



The Guide for COs in the Military

A publication of the Center on Conscience & War

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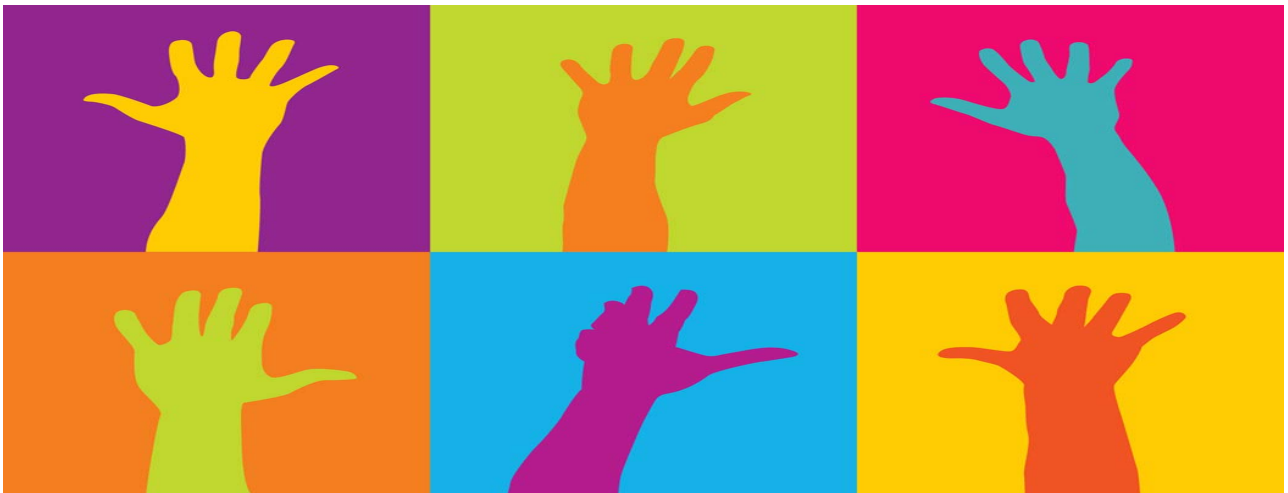


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* In the military, “CO” generally means “commanding officer.” For the purposes of this guide, however, “CO” means “conscientious objector/objection.”

ABOUT THIS GUIDE

Everyone has a conscience

Few people wrestle with their conscience as much as members of the military - especially those in combat.

If you are one of those people, this booklet is for you. (This

booklet is for those already in the military. If you are a conscientious objector facing draft registration, contact the Center on Conscience & War (CCW) at 800-379-2679 or visit our website¹ for our booklet

Conscientious Objectors and the Draft.)

Know that you are not alone. Every year hundreds of military personnel apply for conscientious objector (CO) status². Conscientious objectors have been with us as long as there have been wars.

Counselors at CCW and at other offices of the GI Rights Hotline talk with military personnel every day who are questioning the morality of the orders they receive or jobs they are expected to perform.

¹ www.centeronconscience.org

² GAO report 07-1196, Sept.2007, p.8

This booklet will help you understand the military's policy about conscientious objection so you can figure out if it applies to you. It will also explain the application process for COs in the military. If you are a CO, we hope it will empower you to act on your beliefs.

President John F. Kennedy, a World War II hero said, "Wars will exist until that distant day

*when the conscientious objector enjoys the same reputation and prestige as the soldier does today."*³

Current military policy is based on draft law that defines a conscientious objector as someone who, "by reason of religious training and belief, is conscientiously opposed to participation in war in any form."⁴

The Department of Defense (DoD) defines conscientious objection as "a firm, fixed and sincere objection to participation in war in any form or the bearing of arms, by reason of religious training and belief."⁵

The Supreme Court has ruled that ethical and moral beliefs qualify as well.⁶

If you are facing deployment

If you are facing deployment, it is imperative that you immediately submit a written statement that you are a conscientious objector!

While a CO application may not protect you from deployment orders, it's much better to submit your initial statement as early as possible when deployment is imminent.

Generally, you want your statement of what you believe to be in good shape before you submit it or inform your command that you are applying to be a CO.

But in this situation, getting at least a brief statement on record quickly can make a huge difference.

We can help you figure out what you should do.

Contact the Center on Conscience & War at 800-379-2679 immediately.

³ Letter to a Friend in the Navy available at www.jfklibrary.org

⁴ 50 USC App.456.j.

⁵ DoDI 1300.06 par 3.1.

⁶ U.S. v. Seeger, 380 U.S. 163 (1965); Welsh v. U.S., 398 U.S. 33 (1970).

To qualify for discharge from the military you must show that you do, in fact, conscientiously object to participating in war, and that your beliefs have changed, or "crystallized" since you joined the military.

It's not easy to figure out whether you are a conscientious objector. And it's not easy to write up your statement of what you believe. You may question yourself about your motives, your responsibility to others in your unit, and to the government. You might wonder how this will affect your relationships with friends and family members. You might think you don't know enough about the Bible, Koran, Talmud, or other sacred text to be able to explain your beliefs adequately to others. And others may not understand. They may criticize you, telling you you're wrong or that you don't understand the teachings of your religion.

Know that there have been conscientious objectors from virtually every religious tradition. And remember that no one knows what you believe better than you: **You** are the world's expert on what **you** believe.

When you approach your command, you may find that they know nothing about conscientious objection and military policy. They may try to discourage you, saying "you'll never get out that way". They might suggest that, if that's what you really think, there is something wrong with you. They may even suggest that nobody really believes what you believe – that it's just something people make up to avoid their responsibilities.

But you are part of a long tradition, joining

many thousands of courageous conscientious objectors who have risked much to protect the rights we cherish. The staff at The Center on Conscience & War is here to help you.

Counselors with the GI Rights Hotline can also help.

Remember that it's okay for you to get help from the Center or another counselor.

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If you are questioned about whether you have sought outside help, or whether you have consulted this booklet, it's best to be honest and say that you have done so.

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UNDERSTANDING "CO" IN U.S. LAW

Are you a conscientious objector? A conscientious objector is someone who believes it is wrong for them to participate in war. You must actually *object* to participating in war. That's more than just disliking war or having questions about the wisdom of war. Most people don't like war.

Like most people who joined the military, you probably weren't excited about the prospect of going to war. You may have realized that you might have to be a part of war and accepted that sometimes it's a necessary evil. Even if you didn't like war, you didn't actually object to it.

But now something has changed: You realize that you *cannot* in good conscience be a part of it.

U.S. law requires that your objection be based on "religious training and belief"; the Supreme Court has ruled that *ethical and moral beliefs* qualify as well.

Religious training and belief. When it expanded the definition beyond traditional religion, the Court was careful to explain that these beliefs must be central in a person's life. They talked of beliefs that hold "a place parallel to that filled by... God" in a traditionally religious person and beliefs so strong that they "impose upon him a duty of conscience."⁷ They talked of beliefs that are bigger than the individual; something beyond yourself. Your belief, to qualify, must be about something more important than your survival alone, and should be related to higher values or to a traditional religious belief.

U.S. law requires that your objection be based on "religious training and belief"; the Supreme Court has ruled that ethical and moral beliefs qualify as well.

DoD Instruction explicitly states that if you object "solely upon considerations of policy, pragmatism, expediency, or political views" you do not qualify as a conscientious objector.⁸

You'll need to think about what you believe and what your conscience will or will not permit you to do in view of your values!

Political objection. A political objection would be expressed by stating "this war is illegal" or "Bush lied about weapons of mass destruction."

While these things may be true, these expressions cannot be the sole basis of a CO claim.

Pragmatic objection. An expression of pragmatism or expediency would be "The war isn't working. There are better options." Again, the truthfulness of this statement is not the issue. Such a statement cannot be the sole basis of a CO claim. But keep in mind that your values or religious beliefs don't exist in a vacuum. You live in a real world where

political decisions have moral or immoral consequences. So your beliefs probably do influence your political or social opinions, and that's okay. But remember to focus on the values you hold that influence your opinions and downplay the political and pragmatic aspects.

Your own participation in war.

Your objection must be to your *personal participation* in war. When you write your conscientious objection statement, you are not writing a treatise on war and peace or how the U.S. can defend itself without weapons or without going to war. You are writing about your personal beliefs, and what you can or cannot do because of those beliefs. That's very different.

While many conscientious objectors become actively engaged in the political process and work to stop war, not all of them do. There are some traditional religious COs who feel the state may choose to go to war, and it is the right of the state to do that, but they are very clear that God has commanded them to not participate. They qualify as COs!

What you must object to is your own participation in *war*. The first definition of war in the Miriam-Webster Online Dictionary is "a state of usually open and declared armed hostile conflict between states or nations." You must object to being a part of that. You do not necessarily have to object to using force or even violence to defend yourself or someone else who is being victimized by violence. (For more on this point look at *Answering the "Trick Question"* on page 19.)

War in any form. You must object to participation in war in any form. The courts have interpreted this to mean that you can't pick and choose your wars.

⁷ Welch at 340.

⁸ DoDI 1300.06 par 3.2.

If, for example, you say "I object to participating in the war in Iraq, but I would fight in Afghanistan" (as some have said) you do not qualify as a conscientious objector under U.S. law.

You do not have to be a pacifist to be a conscientious objector!

This can present a problem for conscientious objectors in the military. They often come to realize that they have moral qualms about orders they have just been given or to the war they are being sent to or the job they are performing, but they have yet to think about war in general. They had just assumed it was sometimes necessary and, therefore, okay even if they weren't very excited about it. Now they have a moral dilemma. They are not certain that they could honestly say they are opposed to participating in war in any form, but are certain they object to what they are being asked to do.

So it is important to think about your values:

- What's wrong with your orders or with the war you are currently questioning?
- What values do you hold that cause you to think it is wrong?
- What kinds of conditions would have to be met in order for you to feel this does not violate your values?
- Could those conditions really exist in war today?

If your answer to the last question is "No", you may be a conscientious objector.

"Selective" conscientious objection

If you believe there are wars in which you could in good conscience participate, you do not qualify as a conscientious objector under current U.S. law. This is not to deny the validity of your conscience, but rather to describe the narrowness of U.S. conscientious objector law.

Seriously consider whether there really is a

war in which you can participate.

Many religious traditions, while affirming that war is generally not good, set out standards for "just war" consistent with the faith.

These traditions cite several factors including:

- The war must be defensive—in response to a real and immediate threat
- The war must be a last resort, and all peaceful means must have been tried and failed before resorting to war
- The good that is expected to come from the war must outweigh the destructiveness of the war;
- The soldiers must fight against other soldiers, and leave the civilian population out of it.

If you accept this kind of teaching and conclude that you might, in good conscience, be able to participate in some wars even though you believe other wars are wrong, you are a selective conscientious objector.

As a selective conscientious objector you do not qualify for CO status under current U.S. law.

By applying these principles to modern warfare, however, some selective-objectors have come to the conclusion that there can be no such thing as a just war. These people may qualify as conscientious objectors under current U.S. law.

This is important to understand. The Handbook for Conscientious Objectors, 1972 edition, put it this way:

Some will fight only when Allah commands, and Allah remains silent; some will fight only in Armageddon, which seems always to lie in the future; some would fight if there were no nuclear weapons, but there are; some would fight if

certain theoretical criteria were met, but they can't be. In the meantime, these [people] may find themselves opposed to [participation in] "war in any form" and can say so honestly.⁹

The military and our culture try to portray conscientious objection as an extreme, even absurd perspective that almost no one really believes. The truth is that we all have a conscience. Objecting to something based on your conscience is a normal thing to do.

If you are a conscientious objector, you should consider applying to be recognized as a CO by the military.

If you think you're not a CO, contact The Center anyway. We may still be able to help you get out of the military.

And if you're not sure, we may be able to help you figure it out!

If your beliefs forbid your participation in war in any form, you qualify as a conscientious objector under U.S. law.

WHAT MILITARY POLICY SAYS ABOUT COS

The military recognizes two kinds of COs:

- those who object to participating in war as a combatant (1-A-O)
- those who object to any kind of participation in the military (1-O)

COs apply for either reclassification as a non-combatant or for a discharge from the military.

You must show that your beliefs have changed since you joined the military.¹⁰ This actually makes sense because if you felt then the way you do now, you would not have joined the

⁹ Tatum, Arlo. *Handbook for Conscientious Objectors*, (CCCO, 12th edition, 1972; p.61).

¹⁰ DoDI 1300.06 par 4.1.1.

military.

The military will discharge those it recognizes as 1-O conscientious objectors.

Those who are recognized as 1-A-O conscientious objectors are often reclassified as non-combatants, but generally are not permitted to re-enlist. And sometimes if a non-combatant job is not available, 1-A-Os are discharged.

Since the 1960's when this policy was established, the vast majority of conscientious objectors who have gone through this process have been honorably discharged.

In recent years (2002-2006), government studies indicate a mere 53% approval rate for conscientious objectors.¹¹

Non-combatant service. Many COs in the military struggle with the fact that they signed a "contract" and have a commitment to their country or to the other members of their unit, yet now their conscience will not allow them to continue in their present role in which they may be required to kill someone. Some see noncombatant military service as a logical compromise.

Far too often, those who make that choice later come to realize that their new responsibilities also violate their conscience. It's important that you understand noncombatant status so you that can make the best decision.

Being classified as a noncombatant simply means that you would not be required to carry a weapon, use a weapon, or be trained in the use of weapons. Other than this, you would be a full and regular member of the military.¹²

¹¹ GAO report 07-1196, Sept. 2007, p.4.

¹² DODI 1300.06 par 3.3 outlines non-combatant service:
3.3.1. Service in any unit of the Armed Services that is unarmed at all times.
3.3.2. Any other assignment the primary function of which does not require the use of arms in combat

This does not mean that you would not go to war. You could be sent to the front lines in a non-combatant role.

Historically, the most common assignment of COs in the military has been to the medical corps where they often found themselves on the front lines of the battlefield providing medical care to wounded soldiers.

The mission of the medical corps is to keep the soldiers in good physical condition so they can fight the war most effectively. The corps' mission means that the objective of battlefield medicine is different than what you experienced with your family doctor and is even different from the practices you'd find in your local hospital emergency room. One major difference is in the way battlefield triage is implemented.

Triage is a necessary practice of sorting great numbers of casualties when first responders cannot possibly take care of everyone at the same time. Patients are sorted into groups to determine who gets medical treatment first.

Battlefield triage puts those with minor and superficial injuries at the front of the line because they can be most quickly patched up and sent back into the fight.¹³ This approach

provided that such other assignment is acceptable to the individual concerned and does not require him or her to bear arms or to be trained in their use.

3.3.3. Service aboard an armed ship or aircraft or in a combat zone shall be considered to be non-combatant duty unless the individual concerned is personally and directly involved in the operation of weapons.

¹³ Army Field manual 8-10, par 14-4,b "...treatment during a mass casualty situation is based on what can be done to save as many lives as possible and to maximize

makes sense considering the mission of the military. But battlefield triage runs counter to many people's moral thinking.

It means that some people who might have been saved had they received prompt medical attention will die while medics are busy treating those with minor problems.

Civilians and those classified as "enemy" are always at the bottom of the list, no matter what their injuries. Many conscientious objectors find that this kind of service violates their conscience.

On the eve of the Normandy invasion during World War II, General George S. Patton, Jr. said,

*"Every single man in the 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."*¹⁴

Every job in the military has supporting war as its ultimate objective. This can create 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. Only you know what your conscience will allow you to do. You should think carefully about which option you choose.

Once you have decided to apply to be a CO, you must submit a written application that answers more than twenty questions. You

RTD." (RTD means Return to Duty)

¹⁴ Speech to the troops, June 5, 1944; from Province, Charles M., *The Unknown Patton*. (Random House Publishing, NY) Jan. 27, 1988.

should also submit letters of support.

Working with a good counselor who understands military CO law from the beginning of your CO application process can make all the difference in the world.

Besides helping you to do a good job throughout the process, therefore increasing your likelihood of success, the counselor can help you create a "paper trail" that increases the likelihood of success should you have to go to court. The counselor can also provide moral support throughout the process which is often long and sometimes stressful.

THE CO APPLICATION PROCESS

ANSWERING THE ESSENTIAL QUESTIONS

THE WRITTEN APPLICATION

The CO applicant is required to answer essay questions about their life and beliefs. It's probably more writing than you normally do. Remember: You're trying to convince the military to release you after they've spent thousands of dollars training you. You will need to write more than seven paragraphs to convince them!

There is no official form to fill out for a CO application, although those in the Army begin the process by submitting DA Form 4187.

The regulations for each branch contain a list of questions in an appendix or attachment: "Required Information to be Submitted by CO Applicants."

You will be expected to answer over twenty questions. Many of the questions are not very relevant, such as every place you ever lived, every place you ever worked, and every school you attended. Do your best to answer these

questions, but don't get bogged down on them! (So what if you can't remember your address from when you were in 5th grade?)

There are six questions that relate to your beliefs and get to the heart of your CO application. Save your energy and time for them. They can be summarized by these three questions:

- What do you believe (about participation in war)?
- How did your beliefs develop (what events, factors influenced you to believe this)?
- How does your life reflect those beliefs (or how do your beliefs influence decisions or choices you make daily)?

Proving what can't be proven

It's very difficult to prove what you believe. By definition, a belief is something that can't be proven. Yet someone applying for CO status is expected to establish that they are sincere in their beliefs. How can you do that?

Look at the three questions above. As you describe events that occurred in your life that caused you to change, and as you write about how your beliefs affect choices you make in your life, presumably your sincerity will shine through.

What you want to do is create a written record that clearly shows what you believe and how you came to those beliefs. You are not trying to convince military officers to agree with you—they probably won't. But you are trying to convince them that you sincerely believe this! Ideally you are trying to describe a scenario in which someone who doesn't even know you can read the documents and maybe think, "If I had been in his (or her) shoes, it's possible I might have had the same response and come to the same conclusion about war." Or at least, "I can see how that caused him/her to come to

that belief about war.” (Each of the six questions are treated in depth later on in *A Close Look at Your CO Application* on page 16.)

You absolutely want to include testimony from others who know you and are willing to speak on your behalf. They could be people in your unit with whom you have had conversations about your beliefs.

You may want to include testimony from people who were present when events occurred that influenced you and caused you to change. Their description of the event and/or the effect it had on you can be pivotal.

Counseling Statements

Shortly after you submit your written application, you should receive several written documents called “counseling statements.”

One of them concerns potential loss of veterans benefits. It may appear that you will lose all your veterans benefits if you apply for CO discharge, but that is not the case.

If you refuse orders while your CO claim is pending, *then* you could lose some of your benefits. However, if you comply with all orders given while your claim is pending, you remain eligible for all the benefits for which you would otherwise qualify (based on your length of service and characterization of discharge) except for the “right” to re-enlist.

THE INVESTIGATION

Your commander will appoint an Investigating Officer (IO), someone of the rank O-3 or above who is not in your direct chain of command. The IO should get all of the written material you have submitted in support of your claim, and then conduct an investigation.

The IO may interview your commanding officer and others in your unit to learn more about you. The IO may even call or email members of your family or your minister if you

identify your religious upbringing as a significant factor in shaping your beliefs.

The IO may contact those who have written your letters of support.

The IO hearing. You should have a hearing with the IO. (A hearing is not required, and on occasion you may be asked to sign a paper indicating that you’ve agreed to waive your hearing. **Do not waive your hearing.**)

At the hearing, the IO is supposed to ask questions about your beliefs, about your statements in your written application, and anything else that seems appropriate based on what was discovered in the investigation.

But before your IO hearing, you will have two interviews:

- A psychiatrist or mental health specialist will determine if you are fit to go through the CO discharge process. They will be looking to see if your application is really the result of Post Traumatic Stress Disorder (PTSD), or some other emotional or mental issue.
- Even if you’re not religious, a military chaplain is supposed to look at the basis of your claim and make some determination about your sincerity.

You should be very familiar with your CO application when you go to your interviews. In fact, it’s best to have a copy of it with you at all the interviews or hearings.

The chaplain interview. The required interview with the chaplain is often a major obstacle for the CO applicant. If you are not religious, or have a spiritual orientation that is not Christian or Jewish, the chaplain may be totally clueless about your spirituality or ethical framework. Yet the chaplain is required to “submit a written opinion as to the nature and basis of the applicant’s claim, and as to the applicant’s sincerity and depth of

conviction.”¹⁵

Even if you are of the same religion as the chaplain conducting this evaluation, the chaplain is someone who has reconciled his or her faith with their military service. So you will be expressing an understanding of the faith that is different than the chaplain’s own understanding.

Sometimes the chaplain has suggested that the CO is simply immature in their faith or misunderstanding it.

Sometimes the chaplain will engage in a theological debate with the CO applicant—which is patently unfair. The chaplain often has a Masters degree in theology and the CO applicant may have little more than a high school education and is still trying to sort out the details of what they believe, but they know in their gut that their participation in war is wrong. Because the CO regulation says that one’s objection to participation in war must be “firm” and “fixed”¹⁶, chaplains sometimes write that it is not firm and fixed because it is still new for the applicant and he or she is still trying to sort it all out.

Be aware that the chaplain’s interview is important! Put your best foot forward. And be aware that the chaplain’s report carries a lot of weight. More than a handful of CO applications have been denied because of something said in the chaplain’s report.

Biases often permeate military culture.

Christian fundamentalism, often equating military service with serving God, runs throughout the military. This is more prevalent at some locations than at others.

Racial and class bias are also present. One may

The chaplain is someone who has reconciled his or her faith with their military service.

be told that since they are from the projects in a violent urban area, they couldn’t possibly be a conscientious objector. One CO was told that because he listens to hip-hop music, he couldn’t be a Christian.

Since the military system is hierarchical, officers are likely to be treated better, and more fairly, than enlisted personnel.

Even though the regulations are clear that a decision should be based on whether the applicant qualifies rather than whether he or she has skills needed by the military, we have observed that

when the military has invested a lot to train or educate the person, they are reluctant to let them go. If this is you, you’ve got to do a better job on your application.

The IO will have the written reports from the psychiatrist and the chaplain. It is important for you to write up a detailed, accurate account of each of these interviews from your perspective immediately after the interview while it’s fresh on your mind. This may be useful later for establishing an accurate record.

You can submit your accounts of these interviews to be included in your CO packet. Your summary may also be useful later in writing rebuttals, if necessary, or if your case ends up in court.

The Investigating Officer (IO). Most likely, the IO will have never done a CO investigation. He or she has probably never seriously considered the CO process before being assigned as your IO.

Often IOs are looking at the regulations and trying to figure out the proper thing to do.

They also may come from a cultural perspective that suggests, “Nobody really believes this nonsense. It’s just something some people make up to get out of their responsibilities.”

¹⁵ DoDI 1300.06, par 7.3

¹⁶ DoDI 1300.06 par 3.1

They often have no appreciation for the struggles and soul searching you have gone through to get to your present position. So they may come across as callous or prejudiced against you. Often they are just that - but sometimes they are not!

In an ideal world, the hearing would be your opportunity to point to the strengths of your application and why you should be granted CO status. This would be the IO's chance to ask questions about anything that seems ambiguous or unclear. The Army regulations explain it this way: *"The hearing is to provide the person the chance to establish, by 'clear and convincing evidence,' that he or she is a conscientious objector as defined by this regulation. The investigating officer's recommendation must be based on fact."*¹⁷ In reality, the IO is often looking for a reason to deny your application.

You need to put your best foot forward at the interview. You need to clearly say what you believe. And you need to be careful not to let the IO's questions lead you into speculating about things you don't know or don't believe. If you don't have an answer to a question, say so!

Even though the courts have said that you can't pick and choose your wars and be a CO under U.S. law, they have also said that what you must object to is real wars that happen now. This means that you are not required to transport yourself back into history or into some future hypothetical world and speculate about how you would respond. You exist in this time and place in history, and wars in the current situation are what you are faced with and know. For example, had you grown

up in the '30's during the rise of Hitler, you would not be the person you are now. In reality, you do not know how you would have responded to that war, even if you think you do know.

Similarly, it doesn't matter how you might react to war in some future, hypothetical world in which no one gets hurt or killed fighting wars. The Supreme Court has said,

*"Unwillingness to deny the possibility of a change of mind in some future, hypothetical circumstances may be no more than humble good sense, and casts no doubt on the [person's] present sincerity of belief."*¹⁸

In your interviews, and other encounters with military officers throughout the process, some military personnel who have fought in a war might ask you how you would have responded to situations they encountered. They may recall their fears of Communism or anger at Bin Laden and suppose that a moral and patriotic person would fight against these evils. So, despite the fact that you are not legally required to know what you would have done in hypothetical situations, be prepared to answer these kinds of questions. A

thoughtful "I don't know", perhaps with an explanation, is preferable to an answer that appears evasive or one that comes across as insincere.

What are you able to do personally if called to fight in a real war? No matter what questions the IO may ask, always try to bring the discussion back to this. To be a CO means that the real you - the person who is living in this time and this place - has come to the

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¹⁷AR 600-43 App D-3.c.

¹⁸*Gillette v. U.S.*, 401 U.S. 437 (1971).

conclusion that you cannot participate in war. What your parents did and what your God might require you to do in a divine intervention from outside ordinary history is irrelevant; your personal participation in real wars that could happen now is the real issue.

At your IO hearing you can bring an advisor¹⁹ and witnesses to testify on your behalf.²⁰ A good advisor can make all the difference in the world because, by engaging the IO in conversation, they may have a significant impact on how the hearing goes (good or bad).

Your witnesses can likewise make a big difference.

You may make a recording or transcription of the hearing at your expense provided you give a copy of it to the IO.²¹ This is generally a good idea, but it's best to discuss this with the IO *before* the hearing so he or she is not caught off guard or intimidated by the recorder. That way an accurate account of what was said can be part of the record, avoiding the proverbial he said/she said problems. You can submit the written transcript of the hearing to be included in your packet that goes up through the chain of command.

The IO will write a report describing the interview and other information he or she has discovered. "In the absence of a verbatim record, the investigating officer will summarize the testimony of witnesses and permit the applicant or the applicant's adviser to examine the summaries and note for the record their differences with the investigating officer's summary."²² The IO will also make a recommendation as to whether or not your application should be approved.

¹⁹ DoDI 1300.06 par 7.4.2.1.

²⁰ DoDI 1300.06 par 7.4.2.3.

²¹ DoDI 1300.06 par 7.4.2.4.

²² DoDI 1300.06 par 7.4.2.4.

REVIEW & REBUTTAL

At this point your entire CO file comes to you for you to review and, if necessary, you can submit a rebuttal. But you must act quickly because you will have a maximum of five to fifteen days for submitting your rebuttal, depending on your branch of service.²³

The rebuttal is an important step in the process. You need to look at the record and see if *anything* is wrong. Even if the IO recommends approval, if they misstate the facts in the case you need to submit a response to correct the record.

You should especially look for things that may have been taken out of context or interpreted in ways you did not intend when you said or wrote them. When your packet goes up the chain of command for final approval all they will have is the written record. If inaccuracies are in the record, that could affect their decision.

You may also add additional information if it seems necessary to clarify something in the record.

After your review and any rebuttal, your application then goes to the Judge Advocate General (JAG) for a review to ensure everything is complete and legally "sufficient." Then it goes up the chain of command, ultimately reaching the Secretarial level.

The Secretary of each branch of the military has a CO Review Board, made up of military officers who will not have met you. The Board decides whether or not to recognize you as a CO based on the written record.

The DoD Instruction allows for the Secretary of the Department to delegate decision-making authority.²⁴

²³ Marines allow 7 days; Army, 10 days; Coast Guard, 2 weeks; Air Force, 15 days; Navy, 5 working days.

²⁴ DoDI 7.6. The Marines and Coast Guard specifically

As your claim works its way up the chain of command, at every step along the way, officers in the chain submit their recommendations as to whether your claim should be approved.

The regulations state that any time something negative is added to your packet, it is supposed to come back to you with an opportunity for you to submit a rebuttal.²⁵

Often those up the chain add negative comments and you aren't even aware that it has happened, so you don't have the opportunity to submit a rebuttal.

How long does all this take? The CO application is not an easy or quick way out of the military.

The 2007 GAO Report²⁶ stated that, on average, it took seven months for a conscientious objector claim to be processed.

While the Army regulations state that the process should take less than 90 days (180 days for reservists), according to our observations, it almost always takes at least a year. Eighteen months is common, and sometimes it takes 2 or 3 years.

You may be able to speed up the process by asking -- politely but persistently -- "Where's my application now?"

WHILE YOUR CLAIM IS PENDING

As your application moves up the chain you remain a member of the military. You are required to follow all legal orders or you may face disciplinary action.

leave the authority with the Commandant. The Army delegates the authority to approve 1-A-O claims to the "commander exercising General Court-martial Authority over the applicant." The Navy and Air Force regulations are silent on the delegation issue.

²⁵ DoDI 1300.06 par 7.7.

²⁶ GAO op cit p.4.

Regulations state that the command should accommodate your beliefs as much as possible.²⁷ In the Army, you cannot be required to continue in weapons training.²⁸ If there are jobs in your unit that are more in line with your conscience, you can point this out to your command and request a reassignment. But it is up to the command to reassign you, and their primary concern is the military mission - not accommodating your conscience.

The regulations state that any time something negative is added to your packet, it is supposed to come back to you with an opportunity for you to submit a rebuttal.

Conscientious objectors have had a wide variety of experiences during this period. Some have had commands that genuinely tried to work with them to find assignments that accommodate the CO's beliefs. Others have had commands that deliberately gave them orders that were a problem for them: If the CO obeys the order, the command can suggest that they aren't serious about their CO beliefs; if they disobey, they could be court-martialed. Most COs have experiences that are between these extremes. Many, at some point in the process, are faced with the dilemma that their conscience conflicts with their duties.

It is important for you to understand that the military cannot legitimately turn down your CO application simply because you did what the law requires and followed orders. In fact, the regulations explicitly state that you *must* continue to obey orders while your claim is pending.²⁹ However, you will have to live with your conscience, and many conscientious objectors find they must refuse orders and face the consequences.

It is important to know that if you do disobey orders, you could face disciplinary action and your conscientious objection is not an

²⁷ DoDI 1300.6 par 7.9.

²⁸ AR 600-43 par 2-10.a.

²⁹ DoDI par 7.9.

acceptable defense. If you are court-martialed, processing on your CO claim could be suspended. And if you receive a punitive discharge, that will end the processing on your CO application.

Harassment. How others in your unit treat you while your claim is pending varies widely.

Some COs receive quite a bit of respect for taking a conscientious and unpopular stand, and you may even meet others on your base who tell you quietly they wish they had the courage to do what you are doing. But many are harassed and ostracized and often feel quite lonely. You may have to look deep within yourself for the strength to deal with life on the military base while your claim is pending.

If you are harassed, treated unfairly, verbally abused, or worse, you do have recourse. The command is supposed to maintain order within the unit, so you should approach the command about the problem.

If your commander fails to stop the abusive treatment you are receiving, you can file a complaint against your commander. Contact the Center for help if this happens.

Keeping the process moving. We've said that the CO process takes months, even years.

Sometimes a command just sits on the paperwork and does not forward it up the chain of command.

Sometimes they don't even assign an IO in a timely manner which delays the IO investigation and the rest of the process. This has especially been a problem when the CO is stationed in a war zone. The command can (somewhat legitimately) claim they have more important things to worry about.

When this happens, if friendly reminders and questions about where the packet is don't work, it may be necessary to file an Article 138

complaint³⁰, or even get a member of Congress to put pressure on the command.

In combat situations, it may be most difficult to remain connected to your support networks. Email and cell phones have helped a lot - but it may still be difficult. If you contact the Center, we will do all we can to help you pressure your command.

THE DECISION

Your command will be informed of the decision before you are, and often they will tell you before you get the official notification in writing.

Sometimes they give false information to mess with your mind. And sometimes they wait weeks after getting the decision before telling you a decision has been made.

Approval. If your claim is approved, you will be discharged unless you applied for 1-A-O.

Those who are classified 1-A-O "*shall be assigned to non-combatant duty. . . or discharged from military service or released from active duty at the discretion of the Secretary of the Military Department concerned.*"³¹

Denial & your options. If your claim is turned down, regulations require that you be told why.³²

There is no appeal within the military since the denial came from the highest level.

You do have a few options, however:

- Remain in the military as before you filed your CO application, although this is generally not an acceptable option for COs
- Seek discharge on other grounds
- Submit a new CO application (which

³⁰ Contact The Center for our memo How to File an Article 138 Complaint.

³¹ DoDI par 8.2

³² Ibid par 7.7.

requires that you start over with new grounds or new evidence)

- Refuse orders and face possible court-martial
- File a writ of *habeas corpus*—in essence, appeal the denial to the civilian courts.

There are a number of factors to consider when deciding which option to pursue, such as:

- Do you have legitimate grounds for a different discharge?
- Can you live with the consequences of refusing orders (possibly court martial, jail time and a punitive discharge)?
- Filing a writ of *habeas corpus* costs a lot of money.

When the court reviews the case, they are not looking at whether the military made the correct decision when turning you down. They are simply looking to see whether there was "any basis in fact" for the decision the military made.

Unless you had a very good CO application that was turned down for no legitimate reason, this could be a waste of time, effort and money.

A CLOSE LOOK AT YOUR CO APPLICATION

Legally, these are the issues the military is to look at when reviewing your CO application:

- Do your beliefs fit within the legal definition of conscientious objection (that you object to participation in war based on your religious, moral or ethical beliefs)?
- Are you sincere in those beliefs? Do you *really* believe this?
- Did your beliefs crystallize after you joined?

When you're getting ready to write your initial

CO application it's sometimes good to talk about your beliefs with a good friend who can ask questions and help you clearly state your beliefs.

Talking to a counselor who has experience with CO law can also be very helpful.

If you're active in a church or religious community, talk with your pastor, imam, rabbi or other spiritual advisor about your beliefs. Get a copy of your religious group's official teachings about conscience and war.³³ Re-read books or passages that have moved you and helped to shape your values.

There are six essay questions about your beliefs that the regulations require you to answer. It is **essential** that your statement about your conscientious objection to war be in your own words.

*It is **essential** that your statement about your conscientious objection to war be in your own words.*

It may be helpful at first to outline your main points. Then try to write some paragraphs that say what you mean.

Your answers don't have to be a perfect essay, especially the first draft. What is important is to speak from the heart.

If you get stuck and don't know what to say next, go on to the next question or go do something else for a little while and come back to it.

If you really have trouble writing your answers, get a recorder and say what you believe. You can transcribe the recording to get a written account of your beliefs.

³³ Contact The Center for help in tracking down the official statements of your religious tradition. *Words of Conscience*, (10th edition, Boyle, Beth Ellen, NISBCO, 1983; 11th edition, Zuses, Rachel S., Center on Conscience & War, 2001; Washington, DC) has many such official statements.

Once you've written your statement, set it aside for a couple of days and come back to it. As you re-read it you may discover it doesn't say exactly what you thought it said. That's okay! That's why you do several drafts.

The questions in italics on the following pages are from the DoD Instruction.

The questions are essentially the same in the regulations for each branch of service, but you might find a *slight* difference in wording.

Stating your belief

A description of the nature of the belief which requires the applicant to seek separation from the Military Service or assignment to non-combatant training and duty for reasons of conscience.

This question is the heart of your application. This is the primary place where you explain what you believe and why you can't participate in war.

Military policy requires that you be "opposed to participation in war in any form."³⁴

Notice that an important part of the requirement is "*participation.*" This is not an abstract question about whether or not you think there should be wars, or how the United States could defend itself without going to war.

Rather it asks whether or not you can take part in war. So you need to think about what you believe, and what your conscience will or will not permit you to do in view of these values.

Some COs acknowledge that the civil authority has a right to conduct war, but they have come to the realization that their beliefs, rooted in a religious or moral authority, will not allow them to take part.

³⁴ DoDI par 5.1.1 and 50 USC App 456.j.

Other COs may even sympathize with wars against oppressors or some other wars, but they cannot in good conscience participate in violent conflicts.

Since you have come to your convictions in the context of your current military service or experience in a war zone, you need to be careful that your statement does not focus too much on the current conflict or your recent military experiences.

You need to describe the fundamental values or religious beliefs that influence your life and why they lead you to say that you can't continue your current role in the military. Describe the values that guide your life, what you believe about war, and how those two are connected.

You should explain why you cannot, in good conscience, continue to serve in the military in a combatant or a non-combatant capacity.

If your beliefs are closely related to your own religious body's statements, you will want to consult them. You should be clear about where you agree and where you do not agree with them. 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 CCW's collection of religious statements, Words of Conscience.

Remember to focus on what you believe - not what you don't believe!

Explaining the source of your beliefs

The military actually divides this topic into two separate questions.

Remember to send your statement to the Center on Conscience & War before you submit it to your command. We can give you feedback and help you make it as strong as possible.

First:

An explanation as to how his beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.

You may not remember this, but when you joined the military you were asked a series of questions about your beliefs:

- Are you now or have you ever been a conscientious objector? (That is, do you have, or have you ever had, a firm, fixed, and sincere objection to participation in war in any form or to the bearing of arms because of religious belief or training?)
- Have you ever been discharged by any branch of the Armed Forces of the United States for reasons pertaining to being a conscientious objector?
- Is there anything which would preclude you from performing military duties or participating in military activities whenever necessary (that is, do you have any personal restrictions or religious practices which would restrict your availability)?³⁵

You answered “no” to these questions so you need to explain what changed *since* you joined.

What caused you to rethink your participation in war? Most people seeking CO classification can identify events or experiences that caused them to begin to rethink their own participation in war. You should think about what events caused you to rethink your beliefs about war. While you probably won't have too much difficulty describing these events, you may not be able to identify clearly that moment when your beliefs crystallized.

That's okay, because it doesn't happen that

³⁵ DD Form 1966/2.

suddenly for everyone, but your Investigating Officer or others you encounter may assume it does.³⁶ In any case, you will have to give a very clear explanation about how your beliefs changed since joining.

Your answer may include your personal experiences, activities with organizations you may belong to, and books and movies which influenced you. It's different for everybody, so think about the things that influenced you personally.

Sometimes it is a religious conversion. Sometimes it's a new experience in your life. Perhaps it's something you were exposed to because of your military service. Sometimes it is seeing or reflecting upon something you've seen or experienced a thousand times before, but at a certain point in time you saw it differently because of changes that have occurred in you.

Sometimes it is a renewed commitment to religious beliefs or values you were taught as a child.

Quite often it is a negative reaction to military experiences that causes people re-think their values. Negative experiences can be particularly telling. We often hear from those who reacted negatively to things like weapons

training, or the experience of combat, that caused them to reject war as a way of resolving conflict. Maybe it was the dehumanization of the “enemy” in your training. Maybe in target practice you thought about the real targets you would be shooting. Maybe it was

pointing your weapon at a live human being,

³⁶ The Army is the only branch that explicitly states that the crystallization does not have to be a sudden and identifiable moment, but it could be that “old beliefs have matured gradually and taken on new meanings in his or her life...” AR 600-43 App D-4.e. (This is an appendix to the regulation.)

Arriving at the source of one's belief is unique to each of us. So think about the things that influenced you personally.

and coming to the realization that you could not pull the trigger.

Maybe it had nothing to do with your military service at all. Maybe a traumatic event like being in a car crash shook you to the core of your being and caused a change in your attitudes about violence or the sanctity of life.

Or maybe it was witnessing the destructiveness of gang violence in your neighborhood.

Whatever it was for you, talk about it here.

If it's relevant, try to show how your present beliefs were influenced by earlier experiences, even religious training or other experiences you had before you joined the military.

You must make sure your description shows that your beliefs crystallized after you joined. The more detailed your descriptions, the better!

Your moment of “crystallization”

An explanation as to when these beliefs became incompatible with military service and why.

The previous question is a general question about the series of events that caused changes in you that led to your change in heart.

This question asks you to describe that moment when you realized that you could no longer be a part of the military. It is asking about that “ah-ha” moment when things suddenly became clear to you. This is called your *moment of crystallization*.

Many conscientious objectors can identify a particular event or experience that was so significant that it changed how they view everything. Some COs say that at that moment, their beliefs became clear to them. But not everyone can. For some people, their beliefs evolved gradually over time.

If your beliefs evolved gradually, you probably went from an acceptance of war, to perhaps

tolerating it, to eventually feeling that you could no longer participate in it. At some point the tide turned--you could no longer tolerate your participation in the war machine. Try to identify that point at which your conscience said, “No more.”

Ideally, you're applying for CO status shortly after that moment of crystallization. If not, explain why you're applying now instead of when your beliefs crystallized.

The “trick question” on the use of force

An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any foreseeable circumstances.

Your objection must be to “war,” as was mentioned above, and not just any fighting or violence. *War is an organized activity for social or political ends.*

Be careful how you answer this question. Your use of force or violence to defend yourself or another victim is different from government decisions to go to war. 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 morally justified). You do not have to be a pacifist to be a conscientious objector!

This question is inviting you to say something that contradicts what you may have said elsewhere in your application. Or it may encourage you to make a broad statement that you don't really believe, such as, you wouldn't protect your sister if she were attacked because you think that is what you have to say to be recognized as a CO.

Generally, focus your written and oral

statements on “war in any form.” Give a thoughtful answer to this question about the use of force. Do you believe in a police force? How is that different from war or military force?

If you have said earlier in the application that you are a pacifist (someone who believes that all violence is wrong) saying you believe it’s okay to use violence, even as a last resort to defend someone, would be inconsistent with your stated belief and could be grounds for turning down your CO application. These issues are why this question is a problem.

Many people think of violence when they hear the word *force*, but Merriam-Webster’s Online Dictionary defines it this way:

a: strength or energy exerted or brought to bear: cause of motion or change : active power < the motivating force in her life>. . . b: moral or mental strength, c: capacity to persuade or convince <the force of the argument>

Military strength comes after that, and violence is further down the list!

So if you understand the definition of *force*, you have lots of room to talk positively about things you believe when you answer this question.

But keep in mind that regardless of how you answer this question in your written application, it is likely that during your interviews and hearings, military officers will be curious about the degree to which you do believe in using violence or military force in response to various situations. So do give these questions some thought, so you can give a thoughtful answer when the question is asked. And while a question may be irrelevant or inappropriate, and you could point that out to the questioner, you should not respond in a way that appears to be evasive or flip.

Showing how you live your beliefs

How you live your beliefs is very important. This question is also divided into two parts.³⁷ Here’s the first part:

An explanation as to how the applicant’s daily lifestyle has changed as a result of his beliefs and what future actions he plans to continue to support his beliefs.

Since your beliefs are something inside your head and heart, they cannot be examined directly or proven or disproven. The fact that you really believe what you

claim to believe is not easy to prove. If you are on active duty, you may have very little control over your daily routine, so showing how your life has changed because of your change in values may seem at first to be impossible. But choices you make every day may show evidence of your beliefs. So think about what has changed.

- Do you go to religious services more often?
- Do you read the Bible, Talmud, Koran, or other sacred text more than you used to?
- Do you go to violent, shoot-em-up movies less than you used to?
- Do you play violent video games as much as you used to?
- What about how you relate to others in your unit?
- Do you talk about your beliefs?
- Have you tried to avoid weapons training or other violent exercises?
- Have you gone AWOL?
- Have you become vegetarian? Is being vegetarian related to your moral values?

Showing a negative belief (not participating in war) is hard. But such a belief really is part of

You do not have to be a pacifist to be a conscientious objector!

³⁷ The Army Regulation reverses the order of these two questions.

a larger belief system about peace, caring for others, obedience to God, maybe even simplicity and non-violence.

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, joining organizations that work 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.

The one thing that shows your sincerity

The second part of the question about how you live your beliefs has to do with your sincerity.

An explanation as to what in the applicant's opinion most conspicuously demonstrates the consistency and depth of his beliefs which give rise to his claim.

This question asks, "What is the one thing that, more than anything else, shows you are really sincere and believe this?"

So think more about changes in your life. Are there any that really stand out--that somehow reflect your fundamental core values?

If so, here's the place to talk about it.

LETTERS OF SUPPORT

You should submit letters of support from people who know you and can testify to your sincerity or to the truthfulness of what you have said in your written application.

Getting letters of support from those who disagree with your stance (like others in your unit), and who say they don't agree with you

in their letter, can be especially helpful. If someone who obviously disagrees with you is willing to go on record in support of your claim, that letter will carry a lot of weight.

Choices you make every day may show evidence of your beliefs.

There is no "correct" number of letters but getting a few good strong letters is better than many weak ones.

Those writing letters should indicate their relationship with you, and if they have been in the military they should also indicate that.

You should have the letters sent to you, and you should review them before you submit them with your application.

If you have a letter that doesn't really support your application, you don't have to include it with your CO packet. Or even better, you could contact the person who wrote the letter, explain the problem, and ask them to rewrite the letter. If they really want to support you, they will probably be happy to do so.

YOUR PLACE IN HISTORY

The rights we currently have under U.S. law have come at a cost.

When you take your stance against war, you are part of a heritage that goes back thousands of years. You are standing on the shoulders of thousands who have gone before you and paved the way. The protections we currently have are in place because of those who stood up in the face of many obstacles, often when the culture was wrapped up in a fervor for war, and remained true to their conscience. You are an heir to this long legacy, and a pioneer for these rights in the future.

Some scholars believe that the conscription system described in Deuteronomy 20:5-8 is the earliest recorded provision for accommodating COs. Ancient rabbis interpreted this to mean there was an exemption for those who were afraid they might sin by killing someone.³⁸ Most of the Christian martyrs from the first two centuries were martyred for refusing to fight in the army of the Roman Empire.

Many of the people who came to America in colonial times seeking religious freedom were conscientious objectors seeking to live in a place where they would not be forced by a government to fight in war and violate their conscientious objector beliefs.

The treatment of COs in the U.S. has varied through the years, and current military policy has evolved from this legacy of struggle, and it continues.

The colonies of Massachusetts and Rhode Island exempted conscientious objectors from the requirement to bear arms in the 1600's³⁹ but this was not the case in other colonies. During the Revolutionary War conscientious objectors were not well received throughout the colonies. During that war a group of Quakers refused to carry weapons because to do so would violate their beliefs, so their muskets were forcibly tied to their backs! It was none other than George Washington, who upon learning of this sent these men home.⁴⁰

During the Civil War, there was some legal accommodation, but treatment of conscientious objectors varied, and generally it

was not very good. During this time were the first reports of COs in the U.S. being tortured: hung by their thumbs and pierced by bayonets.⁴¹

During World War I, COs were treated very poorly. One hundred forty two received life sentences and 17 were sentenced to death. No one was executed, but 18 died in jail because of harsh and abusive treatment.⁴²

In World War II, "The Good War", approximately 37,000 people were recognized as COs and performed alternative service or served as non-combatants in the military. Thousands more went to jail rather than compromise their CO beliefs.⁴³

Gen. S.L.A. Marshall, the Army's official historian of World War II, discovered that in most units more than three quarters of the soldiers in combat situations did not shoot their weapons at "the enemy," even when their own safety was at risk. He wrote, "[The American soldier] is what his home, his religion, his schooling and the moral code and ideals of his society have

made him...He comes from a civilization in which aggression, connected with the taking of life, is prohibited and unacceptable...[this teaching] has been expressed to him so strongly and absorbed by him so deeply and pervasively—practically with his mother's milk—that it is part of a normal man's emotional makeup. This is his great handicap when he enters combat..." Marshall went on to say, "at the vital moment [the rifleman]

Many of the people who came to America in colonial times seeking religious freedom were conscientious objectors seeking to live in a place where they would not be forced by a government to fight in war and violate their conscientious objector beliefs.

³⁸ Rabbi Michael Robinson, *Wrestling With Your Conscience*, Jewish Peace Fellowship, 2000, p.6.

³⁹ Lillian Schlissel, *Conscience in America*, Dutton, 1968, p.28

⁴⁰ Ibid. p. 32.

⁴¹ Ibid. p. 90.

⁴² Ibid. p. 131.

⁴³ Kohn, Stephen, *Jailed for Peace* (Praeger Press, 1986) pp. 46-47.

becomes a conscientious objector.”⁴⁴

Because of the poor treatment of COs during World War I, as the U.S. was preparing to enter World War II, some U.S. churches lobbied hard to ensure that the rights of conscientious objectors would be protected under the new draft law.

Those churches also created an organization to help place conscientious objectors into alternative service and to advocate for the rights of conscientious objectors. Thus The Center on Conscience & War was created. The Center was originally called The National Service Board for Religious Objectors and was later known as The National Interreligious Service Board for Conscientious Objectors (NISBCO). Yet conscientious objectors continued to be looked down upon in a society that was increasingly militarized.

In 1962 the DoD established the current policy for dealing with those who come to the realization that they are conscientious objectors after they are in the military. This policy is based on the draft law that was passed in 1940. Since that time thousands of military personnel have been honorably discharged as conscientious objectors.⁴⁵

The system is far from perfect, as you will discover as you go through the process, and conscientious objectors still sometimes end up in jail. The Center continues to pressure the government to improve the process and treat COs more fairly.

Most importantly, the Center on Conscience & War continues to stand with people like you, who are seeking to be true to their conscience.

⁴⁴ S.L.A. Marshall, *Men Against Fire: The Problem of Battle Command in Future War* (New York: William Morrow and Co., 1961) pp. 78-79.

⁴⁵ GAO reports 1998 & 2007.



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