to attest to their diligence in living the scout oath and law. In addition, these two boys had also earned scouting's religious award for their denomination. I could also attest to that. Both boys were granted CO status. That letter was important to their case.

If you ever have to file a CO claim, these letters will be vital for its success. Pick the writers of these letters carefully from people familiar with you and your beliefs, and from as diverse backgrounds as possible. Pick both old and new acquaintances. Those writing the letters should be supplied with your personal statement and any other documents that would help them understand how to write the letters. They should use specific examples wherever possible to address the following points:

1. The writer's relationship with the CO applicant and for how long.
2. The writer's belief in how sincere the applicant is.
3. The writer's evaluation of the claim being based on the applicant's ethical, moral, or religious belief.
4. The writer's evaluation on how consistent the CO's behavior is with that claim.

¹³"Questions and Answers About Draft Registration."

Start obtaining these letters as soon as possible. But keep adding more letters as the opportunities arise. Before asking anyone to write a letter of support you should thoroughly understand page 6 of “Basic Draft and Registration Information” furnished by Center On Conscience & War.¹⁴ A copy of this page should also be supplied to the letter writer.

REGISTERING FOR THE DRAFT

Today, most male citizens, non-citizens, and aliens living in the US who are 18 through 25 years old must register for the draft. There are several ways to do this. You can do it on the internet or at a Post Office. If the SSS sends you a reminder mail-back card, you can just fill it in and mail it directly back to the SSS. If you check “Yes” in box #29 of the Student Financial Aid Form you will be automatically registered. Some high schools have assigned a faculty member to handle draft registration. In all cases, on the form you use, you will provide your full name, sex, social security number, date of birth, and address.

When you register for the draft today you are not classified or given a draft card to carry. You just fill out a registration form and submit it. You get a Selective Service number and that’s it. There is no place on the form to specify that you are a CO. Once the information is entered onto the Selective Service System (SSS) database, your registration card is discarded. Nevertheless, the time of registration is when you want to start informing the draft board of your conscience. You want to be able to later prove the date you first notified the draft board of your objection to war.

Whatever way you choose to register, it is important to use a physical form so you can make copies of it before submitting. For that reason it is best not to register on the internet or with the Student Financial Aid Form. If you register at a post office, don’t turn in the completed registration form until you have made copies. I’ll get to that in a minute.

Since there is no place on the registration form to indicate you are a conscientious objector you must make a place. Print on the form in bold letters: “I AM A CONSCIENTIOUS OBJECTOR TO WAR,” or “I AM OPPOSED TO WAR IN ANY FORM BECAUSE OF MY ETHICAL, MORAL, OR RELIGIOUS BELIEFS,” or similar words which express your convictions. Print this statement between the lines or above your signature, not in the margins. After doing that and filling in all the other parts of the form, make copies to keep.

The form you submitted will eventually be thrown away, and your notation on it about being a conscientious objector will be ignored and lost. Therefore, it is important that a photocopy you keep be legally dated so you can establish your history with the draft board from the time you registered. Two ways of doing this have been suggested. One is to place your photocopy in an envelope addressed to yourself and mail it. After you receive it back, postmarked and dated by the government, keep it sealed in your file until you someday face a CO review board. With this document you can show that your CO claim is not just something recent – rather, that you notified the SSS at the time you

¹⁴See “References” and “Resources for Further Help” at the end of this paper.

registered.

The second way is similar but I like it better. Rather than put your photocopy of the completed registration form in an envelope, fold it once (writing on inside) and staple it. Then place a stamp on the outside of the folded photocopy and address it to yourself. When you receive it in the mail you will have the dated postmark right on the back of the document itself. There will be no question on the date you first made your CO declaration to the SSS.

It wouldn't hurt to do it both ways. Then these postmarked documents should be placed in your Personal CO File.

Some 30 to 90 days later you will receive a "Registration Acknowledgment" letter – SSS Form 3-A. It repeats what you said on the registration form and will assign you a Selective Service number (not to be confused with a classification of which there are none at present). It is important to save this form in your CO file as it is your proof of registration. If you apply for any federal, and some state, benefits you will need it.

Form 3-A asks you to check that all the information you submitted is correct. It asks that you list any corrections on the accompanying Form 3-B and return it. There will, of course, be no mention of your declaration of CO status. You could write something about that on Form 3-B before returning it, such as "I registered as a conscientious objector. You apparently made a mistake by not including this in your records about me. Please correct your records." Make copies and return the form **certified mail return receipt requested**. When you get the return receipt, attach it to your photocopy and put it in your Personal CO File. The SSS will not change your records but you have made another verifiably-dated claim to being a CO. You may get a letter from the SSS saying that no classifications, including CO, are being made at this time. Keep that letter in your CO file also. It is further proof that you tried.

If you are already registered for the draft and did not mention being a conscientious objector, you can merely write a letter to the SSS requesting that it be added to your records. Or you can use SSS Form 2 – Change of Information Form – to request that CO status be added to your records. Send it **certified mail return receipt requested** and keep the receipt attached to a photocopy of the letter in your CO file.

After registering, if any data on your registration card changes, you have ten days to notify the SSS. Form 2 (available at any US Post Office) is used to make this change. After you reach age 26 you are no longer required to keep that information current.

FILING YOUR CO CLAIM & FACING THE BOARD

Although registrants for the draft are not currently being called up for military duty, that could change pretty quickly. The SSS is prepared to act on one of two procedures: 1) a 1980 mandate that the SSS have the first draftees in basic training less than two weeks after Congress and the President declare a mobilized draft, and 2) 1994 instructions from the Department of

Defense that the first draftees won't be needed until six months after conscription is passed.¹⁵ Until an active draft becomes law, there is no way to make the draft board document your CO claim. The SSS merely states: "In general, once a man gets a notice that he has been found qualified for military service, he has the opportunity to make a claim for classification as a conscientious objector (CO)."¹⁶

Be aware that all the statements you sent to the SSS prior to enactment of an active draft have no validity as a CO claim by themselves. They only establish earlier dates when you considered yourself a CO, which are necessary for a formal CO claim. You cannot file a formal CO claim until you have been notified to report for active duty. By this time you should be in contact with one of the organizations listed at the end of this paper and you should be working with a draft counselor.¹⁷ The following information is based on procedures for processing CO claims in the past. I expect that a future procedures will be similar although form numbers and small details may be different.

Filing Your CO Claim.

Filing a claim after receiving your notice to report is not as easy as it sounds. You must have everything ready to go because the timing could be extremely short. When you receive your induction orders you must act very quickly to get a CO claim filed with your draft board. It would be best to do it personally as the window of opportunity (between receiving the notice and reporting for military duty) could be as narrow as 7 to 10 days.

The CO claim is initialized by immediately filing SSS Form 8 or 9 (depending upon which of the two above-mentioned procedures the SSS will follow). This notifies your draft board that you wish to file a claim for a different classification.

Remember to keep in your Personal CO File a photocopy of everything. Sign, date, and put your selective Service number on everything. Send all correspondence to the SSS by **certified mail return receipt requested**. Then keep the return receipt stapled to your photocopy of the document. Be scrupulous about observing all deadlines. Make notes of all telephone calls and verbal conversations with the SSS, and send the local board copies of this documentation to file in your SSS file. Get all promises in writing. Again, it is highly advisable to keep a continuously-updated copy of your entire Personal CO File with a trusted friend or advisor.¹⁸

Once you file notice that you are a CO, you will not be drafted for either military service or alternative service while the claim is pending. After receiving Form 8 or 9 from you, your local draft

¹⁵The SSS is not under the Department of Defense.

¹⁶"Conscientious Objection and Alternative service.

¹⁷Check that your draft counselor was trained and possesses a *CCW Draft Consoler's Manual* or equivalent.

¹⁸The Center On Conscience & War keeps copies of files for COs. Probably other organizations listed at the end of this paper do likewise.

board will send you SSS Form 22 – “Claim Documentation Form – Conscientious Objector” – to fill out. This form asks you to describe three things:

1. Describe your beliefs which are the reasons for your 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 clearly shows that your beliefs are deeply held. You may wish to include a description of how your beliefs affect the way you live.

These three points should be answered, using separate sheets of paper if necessary. This is the time when you should also include as attachments copies of the applicable contents of your Personal CO File, especially your personal statement and the letters of support. You may want to add new or updated letters from people who will give testimony at your CO hearing.

The date that Form 22 must be postmarked or returned to the area (local) office of SSS will be shown on the form (usually ten days). Be sure to meet that date. Keep a photocopy and send it **certified mail return receipt requested**. Staple the receipt to your photocopy and file in your Personal CO File.

I strongly suggest that you immediately get copies of two documents from the Center On Conscience & War website.¹⁹ The first is “Basic Draft and Registration Information.” Pages 9-11 of that document are worksheets to help you respond to those three points. The other document is “Conscientious Objectors and the Draft.” Study pages 6-11 carefully.

Your CO Hearing Before the Local Claims Board.

After officially filing for CO status, applicants are required to appear personally before the Local Claims Board hearing with only ten days notice. You will have at least 20 minutes at the hearing. Be on time. You may present up to three witnesses and may be accompanied by an advisor/counselor. Be sure to apportion your time so that you can make an adequate statement and that your witnesses can testify. Call attention to the most important written documents that accompanied your CO claim. Ask the members of the board if they have had a chance to look at them. If not, be prepared to summarize those documents. Write, speak and behave in manner consistent with your sincere beliefs. Keep cool. Bring your friends to give you support. You have a right to request that the hearing be open to the public, but they must not be disorderly or disruptive or the hearing will be closed.

Role playing with friends prior to the hearing will be helpful. Try answering questions and delivering your statement out loud to a mock appeals board. Get used to how unexpected questions

¹⁹See “Resources For Further Help” at the end of this paper.

can be answered without them throwing you off guard. Classic questions asked to confuse a CO could be:

- What would you do if your grandmother were attacked?
- Would you have fought against Hitler?
- What was your reaction to September 11, 2001?

What you need to keep in mind is that “you are not required to know how to solve the world’s problems. ... 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.”²⁰

One question that is always asked is: “When did you decide you were a conscientious objector?” If you have prepared a Personal CO File, you will be ready for that question.

You will not be allowed to record the hearing but you can submit your own summary up to five days after the hearing, for inclusion in your SSS file. Also put copies in your Personal CO File. Your witnesses and friends who attend the hearing can take notes for you to use in writing up the summary.

You will be informed of the Local Claims Board’s decision by SSS Form 110 – Notice of Classification. If the board grants you CO status, it will assign you to a job for alternative service. If it denies your claim, the reasons will be stated on Form 110, and you will be ordered to report for military service.

Requirements for CO status are precisely defined by US law and US Supreme Court decisions. local boards, however, are sometimes ignorant of the law or simply choose to disregard it. If your claim is denied the board must tell you why. But “any basis in fact” can be used to deny a claim. Nevertheless, if your claim is well-documented there is recourse that will eventually succeed. The next step is appeal to the District Appeal Board. Form 110 will also inform you of your appeal rights.

A job assignment for alternative service can also be appealed to the District Appeal Board if it conflicts with your conscience.

See “Conscientious Objectors and the Draft,” pages 11-13, for detailed instructions on preparing for and conducting a CO Claim hearing before your Area Appeal Board.

Appealing if Your CO Claim is Denied.

To start the appeal process, fill in part three of Form 110, or write the simple statement “I appeal” on a piece of paper, and return it to the local board within 15 days of when Form 110 is dated. Be sure to date your appeal request, include your Selective Service number, and sign it. Also, request that you be present when the appeal is heard. Keep a copy and send it **certified mail return receipt requested**. Again, attach the receipt to your copy and put it in your Personal CO File.

²⁰“Conscientious Objectors and the Draft,” page 12.

After you receive acknowledgment of your appeal from the local (area) board, your SSS file in that office should be available for you to see for at least seven days (before they send it to the District Appeal Board). Go over it carefully with your advisor or draft counselor, or possibly your attorney. Check for reasons for rejection, what evidence is in the file, accuracy of the local board's minutes and procedures, and decide if more evidence should be included. Have the copy of the hearing summary you prepared to the local board within that seven-day window so it can be included in the SSS file when it is sent to the District Appeal Board. In addition, submit your own analysis of any errors in your SSS file. Once again, a reminder that everything you send to the SSS should always include the date, your Selective Service number, and signature. Keep a copy and send it **certified mail return receipt requested**.

You will receive at least ten days notice of a hearing before the District Appeal Board. You will not be able to present witnesses but you can have an advisor with you. You can also request an open hearing and have friends for support and to help you take notes.

If the District Appeal Board rules in your favor, good. If it denies your CO claim and there is just one member of the board that voted in your favor, you can appeal to the National Appeal Board.

I will stop here and refer you to "Conscientious Objectors and the Draft," page 13, for a detailed explanation on how to handle an appeal if the local board denies your CO claim. Of course, long before this time you would have had a draft counselor who can guide you through all the steps.

FINAL THOUGHTS

This paper is just to get you started. Much more information is available in the documents listed in "References." I have already urge that you obtain copies of two in particular, and study them thoroughly: "Basic Draft and Registration Information" and "Conscientious Objectors and the Draft." Both are published and available from the Center On Conscience & War website (see "Resources For Further Help" at end of this paper).

I also recommend that you read two other Pacific Life Research Center (PLRC) papers that I have compiled and which are posted at <http://www.plrc.org>. The first is entitled "Conscription, Conscience, & War: Conscription Or Conscience – You Have a Choice." The other is entitled "Conscription, Conscience, & War: A Skills Draft and the Pentagon Student Database."

Once you decide that you are a Conscientious Objector, it is very important to contact one of the organizations listed at the end of this paper. It is a simple matter to do and should be done as soon as you have determined you might be a CO.

It is also critical that you obtain a personal draft counselor. The organizations listed at the end of this paper can help you do that. Don't try to do it all by yourself. There are too many legal and procedural pitfalls that you might stumble into.

One more point. Most lawyers do not know much about Selective Service law. If it comes to the point where you need a lawyer, your draft counselor can put you in touch with a competent one.

If you follow all of the advice outlined in this paper, including the further investigation recom-

mended, you should have no trouble establishing your CO status if the draft returns. Paul Frazier illustrates the confidence with which a well-prepared CO can face his review board (again, this quotation is in the concept of the present system which affects men only):

If that young man ends up with a low lottery number and is inducted, then, when his draft board asks him, "When did you decide you were a conscientious objector?" he can say [something like], "I'm glad you asked me that. Here is a copy of a letter I wrote to my parish two years ago, saying that I was starting to think about being a conscientious objector. Here is the letter the diocese wrote back to me. They explain that Catholics can be conscientious objectors. Here is a CO form I filled out a year ago, and here are letters from organizations I have helped that work to solve conflicts without going to war."

That young man is prepared. He has learned that who he is, his values and beliefs, are independent of the procedures of Selective Service. He didn't wait. One at a time the mighty league of conscientious objectors grows.²¹

#

REFERENCES^{22, 23}

"Basic Draft and Registration Information," a 12-page document prepared by the Center on Conscience & War.

"Conscientious Objection and Alternative Service," *Fast Facts*, The Selective Service System, 18 February 2004.

"Conscientious Objectors;" a single-page fact sheet prepared by the Center on Conscience & War.

"Conscientious Objectors and the Draft," an 18-page document prepared by the Center on Conscience & War.

Frazier, Paul; "Catholics and Conscience," published in *The Catholic Worker*, August-September 2005.

"How to Register," *Fast Facts*, The Selective Service System, 18 February 2004. Available at <http://www.sss.gov/FSregist.htm>.

"Men Cannot Register After Reaching Age 26," *Fast Facts*, The Selective Service System, 19 February 2004. Available at <http://www.sss.gov/FSmen.htm>.

Military Selective Service Act, The; 50 U.S.C. App. 451 et. seq., as amended through 9 July 2003.

Nyack declaration of Conscience and Courage; prepared by a diverse community of some 30 scholars, activists, and students from the US and Canada gathered at the Fellowship of Reconciliation in Nyack, New York, 21 February 2005.

"Questions and Answers About Draft Registration," a four-page information sheet prepared by the Central Committee for Conscientious Objectors.

"Selective Service and You," Selective Service System Information Brochure No. 10, December 1999. Available at <http://www.sss.gov/sssyoud/sssyoud.htm>

SSS Website at <http://www.sss.gov> (click on appropriate menu item).

²¹Frazier.

²²Hyperlinks will not work in the PDF format. Copy the URL and paste in in your browser bar.

²³If you have trouble finding any of these documents, let me know and I will help you. B.A.

“Thoughts for Young Men Who Would Be Conscientious Objectors if the Draft Returns,” a one-page fact sheet prepared by the Fellowship of Reconciliation.

“Who Is a Conscientious Objector?,” a six-page information sheet prepared by the Center on Conscience & War.

“Who Must Register,” *Fast Facts*, The Selective Service System, 18 February 2004. Available at <http://www.sss.gov/FSwho.htm>.

RESOURCES FOR FURTHER HELP

Center on Conscience & War – National Interreligious Service Board for Conscientious Objectors, 1830 Connecticut Ave. NW, Washington, DC 20009 * Telephone: 202-483-2220 * Fax: 202-483-1246 * E-mail ccw@CenteronConscience.org * Web address: <http://www.centeronconscience.org>

Central Committee for Conscientious Objectors (East), 1515 Cherry Street, Philadelphia, PA 19102 * Telephone: 800-665-7682 or 215-563-8787 * Fax: 215-563-8890 * E-mail info@objector.org * Web address: <http://www.objector.org/>

Central Committee for Conscientious Objectors (West), 639 20th Street, Suite #302, Oakland, CA 94612 * Telephone: 888-231-2226 or 510-465-1617 * Fax: 510-465-2469 * E-mail info@objector.org * Web address: <http://www.objector.org>

Committee Opposed to Militarism and the Draft (COMD), P.O. Box 15195, San Diego, CA 92175 * Telephone: 619-265-1369 * E-mail: comd@comdsd.org * Web address: <http://www.comdsd.org>

Fellowship of Reconciliation (FOR), Peace & Disarmament Program, 521 North Broadway, Nyack, NY 10960 * Telephone: 845-358-4601 * E-mail: disarm@forusa.org * Web address: <http://www.forusa.org>

Resource Center for Nonviolence, 515 Broadway Santa Cruz, CA 95060 * Telephone: 831/423-1626 * Fax: 831/423-8716 * E-mail: information@rcnv.org * Web address: <http://www.rcnv.org/rcnv/co.htm>

War Resisters League/ROOTS, 339 Lafayette Street, New York, NY 10012 * Telephone: 212-228-0450 or 800-975-9688 * E-mail: wri@warresisters.org * Web address: <http://www.warresisters.org>

GLOSSARY

CCCO Central Committee for Conscientious Objectors.

CCW Center on Conscience & War.

CO Conscientious Objector.

FOR Fellowship of Reconciliation.

PLRC Pacific Life Research Center.

ROTC Reserve Officer Training Corps.

SSS Selective Service System.

