

A NATION WITH A
DEVELOPED CONSCIENCE

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In 1980 President Jimmy Carter alerted national consciousness and raised some questions when he ordered the national registration of men on their eighteenth birthdays. Reaction was quick and critical. Many reasoned that a registration was only the first step to renewing the draft. Some who opposed a draft did not oppose a registration. Others opposed even a registration because they were conscientious objectors. This became an issue when they could not state on the registration form that they were conscientious objectors. A small issue, but for them it was very important. The question of conscientious objectors and selective conscientious objectors has not been settled in any definitive way. The law of the land says that males must register at their eighteenth birthday. This is fair and just. Not to extend that law to consider conscientious objectors and selective conscientious objectors is not fair and just.

I think we need to examine what has been the country's attitude toward conscientious objectors from the time of the Revolutionary War until today. The history of conscription, deferments and exemptions has been a real can of worms. With this registration, it is time to ask about selective conscientious objectors.

The Catholic Bishops of the United States in the past sixteen years have strongly urged the government to respect conscientious objectors and selective conscientious objectors. This has not been the Catholic position in the past. Will this have any influence in changing the law? Is it time to insure that selective conscientious objectors must be part of our selective service system? Will we consider a man's motivation for not serving in the military as well as all the other ways he can be deferred or exempted from military service?

A few men have resisted the draft registration. Some men have turned themselves in and stated that they were conscientious objectors. The Justice Department has prosecuted and sentenced these men to prison. Hopefully, these few who have been imprisoned will help bring the point of conscientious objectors and selective conscientious objectors to the notice of Congress.

Young men turning eighteen years of age need guidance, counseling and information concerning draft registration law, conscience and service to the country.

History of the Draft

Draft or conscription has always been a problem in our country. Men have refused to serve in the United States Army ever since General George Washington put together his raggedy force.

The call went out for volunteers to enlist for one year. The response was poor. Congress then passed a draft law but only a few states responded. During the War of 1812 the same problem was present. There were few volunteers and no draft.

The first conscription law was passed in 1863 during the Civil War. States would ask for volunteers and the Federal Government would draft them. Over three million men were enrolled by the Federal Government, but only 200,000 were inducted or drafted. Out of every one hundred fifty called to duty, twenty became draft dodgers. Volunteers, when drafted, could avoid the draft by paying \$300.00 or by finding a substitute. Thirty percent of those enrolled in the draft had legitimate exemptions because of dependency. Thirty-two percent of the men remaining were rejected for physical disabilities. Half of those liable for duty paid the \$300.00 for substitutes. However, Congress did allow conscientious objectors to engage in hospital work.

In 1917 the Selective Service Act was passed and consequently all men age 21-30 were required to register. Later the requirement was extended to include all men age 18-45. During World War I the draft was conducted by means of a lottery system. Of ten million men who had registered at that time, 687,000 men were drafted. Ultimately three million men would be inducted into the military services. Amazingly during World War I there were over 335,000 draft dodgers.

Exemptions were granted to men because of the following reasons: 1) officers in national military force, state and federal governments; 2) aliens; 3) ministers and divinity students; 4) pilots and mariners; 5) workers in Federal Government essential to conduct of war; and 6) certified members of anti-war religious groups and men with total dependents. Aliens and conscientious objectors often served in non-combatant capacities.

In 1940 Congress enacted the first draft act in time of peace. During World War II 36,000,000 men were liable for service. Twenty million men were examined and one third were rejected, while ten million were inducted into military service. The Burke-Wadsworth Act provided exemption to men who objected to military service on religious grounds. Conscientious objectors could be assigned either to non-combatant service or to civilian jobs.

The draft continued until 1947 when not seeing an immediate need for a standing army, President Harry S. Truman suspended it. The lack of volunteers caused its reinstatement again in 1948. With the beginning of the Korean conflict, over 600,000 veterans were called back to service. However, one-and-a-half million men of draft age never put on a uniform. Deferments were many. College students were deferred as well as farm workers, engineers, teachers, and scientists, and they did not have to serve one day. Only the poor had no reason not to go to war. Of those deferred, eighty-three percent

or two million men were students.

The draft continued from 1948 on, all through the '50s and '60s. The numbers of men needed were small until the Vietnam conflict. Once more, men looked for ways to be deferred. Colleges and universities began to fill up. Reserve and National Guard units were at or over one-hundred-percent strength. In 1965, half of the men examined were rejected for physical, mental or moral reasons. In World War I and World War II, only thirty percent were rejected for these reasons. Again, war became something real only for the poor who could not go to school or join the Reserves.

The draft ended officially through an Act of Congress on September 28, 1971. Eligible males, however, were still required to register. Registration was discontinued on April 1, 1975, by President Gerald Ford.

Deferments and Exemptions

The history of the draft in our country has been not one that we can look to with pride. When we look at all the reasons that have kept men out of service, one must ask the question, "Why has it been so difficult for conscientious objectors?" Of the ten million men inducted during World War II, only 37,000 were classified as conscientious objectors. Since 1948, 32.9 million men have been registered by the Selective Service. The status of conscientious objector has been claimed by 20,000.

When I served on active duty from 1967 to 1971, very few Reserve or National Guard units served on active duty. Men used these units to avoid duty. I had a Chaplain's Assistant in Korea who had a tryout with the Green Bay Packers. This man was put into the Wisconsin National Guard so he would not be drafted. The state government of Wisconsin was willing to grant a man from Kansas a deferment to play football because they liked football and wanted the best for their team. Was this fair and just? He then suffered a knee injury and was cut from the team. Immediately he was drafted into the United States Army.

While we have witnessed deferments for a variety of reasons, exemption has been very difficult for the conscientious objector in the Armed Services. It was not until 1962 that the Department of Defense officially allowed for the transfer of a man from a combat unit because he was opposed to combat duty. The Defense Department also approved the discharge of those opposed to all military duty. For the first time in United States history, a conscientious objector, for religious reasons, could apply for and be granted an Honorable Discharge.

There have always been conscientious objectors in the United States. People in the Revolutionary War who refused to serve were required to pay a tax. Pacifists who refused to do this had their land and possessions seized or they were forced into the Army.

With the Civil War came conscription and the conscientious objector had to perform hospital work or pay his way out of the army. There were provisions for Honorable Discharge as a conscientious objector, but those who were granted this status were often harassed and/or tortured for their beliefs.

During World War I, Congress and the military made the problem of obedience to conscience very difficult. Non-religious conscientious objectors and religious objectors not from pacifist churches were not recognized as conscientious objectors. They were forced into the military or imprisoned. Only those belonging to a recognized pacifist cult or religion were exempt under the Selective Service Act. The military had no discharge policies regarding conscientious objectors. Under the 1917 Selective Service Act, a conscientious objector became technically a soldier and was expected to do non-combatant work. Those who refused to do this were either sent to do farm work or reconstruction work, or they were court-martialed. This could mean a death sentence, life imprisonment or a lesser sentence. None of the conscientious objectors was executed, but many died in prison due to the sub-standard conditions of the prisons.

During World War II, conscientious objectors were not sent to the military for their hearings. Claims of conscientious objection were considered by Selective Service authorities. Those

who were classified as conscientious objectors were expected to serve either as noncombatants in the Armed Service or as workers in civilian public service camps. Realizing that one was a conscientious objector after being inducted into the Armed Services also provided a difficulty because the War Department provided no effective remedy to this situation. Many were court-martialed. Some became noncombatants but this status was liable to change as needs arose in the units. Others just deserted.

Claiming status as a conscientious objector should not be associated with the lack of willingness to serve one's country. A classic example of this concerns the story of one PFC Desmond T. Doss, who during World War II refused to serve as a combatant due to his religious beliefs, but nevertheless requested front-line duty as a medic. While serving in Okinawa during the spring of 1945, Doss helped seventy-five wounded men get to safety while under mortar and machine gun fire. In another instance he treated and carried to safety four wounded comrades, dodging grenades all the while. Doss was wounded himself during a night attack, sustaining a leg injury from a grenade. After waiting five hours to be rescued, he gave up his stretcher to another soldier, and was consequently hit in his arm by a shell. He then fashioned his own splint and crawled three hundred yards to the aid station. PFC Desmond T. Doss was the first conscientious objector to receive the Medal of Honor, presented to him by President Harry S. Truman

during ceremonies at the White House on October 12, 1945. This is the nation's highest wartime honor.¹

Our attitudes towards and our treatment of conscientious objectors have not been acceptable. When we consider the number of men deferred from military service or any service to their country, one wonders why our government has been so slow to accept the position of conscientious objector. Their numbers over the years do not begin to compare with draft dodgers throughout the history of our country.

Conscience

We have been using the words conscience and conscientious all through this paper. Just what is conscience?

Conscience is that faculty which tells us what is right or wrong. This faculty has to be formed and informed. Family, society and religion all contribute to the forming of a right conscience. Formation of conscience and the ability to make right judgments demands study, openness and a good teacher.

Christians from the earliest centuries were informed to be non-violent. Saint Justin the Martyr said, "We who formerly murdered one another, now not only do not make war upon our enemies, that we may not lie or deceive our judge, but we gladly die confessing Christ."²

In the Fifth Century when Christianity was linked with civil authority, questions about warfare were being asked: "What would you do if someone tried to kill your family or attack your nation unjustly?" The barbaric invasion confronted Christians with this question.³

Saint Augustine continued to ask and answer the question of war with the "just-war" principles and offered the following: A just war could be conducted when these conditions were met -- 1) the intention must be to restore peace; 2) only a legitimate authority can declare war; 3) the conduct of the war must be just; and 4) monks and clerics may not engage in war.⁴

Saint Thomas Aquinas in the 13th Century offered his views on the "just-war" theory: 1) it must be waged by a public authority for the common good; 2) a just cause is required; 3) it must be fought with right intentions; and 4) harm done by war must not exceed the good that comes from it.⁵

These principles as taught by the Catholic Church gave individuals and nations principles by which they could form their consciences. Catholic and Christian nations waged war because they thought it was for a just cause. Popes as well as saints raised armies for the Crusades to win back the Holy Places.

Christian men fought for their countries because they believed that their countries had a just and good cause for waging

war. In conscience they believed what they were doing was right. The decision of their countries helped to form their consciences.

Catholic teaching remained the same through the centuries. Individuals were expected to serve their countries and could not claim to be conscientious objectors to war. In the early '60s, thinking on this matter began to change. The Second Vatican Council endorsed laws that "make provision for the care of those who for reason of conscience refuse to bear arms, provided, however, that they accept some other form of service to the human community."⁶

In 1968 the Catholic Bishops of America in their Pastoral Letter referred to war as one of the issues "which present and future generations will be less willing to leave entirely to the normal political and bureaucratic processes of national decision-making."⁷ The Bishops concluded with the hope that in the all-important matter of peace and war, all people would follow their consciences. This means that every individual has a responsibility to inform his or her conscience through study, consultation and prayer.

The Administrative Board of the United States Catholic Conference in 1980 again stated that individuals had a responsibility to inform their consciences. "The State has a right to call citizens to acts of legitimate defense and that citizens have a duty to contribute to the common good of society, including the defense of

society." They continued, "However, the State's decision to use force should always be morally scrutinized by citizens asked to support the decision or to participate in any way."⁸ Individuals were urged to come to some judgment about the government's decision before either supporting it or rejecting it. This is a clear departure from the past when decisions of the government enjoyed the presumption of truth and justice.

The Pastoral Letter of the United States Bishops, The Challenge of Peace: God's Promise and Our Response, dated May 1983, stated: "A dominate characteristic of the Second Vatican Council's evolution of modern warfare was the stress it placed on the requirement for proper formation of conscience. Moral principles are effective restraints on power only when policies reflect them and individuals practice them. The relationship of the authority and the conscience of the individual on matters of war and peace take a new urgency in the face of the destructive nature of modern war."⁹

Even though we have been using the term "conscientious objector" in a general manner, there are two classifications of conscientious objectors. One type of objector is the registrant who believes that it is wrong to participate in any military service and is classified 1-0. He is placed in civilian public service work for two years. The second type of conscientious objector is willing to serve in the military forces but his services will be of a noncombatant

and he will be classified 1-A-0. This service would be in the medical department or any other service that did not require the use of arms.

These classifications would be given to an individual by the local draft board. The person would submit his request for such a status together with the necessary form for conscientious objectors (SSS Form 150). There are six questions on the form which give the person the opportunity to express his beliefs which would be the basis for the claim. These include how the person acquired these beliefs, how these beliefs affect the way he lives, and the type of work he does or plans to do. The Board then would pass judgment and approve or disapprove the request.

At the present time there is no allowance for selective conscientious objector. In March 1971 the Supreme Court ruled that "persons who object solely to participation in a particular war" are rightfully excluded from recognition as conscientious objectors.

Even though the highest court in our land has judged in this manner, my personal reflections along with my pastoral and military experience dictate otherwise. I am supported in this opinion by statements of the Administrative Board of the United States Catholic Conference.

These official Church spokespersons gave their support not only to pacifists who are opposed to war in any form, but also gave

their support to those whose reasons of conscience are more personal and specific. They recommended that the Selective Service Act should make it possible although not easy for a selective conscientious objector to refuse without fear of imprisonment or loss of citizenship to serve in a war which they judge to be unjust. They stated "that the right of a selective conscientious objector is a moral conclusion which can be validly derived from the classical moral teaching of the 'just-war' theory."¹⁰ They also added that they would welcome a dialogue with legislators, lawyers and other religious leaders about how to make this moral position have a secure legal status. They insist upon respect for and legislative protection of the rights of both classes of conscientious objectors.

Law, Political Aspect and Selective Conscientious Objectors

The question of the selective conscientious objector will become a very heated issue if the draft is reinstated. A bipartisan panel of fifty-three prominent Americans in 1980 issued a report questioning the all-volunteer force. The report showed the current level of active duty personnel to be inadequate to respond to threats in the United States' areas of interest throughout the world. It also indicated a "significant probability" that the United States will be forced to resume a military draft by the

middle of the 1980s. The panel recommended that the President should prepare for the probability of a draft and should set up a Presidential Commission to work with the Selective Service in designing a model draft. With present United States military commitments in Lebanon and Egypt, and possible commitments in Central America, we are stretching our forces too thin. If the number of our forces comes into question, can the probability of a draft be far behind?

When an individual appeals for the status of selective conscientious objector, immediately he is judged to be opposing the war for political reasons. Naturally the political community refuses to accept the selective conscientious objector for political reasons. The presumption stands for the community's decision to begin a war. John Courtney Murray, SJ, in an article, "War and Conscience," presents the rights of the nation to defend itself. The conflict arises between the right of the individual conscience and the right of the nation. He believes a person should be able to state his case before a competent panel of judges. The difficult decision to be made is what is moral opposition to war and what is political.¹¹

Conscientious objectors are considered outside the political arena. They have divorced themselves from politics by saying that all wars and participation in them are to be avoided. Selective con-

scientious objectors are considered as political objectors and not moral. They are considered to be committing acts of civil disobedience by opposing a particular war. Those who oppose selective conscientious objectors say that the fabric of our government would be ruined if it approved the existence of such a status. If approved, they say there would be a rush of people to qualify for non-payment of taxes, for a disregard of Civil Rights Laws and any law of the land that an individual did not want to observe, because in conscience they believed it was wrong. However, I believe consideration of the dissent by the few who would apply for selective conscientious objector status would be good for our government, which has survived and thrived because of the individual people questioning and holding our country responsible for its actions.

In a recent newspaper article, there is a reference to Colonel Harry Summers, Jr., teacher at the Army War College in Carlisle Barracks, Pennsylvania, and author of On Strategy, a book that explains why we lost the War in Vietnam. He says, "No government should commit troops to battle without first obtaining solid public support." He continues, "If the majority of the American people don't want their armed forces to fight in Central America, they we shouldn't fight there." This support he is looking for certainly is political and would put the country behind the war effort. The fact

that the government should seek such support opens up the government's decisions to discussion of agreement and disagreement, without those disagreeing being considered unpatriotic. If such would happen, the next logical step would be to allow individuals not to support the war because of conscience and not for political reasons. Colonel Summers is saying that a majority of citizens must be supportive of committing armed forces for the war to be successful. What he doesn't say explicitly is that we do not need everyone to be politically supportive of the war for it to be a success. The fabric of the government will not be torn apart if we allow opposing viewpoints. Those who would oppose a war because of conscience would be very insignificant in comparison to those who would in conscience support the war. Nevertheless, such opposition would not hinder the war effort if the majority supported it both politically and in conscience.¹²

Responsibility of Ministers

Civilian ministers of religion, reserve and national guard chaplains should be available to our young men for counseling concerning the registration for a draft. Young men should be instructed about their duties to their country and about the responsibility to develop personal conscience. I believe as ministers we must present all the pertinent information to our young people so that they can

form their own consciences. We must not favor one position over another. A good resource is the information available from NISBCO (National Interreligious Service Board for Conscientious Objectors).¹³ Hopefully our Congress will recognize the value there is in accepting these positions and the strength we will gain as a nation.

We as a nation have come a long way in our respect for the individual conscience as it comes in conflict with the common good or responsibility to the nation. We have seen the teaching of the American Catholic Church develop and witnessed its change of attitude toward individual participation in war. We have seen the burdens placed on these individuals throughout our history and have been appalled at the ease with which others have been deferred or exempted. We must continue to pressure Congress to consider these arguments for the selective conscientious objector. If we truly believe in the justice that we teach and preach, there is no alternative.

FOOTNOTES

¹"The Medal of Honor Winner Who Refused to Fight," Parade Magazine, The Chicago Sun-Times, (August 14, 1983), p. 3.

²Joseph J. Fahey, Peace, War and the Christian Conscience, (New York: The Christophers Publication, 1982), p. 2.

³Ibid; p. 3.

⁴Ibid; p. 3.

⁵Ibid; p. 5.

⁶Austin Flannery, O.P. (ed.), Vatican Council II, (Collegeville: Liturgical Press, 1975), p. 988.

⁷National Conference of Catholic Bishops, Human Life in Our Day, (Washington: United States Catholic Conference, 1968), p. 31.

⁸United States Catholic Conference Administrative Board, Statement on Registration and Conscripton for Military Service, (Washington: United States Catholic Conference, 1980), p. 5.

⁹National Conference of Catholic Bishops, The Challenge of Peace: God's Promise and Our Response, (Washington: United States Catholic Conference, 1983), p. 38.

¹⁰National Conference of Catholic Bishops, Human Life in Our Day, p. 4.

¹¹John Courtney Murray, S.J., "War and Conscience," Review of Politics, Vol. XXXIII, (April, 1971), p. 22 cff.

¹²"Man of the Hour," Parade Magazine, The Chicago Sun-Times, (August 14, 1983), p. 9.

¹³Shawn Perry, (ed.), Words of Conscience, (Washington: National Interreligious Service Board for Conscientious Objectors, 1980).

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