

BFL Conscientious Objector Summary Links

The military draft was reinstated in 1914 at the outset of World War I. The Draft Act of 1917 exempted from military service those who were affiliated with historic peace churches. Specifically, only members of "a well-recognized sect or organization . . . whose then existing creed or principles forbid its members to participate in war in any form" were considered conscientious objectors (COs).

Later, as World War II drew near, the Training and Service Act of 1940 broadened the exemption to include all those who had objections because of "religious training and belief." Under this Act, although it was not necessary to belong to a historic peace church, the objection still had to be religious, as opposed to personal, philosophical or ethical.

In the early 60's, the Defense Department issued guidelines to draft boards directing them to consider certain factors when evaluating someone's claimed CO status, many of which were religious in nature. These included "membership in a peace church, training in home and church, the general demeanor and pattern of conduct of the individual, his employment in defense-connected activities, his participation in religious activities, and his credibility and the credibility of persons supporting his claim."

The Defense Department directives described church membership and church tenets as "relevant" but "not compelling" factors. Consistent with this, there were a number of court decisions holding that mere membership in a religious group teaching conscientious objection was not an automatic basis for classification as a conscientious objector, nor would membership in a group that did not require conscientious objection constitute an automatic basis for denying the classification. For instance, in one case the directives were applied so as to initially deny CO status to a third-generation member of the Mennonite Brethren Church, although that determination was eventually overturned by the United States Supreme Court.

The current statute addressing conscientious objector status (the Universal Military Training and Service Act of 2001) retains the "religious training and belief" language. However, in a trio of cases from the Vietnam era (*United States v. Seeger*; *Welsh v. United States*; *Gillette v. United States*), the United States Supreme Court has essentially removed the requirement that the belief be tied to any sort of religion. Rather, it is sufficient that the person holds, "A sincere and meaningful belief that occupies in the life of its possessor a place parallel to that filled by the God in the lives of others." Thus, an atheist could qualify for CO status if they have a "sincere and meaningful belief."

Consistent with this, the Selective Service System (SSS) now says in its Fast Facts document (<http://www.sss.gov/FSconsobj.htm>) that "Beliefs which qualify a registrant for CO status may be religious in nature, but don't have to be. Beliefs may be moral or ethical; however, a man's reasons for not wanting to participate in a war must not be based on politics, expediency, or self-interest. In general, the man's lifestyle prior to making his claim must reflect his current claims."

A pamphlet called "Who is a Conscientious Objector" from the Center on Conscience and War provides a concise summary of what must be shown in order to achieve CO status. (<http://www.centeronconscience.org/images/stories/pdf/Who%20is%20a%20CO--Draft%20Law.pdf>)

In summary, as of WWI a person had to be a member of a peace church to gain CO status. By WWII it was only necessary to have a religious-based objection. And by Vietnam, the objection no longer had to be tied to organized religion or be scriptural in any way.

This does not necessarily mean that being a member of a church—and particularly a traditional peace church—would not be of assistance in establishing the necessary “sincere belief” to be granted CO status. The SSS’s publication called "Information for Registrants" (<http://www.sss.gov/registrantsbk.htm#%28Class%201-O%29>) discusses CO status and the proof that is necessary for someone to establish their objection to all military service (1-O status). It says: "If his opposition is based on religious training, he must explain fully the nature of the religious training and its effect on him. He may want to present a copy of these religious teachings. He may want to bring as a witness, his minister or some other church official who is knowledgeable of the teachings of his church or present written statements from these persons."

In order to apply for CO status, a person has to fill out SSS Form 22. That form does not appear to be available on the internet. This is possibly because it is not filled out in advance, but is sent to the applicant after they indicate that they want CO status. One of the Quaker organizations has a paraphrase of the form on its website: <http://nwfriends.org/ministries/active-peacemaking/conscientious-objection/forms-for-conscientious-objection/> They see the second question on the form as an opportunity for an applicant to discuss the role their church plays in forming their objection to military service.

It seems clear that the Confession of Faith of an historic peace church will assist a member of that church in establishing CO status. If an applicant were a member of a church that had abandoned its historic peace position, the applicant would likely have to explain they did not leave the church, given their alleged “sincerely held belief.” It certainly would not be impossible to provide such an explanation, but it would be a hurdle to overcome.