

About the Author

J. E. McNeil, the Executive Director of the Center on Conscience & War, has been a practicing attorney for twenty years. Before becoming the Executive Director, J. E. McNeil worked with CCW/NISBCO on its legal committee, where she contributed to amicus briefs and represented conscientious objectors in court. J. E. McNeil has also represented military tax resisters and demonstrators. At the Center on Conscience & War, J. E. McNeil oversees the implementation of CCW's programs and is responsible for the fund raising.

About the Wider Quaker Fellowship

Friends World Committee for Consultation Section of the Americas, works to facilitate loving understanding of diversities among Friends while we discover together, with God's help, our common spiritual ground, and to facilitate full expression of our Friends' testimonies in the world. Friends World Committee's Wider Quaker Fellowship program is a ministry of literature. Through our mailings of readings, we seek to lift up voices of Friends of different countries, languages and Quaker traditions, and invite all to enter into spiritual community with Friends.

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Military Service and Conscientious Objection

J. E. McNeil

(Baltimore Yearly Meeting)

Center on Conscience and War (CCW)

Introduction

We of the Wider Quaker Fellowship felt that, in a mailing with a focus on youth, we needed to at least speak to an issue that many young people today face: the question of military service. Today, in the United States, we have an all-volunteer military force. However, registration for a possible future draft is still compulsory, with serious penalties possible for those who refuse to comply. The Junior ROTC (Reserve Officers Training Corps) program is showing up in more and more high schools, and military recruiters have virtually unlimited access to high-school aged young people to persuade them to join the military. Many other countries still require military service of all their young men. We hope to provide alternate sources of information to help young people think about their beliefs and their options.

The following essay was written by J. E. McNeil, Executive Director of the **Center on Conscience & War** (CCW), formerly the National Interreligious Service Board for Conscientious Objectors (NISBCO). They are one source for further information on the topic. Contact them on the Web at www.nisbco.org, or by mail at 1830 Connecticut Ave. NW, Washington, DC 20009. Tel: (202) 483-2220, or toll-free in the U.S. at: **1-800-379-2679**.

Two other sources for information and advice, one in the U.S. and one international:

The **Central Committee for Conscientious Objectors** (CCCO) has two *offices* in the U.S.

Web site: www.objector.org. E-mail: info@objector.org
California office: 630 20th Street #302, Oakland, CA 94612
Tel: 510-465-1617 Fax 510- 465-2459

Pennsylvania office: 1515 Cherry St., Philadelphia, PA 19102 **Tel: 215-563-8787 Fax 215-567-2096**

War Resisters' International has many regional offices in several countries. Their international office is located at: 5 Caledonian Road, London N1 9DX, Britain

Tel: +44 20 7 278 4040, Fax: +44 20 7 278 0444
Peace News tel: +44 20 778 3344

E-mail: office@wri-irg.org, Web site (in German, English, French and Spanish): <http://wri-irg.org>

the executive branch of the federal government. Many states refuse to allow non-registrants financial aid for school or even entry into the state schools. Immigrants who fail to register are forever barred from US citizenship. But the tool that seems to have really turned the tide is that increasing numbers of states bar non-registrants from driver's licenses or state IDs.

This leads many who have a problem sending a message of military readiness to find different ways to meet their obligation to register.

If they decide to register, they can be prepared in the event of a draft notice. They can register at the nearest post office, and write "I object to war." or similar words on the registration form (SSS Form 1). Since the Selective Service System makes no computer record of the statement, they should make copies of the form before they submit it. One copy can be dated by folding it, sealing it and mailing it to themselves. The postmark shows the date. The Center on Conscience & War has detailed instructions as to the process on our web page at www.nisbco.org and available for the asking and may be contacted at nisbco@nisbco.org.

Others find their conscientious objection to war being pricked at the same place as during the Civil War: paying for others to do what they cannot do themselves. Many find they cannot, in good conscience, pay taxes regardless of the personal consequences. Others work to create a Peace Tax Fund. The National Campaign for a Peace Tax Fund at www.peacetaxfund.org has further information on this issue.

We continue to seek an expansion of the rights of conscientious objectors in getting a fully honorable discharge from the military and helping other find a way not to pay for war. But even without that recognition, we will continue to refuse to kill for our country. Because we believe that when Jesus said love your enemy, he didn't mean kill them.

realize because of an event, or a deeper understanding of their own faith in God, that they cannot kill.

But in the United States, there is no Constitutional basis for a discharge based on conscience, so the discharge is premised on military regulations which come and go at the whim of the Department of Defense. And only 54 countries recognize conscientious objection as a basis for discharge from the military or exemption from the draft. Because of this, hundreds are imprisoned or worse every year throughout the world. Greece, Turkey, Russia, and Israel have persecuted hundreds.

Even the United States, as recently as the Gulf War, denied wholesale conscientious objection discharges, jailing approximately 2,500 according to *The New York Times* articles at the time. Even during the period since 9/11, many have been wrongfully refused conscientious objection discharge and one, Steven Funke, faces felony charges.

The challenge is faced daily in a smaller manner by thousands of young men. Since 1981, all 18 year old U.S. citizens and all males in the United States must register within the 60 days surrounding their 18th birthday.

Not *everyone* registers with Selective Service. Some young men find it morally unacceptable to register for the draft.

They would rather face prison than violate their deepest beliefs. Some also know that they have been used politically to support conscription, cold war threats, and now, threats against developing nations.

Forty percent of the men who are required to register for the draft don't register in the sixty-day time period required by law. Most get around to it eventually, although at least one or two percent still haven't registered by the time they are twenty, according to reports from the Selective Service System. At age 26 they are no longer allowed to register, so the number of permanent non-registrants increases daily. There is a known minimum of at least 300,000 people, perhaps a million, who are becoming permanent non-registrants. Many do so because they believe registering for the draft is wrong.

Since prosecution in the 1980s only led to more men refusing to register, other methods have been devised to close the gap. Those who do not register cannot receive federal aid for school, or work for

Military Service and Conscientious Objection

The concept of conscientious objection to war should be a simple enough idea: conscientious objectors will not fight in war. As a former staff member of the Center on Conscience & War wrote to the *New York Times* in 1987:

So, for the record, here is what conscientious objectors object to:

We object to killing. We object to killing in the name of capitalism, we object to killing in the name of Communism, and we object to killing in the name of religion. We object to being forced to register for war and killing, and we object to being forced to participate in the preparation for war and killing. We object to killing innocent civilians, and we object to killing soldiers. We object to nuclear weapons, and we object to conventional weapons.

When war comes, many of us will perform peaceful alternative service. Many of us will go to jail rather than compromise deeply held beliefs.

But we will not fight. We will not kill.

Yet the very existence of the letter makes it clear that many do not understand conscientious objection. And many, even many Quakers (who generally accept conscientious objection as a fundamental belief), feel that it is a belief best used during peace times-or when the war is unpopular. The Peace Testimony was severely challenged shortly after 9/11/2001. Scott Simon, a Quaker and radio personality, spoke for many Friends when he (wrongly) stated that "even a pacifist" could support retaliation for the terrorist attacks.

Conscientious objection to war has been around as long as wars have. Many religions support it. All early Christians were conscientious objectors (COs). Many went to their deaths rather than to fight, taking Jesus's admonition that God's law was no longer "an eye for an eye" but turn the other cheek and love your enemy.

In the 3rd Century, Constantine, emperor of Rome, had a vision of a Cross in the clouds on the eve of a battle. Even though he had killed Christians, he took the cloud as a sign that if he converted he would win.

He converted on the spot and prevailed in the battle. He made Christianity a state religion.

As a state religion, Christianity needed a rationalization for fighting the wars necessary for maintaining the empire. In the fifth century Augustine of Hippo devised the concept of a Just War being sanctified by God. Some of the Just War criteria (all of which had to be met) were: it had to be winnable, it had to be fought to contain evil and not for conquest or revenge, the war had to be proportional to the evil that was to be contained, all non-violent means to avert the war had been exhausted, there could be no civilian targets, and there could be no weapons of indiscriminate targets or-as they are called today-weapons of mass destruction.

It takes little imagination to realize that no war since 1900 has been able to fairly meet *all* of these criteria. Yet virtually every Christian Church has accepted as part of their doctrine Augustine's concept of Just War, while providing at least nominal recognition of conscientious objection as being consistent with Christian belief. Based on the concept of Just War, churches supported the entry of states into World War I, World War II, the Korean War, initially the Vietnam War and the U.S. attack of Afghanistan, ignoring the fact that none of these wars met all of the criteria. On the other hand, only the Southern Baptist Convention found the U.S. invasion of Iraq a Just War.

The churches which reject this concept, very much in the minority, include, of course, the Historic Peace Churches: Quakers, Mennonite and Brethren; but also the Christadelphians, most Seventh-day Adventists, and the Jehovah's Witnesses.

Quakers, of course, have from nearly the very beginning rejected war. George Fox's statement was unequivocal: "...we... utterly deny... all outward wars and strife and fightings with outward weapons, for any end or under any pretense whatsoever. And this is our testimony to the whole world."¹

Early COs faced huge obstacles to refuse to fight. Many Churches fled country after country seeking a place where they would not be forced to take up arms for the state. This led many Peace Churches to the Americas. There the concept of not forcing people to fight who were conscientiously opposed began to take root. The charters of Pennsylvania, Rhode Island and Virginia all recognized that right.

¹ George Fox, *Journal of George Fox* (London Yearly Meeting, 1975, John L. Nickalls, Ed.), p. 399.

But rights on paper are often challenged by the fervor of the moment. Many Quakers, Mennonites and Brethren were beaten, robbed and driven from the colonies for refusing to join the American Revolution. While the Second Amendment of the U.S. Constitution originally provided for conscientious objection, it was deleted before passage.

Fortunately for most COs, there were no drafts in the early years of the United States. But that luck ran out in the Civil War. There was no provision for COs during the Civil War, but a draftee could pay for someone else to take his place. Many COs saw this as little better than fighting themselves and so refused. Once again they lost property, were beaten and driven from their homes. Many were jailed and some shot.

In World War I things were a little better. Members of the historic Peace Churches were allowed to be non-combatants. COs of any other church or members of Peace Churches who could not participate at all in the military went to military prison. There 18 of them died under the cruel conditions of prison.

In August of 1940 with World War II clearly on the horizon, Congress voted to establish the first peace-time draft in the history of the United States. As part of the fierce lobbying effort a new concept was provided: rather than jail, COs would be allowed to do alternative civilian service of national importance. In addition, the definition of conscientious objection was enlarged to include anyone whose objection to war in any form was based on a deeply held, sincere religious belief. This was the first statutory recognition of conscientious objection. Over time the definition began to change, with litigation, to include moral and ethical beliefs.

But the legal definition has never included selective objecting: objection to participation in certain wars, which is, of course, the primary religious position.

Today, many people believe that conscientious objection is an outmoded concept in these days of an all-volunteer military. Indeed, conscription has definitely been on the wane in the last few years. Italy, France and others have ended or will shortly end their drafts. But nearly 100 countries still have conscription. And many others, including the United States, have economic drafts-where the military is viewed as the only real choice to escape poverty. So it still arises as an issue with young men and women who join the military and then