



Center on Conscience & War

Board of Directors

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The Center on Conscience & War (CCW) is the only national organization in the United States whose mission is to extend and defend the rights of Conscientious Objectors to war. CCW was founded in 1940 by the Historic Peace Churches (Quakers, Mennonites, Church of the Brethren), and the Methodist Office of World Peace. As it was becoming clear that the United States would enter World War Two, our founders, many of whom had experienced or witnessed the brutality endured by conscientious objectors (COs) in World War One, worked with the federal government to ensure that protections for COs would be written into the 1940 Selective Service and Training Act (the draft law).

Because of the efforts of our founders, and through subsequent efforts in the courts, CO law and policy in the US are, in many ways, in alignment with the UN CHR guidance and recommendations. Nevertheless, there are deficiencies in current policy and problems with the way CO policy is put into practice that are contrary to UN CHR recommendations.

The US ended its draft in 1973; Department of Defense (DOD) policy allows for members of our “All Volunteer Force (AVF)” to apply for CO classification. The applicant applies for either discharge or non-combat assignment. The United States still maintains a Selective Service (draft) Registration System, which requires all people assigned male at birth who are US citizens or residents to register. For many COs, this is considered cooperation with war and is a violation of their most deeply held beliefs. Finally, the US requires that anyone taking the oath of citizenship must pledge to bear arms for the country in the event of a draft. COs can apply to take an alternative oath of non-violent, civilian-directed service.

Rather than a uniform matter of freedom of religion and belief, conscientious objection has been politicized in the United States, dependent upon a number of political variables, including changes in presidential administrations, which result in changes in top military officials. Deficiencies in knowledge and training of Selective Service and Immigration agency staff, as well as among members of the military chain of command and the chaplaincy, can result in violations of CO policy and the rights of the CO.

Protection for military conscientious objectors does not exist as independent statute in US law. DOD and other CO policies depend on the Military Selective Service Act (the most recent draft law), making the right to CO vulnerable to political will.

The following details several flaws in current US CO policy, as well as in its execution.

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“Stopping war one soldier at a time”

1) Young people assigned male at birth who are citizens or residents of the United States must register with the Selective Service (draft) System (SSS). The list of registrants is provided to military recruiters, even though the US has no current draft. Failure to register by the age of 26 results in punishments levied without trial, some of which are life-long, with no opportunity for appeal. This practice violates Article 11 of the UN Declaration of Human Rights, as COs who are unable to register for reasons of conscience are punished without prosecution or defense.

Punishments include losing access to certain public resources, such as driver's licenses and state photo-identification cards. This loss of access can create barriers to voting and travel, violating Articles 13 and 21 of the UNDHR. SSS allows no appeals for COs. Registration with SSS as a CO is not accommodated in the absence of a declared draft.

Other penalties for non-registration include bars to certain state and federal jobs, job training programs, and institutions of higher learning. More detail can be found [here](#).

2) Within the CO application process in the US military there is a lack of transparency, and the process differs depending on the military branch (Army, Air Force, etc.) and the rank of the applicant. In some cases, a review board is tasked with making the decision or making a recommendation for disposition of the claim. The composition of the board is unknown; it is unknown how members are trained and how they are chosen.

3) The decision making authority for military COs is under military control. Though there may be civilian members on some of the review boards, because there is no transparency with the boards, this is unknown. Whether a board is part of the process or not (depending on the military branch and rank of the CO), final authority is within or at the top of military chain of command. (Under a draft, the boards are mandated by law to be composed of civilians, but the current SSS administrative staff is largely composed of current or former military - including the staff of the CO Alternative Service program.)

4) Due process is delayed by the many months-long military CO process. The time to receive a decision is at minimum seven months; most cases take much longer to be decided. In fact, the process is so protracted that some COs struggle with mental health and other problems, as they are required to remain in the military environment and performing duties while their application is pending final decision. Some COs risk criminal prosecution if they leave without authorization (Absent Without Leave - AWOL) from active duty or, in the reserves, stop participating. Even without criminal prosecution, COs who take these steps in hopes of remedying their own deep conflict of conscience are likely to receive a bad discharge, which can marginalize them in the civilian world, making it difficult to find a job and access healthcare, as they may not be eligible for the veteran healthcare system and may have difficulty paying for care in the US for-profit healthcare system.

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5) There is no appeal process within the military system. A denied CO could seek relief from the civilian court system, but this is not widely known, is time-consuming and is costly. Because courts in the US - like conscientious objection to war - are politicized, justice is not a guarantee. If a CO was not able to bring a case to court, or was not granted relief by the court, they could be returned to full military duties, including the use and handling of weapons and the expectation to engage in violence, in violation of their beliefs.

6) The US makes no provision for Selective CO (SCO) or adherence to Just War theory, despite this being the tradition and teaching of many of the world's religions.

7) Conscientious objectors to war receive disparate treatment in the US, compared with those who call themselves COs but oppose other issues, such as vaccines, access to reproductive healthcare or the rights of members of the Lesbian, Gay, Transgender, and Queer community. Individuals opposed to war and seeking CO status must always apply for such recognition; it is not assumed. They face multiple levels of skeptical review, and the burden of proof is on the applicant. In other so-called CO claims made in US courts, the claimant enjoys an assumption of sincerity, with no burden to provide proof of the depth and consistency of their beliefs. More detail can be found [here](#), beginning p. 5.

Drafted COs who performed alternative service during the last US draft are now reaching retirement age. They have never enjoyed "veteran" status or benefits after their service was completed, despite having been drafted and having served a full term of involuntary national service. Such preference for US veterans extends to hiring policies for public and private jobs, home loans and access to healthcare.

Generally, COs discharged from voluntary military service will receive honorable discharges and are entitled to any benefits earned during their term of service. However, in recent years, a prejudice has begun to surface against COs from within the Veterans Administration – once again, often reflecting politicization of COs to war - and some COs have had to fight to receive their earned benefits.

CCW continues to advocate for full recognition of CO rights under US law.

We are grateful to have the opportunity to provide this report to the UN CHR.

Respectfully submitted by
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