



Western Washington University
Western CEDAR

WWU Honors Program Senior Projects

WWU Graduate and Undergraduate Scholarship

Spring 1998

"By Reason of Religious Training and Belief ... ": A History of Conscientious Objection and Religion during the Vietnam War

Karl D. (Karl Dwight) Nelson
Western Washington University

Follow this and additional works at: https://cedar.wwu.edu/wwu_honors



Part of the [United States History Commons](#)

Recommended Citation

Nelson, Karl D. (Karl Dwight), ""By Reason of Religious Training and Belief ... ": A History of Conscientious Objection and Religion during the Vietnam War" (1998). *WWU Honors Program Senior Projects*. 224.
https://cedar.wwu.edu/wwu_honors/224

This Project is brought to you for free and open access by the WWU Graduate and Undergraduate Scholarship at Western CEDAR. It has been accepted for inclusion in WWU Honors Program Senior Projects by an authorized administrator of Western CEDAR. For more information, please contact westerncedar@wwu.edu.

**“By Reason of Religious Training and
Belief...”**

**A History of Conscientious Objection and Religion during
the Vietnam War**

**Karl D. Nelson
Senior Project, University Honors Program
Western Washington University**



HONORS THESIS

In presenting this Honors paper in partial requirements for a bachelor's degree at Western Washington University, I agree that the Library shall make its copies freely available for inspection. I further agree that extensive copying of this thesis is allowable only for scholarly purposes. It is understood that any publication of this thesis for commercial purposes or for financial gain shall not be allowed without my written permission.

Signature _____

Date June 1, 1998

Introduction

*"If a nation can prosecute a war and at the same time exhibit tolerance and understanding to those who have conscientious objections to war, then its civilization is healthy and flourishing."*¹

-General Lewis B. Hershey, Director,
Selective Service System.

The United States has always provided for those who were conscientiously opposed to bearing arms in the military. Until 1940 conscientious objectors came predominately from the historic peace churches. Throughout the Vietnam War era the legal, political, and religious view of conscientious objection changed dramatically. Several Supreme Court decisions during the Vietnam conflict led to a substantial increase in the number of men classified as conscientious objectors with either a mainstream religious or secular background. In addition to the Court's re-interpretation of the conscientious objection qualifications, many mainstream religious groups actively endorsed conscientious objection, reflecting their members' growing disillusionment with war.² This mainstream support brought conscientious objection out of the religious and social margins and into mainstream America.

¹ Selective Service System, *Evaluation of the Selective Service Program*, (Washington, D.C.: U.S. Government Printing Office, 1956), 205.

Definitions

A conscientious objector (C.O.) was a person who, based on religious or moral principles, refused to fight in the military. Unlike draft resisters, who often went “underground” or fled the country to avoid military service, conscientious objectors worked within the legally established Selective Service System (S.S.S.). A man with a C.O. classification was not exempted from service; in place of combatant military service, C.O.s were required to perform either non-combatant military duty (Selective Service designation I-A-O) or alternate civilian service (I-O).

During the Vietnam conflict there were three categories of conscientious objectors. The first, and most numerous, was I-O. Men classified as I-Os were unwilling to perform any military service, opting instead to fulfill their obligation through civilian public service.³ Men classified I-A-O objected to fighting in the military, but not to serving in it.⁴ They were assigned non-combatant roles in the military, usually serving as medics. Third, the military provided for servicemen to be honorably discharged as conscientious objectors. Even with the low morale at the

² In this context, “mainstream” religious groups refers to the large, mainline Jewish, Protestant, and Catholic denominations. Mainstream groups are contrasted with the historic peace churches, which have existed on the periphery of Protestantism.

³ The Universal Military Training and Service Act of 1951 (*Statutes at Large* 65 (1951): 86) provided for a system of alternate service for C.O.s classified I-O.

⁴ To the Selective Service, a I-A-O was nearly the same as a I-A (fit for regular duty). In official statistics the two groups were lumped together and I-A-Os counted towards meeting monthly draft quotas.

depths of the Vietnam conflict, this last category was numerically insignificant.

Historiography

Historians have yet to tackle conscientious objection to Vietnam with the same tenacity as they have written about objectors to previous wars. The best and most recent book that deals with Vietnam War conscientious objection is by Charles C. Moskos and John Whiteclay Chambers II.⁵ Their 1993 study is broad, examining conscientious objection in a number of countries, including America. However, because they have cast their net so wide, the Vietnam period only receives cursory treatment.

The only history solely about Vietnam-era conscientious objection is a 1990 master's thesis by Jean Mansavage.⁶ Mansavage focuses on alternate service and the increasing secularization of conscientious objection, largely ignoring the role of the churches during the Vietnam era. This oversight, as well as a number of factual inconsistencies, reduces the usefulness of her study.

Scholars have approached the C.O. question from a number of angles. Stuart Showalter analyzed the response of the press to C.O.s during the

⁵ Charles C. Moskos and John Whiteclay Chambers II, *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993).

⁶ Jean Mansavage, "Alternatives to Arms 1-W Conscientious Objectors to the Vietnam War" (master's thesis, Texas A&M University, 1990).

Vietnam war.⁷ Ronald Parks wrote a history of conscientious objectors from the United Methodist Church.⁸ Parks' work was the only mainstream study of a single religious group with regards to conscientious objection. Beverly Houghton examined C.O.s from a sociological point of view.⁹

Conscientious objection is usually discussed in books written on conscription, such as George Q. Flynn's *The Draft*, published in 1993.¹⁰ Naturally, conscientious objection is only a small portion of these much broader studies.

Of interest to anyone studying the religious response to the Vietnam war is Mitchell K. Hall's *Because of Their Faith*, his 1990 study of the group Clergy and Laymen Concerned about Vietnam (CALCAV).¹¹ Hall documents the history of this large ecumenical anti-war group and analyzes the spectrum of responses to the Vietnam war within the religious community.

⁷ Showalter, Stuart Wesley. "Coverage of Conscientious Objectors to the Vietnam War: An Analysis of the Editorial Content of American Magazines, 1964-1972 (Ph.D. diss., University of Texas, Austin, 1975).

⁸ Ronald S. Parks, "The United Methodist Conscientious Objector in the Vietnam War Era: A Study of Ethical Formulation and Implementation" (Ph.D. diss., Drew University, 1992).

⁹ Beverly D. Houghton, "Conscientious Objection: Socialization and Social Deviance" (Ph.D. diss., University of Minnesota, 1973).

¹⁰ George Q. Flynn, *The Draft, 1940-1973* (Lawrence, Kan.: University Press of Kansas, 1993).

¹¹ Mitchell K. Hall, *Because of Their Faith: CALCAV and Religious Opposition to the Vietnam War*, (New York: Columbia University Press, 1990).

Chapter Summary

Chapter I examines the beginnings of religious conscientious objection, from the Roman era through the early twentieth century. Special attention is placed on the history of American conscientious objection, especially as America started to use large-scale conscription in the Civil War and World War I. Throughout this period in America, tolerance was reserved only for those members of the “historic peace churches.” Only these few pacifists could gain C.O. status, leaving out other religious or secular objectors.

Chapter II deals with the World War II C.O. experience. The 1940 Selective Service Act created the administrative system that remained intact throughout the Vietnam war. Also, World War II marked the first time conscientious objector status was granted based on individual belief, not affiliation with a particular pacifist church. Despite this, most objectors still were members of the historic peace churches. Some post-war legislative changes would set the stage for the legal challenges that would alter the nature of conscientious objection during the Vietnam war era.

Chapter III is a legal history of conscientious objection during the Vietnam war. Two crucial Supreme Court cases, *United States v. Seeger* in 1965 and *Welsh v. United States* in 1970, radically altered the government’s definition of religion and conscientious objection. A third case, *Gillette v. United States*, upheld the U.S. government’s traditional position against

selective conscientious objection, despite strong support from many religious groups.

Chapter IV deals with the procedures of Vietnam-era conscientious objection by presenting an overview of the C.O. experience during this period. This includes an examination of the Selective Service System, the alternate work program, and statistics relevant to conscientious objection. Groups such as in-service objectors and non-combatants are also discussed.

Chapter V examines the relationship between religious groups and conscientious objection. The religious response to the Vietnam war in general was quite varied. Most denominations showed at least some support for conscientious objection. Throughout the war, the percentage of C.O.s from historic peace churches fell significantly, largely because of a rise of C.O.s from mainstream churches or with no religious affiliation. The support of conscientious objection and the increase of mainstream C.O.s reflects mainstream America's dissatisfaction with war.

Chapter I:

The Development of Conscientious Objection Through World War I

Since the Protestant Reformation, most conscientious objectors have come from the pacifist strain of Christianity, which was embodied in the “historic peace churches.” These churches, emulating the early Christian church’s pacifism, brought conscientious objection to America in the colonial period. American military and political authorities have frequently granted exemptions to these objectors, although before the Civil War such policy was made at the local level. Through World War I, only members of the historic peace churches qualified for conscientious objector status.

Early Pacifism

From its inception, the notion of conscientious objection has been tied to religion. The early Christian church, following Jesus’ teachings against killing, appears to have been mostly pacifist.¹ The church was even censured for its position. A Roman chastised the Christians in 173 AD: “If all men were to do as you, there would be nothing to prevent the emperor from being left in utter solitude and desertion and the forces of the empire would fall

¹ See the “Sermon on the Mount,” Matthew, chapters 5-7. Examples of Jesus’ teachings that promote the pacifist idea are: “But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you” (Matthew 5:44) and “Blessed are the peacemakers: for they shall be called the children of God.” (Matthew 5:9).

into the hands of the most lawless barbarians."² The pacifist stance was not entirely unanimous in the church, for tombstones of Christian soldiers dating to the late second century have been uncovered.³ As time went by, the number of Christians in military service increased, especially after the Roman emperor Constantine embraced Christianity in 313 AD.

The church, however, still maintained its pacifist character, urging its members not to join the army and telling military converts not to kill.⁴ Church leaders excluded those who had killed in battle from the sacrament of Holy Communion for three years.⁵ Christians, confronted with conscription, faced a difficult choice. Some, undoubtedly, entered the military. Others, like St. Maximilian, refused, saying, "I will not be a soldier of this world, for I am a soldier of Christ." He was beheaded.⁶

The division in the early Christian church on military matters slowly solidified into three basic positions. One wing remained true to the early church's pacifist convictions. Another group embraced the "just war" tradition. The third tradition, best viewed in the medieval church-sanctioned Crusades, embraced war.

² James H. Forest, *Catholics and Conscientious Objection* (New York: Catholic Peace Fellowship, pamphlet, 1981).

³ *Ibid.*

⁴ John Ferguson, *War and Peace in the World's Religions* (New York: Oxford University Press, 1978), 103-4.

⁵ Forest, *Catholics and Conscientious Objection*.

⁶ *Ibid.*

As a result of the Protestant Reformation, the pacifist wing of Christendom evolved into what became known as the “historic peace churches.” The most dominant of these churches were the Anabaptists, the Brethren, and the Quakers. These sects rejected the institutional Roman church in favor of the model seen in the early Christian church.

The Anabaptists, a collection of Protestant groups spawned by the Reformation, maintained the pacifist tradition of first century Christians. Mennonite, Amish, and Hutterite sects rejected those beliefs and practices of Catholicism and Protestantism that they believed were not biblically grounded. Specifically, they rejected infant baptism in favor of adult baptism. These Anabaptists withdrew from affairs of the state, preferring to live in closed communities apart from the secular world. They were considered quite unorthodox, and Anabaptist groups have often been persecuted by Catholics and Protestants alike.⁷

Another group that is included with the historic peace churches is the Church of the Brethren. The Brethren share many of the same principles with the Anabaptists. This sect originated much later, in the early-eighteenth century.⁸

The Society of Friends, commonly called the Quakers, was founded by George Fox in mid-seventeenth century England. The Quakers emerged from

⁷ For more information on Anabaptists, see Kenneth Scott Latourette, *A History of Christianity* (New York: Harper and Brothers, 1953), chapter XXXIV.

left-wing Puritanism. They minimized liturgy and emphasized the role of Christ and the grace of God.⁹ Where the Mennonites tended to withdraw from society, the Quakers were politically active.¹⁰

Mennonites, Brethren and Quakers, although originating in Europe, represented the majority of pacifists in the United States well into the twentieth century. The historic peace churches were traditionally small, unorthodox groups, articulating a consistent position against war. The pacifist position was never in the majority.

Mainstream religious groups rejected the pacifism of the early church and the peace church fringe. Mainstream churches instead took two different positions, one accepting war and the other accepting only "just war."

The "just war" idea can be traced back to the first century B.C. Roman pagan Cicero. Cicero laid out several rules that one could apply in a situation to decide if a given conflict was just or unjust. His arguments were taken up by Christian philosophers, namely Tertullian, Origen, Aquinas, Augustine, and later Vitoria, Bellarmine and Suarez. As the theory took shape in the sixteenth century, it had four elements: the war must be declared by those in authority; the cause must be just; the warring states should seek to further good or destroy evil; and, the war must "be fought by

⁸ *Ibid.*, 786.

⁹ Sydney E. Ahlstrom, *A Religious History of the American People* (New Haven: Yale University Press, 1972), 177.

¹⁰ Ferguson, *War and Peace*, 113.

proper means.” Other clauses were often added, such as the protection of innocents, and that war is to be used a last resort.¹¹

The more militant group of mainstream Christians accepted, and even encouraged, the use of force for religious reasons. John Ferguson cites an ancient German poem that exalts Simon Peter for using his sword to defend Jesus on the night he was betrayed.¹² This tradition is exemplified in the Crusades. The Crusades, which dominated European and Mid-East political and religious life from the eleventh to the thirteenth centuries, was a series of wars with the purpose of re-capturing Palestine (a “holy land” for Christians, Jews, and Moslems) from the Moslems. Not only were these wars blessed by the Catholic Church hierarchy, but a number of military monastic orders sprang up with the expressed purpose of fighting for Christ.

There is another element in the religious debate on war and peace that runs throughout all three positions: nationalism. At times, nationalistic issues do more to dictate an individual’s response to a war than religious belief. Ferguson writes, “[t]he historic association of the Christian faith with nations of commercial enterprise, imperialistic expansion and technological advancement has meant that Christian peoples, although their faith is one of the most pacifistic in its origins, have a record of military activity second to

¹¹ *Ibid.*, 103-104, 110-111.

¹² *Ibid.*, 106.

none.”¹³ The flag has historically occupied an important position in the church, and churchmen have frequently endorsed and approved of warfare.

Conscientious Objection In Early America

Many early immigrants to America sought religious freedom. Among these were some members of the historic peace churches.¹⁴ A few Quakers immigrated from England in 1656, with more to follow.¹⁵ Anabaptist immigration came in a number of waves. Dutch and German Mennonites arrived as early as 1683. Settling in Pennsylvania, Mennonite immigration continued until 1760. Included in this group were the Amish, a more conservative group within the Mennonite tradition. Later, large numbers of Russian Mennonites immigrated to America in the 1870s. These Mennonites, many of whom had originally moved to Russia to avoid military service in Germany, now fled an increasingly unfriendly Czar.¹⁶ All of these groups, hoping to avoid the persecution of their beliefs in Europe, were drawn to America by promises of religious freedom.

Conscientious objection came to America with the immigration of members of historic peace churches. Many of these pacifist sects immigrated

¹³ *Ibid.*, 122.

¹⁴ Moskos and Chambers, *New Conscientious Objection*, 25.

¹⁵ Lillian Schlissel, comp., *Conscience in America: a Documentary History of Conscientious Objection in America, 1757-1967* (New York : Dutton, 1968), 17.

¹⁶ Ahlstrom, *Religious History*, 232-234, 753.

to America in part to avoid the problem of military service in Europe. In America, these pacifists encountered a different form of service in the militia. Each colonial town and city mustered its adult males for regular drills and extended service as the need arose. The local militias were subordinate to the colony, and later to the states.¹⁷ All of America's early wars, from the French-Indian war to the Revolution and the War of 1812, were fought by militias.

Members of the pacifist sects were clearly opposed to any military service. Almost as soon as they landed, pacifists ran into trouble with local militia officials. Members of historic peace churches, unwilling to assist with the common defense, were a distinct liability in frontier settlements.

The first record of conflict between pacifists and militias dates to 1658, two years after the first Quakers set foot on American soil.¹⁸ Official punishments included fines, imprisonment, and forced service. For example, the 1666 Virginia legislature mandated a fine of 100 pounds of tobacco for refusing to muster with the militia.¹⁹ Later, also in Virginia, a group of Quakers were arrested and brought to Colonel George Washington. Washington released them, stating, "They choose rather to be whipped to

¹⁷ See chapter 1 of John Whiteclay Chambers II, *To Raise an Army* (New York: The Free Press, 1987).

¹⁸ Mansavage, "Alternatives to Arms," 6, and Moskos and Chambers, *New Conscientious Objection*, 25.

¹⁹ Schlissel, *Conscience in America*, 30.

death than bear arms.”²⁰ Trouble did not end with the law; unofficial punishments included beatings and economic retaliation, such as an economic boycott against a Quaker cobbler who refused to serve.²¹ The pacifist Christian was in a difficult position. If he refused militia service, he faced both official and informal punishment. But if he served, he would be disowned by his religious group. One pacifist group wrote, “Jim Peck Dukehart, having violated our testimony against war, by joining a Military Company[,] we hereby disown him.”²²

Some communities dealt with the pacifists differently. The pacifists were economically productive members of the community, and, except for their refusal to serve in the military, were law abiding. Community leaders recognized this, and took steps to provide pacifists with alternatives to militia service.²³ The colony of Rhode Island enacted a C.O. law in 1673. The law exempted those who objected to war on religious grounds from paying the militia fines. One need not be a member of a historic peace church to have qualified under this act. In exchange, they were required to perform some alternate service in time of war, which included, among other duties, the care of “weake and aged impotent persons, women and children, goods and

²⁰ Moskos and Chambers, *New Conscientious Objection*, 27.

²¹ Mansavage, “Alternatives to Arms,” 7.

²² Edward Needles Wright, *Conscientious Objectors in the Civil War* (Philadelphia: University of Pennsylvania Press, 1931), 12, as quoted in Schlissel, *Conscience in America*, 57.

cattle.”²⁴ The grace of Rhode Island was short lived, when (under a different government) four years later the exemption was revoked during a war. Other governments later enacted similar legislation.²⁵ In 1701, Pennsylvania, under the direction of Quaker William Penn, also provided that no person who conscientiously objected to war “shall be in any case molested or prejudiced” because of his beliefs.²⁶ In a less organized method of alternate service, a group of Schwenkfelders (a minor peace church) in Pennsylvania “willingly helped to bear their respective shares of the burdens...without personally taking up arms against the enemy” in 1755 Indian attacks.²⁷ Their service seems to have taken the form of non-combat service as well as the hiring of substitutes.

The American Revolutionary War nicely illustrates the story of the conscientious objector in colonial America. Despite a 1775 measure passed by the Continental Congress relieving religious objectors from the obligation to fight, military matters still remained largely a local issue.²⁸ Some states, notably Rhode Island, North Carolina, and Massachusetts, treated C.O.s

²³ Moskos and Chambers, *New Conscientious Objection*, 25.

²⁴ *Ibid.*, 26-7.

²⁵ *Ibid.*, 26.

²⁶ Isaac Sharpless, *A Quaker Experiment in Government, A History of Quaker Government in America*, vol. 1 (Philadelphia: T. S. Leach & Co., 1898), 123, as quoted in Schlissel, *Conscience in America*, 29.

²⁷ H.W. Kriebel, *The Schwenkfelders in Pennsylvania, a Historical Sketch* (Lancaster, Pa.: Pennsylvania German Society Publications, 1904), 152-53, as quoted in Schlissel, *Conscience in America*, 39.

favorably; others, including Pennsylvania, were simply hostile to objectors.²⁹ Fines and taxes were often required of a conscientious objector in place of military service, and there were cases, albeit extreme, of C.O.s being beaten for their refusal to fight.³⁰ According to one historian, conscientious objection was “largely a privilege to be enjoyed at the community's pleasure.”³¹

The framers of the U.S. Constitution attempted to turn the privilege of conscientious objection into a right. James Madison proposed an amendment that would exempt religious objectors from military service.³² The measure passed the House of Representatives, but failed in the Senate.³³ Thus, until well into the Civil War, conscientious objection remained where it had always been: in the hands of the locally-controlled militias.³⁴

The failure to enact a federal C.O. provision did not stop those members of the historic peace churches. They lobbied each new state as it

²⁸ Moskos and Chambers, *New Conscientious Objection*, 28-9.

²⁹ Richard Wilson Renner, “Conscientious Objection and the Federal Government, 1787-1792,” *Military Affairs* 38, no. 4 (1974): 142.

³⁰ Moskos and Chambers, *New Conscientious Objection*, 28.

³¹ Renner, “Federal Government,” 142.

³² “The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms shall be compelled to render military service in person.” James Madison, Proposals to the Congress for a Bill of Rights, 1789, *Annals of Congress: The Debates and Proceedings in the Congress of the United States*, Vol. I, First Congress, First Session, June, 1789 (Washington, D.C.: Gales and Seaton, 1834), 431-42, as cited in Schlissel, *Conscience in America*, 47.

³³ Moskos and Chambers, *New Conscientious Objection*, 29; Renner, “Federal Government,” 142; Mansavage, “Alternatives to Arms,” 9.

³⁴ Renner, “Federal Government,” 144.

entered the Union, and many states provided for conscientious objection. Throughout ante-bellum America a number of states, including Illinois, Alabama, Iowa, Kentucky, Indiana, Kansas, and Texas, had conscientious objection clauses written into their state constitutions. In nearly every case, the pacifist was required to pay a fine in lieu of military service.³⁵

Civil War

State militia laws remained in effect through the first years of the Civil War. In many cases, men were exempted from service if they hired a substitute or paid a fine (usually \$200-300).³⁶ Many objectors, especially Quakers, saw this as contributing to the military, and no less damning than serving in the military themselves. This objection led to new laws, such as in Maine where the state specifically exempted “persons of the denominations of Quakers and Shakers,” but no one else, unless they paid the fine.³⁷

The Civil War brought the nation’s first mass conscription and the first federal recognition of conscientious objection. Like many of the state laws it superseded, the Federal Militia Act of 1863 provided no specific clause relating to conscientious objection; however, it provided for exemption from

³⁵ Schlissel, *Conscience in America*, 57. The Indiana Constitution of 1851 read: “No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be proscribed by law.” Article XII, Section 6 of the Indiana Constitution of 1851, cited in Wright, *Civil War*, 39.

³⁶ Wright, *Civil War*, 52-53.

³⁷ *Ibid.*, 40.

service upon payment of a fine.³⁸ A later amendment to this act, dated February 24, 1864, did provide for conscientious objection as follows:

Members of religious denominations, who shall by oath or affirmation declare that they are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith and practice of said religious denominations, shall, when drafted into the military service, be considered noncombatants, and shall be assigned by the Secretary of War to duty in the hospitals, or to the care of freedmen, or shall pay the sum of three hundred dollars...³⁹

The Confederates passed a similar measure that exempted pacifist churchmen from combat with the payment of a fee or provision of a substitute.⁴⁰ Compared to the millions mustered into both the Union and Confederate armies, the 1,200-1,500 conscientious objectors were numerically insignificant.⁴¹

Only the historic peace churches met the Union and Confederate requirements, so each side closed the door to conscientious objection to both mainstream religious and secular objectors. Although the records show that the Union exempted some Catholic monastic orders (notably the Benedictine

³⁸ *Statutes at Large* 12 (1863): 731.

³⁹ *Statutes at Large* 13 (1864): 6.

⁴⁰ Selective Service System, *Conscientious Objection*, vol. 1, Special Monograph no. 11 (Washington, D.C.: Government Printing Office, 1950), 45-7, cited in William D. Palmer, "Time to Exorcise Another Ghost From the Vietnam War: Restructuring the In-Service Conscientious Objector Program," *Military Law Review* 140 (Spring 1993): 184.

⁴¹ Schlissel, *Conscience in America*, 91.

Order of Monks), there is no record of lay Catholics (or Protestants) enjoying the exemption.⁴²

Government officials were rather tolerant of objectors. The military soon learned the futility of forcing these men to fight against their will. An Adjutant General's letter of December 15, 1863, ordered the parole of those persons—largely Quakers—who would not fight or pay the fine.⁴³ Historians Moskos and Chambers cite President Abraham Lincoln, Secretary of War Edwin Stanton, and Confederate Assistant Secretary of War John A. Campbell as three men who supported conscientious objection.⁴⁴ Lincoln, in particular, wrote: “For those appealing to me on conscientious grounds, I have done, and shall do, the best I could and can, in my own conscience, under my oath to the law.”⁴⁵

Despite these encouraging attitudes, both Northern and Southern objectors did face danger as a result of their stand. There is record of objectors enduring torture, and at least one execution, as a result of their refusal to fight.⁴⁶ One of the more interesting cases is that of a southern Quaker named Seth W. Laughlin, who, despite over a week of abuse, refused

⁴² The Benedictines were exempted on November 28, 1862. Wright, *Civil War*, 70.

⁴³ Wright, *Civil War*, 75-76.

⁴⁴ Moskos and Chambers, *New Conscientious Objection*, 30-31.

⁴⁵ Abraham Lincoln, in a letter to Mrs. Eliza Paul Gurney, September 4, 1864, as quoted in John C. Nicolay and John Hay, *Abraham Lincoln--A History*, vol. 6 (New York: The Century Co., 1890), 328-29, quoted in Schlissel, *Conscience in America*, 112.

⁴⁶ Moskos and Chambers, *New Conscientious Objection*, 30.

to go against his conscience and fight. Finally, he was ordered to be shot. As the firing squad prepared, Laughlin prayed the words of Jesus as he hung on the cross: "Father, forgive them, for they know not what they do." The men, affected by his courage, refused to kill him. Unfortunately, Laughlin died a few weeks later from injuries sustained when he had been beaten.⁴⁷

The Civil War brought not only the first national draft, but also the first national recognition of conscientious objection. However, as in many of the state laws superseded by the Federal Militia Act, only members of the historic peace churches were eligible for conscientious objection.

Well into the twentieth century most pacifists were religious, but there was also a strain of secular pacifism. This school of thought owed a great deal to the writings of Henry David Thoreau.⁴⁸ There was also a wing of anti-military socialists.⁴⁹ These groups, small in numbers, were not eligible for any sort of official exemption from military service.

World War I

World War I (WWI) also required the conscription of America's young men into its army. The 1917 draft law provided exemptions for members of

⁴⁷ Fernando G. Cartland, *Southern Heroes; or the Friends in War Time* (Cambridge, Mass.: Riverside Press, 1895), 211-213, quoted in Schlissel, *Conscience in America*, 120.

⁴⁸ Caroline Moorehead, *Troublesome People: The Warriors of Pacifism* (Bethesda, Md.: Adler & Adler, 1987), xviii.

⁴⁹ Peter Brock, *Twentieth Century Pacifism* (New York: Van Nostrand Reinhold Co., 1970), 10-12.

“any well recognized religious sect or organization...whose existing creed or principles forbid its members to participate in war in any form.”⁵⁰ The wording of the act again excluded all but members of historic peace churches; most mainstream religious groups had no specific creed relating to war or pacifism.

Neither Congress nor the Selective Service defined which religious groups it intended to exempt.⁵¹ This provided a good deal of administrative difficulty, some of which was resolved when President Woodrow Wilson issued an order classifying as C.O.s those sincere objectors who could not gain proof of affiliation with a historic peace church.⁵² Although the presidential order allowed for non-religious objection, in practice such objectors were rare. A Board of Inquiry tasked with deciding C.O. cases found many people in this category to be insincere or not qualified.⁵³ Only a few extreme pacifists made it past the Board.⁵⁴ An overwhelming social

⁵⁰ *Statutes at Large* 40 (1917): 78.

⁵¹ Justice Harlan's concurring opinion, *Welsh v United States*, 398 US 367 (1970).

⁵² Executive Order dated March 20, 1918. *The Papers of Woodrow Wilson*, ed. Arthur S. Link, *et al*, vol. 47: March 13-May 12, 1918 (Princeton: Princeton University Press, 1984), 72-73. See also Justice Harlan's concurring opinion, *Welsh*, 398 US 367.

⁵³ Harlan Fiske Stone, "The Conscientious Objector," *Columbia University Quarterly* 21 (October, 1919): 263. Stone, later the chief justice of the Supreme Court, was one of three members of the Selective Service's Board of Inquiry that dealt with conscientious objectors.

⁵⁴ Stone, "The Conscientious Objector," 264.

stigma against conscientious objectors also minimized the effect of the order.⁵⁵

Of over 2.8 million World War I draftees, only 20,873 were inducted as conscientious objectors.⁵⁶ Of these, 16,000 men eventually agreed to join combat units.⁵⁷ The remainder served as non-combatants in the military, an arrangement which proved troublesome to both the objectors and the army.⁵⁸ C.O.s were segregated from other soldiers, providing some administrative troubles.⁵⁹ Reactions from soldiers varied from tolerance to hatred. One officer called conscientious objectors "enemies of the Republic...fakers, and active agents of the enemy."⁶⁰ Congress and the War Department specifically intended that selective conscientious objectors would not be deferred.⁶¹ The Army jailed over sixty selective objectors during the war.⁶²

⁵⁵ *Ibid.*, 263.

⁵⁶ Over 64,000 men qualified for C.O. status, but only 20,000 were inducted. United States War Department, *Treatment of Conscientious Objectors in the Army* (Washington, D.C.: Government Printing Office, 1919), 16.

⁵⁷ Mulford Q. Sibley and Philip E. Jacob, *Conscription of Conscience: The American State and the Conscientious Objector, 1940-1947* (Ithaca, NY: Cornell University Press, 1952), 12.

⁵⁸ War Department, *Treatment of Conscientious Objectors*, 8. *Moskos and Chambers, New Conscientious Objection*, 33.

⁵⁹ War Department, *Treatment of Conscientious Objectors*, 37.

⁶⁰ *Ibid.*, 33.

⁶¹ *Ibid.*, 11.

⁶² *Ibid.*

The C.O. clause was legally challenged, along with the draft law itself, in late 1917.⁶³ The petitioners argued that the clause constituted an establishment of religion and therefore violated the First Amendment, a refrain that would be heard again during the Vietnam war. The Court, perhaps reflecting the prevailing attitude of the time, rejected this argument by simply saying that its “unsoundness is too apparent to require us to do more.”⁶⁴

Conscientious objection was not often a popular choice during WWI. There was some public animosity towards the C.O.; the *Official Bulletin* even published an article entitled, “Word of Advice to War Objectors Whose Lives and Goods are Protected by Red-blooded Fighting Americans.”⁶⁵ To readers of the day, the author’s meaning was undoubtedly clear in the title alone. In addition, many conscientious objectors were feared because the public often perceived C.O.s as being foreigners. Many historic peace churches had German roots, and public animosity towards Germans was high. Contrary to public opinion, *Current Opinion* noted in June 1919, “the overwhelming majority” of C.O.s were born in America.⁶⁶ In a post-war assessment of conscientious objection, Third Assistant Secretary of War F. P. Keppel noted

⁶³ *Selective Draft Law Cases*, 245 US 366 (1917).

⁶⁴ *Ibid.*

⁶⁵ “Word of Advice to War Objectors Whose Lives and Goods are Protected by Red-blooded Fighting Americans,” *Official Bulletin* 2 (March 28, 1918): 3.

that the “dislike and distrust of this small minority of Americans...was marked, both in the communities from which these men came, and among enlisted men and officers.”⁶⁷

Once in the army, conscientious objectors served as non-combatants in World War I.⁶⁸ About 4,000 men refused non-combatant service and were jailed for their refusal.⁶⁹ Some men requested conscientious objection classification after induction. The War Department reported that only about 4,000 men, or 0.14 percent of the 2.8 million men serving in the army, requested non-combatant classification.⁷⁰ Many believed the objectors were sincere. Of those who reached court-martial stage, Keppel reports that he knew of only one man who deserted, despite the “pretty rough treatment” the men received.⁷¹ A member of the Board of Inquiry echoed Keppel’s sentiment, saying:

Objectors of all types were on the whole sincere. It is a matter of pride to the Army that practically few, if any, malingerers or enemy sympathizers were found among the draftees. Certainly the objectors were seldom insincere in their beliefs.⁷²

⁶⁶ “Conscientious objectors from the government’s angle,” *Current Opinion*, 66 (June, 1919): 382.

⁶⁷ Statement by the Third Assistant Secretary of War F. P. Keppel on June 13, 1919, in War Department, *Treatment of Conscientious Objectors*, 8.

⁶⁸ *Ibid.*

⁶⁹ John M. Glen, “Secular Conscientious Objection in the United States: The Selective Service Act of 1940,” *Peace and Change* 9, no 1 (1983): 56.

⁷⁰ War Department, *Treatment of Conscientious Objectors*, 9.

⁷¹ *Ibid.*

⁷² A member of the board of inquiry, in *Ibid.*, 10.

These statements are somewhat at odds with another War Department statement that reported that roughly eighty percent of non-combatants eventually “changed their minds” and forfeited their exemptions.⁷³ This was credited to a Department order of October 10, 1917, which instructed commanders to segregate C.O.s and treat their attitudes with “kindly consideration” with the hopes they would renounce their objection.⁷⁴ These problems were remembered when the next conscription law was drawn up in 1940.

Mainstream churches largely supported the American war effort during WWI.⁷⁵ The Vatican was neutral, but most American Catholics supported the war effort.⁷⁶ Naturally, the historic peace churches did not approve of the war. Much of the mainstream religious dissent was on an individual basis. Norman Thomas, at the time a Presbyterian minister but later a socialist leader, took a strong anti-war stand.⁷⁷ Thomas criticized the World War I policy of classifying conscientious objectors on the basis of

⁷³ Statement concerning the treatment of conscientious objectors in the army, prepared by Col. James S. Easby-Smith, Judge Advocate, in *Ibid.*, 16.

⁷⁴ Letter from the Adjutant General of the Army to the commanding generals of all National Army and National Guard division camps, October 10, 1917 in *Ibid.*, 37.

⁷⁵ Ray Abrams, *Preachers Present Arms* (New York: Round Table Press, 1933), cited in Ahlstrom, *Religious History*, 884.

⁷⁶ Ahlstrom notes that many Irish Catholics were not very supportive of the English due to the long-running animosity between the Ireland and England. *Ibid.*, 883.

religious affiliation. He said, "conscience is individual and not corporate; not all conscientious objectors are Quakers."⁷⁸ Thomas' objection would not be addressed in 1917; he would have to wait until 1940 to see the legal recognition of mainstream objection.

Conclusion

During the Civil War and World War I, conscientious objection in America did not change substantially. For the most part, only members of the historic peace churches qualified for exemptions. Although they represented only a small fraction of men drafted, C.O.s provided some administrative difficulty for the draft officials and the military. These problems were taken into account during America's next war.

⁷⁷ See James C. Duram, "In Defense of Conscience; Norman Thomas as an Exponent of Christian Pacifism During World War I," *Journal of Presbyterian History* 52, no. 1 (1974): 19-32.

⁷⁸ Duram, "In Defense of Conscience," 30.

Chapter II:

World War II and the Origin of Modern Conscientious Objection

World War II laid much of the legal and administrative framework for Vietnam-era conscientious objection. In 1940 Congress created the Selective Service System, which would remain largely unchanged until the 1960s. With this legislation, Congress for the first time exempted religious objectors regardless of their denominational affiliation.

In 1940, with the war raging in Europe and dark clouds over the Pacific, the United States began drafting men. The Selective Service Act (1940) created the Selective Service System, an institution which remained much the same through the Vietnam War. Also under this law, for the first time conscientious objection was recognized to be a matter of individual conscience, not group affiliation or creed. Congress provided for conscientious objection with the inclusion of Section 5(g) of the Selective Service Act, which stated that:

Nothing contained in this Act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States who, by *reason of religious training and belief*, is conscientiously opposed to participation in war in any form.¹
[emphasis added]

Despite the dismissal of the group requirement, World War II (WWII) conscientious objectors were still predominately members of the historic

peace churches. However, some objectors with mainstream religious views were also classified as conscientious objectors. In all cases the objectors had religious affiliation and demonstrated opposition to participation in all war.

Nearly 12,000 men entered the Civilian Public Service camps, the non-military work designed for conscientious objectors. The Selective Service estimates that about 25,000 C.O.s entered the army as non-combatants.² Registrants were classified as conscientious objectors only if they did not qualify for a myriad of deferments. Therefore, many men who held pacifist beliefs were likely deferred for other reasons.³

The Selective Service Act provided for the creation of a decentralized system of local draft boards, with state and national appeal boards. Although policy was determined nationally, virtually all decisions regarding draft status and deferments were made by some 4,000 local draft boards.⁴ These boards consisted of at least three members, each appointed for life. Ideally, they were members of the community over which the board had jurisdiction, but this was not always the case.⁵ While some draft boards judged each case according to the rules, others simply did not grant conscientious objector

¹ *Statutes at Large* 54 (1940): 889.

² Selective Service System, *Conscientious Objector*, 315.

³ J.W. Masland, "Treatment of the Conscientious Objector Under the Selective Service Act of 1940," *American Political Science Review* 36 (August, 1942): 698 and Leo P. Crespi, "Attitudes Toward Conscientious Objectors and Some of Their Psychological Correlates," *Journal of Psychology* 18 (July, 1944): 81.

⁴ Franklin Stevens, *If This Be Treason* (New York: Peter H. Wyden, Inc., 1970), 60.

⁵ *Ibid.*, 61.

deferments.⁶ In case an applicant did not receive the classification he had desired, there was a system of local and national appeal boards.

The decentralized system was largely the product of its long-time director, General Lewis B. Hershey. Hershey was a career military officer who had worked on conscription issues since 1926.⁷ Although he had Mennonite ancestors, Hershey was unchurched.⁸ Hershey, a conservative Republican, was a strong advocate of state's rights, and he was very wary of a strong, centralized government.⁹ Largely due to the force of his personality, the S.S.S. remained highly decentralized. Led by a national headquarters, the Selective Service was mostly made up of volunteers.¹⁰ The local boards were the responsibility of the state governors, not the national headquarters. During World War II, Hershey bragged that the local boards "need not pay any attention to 99 percent of the things we sent out....It is a good thing they do not have to."¹¹

⁶ V.H. Whitney, "C.O.'s: Second-class Citizens," *Nation* 161 (December 29, 1945): 735-736.

⁷ E. Raymond Wilson, "Evolution of the C.O. Provisions in the 1940 Conscription Bill," *Quaker History* 64, vol 1 (1975): 12.

⁸ George Q Flynn, "Lewis Hershey and the Conscientious Objector: The World War II Experience," *Military Affairs* 47, vol. 1 (1983): 1, and Wilson, "Evolution," 12.

⁹ George Q Flynn, *Lewis B. Hershey: Mr. Selective Service* (Chapel Hill: University of North Carolina Press, 1985), 221.

¹⁰ Flynn, *Lewis B. Hershey*, 221. In 1970 the S.S.S. reported a total personnel of 51,914. Of these, 42,997 were "uncompensated personnel." Nineteen thousand of those volunteers worked at the local board level. The rest were doctors, advisors, appeal agents, or state board members. (Selective Service System, *Semi-Annual Report of the Director of Selective Service to the Congress of the United States Pursuant to the Universal Military Training and Service Act as Amended* (Washington, D.C.: U.S. Government Printing Office, 1970, report 2), 47.

Hershey was initially an assistant to the civilian director of the S.S.S. When the director resigned in 1941, Hershey was appointed to the position, where he remained until early 1970.¹² Hershey, despite his secular and military background, was rather tolerant of conscientious objection, instructing the boards to give equal treatment to conscientious objectors. To Hershey, conscientious objection was an “experiment in democracy...to find out whether our democracy is big enough to preserve minority rights in a time of national emergency.”¹³

Hershey himself did his part to help conscientious objectors. Hershey ran the presidential appeal board, the final level of appeal available to registrants. This board was significantly more liberal in granting C.O. classifications than the local boards. Only about ten percent of registrants appealing to the presidential board were given I-A (available for military service) status, whereas local boards rejected C.O. claims over seventy-five percent of the time.¹⁴ This discrepancy could be due, in part, to the fact that a registrant persistent enough to take his case through the multi-layered appeal process was probably viewed by the presidential board as having more sincerity than at the local board level. Nevertheless, Hershey and the

¹¹ Flynn, *Lewis B. Hershey*, 78-79.

¹² *Ibid.*, 75, and Flynn, *The Draft*, 243.

¹³ Flynn, “Hershey and the Conscientious Objector,” 2.

¹⁴ *Ibid.*, 3. These figures are based on 8,127 cases heard before local boards, and 1,558 cases heard by the presidential appeal board.

presidential appeal board were clearly much more tolerant of conscientious objectors than the local boards.

Hershey was proud of the success of the conscientious objector program, writing, "we today live in a country where the small minority can enjoy freedom of conscience and not be placed in concentration camps on account of their belief."¹⁵ Hershey's attitude was quite unlike many government officials, let alone military officers.¹⁶ Yet, despite the successes of classification, conscientious objection did pose significant problems during World War II. Conscientious objectors who refused to enter the military were required to serve in the Civilian Public Service camps, which some objectors viewed as being quite similar to the "concentration camps" Hershey was proud to have avoided.

"Work of National Importance"

The Selective Service, and the C.O.s themselves, wished to avoid the problems of WWI. Only those C.O.s who wished to perform non-combatant service were inducted into the military. The rest, some 12,000 men, were assigned to jobs, as the 1940 law provided, in "work of national importance under civilian direction."¹⁷ For some, this meant working in hospitals or as

¹⁵ *Ibid.*, 4.

¹⁶ *Ibid.*, 5.

¹⁷ *Statutes at Large* 54 (1940): 889.

"guinea pigs" for medical research.¹⁸ But for most, "work of national importance" meant the Civilian Public Service (CPS).

Conscientious objectors were sent to one of a number of CPS camps across the country. The camps were a joint venture of the S.S.S. and the historic peace churches.¹⁹ Although the church groups provided financial support, the Selective Service was in charge of the CPS operation.²⁰ The camps, many of them located at former Civilian Conservation Corps camps, produced over eight million man-days of labor throughout the war.²¹ The men were not paid for their labor, and in fact, many, if they could afford it, were asked to contribute to the CPS camps.²²

The CPS camps proved almost as troublesome as the WWI military arrangement. The churches and the S.S.S. often came into conflict, largely because although the churches paid for CPS, they had little control over its operation.²³ Many C.O.s also were unhappy with the camps, mainly because

¹⁸ Patricia McNeal, "Catholic Conscientious Objection During World War II," *Catholic Historical Review* 61, no. 2 (1975): 237-238.

¹⁹ Although most of the camps were sponsored by the Quakers, Brethren, and Mennonites, some mainstream groups did sponsor camps. Those groups include the Association of Catholic Conscientious Objectors, the American Baptist Home Missionary Society, the Disciples of Christ, the Commission on Christian Social Action of the Evangelical Reformed Church, the Methodist World Peace Commission, and the National Service Board for Religious Objectors. Selective Service System, *Conscientious Objector*, 176.

²⁰ George Q. Flynn, "Selective Service and the Conscientious Objector," in Michael F. Noone, Jr., ed., *Selective Conscientious Objection: Accommodating Conscience and Security* (Boulder, Col.: Westview Press, 1989), 38.

²¹ *Ibid.*, 38, and Flynn, "Hershey and the Conscientious Objector," 4-5.

²² Whitney, "C.O.'s: Second-class Citizens," 736.

they were asked “to pay \$30 a month out of their own pocket for the privilege of working for nothing.”²⁴ This arrangement even led the American Civil Liberties Union to denounce the camps by accusing the government of placing C.O.s beneath prisoners of war, convicts, and enemy aliens because those groups were paid for their forced labor.²⁵ Many also felt that CPS was not under “civilian control,” as the law had dictated. Much of how the men viewed CPS depended on their religious affiliation.²⁶ The Mennonites, especially, were noted for being particularly supportive.

Many local residents resented having CPS camps in their area. The Lincoln County [Oregon] *Times* printed an editorial asking:

So WHY are these Conscientious Objectors with the JITTERBUG COMPLEX allowed to go out, drink and publicly flout [*sic*] their draft status in front of hundreds of people who have Dear Ones in the Uniform of These United States?²⁷

One local resident wanted them moved “back in the interior like they do [with] the Japs.”²⁸

²³ Albert N. Keim, “Mennonites and Selective Service in World War II: An Ambiguous Relationship,” *Mennonite Quarterly Review* 66 no. 4 (1992): 524.

²⁴ Whitney, “C.O.’s: Second-class Citizens,” 736.

²⁵ *Ibid.*

²⁶ Keim, “Mennonites and Selective Service,” 511.

²⁷ Joyce Justice, “World War II Civilian Public Conscientious Objector Camps in Oregon,” *Prologue* 23, no. 3 (1991): 270.

Public Opinion

Despite some animosity towards the CPS camps, it appears that the public tolerated conscientious objectors during WWII. Unlike both the Civil War and World War I, conscientious objectors to World War II did not face as much violence or discrimination.

Two studies of public attitudes towards conscientious objection, both by Leo Crespi, were published during the war.²⁹ Crespi expected to find significant hostility towards conscientious objectors, much like they experienced in previous conflicts.³⁰ Instead he found that in both surveys, one of Princeton students and the other of the general public, the public had no great animosity towards conscientious objectors.³¹ Fifty percent of the Princeton group said they would not discriminate against C.O.s at all, even to the point of "accepting them as close relatives by marriage."³² In general, the more participation a C.O. took in the war effort, the more they were approved

²⁸ *Ibid.*, 267.

²⁹ In one study at Princeton University, Crespi polled 163 students from March 24-31, 1943. Crespi, "Attitudes Toward Conscientious Objectors," 84. The second survey was published in four parts: Leo P. Crespi, "Public Opinion Toward Conscientious Objectors and some of their Psychological correlates. *Journal of Psychology* 18 (1944): 81-117; Leo P. Crespi, "Public Opinion Toward Conscientious Objectors: II. Measurement of national approval-disproval," *Journal of Psychology* 19 (1945): 209-250; Leo P. Crespi, "Public Opinion Toward Conscientious Objectors: III. Intensity of social rejection in stereotype and attitude," *Journal of Psychology* 19 (1945): 251-276; Leo P. Crespi, "Public Opinion Toward Conscientious Objectors: IV. Opinions on Significant Conscientious Objector Issues," *Journal of Psychology* vol. 19 no. 2 (April 1945): 277-305.

³⁰ Crespi, "Attitudes Toward Conscientious Objectors," 82.

³¹ *Ibid.*, 91.

³² *Ibid.*

of.³³ For example, a non-combatant C.O. serving in the military was held in higher esteem than one serving in a CPS camp. As one might expect, political liberals tended to approve more of C.O.s than did political conservatives.³⁴ In his second study, Crespi noted that people with higher educational levels tended to be more favorable towards C.O.s than those with limited educational backgrounds.³⁵ Still, with all educational groups taken together, Crespi concluded that the public was tolerant toward C.O.s personally, and somewhat tolerant of C.O. principles.³⁶

There were some incidents of discrimination against C.O.s. During WWII, a former C.O. re-applied for a teaching position in Kentucky.³⁷ He was denied this position. Assistant Attorney General W. Owen Keller of Kentucky, the man who ruled on this incident, said

The fact that the individual in question has served a term in a concentration camp set aside for persons such as he, indicates that at least he has been guilty of an offense involving moral turpitude, and that his conduct has been such that an orderly society must remove him temporarily from circulation.³⁸

³³ *Ibid.*

³⁴ *Ibid.*, 115-116. Crespi also tested for differing opinions between religious liberals and conservatives. He did not find religious differences to be a factor.

³⁵ Crespi, "Opinions on Significant Conscientious Objector Issues," 277-305.

³⁶ *Ibid.*, 306.

³⁷ "Kentucky Rules Objector Cannot Teach School," *Christian Century* 60 (July 7, 1943): 788.

³⁸ Statement of Assistant Attorney General W. Owen Keller of Kentucky in *Ibid.*

In another incident, a group of Mennonite C.O.s from central Kansas were harassed and beaten by a group of draftees. The draftees were charged, but fined only a small amount for the fight.³⁹

Religious Response to Conscientious Objection

Of the 12,000 conscientious objectors assigned to work in CPS camps, the Selective Service was able to obtain religious information on all but 776 men.⁴⁰ As one might expect, many C.O.s came from historic peace churches. The Mennonites contributed 4,610 men to CPS, making it the largest single religious group in CPS. Other peace churches trailed behind, with 1,468 Brethren and 902 Quakers. Smaller pacifist groups also had a high number of C.O.s, like the 532 Jehovah's Witnesses and 136 Christadelphians. Some of the larger mainstream Protestant groups also had a number of C.O.s: Methodist (845), Baptist (243), Presbyterian (235), Church of Christ (220), Congregationalist (204), Church of God (154), and Lutheran (124).⁴¹ America's largest church, the Roman Catholic Church, had only 162 C.O.s.⁴²

³⁹ Roger Juhnke, "The Perils of Conscientious Objection," *Mennonite Life*, 34, no. 3 (1979): 4-9.

⁴⁰ Selective Service System, *Conscientious Objector*, 320.

⁴¹ These figures are all found in *Ibid.*, 218. I have only listed groups with 100 or more C.O.s. Some large groups with less than 100 C.O.s include Episcopal (81), "Hebrew" (50), and Unitarian (49).

⁴² *Ibid.*, 318. According to the S.S.S. (*Ibid.*, 320), in 1936 there were nearly 20 million Catholics in America.

Because of their long history of rejecting war, the high number of historic peace church C.O.s is not surprising. But not every young man in these pacifist churches took the C.O. route. About half of eligible Mennonite young men entered the military, either as combatants or as non-combatant C.O.s.⁴³ Mennonites who were farther away from the traditional Mennonite community tended to eschew the C.O. option in favor of military service.⁴⁴ Men who made such a decision contrary to the teaching of the church were often ostracized. Just four years after the war, less than one third of Mennonite men who had served in the military remained in the church.⁴⁵

The Post-War Period

After the war the public wanted the draft to stop, military leaders wished to form a voluntary army, and President Truman supported a Universal Military Training plan. Congress allowed conscription to lapse in 1947. But the events of the Cold War encouraged Congress to re-instate the draft the next year.⁴⁶

⁴³ Ferry Bush, "Military Service, Religious Faith, and Acculturation: Mennonite GIs and their Church, 1941-1945," *Mennonite Quarterly Review* 67, no. 3 (1993): 261-262.

⁴⁴ *Ibid.*, 265.

⁴⁵ Keith L. Sprunger, and John D. Thiesen, "Mennonite Military Service in World War II: An Oral History Approach," *Mennonite Quarterly Review* 66, no. 4 (1992): 485.

⁴⁶ See chapter 4 of Flynn, *The Draft*.

In 1951 the Department of Defense first provided for in-service conscientious objectors.⁴⁷ Such objectors could be transferred to non-combat positions. Eleven years later, a provision was enacted that allowed in-service conscientious objectors to be honorably discharged from the military.⁴⁸ The military operated this program under the same rules as the Selective Service System, and future changes in the S.S.S. operation were also mirrored in the military.⁴⁹

Neither the Selective Service nor C.O. advocates wished to return to the WWII CPS system. But simply deferring C.O.s was not a popular choice either. One Montana draft board even resigned to protest the deferment of C.O.s.⁵⁰ The solution came with the Universal Military Training and Service Act of 1951, which allowed C.O.s to perform "work of national importance" under the direction of the local draft boards.⁵¹ The work program was implemented on July 1, 1952.⁵² The draft boards had the power to assign C.O.s to a particular job, although most C.O.s found alternate work without

⁴⁷ Department of Defense Directive No. 1315.1 (June 18, 1951), cited in Palmer, "Time to Exorcise," 186.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.* In-service objectors have always represented a small fraction of the conscientious objectors. During the Vietnam war years, in service objectors numbered 30 in 1964, 25 in 1965, 5 in 1966, 9 in 1967, 70 in 1968, 194 in 1969, 357 in 1970, and 879 in 1971. See also *Ibid.*, 196.

⁵⁰ Flynn, "Selective Service," in Noone, *Selective Conscientious Objection*, 41.

⁵¹ *Statutes at Large* 65 (1951) 86 and Flynn, "Selective Service," in Noone, *Selective Conscientious Objection*, 41.

assistance.⁵³ Through alternate service C.O.s did their duty to America by working in hospitals, religious organizations, and any number of other jobs.

Both the in-service and alternative service programs were initiated during the Korean War. The Selective Service had not drafted anyone during 1949, and America's sudden involvement in Korea forced a quick re-start of the stalled draft in 1950.⁵⁴ Because Korea was a "limited" war, it did not require the total mobilization seen during WWII. Therefore, the S.S.S. played a very different role in Korea. Besides providing over a million men for the military, the S.S.S. also actively channeled men into occupations through a complex series of deferments.⁵⁵ Through the Korean war, the S.S.S. overcame the long-standing American mistrust of conscription, and the draft became, in the words of historian George Flynn, "an accepted part of the political landscape."⁵⁶

The Selective Service delivered about 1.5 million draftees during the three-year period (fiscal year 1951-1953) of the Korean War.⁵⁷ Out of that number, only about 25,000 men received C.O. status (12,000 in 1950, 8,000 in

⁵² "Some Statistics on CO's and the Draft," *The Reporter for Conscience' Sake* 22 (February, 1965): 1.

⁵³ Dirk W. Eitzen, and Timothy R. Falb, "An Overview of the Mennonite I-W Program," *Mennonite Quarterly Review* 56, no. 4 (1982): 368.

⁵⁴ Flynn, *The Draft*, 110.

⁵⁵ Selective Service System, *Semi-Annual Report*, 1970, report 2, 47. and Flynn, *The Draft*, 113.

⁵⁶ Flynn, *The Draft*, 113.

⁵⁷ Selective Service System, *Semi-Annual Report*, 1970, report 2, 47.

1951, and 5,000 in 1952).⁵⁸ This represented an increase over the WWII rates, but not substantially so. The increase was likely due to the enactment of a work program instead of CPS camps.

After the Korean War, draft calls remained fairly steady.⁵⁹ From 1955 until 1966 the Selective Service did not deliver more than 200,000 men a year.⁶⁰ Over 16,000 men were classified I-O from 1951 until 1961.⁶¹ The majority of these C.O.s were from historic peace churches, especially the Mennonite Church.⁶² The National Service Board for Religious Objectors (NSBRO, later the National Interreligious Service Board for Conscientious Objectors [NISBCO]), reported in 1964 that of 12,410 C.O.s surveyed since the alternate service program began, nearly 8,500 were Mennonites. The other pacifist churches, large and small, also contributed a significant number of men.⁶³ The two largest mainstream churches were the Church of Christ and the Methodists, with 194 and 165 men, respectively. Other mainstream groups include Presbyterians (38), Baptists (36), Episcopalians

⁵⁸ Flynn, *The Draft*, 128.

⁵⁹ Selective Service System, *Semi-Annual Report*, 1970, report 2, 47.

⁶⁰ *Ibid.*

⁶¹ Flynn, "Selective Service," in Noone, *Selective Conscientious Objection*, 42.

⁶² Eitzen, "Mennonite I-W Program," 370-371 and "C.O.'s Protest Is Not Silenced," *Christian Century* 77 (October 26, 1960): 1238.

⁶³ The Brethren contributed 1429 C.O.s and the Friends contributed 459. Smaller pacifist groups, like the Old German Baptist Brethren (350), Christadelphians (89), the Russian Molokan (16), and others, also contributed. "Denominational Affiliations," *Reporter for Conscience's Sake*, 21, no. 10 (November 1964): 3.

(18), and Roman Catholics (10).⁶⁴ During this period, C.O.s were overwhelmingly Christian. The NSBRO reported that C.O.s came from ninety-eight Christian groups and seven non-Christian religious groups. Only 1.2 percent of C.O.s listed no religious affiliation.⁶⁵

Conclusion

When America became militarily involved in Vietnam, the draft was largely the same as it had been in World War II. Except for the changes in alternate service, the administrative framework provided by the Selective Service was remarkably unchanged from WWII. Conscientious objectors were still required to have religious objection to all wars and most C.O.s had historic peace church backgrounds. However, the world in which the C.O. found himself in 1963 was far different from the one in 1940. Conscription was now a fact of life for young men. America was engaged in a "cold war" with the Soviet Union, and the U.S. was about to engage in another "limited war" in Asia. In the last ten years of conscription (1963-1973), the nature of conscientious objection would change a great deal, in large part due to three Supreme Court cases.

⁶⁴ *Ibid.*

⁶⁵ "More I-W Statistics," *Reporter for Conscience' Sake*, 22 (November 1965): 3.

Chapter III: Legal History of Conscientious Objection

During the Vietnam War, the Supreme Court dealt with three significant conscientious objector cases. In doing so, the Court initially enlarged the definition of religion to include conscientious objectors outside of religious orthodoxy. Eventually, the Court again changed the definition of religion, this time providing for the exemption of nearly any sincere objector, regardless of the nature of his beliefs. However, the Court stopped short of exempting objectors to particular wars. This chapter examines the legal history of conscientious objection, specifically the three crucial Vietnam-era Supreme Court cases, *United States v. Seeger*, *Welsh v. United States*, and *Gillette v. United States*.

As the previous chapters showed, conscientious objection was predominately a religious matter. The 1965 *United States v. Seeger* ruling allowed objection outside of the religious orthodoxy. Not until the 1970 *Welsh v. United States* case could non-religious objectors with philosophical or moral objections to war qualify for conscientious objection. In both cases, the only legally recognized form of conscientious objection was total pacifism.

There was, however, a second category. Selective conscientious objectors (S.C.O.s) objected only to certain wars, usually on the grounds that a particular war was immoral or unjust. Although endorsed by many

religious groups, the United States government had never recognized this category. In *Gillette v. United States* (1971), the Supreme Court upheld the government's position.

In each of the cases under consideration the Court wrestled with the definition of religion. From 1965 to 1970, the specific legal definition of religion used by the courts and the Selective Service when dealing with conscientious objection changed from an orthodox view of religion to one where nearly any beliefs, no matter how political or philosophical, qualified as "religious." By the end of this period, the Court had stretched the definition of "religion" so wide that in this context the term nearly lost all meaning.

In 1965, the Selective Service still operated under the same conscientious objection clause that was passed in 1940. The law provided for those objectors who, "by *reason of religious training and belief*, [were] conscientiously opposed to participation in *war in any form*.¹ Congress targeted for exemption only those men whose absolute pacifism was religiously based. Congress clarified its definition of religion in the Selective Service Act of 1948 by adding the "Supreme Being clause" to the C.O. provision, found in Section 6(j):

Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but

¹ *Statutes at Large* 54 (1940): 889. Emphasis added.

does not include essentially political, sociological, or philosophical views or a merely personal moral code.²

Congress periodically renewed the draft legislation throughout the 1950s and early 1960s with the “Supreme Being clause” intact. By doing so, Congress followed a centuries-old policy of only exempting religious objectors to all wars.

United States v. Seeger

In November 1964, two months after Congress sanctioned the escalation of the Vietnam conflict with the Tonkin Gulf Resolution, a case came before the Supreme Court that would affect the nature of conscientious objection for the duration of the war. When the Court handed down the *United States v. Seeger* decision on March 8, 1965, it substantially broadened the meaning of religious objection to war.

Daniel Seeger came from a Catholic family in New York. He held a student deferment from 1955 to 1958. While still a student, Seeger applied for conscientious objector status. The draft board denied Seeger’s application, and subsequent appeals were also turned down. Seeger was eventually convicted for refusing to be inducted into the armed forces.³ Working with the Central Committee for Conscientious Objectors, a C.O. advocacy organization, Seeger and his lawyers brought this case before the Supreme

² *Statutes at Large* 62 (1948): 613.

Court.⁴ Because of similarities in the cases, the Court decided the *Seeger* case together with two other challenges to the C.O. provision, *United States v. Jakobson* and *Peter v. United States*.

Despite Seeger's Catholic upbringing, the beliefs he conveyed when filling out his Selective Service System forms did not fall within the religious mainstream of the day. Seeger claimed his "religion" was a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed."⁵ When asked about a Supreme Being, Seeger responded, "Of course, the existence of God cannot be proven or disproven, and the essence of his nature cannot be determined."⁶ Seeger qualified this by stating that his skepticism did "not necessarily mean lack of faith in anything whatsoever."⁷

Jakobson, also of New York, requested a non-combatant conscientious objector classification (I-A-O) in 1958. Later that year he made a request for I-O classification. Jakobson spoke of a "Godness" which was "the Ultimate Cause for the fact of the Being of the Universe."⁸ Like Seeger, Jakobson was convicted of failing to report for induction. He appealed on the grounds that

³ *United States v Seeger* 380 US 166-67 (1965).

⁴ Mansavage, "Alternatives to Arms," 24.

⁵ *Seeger*, 380 US 166-7.

⁶ Robert L. Babin, "The Conscientious Objection: A Study in Legal Efficacy" (Ph.D. diss., Northwestern University, 1967), 54-57, as cited in Mansavage, "Alternatives to Arms," 23.

⁷ *Seeger*, 380 US 166-7.

he did indeed believe in a Supreme Being. A Court of Appeals reversed the decision because the Selective Service Appeal Board did not indicate if Jakobson's appeal had been granted on the grounds that he failed to qualify under the Supreme Being clause or that he was insincere.⁹ Forest Peter, of California, also refused to be inducted. He was not a member of a religious organization, but when asked about his beliefs, he responded, "you could call that a belief in the Supreme Being or God. These just do not happen to be the words I use."¹⁰

In each of the three cases, the petitioners held beliefs that were outside of the religious orthodoxy. The Court made a point of the fact that none of the men were atheists.¹¹ But each of the men did have a belief in some sort of a Supreme Being, and each was sincere in his beliefs.

Seeger and his lawyers attacked the draft law on constitutional grounds. They argued that Section 6(j) violated the Establishment and Free Exercise Clauses of the First Amendment by not providing for non-religious objectors.¹² They also contended that the law violated the Due Process Clause of the Fifth Amendment by discriminating between theistic and

⁸ *Ibid.*, 167-8.

⁹ *Ibid.*

¹⁰ *Ibid.*, 169.

¹¹ *Ibid.*, 173.

¹² "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." U.S. Constitution, amend. 1. For the legal argument, see *Seeger*, 380 US 165, and Bruce Houston, "Conscientious Objectors: The Aftermath of *United States v. Seeger*" *Albany Law Review* 30 (June 1966): 307, 311.

nontheistic religions.¹³ The Court avoided this question by declining to rule on the constitutionality of the statute. Rather, the unanimous Court broadened the definition of religion.

The *Seeger* case rested on the wording of the draft law. The law defined religious training and belief as an “individual’s belief in a relation to a Supreme Being involving duties superior to those arising from any human relation.”¹⁴ Seeger, Jakobson, and Peter had all been denied their objection because their beliefs did not fit in the traditional definition of a Supreme Being. So the Court re-wrote the definition, having concluded that Congress used the term “Supreme Being” (rather than “God”) “so as to embrace all religions and to exclude essentially political, sociological, or philosophical views.”¹⁵ To qualify for a religious exemption, the petitioner needed to hold beliefs that occupied a place “parallel to that filled by the orthodox belief in God.”¹⁶ Any sincere belief, including those of Seeger, Jakobson, and Peter, qualified, even if the petitioners themselves would not classify themselves as “religious,” so long as the beliefs were not political, sociological, or philosophical.

¹³ *Seeger*, 380 US 165, Houston, “Conscientious Objectors,” 307, and Robert L. Rabin, “When is a Religious Belief Religious: *United States v. Seeger* and the Scope of Free Exercise,” *Cornell Law Quarterly*, 51 (Winter 1966): 237.

¹⁴ *Statutes at Large* 62 (1948): 613.

¹⁵ *Seeger*, 380 US 165.

¹⁶ *Ibid.*, 166.

The Selective Service responded to the *Seeger* decision with a brief note in its annual report to Congress for 1965, noting that the Court had “laid down a test for determining whether registrants who claim to be conscientious objectors meet the definition prescribed by Congress.”¹⁷ The S.S.S. did not adapt its forms or materials to the *Seeger* case until August 30, 1968, over three years after *Seeger* was handed down, and over a year after Congress revised the C.O. provision.¹⁸ Throughout this period, applicants could use the *Seeger* case if they knew about it.¹⁹ Although the Selective Service apparently waited until Congress had acted on the Supreme Court ruling, the reason for the additional year delay is not known.

When Congress renewed the draft on June 30, 1967, lawmakers incorporated *Seeger* into Section 6(j). Congress deleted any reference to a “Supreme Being,” requiring only that the objector oppose all war “by reason of religious training and belief.” The Selective Service reacted to this by revoking its definition of “religious training and belief” in accordance with the law.²⁰ Still explicitly exempted from conscientious objection were those who held “essentially political, sociological, or philosophical views, or a

¹⁷ Selective Service System, *Report of the Director of Selective Service to the Congress of the United States Pursuant to the Universal Military Training and Service Act as amended* (Washington, D.C.: Government Printing Office, 1965), 40.

¹⁸ “New Form 150,” *The Reporter for Conscience’s Sake* 25 (October, 1968): 1.

¹⁹ Interview, William Yolton, NISBCO [National Interreligious Service Board for Conscientious Objectors] Director, 12 March 1990, Washington, D.C., tape recording, as cited in Mansavage, “Alternatives to Arms,” 26.

merely personal moral code.”²¹ In Congressional hearings, Gen. Lewis Hershey, the long-time director of the Selective Service, testified that the revised law “could very easily result in a substantial increase in the number of unjustified appeals for exemption.”²²

Difficulties arise when attempting to assess the impact of the *Seeger* decision in the Selective Service figures. As noted above, *Seeger* was not turned into law until 1967 and not incorporated into S.S.S. policy until 1968. Beginning in 1967, the number of men classified as C.O.s increased from 11,041 to 15,855 in 1969.²³ However, the *Seeger* case cannot take all the credit for this increase. Nearly 350,000 men were drafted in 1966, compared to just over 100,000 during the previous year.²⁴ Inductions stayed high until President Nixon reduced draft calls with his “Vietnamization” policies. These high induction figures likely account for some of the increase in conscientious objection. As inductions fell sharply, conscientious objector classifications rose. In other words, even though the chances of being drafted were falling, men were increasingly interested in conscientious objection. Other factors, including the growing unpopularity with the war and the phasing out of some

²⁰ Selective Service System, *Report*, 1967, 15.

²¹ *Statutes at Large* 81 (1967): 104.

²² H.R. Rep. No. 267, 90th Cong., 1st Ses. (1967), reprinted in 1967 U.S.C.C.A.N. 1308, 1334, as quoted in Palmer, “Time to Exorcise,” 208.

²³ Number of men classified as I-O. Does not included C.O.s who are “at work” (I-W), of which there were 6,367 in 1967 and 8,743 in 1969. Selective Service System, *Semi-Annual Report*, 1970, no. 2, 46.

deferments, may also have contributed to the increase in conscientious objection.²⁵

The Supreme Court hoped its new C.O. test would be “less onerous” than earlier tests.²⁶ However, some lower courts dealing with conscientious objection cases were unsatisfied with *Seeger*. One court complained that it was “*forced*” to grant a C.O. classification in a case where the defendant’s beliefs were ambiguous.²⁷ Another court stated that “[a]ny series of ideas which a person seriously holds or a philosophy of life which a person seeks to adhere to, should be granted the respected classification of religious conviction.”²⁸

As the Vietnam War became an increasingly divisive issue in American society, the problems with the *Seeger* ruling prompted the Court to take another look at conscientious objection.

²⁴ *Ibid.*

²⁵ Public support for American involvement in Vietnam slid down throughout the war, especially after the early 1968 Tet Offensive. William L. Lunch and Peter W. Sperlich, “American Public Opinion and the War in Vietnam” *Western Political Quarterly* 32 (March 1979): 21-44. By law, conscientious objection could only object to all wars, so theoretically, a decline in public opinion should not affect C.O. statistics. But objectors are quite human, and are definitely affected by events. On the other hand, the cancellation of graduate school deferments in early 1968 increased the pool of men eligible for the draft (Flynn, *The Draft*, 221-3). It is probable that some of these men then applied for conscientious objection status.

²⁶ *Seeger*, 380 US 184.

²⁷ Houston, “Conscientious Objectors,” 310. Italics in original.

²⁸ *Ibid.*

Welsh v. United States

The Supreme Court again took up the issue of conscientious objection in 1970 in *Welsh v. United States*. This case, the Court noted, was “strikingly similar” to the *Seeger* case.²⁹ The petitioner, Elliott Welsh, was raised in a religious home, but like Seeger, had moved away from mainstream religion by the time he applied for conscientious objector status. He had moved so far, in fact, that Welsh did not consider his beliefs to fall within the definition of “religion,” and he was quite emphatic on that point.³⁰ When filling out the Selective Service form for conscientious objectors, Welsh crossed out the phrase “my religious training and.”³¹ The statement he signed read: “I am, by reason of...belief, conscientiously opposed to participation in war in any form.” As with Seeger, there was little question as to the sincerity of Welsh’s beliefs.³² But to his draft board, and to later appeal boards and courts, Welsh’s beliefs clearly fit into the “political, sociological, or philosophical views, or a merely personal moral code” category that explicitly fell outside the Congressional definition of conscientious objection.

²⁹ *Welsh v. United States*, 398 US 335 (1965).

³⁰ *Ibid.*, 342.

³¹ *Ibid.*, 337.

³² The Court of Appeals mentioned that “[t]he government concedes that [Welsh's] beliefs are held with the strength of more traditional religious convictions.” *Ibid.*, 337-8.

Welsh and his lawyers claimed that the conviction should be dismissed due to the broadened definition of religion from *Seeger*.³³ They also attacked Section 6(j) on grounds of constitutionality, much like *Seeger* had. As with *Seeger*, the Court again chose to skirt around the issue of constitutionality. And as before, the Court found it necessary to broaden the meaning of “religion.”

Whereas *Seeger* was a unanimous decision, the *Welsh* case was decidedly less conclusive. Four justices, led by Justice Black, voted to broaden the definition of religion. Three justices dissented.³⁴ Justice Harlan tipped the scale to Welsh’s favor. He voted to overturn the conviction to “salvag[e] a congressional policy of long standing that would otherwise have to be nullified,” not to broaden the definition of “religious.”³⁵

The Court looked back to the *Seeger* case where it had stated that it was important to determine if a registrant’s beliefs were sincere and “in his own scheme of things, religious.”³⁶ But with *Welsh*, the Court decided to broaden the definition even further, writing:

We certainly do not think that [Section] 6(j)'s exclusion of those persons with "essentially political, sociological, or philosophical views or a merely personal moral code" should be read to exclude those who hold strong beliefs about our domestic and foreign affairs or even those whose conscientious objection to

³³ *Ibid.*, 333.

³⁴ Justice Blackmun took no part in the *Welsh* case. *Ibid.*, 344.

³⁵ Justice Harlan’s concurring opinion, *Ibid.*, 345. See also *Ibid.*, 335.

³⁶ *Ibid.*, 339.

participation in all wars is founded to a substantial extent upon considerations of public policy.³⁷

With this logic, even political beliefs were considered religious if they were held deeply and sincerely enough by the registrant. The Court then used a semantic sleight-of-hand to work around the exemptions in the law. It claimed that if a man's beliefs fell under the new broad definition of religion then they could not logically be considered "essentially political, sociological, or philosophical."³⁸

Soon after the *Welsh* ruling, the Selective Service, now led by Curtiss Tarr, updated its conscientious objection policy. Local Board Memorandum No. 107, released on July 6, 1970, incorporated the *Welsh* decision into S.S.S. policy. The S.S.S. reiterated the fact that a man must object to all wars, not just one specific war. The primary test was now to be a man's sincerity, not the nature or origin of his beliefs. The registrant's beliefs "must be the primary controlling force in the man's life."³⁹ Tarr spent a good deal of time in the memorandum making sure the boards understood that the registrant's beliefs need not be traditional, and that a board could not dismiss a registrant's claim based on the incomprehensibility of his beliefs.⁴⁰ A board could reject a claim only if the man was insincere or if his objection "rests

³⁷ *Ibid.*, 342.

³⁸ *Ibid.*, 343.

³⁹ Selective Service System, *Report*, 1971, no. 1, 39-41.

⁴⁰ *Ibid.*

solely upon consideration of policy, pragmatism, or expediency."⁴¹ Even though nearly any religious exemption was now allowed, mainstream religion was still the yardstick. The S.S.S. added a requirement that "[t]he registrant must demonstrate that his ethical or moral convictions were gained through training, study, contemplation, or other activity, comparable in rigor and dedication to the processes by which religious convictions are formulated."⁴² Tarr indicated that the *Seeger-Welsh* test worked, but in his report to Congress at the end of 1970, he mentioned that more training was needed for the local boards on this issue.⁴³

Looking at Selective Service statistics, there was a substantial jump in the number of men classified I-O, from 15,855 in 1969 to 28,188 in 1970. The numbers were even higher in 1971 (36,713), but dropped off significantly in 1972 and 1973 as the draft wound down. It is difficult to determine how much the *Welsh* decision affected these numbers. Obviously, *Welsh* only affected the 1970 statistics from mid-June on, and as the monthly figures show, the rest of the year remained constant.⁴⁴ Tarr mentions that he did not

⁴¹ *Ibid.*

⁴² Curtis Tarr, *By the Numbers: The Reform of the Selective Service System 1970-1972* (Washington, DC: National Defense University Press, 1981), 85, and *Selective Service System, Report*, 1971-1, 39-41.

⁴³ Tarr, *By the Numbers*, 87 and *Selective Service System, Report*, 1970, no. 2, 9

⁴⁴ Beginning in June 1970, the S.S.S. kept detailed monthly statistics on C.O.s. These figures can be found in *Selective Service System, Report*, 1970, no. 2, 8 and *Selective Service System, Report*, 1971, no. 1, 58. Unfortunately, these figures cover only one year, making the sample too small to draw any definite conclusions about the impact of the *Welsh* case.

believe *Welsh* caused more C.O. applications, but that it probably has “influenced local boards to classify more of those who do apply into I-O.”⁴⁵

Gillette v. United States

Section 6(j) faced one final attack before the Vietnam War ended. In *Gillette v. United States*, the two petitioners, Gillette and Negré, tried like Seeger and Welsh to claim that Section 6(j) was unconstitutional. But unlike the previous cases before the Court, Gillette and Negré did not claim to object to all war. Rather, they specifically objected to the Vietnam War.

The opinion shown by the two petitioners is known as “selective conscientious objection.” Selective conscientious objection is nearly as old as the type of objection practiced by Seeger and Welsh. Selective conscientious objection is most often embodied in the “just war” theory, which has long resided within the Catholic tradition.

Gillette, “based on a humanist approach to religion,” found the Vietnam War to be unjust. Gillette wrote:

“I object to any assignment in the United States Armed Forces while this unnecessary and unjust war is being waged, on the grounds of religious belief specifically ‘Humanism.’ This essentially means respect and love for man, faith in his inherent goodness and perfectability [*sic*], and confidence in his capability to improve some of the pains of the human condition.”⁴⁶

⁴⁵ Selective Service System, *Report*, 1970, no. 2, 8.

⁴⁶ Justice Douglas, dissenting on No. 85 (Gillette), *Gillette v United States*, 401 US 463 (1971).

He did state that he was willing to serve in time of national defense, or in a peace-keeping situation.⁴⁷ Vietnam, he believed, met neither of these two conditions.

Louis Negré, a devout Catholic, sought a discharge from the military. He had allowed himself to be inducted because he wanted to “understand the Army’s explanation of its reasons for violence in Vietnam.”⁴⁸ By the time he had finished training, he had made up his mind. He applied for a C.O. discharge on the grounds of the “just war” theory.⁴⁹

By 1971 a number of major Protestant denominations, including the Presbyterian Church in the United States, the Lutheran Church in America, the Disciples of Christ, and the United Church of Christ, had passed resolutions supporting selective conscientious objection.⁵⁰ On the other hand, a number of denominations voted down resolutions supporting selective conscientious objection.⁵¹ The issue was quite contentious, provoking one

⁴⁷ *Ibid.*, 439.

⁴⁸ Justice Douglas, dissenting in No. 325 (Negré), *Ibid.*, 473-475.

⁴⁹ *Ibid.*. Members of the armed forces are able to apply for C.O. status under the same standards used by the Selective Service. Department of Defense Directive No. 1300.6 (May 10, 1968), *Gillette*, 401 US 442, footnote 6.

⁵⁰ “Church and Society Paper” *Presbyterian Survey* 59 (June 1969): 24; “Action at Atlanta” *The Lutheran* 6 (July 17, 1968): 8; “We Resolve” *The Christian* (Disciples of Christ) 105 (December 3, 1967): 11. The Disciples of Christ first supported selective conscientious objection, then revoked the measure, only to re-instate support later; “Business—Internal and External” *The Christian* 106 (November 17, 1968): 9; David F. Marshall, “We Have Opened Another Door” *United Church Herald* 10 (August 1967): 16.

⁵¹ United Presbyterian Church: “The Assembly Views War, Peace, Justice at Home and Abroad” *Presbyterian Life* 20 (June 15, 1967): 42; Episcopal: “What Did We Actually Do?”

United Church congregation to threaten withdrawal from the denomination if the denomination supported selective objectors.⁵² Despite acceptance by Catholics and non-Catholics alike, the U.S. government had never endorsed the Just War Theory. Since 1917, the draft laws stated that only those who were opposed to “war in any form” may be exempted from military service.⁵³

The Court’s decision, handed down on March 8, 1971, upheld the government’s position.⁵⁴ The Court held that, even if the objection was religious in nature, selective objection violated the draft law.⁵⁵ The Court also rejected the constitutional challenge. Negré and Gillette argued that the law interfered with their free exercise of religion because it did not allow religious selective objection and that by specifying a religious belief, Congress was establishing a religion. The Court found that the section did not discriminate and that it focused on individual conscience, not group membership or creed. Furthermore, the section was “not designed to interfere with any religious practice and does not penalize any theological position.”⁵⁶ The petitioners also held that Section 6(j) discriminated between

The Episcopalian 132 (November 1967): 40; *United Methodist*: “A Union...and Much More” *Together* 12 (July 1968): 5-7, 9-16.

⁵² “Houston Church Threatens to Withdraw From Denomination,” *United Church Herald* 10 (November 1967): 32-33.

⁵³ No mention is made of this during the Civil War, but only members of pacifist sects, who opposed all war, qualified for the exemption.

⁵⁴ *Gillette*, 401 US 437-438.

⁵⁵ Both petitioners’ beliefs qualified as “religious” according to the definition laid out by *Seeger* and *Welsh*.

religions, favoring those that qualify for conscientious objector status, in violation of the Fifth Amendment's "equal protection" clause. The Court also held that Section 6(j) "survives the Establishment Clause because there are neutral, secular reasons to justify the line that Congress has drawn."⁵⁷

The operation of the Selective Service naturally remained unchanged as a result of the *Gillette* case. In anticipation of the case, the S.S.S. had commented on the possible effects of allowing selective conscientious objection. It concluded that the S.S.S. "probably could not continue to operate" under selective conscientious objection. "It is doubtful," the S.S.S. wrote, "that local boards could cope with the decisions on sincerity" that selective objection would raise. Based on the level of anti-Vietnam protest at the time, there certainly would have been a drastic jump in the number of conscientious objectors. In a system already experiencing difficulty placing C.O.s in alternate service, selective conscientious objection would have been disastrous.

Conclusion

The draft, and the need for a conscientious objection provision, ended on July 1, 1973.⁵⁸ The nature of this provision in 1973 was very different

⁵⁶ *Gillette*, 401 US 437-438.

⁵⁷ *Ibid.*, 449.

⁵⁸ In-service objection still remains, although there is a debate as to its current usefulness. See Palmer, "Time to Exorcise."

from the one used at the start of the Vietnam War. In the interim, the Supreme Court broadened, then stretched, the meaning of "religion" as it related to conscientious objection. But despite allowing nearly any sincere objection to all war, the Court did not allow selective objection, even if it was based on an established religious belief like the "just war" theory. Throughout the three cases, the Court was able to avoid ruling against either the aspects of the conscription law or the constitutionality of the draft. Rather, it chose to expand the meaning of "religion" to the point where the definition was almost meaningless.

Chapter IV: Conscientious Objection During the Vietnam War

Three Supreme Court cases provided the foundation for Vietnam-era conscientious objection. Although the Court influenced conscientious objection more than any other single institution, the procedures of the selective service also remained important. There were other types of conscientious objection, namely in-service objection, non-combatant objection, and selective objection.

The Draft

The Selective Service System in the early 1960s was largely unchanged from its World War II counterpart. In large part this was due to the influence of the S.S.S.'s long-time director, Gen. Lewis B. Hershey. Hershey's hand personally guided the S.S.S. for over a quarter of a century. Hershey, a state's rights advocate, managed to retain the decentralized system he had helped build in the 1940s.

Because of the decentralized nature of the Selective Service, local draft boards also often varied a great deal in their treatment of conscientious objectors. Some granted conscientious objector classifications frequently. Others rarely placed men into the I-O category.

The draft law was renewed by Congress in 1963 without much debate, as it had for the previous twelve years.¹ During the 1950s the S.S.S. had become, in Hershey's words, a "channeler," deferring men into selected fields, like science and farming.² On the eve of the Vietnam War the S.S.S. deferred 350,000 students, 1,300,000 fathers, 60,000 industrial workers, and 20,000 farmers.³ Increased fighting in Southeast Asia ended some of these large-scale deferments. The military drastically increased its ranks, from 2,655,000 men in 1965 to over 3,500,000 three years later.⁴ Much of this increase came from increased S.S.S. draft calls.⁵

During 1966 both the president and the Congress formed committees to study draft reform.⁶ Both groups advocated reform of the Selective Service, but Congress proved more conservative when it renewed the draft in 1967. Aside from the deletion of the "Supreme Being" clause, Congress only performed minor adjustments to the deferment list.⁷ Also, local boards had some age and retirement restrictions placed upon them. Women became eligible for service on local boards for the first time, as well.⁸

¹ Flynn, *The Draft*, 168.

² Flynn, "Hershey and the Conscientious Objector," 219.

³ *Ibid.*

⁴ *Ibid.* 234.

⁵ See Table 4.1.

⁶ Flynn, *The Draft*, 190, 198.

⁷ *Ibid.*, 204-5.

The continuing pressures of Vietnam prompted a number of Selective Service changes. In 1968, graduate school deferments were canceled,⁹ and in 1970 the S.S.S. stopped issuing new occupational, agricultural, and paternity deferments.¹⁰ The most visible response by the Nixon administration to the deferment problem was the creation of a lottery system in 1969. The lottery was to end the inequity of deferments by placing all eligible men in a pool and assigning them an induction number based on their birthdate. The first lottery of men born from 1944 to 1950 was held in December of 1969.¹¹

Along with the lottery, President Nixon also made changes to S.S.S. headquarters. Nixon replaced General Hershey, director for nearly thirty years, with Curtis Tarr, a former college president and Air Force official.¹² Tarr modernized an organization where, in the words of historian George Flynn, “[t]he people were ancient, the building was collapsing, and the office system was something out of a Dickens novel.”¹³

When the time came to renew the draft in 1971, only the military wholeheartedly supported renewal.¹⁴ Many others looked toward the future

⁸ *Ibid.*, 205, and Flynn, “Hershey and the Conscientious Objector,” 255.

⁹ Flynn, *The Draft*, 221.

¹⁰ Selective Service System, *Semi-Annual Report*, 1971, report 1, 7.

¹¹ Flynn, *The Draft*, 246.

¹² *Ibid.*, 242-244, 253.

¹³ *Ibid.*, 253.

¹⁴ *Ibid.*, 254.

and an all-volunteer military.¹⁵ Instead of the usual four-year extension, Nixon only asked for, and received, two years of conscription authority.¹⁶ As America backed out of Vietnam, draft calls fell to under 40,000 men in 1972 and 1973. By mid-1973, the draft was over.

Demographics

As American involvement in Vietnam heated up, the draft pool stood at over 2,000,000 available men.¹⁷ Somewhere in the neighborhood of five times that number were deferred for a variety of reasons. By June 30, 1967, over 1,000,000 men were deferred because of service in the National Guard or other military duty. A million and a half men held student deferments. Nearly 4,000,000 men had hardship or paternity deferments. Two and a half million were deemed unqualified for service, and a like number were qualified only in the time of a national emergency.¹⁸

During the pre-*Seeger* years of the Vietnam War, the numbers of conscientious objectors remained fairly steady. Also, until 1966, draft calls remained relatively low. When *Seeger* took effect in 1967 and 1968, the numbers of conscientious objectors began to rise.¹⁹ Another possible factor in

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Selective Service System, *Annual Report*, 1965, 20.

¹⁸ Selective Service System, *Annual Report*, 1967, 24.

the rise of C.O.s during 1967 and 1968 was the induction of about 300,000 men each year. Increased draft calls meant the local boards had to deal with more cases to fill their quotas. This increased the likelihood a C.O. case would be acted on by the draft board.²⁰ When draft calls were low, men often chose to risk induction rather than filing for C.O. status. The increased risk of being drafted probably induced some men to file as C.O.s.

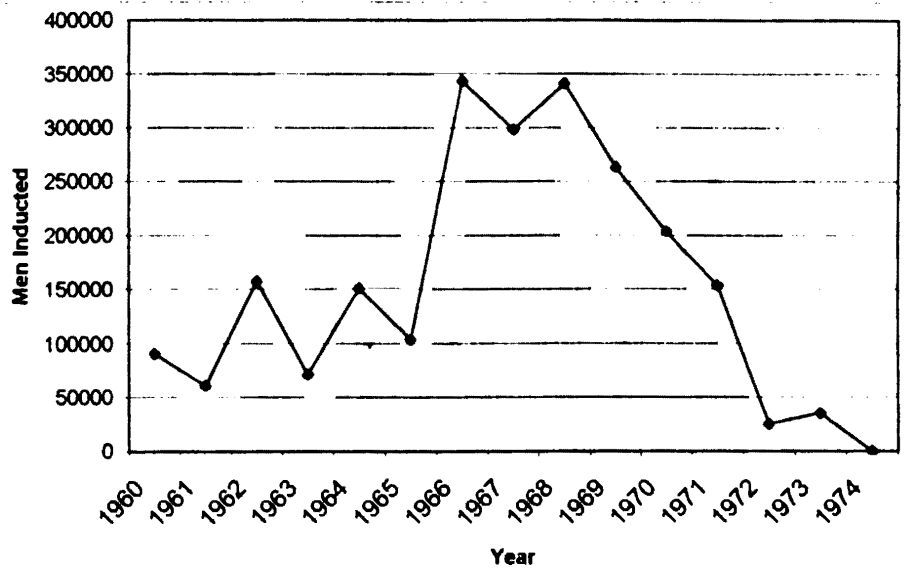
It was possible that a registrant could be classified as a C.O. and also start alternate service in the same year, thereby counting for both I-O and I-W statistics. As the time between initial classification and induction into I-W (if it even happened) was variable, it is impossible to know exactly how many C.O.s there were for any given year.

An examination of one religious denomination's pattern of conscientious objection throughout the Vietnam period shows a high correlation with the S.S.S. figures. Ronald Parks compiled the C.O. statistics for United Methodists. As Table 4.3 shows, the number of objectors was low and fairly steady until 1968. By that year, when the *Seeger* decision was finally felt, the number of United Methodist C.O.s jumped from 36 in 1967 to 121 in 1968. The numbers climbed even higher during the next two years, hitting a peak of 165 in 1970. After 1970, objection fell off sharply, probably as a result of declining draft calls and decreased American involvement in Vietnam.

¹⁹ See Table 4.2.

Table 4.1: Total Inductions

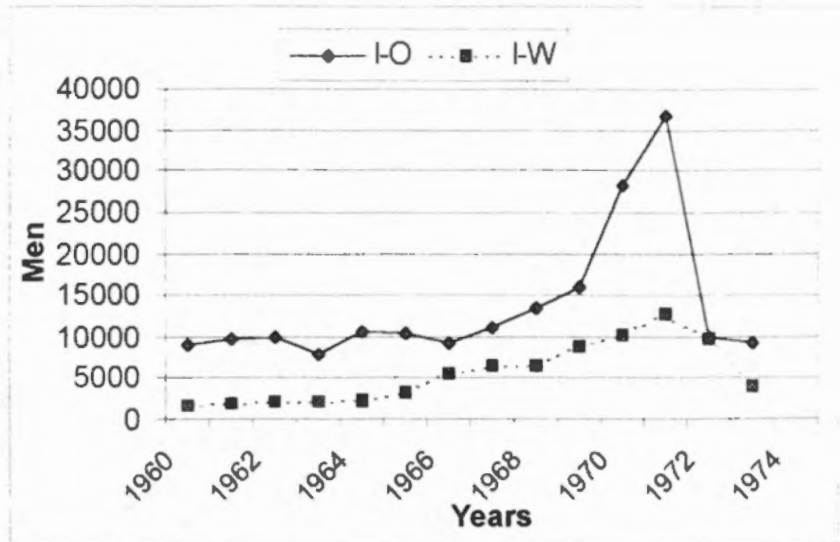
<i>Fiscal Year</i>	<i>Inductions</i>
1963	71,744
1964	150,808
1965	103,328
1966	343,481
1967	298,559
1968	341,404
1969	262,646
1970	203,707
1971	153,631
1972	25,273
1972	35,527
1974	0



Adapted from Selective Service System, *Semi-Annual Report*, 1973, no. 2, p. 32.

Table 4.2: Number of Conscientious Objectors by Calendar Year

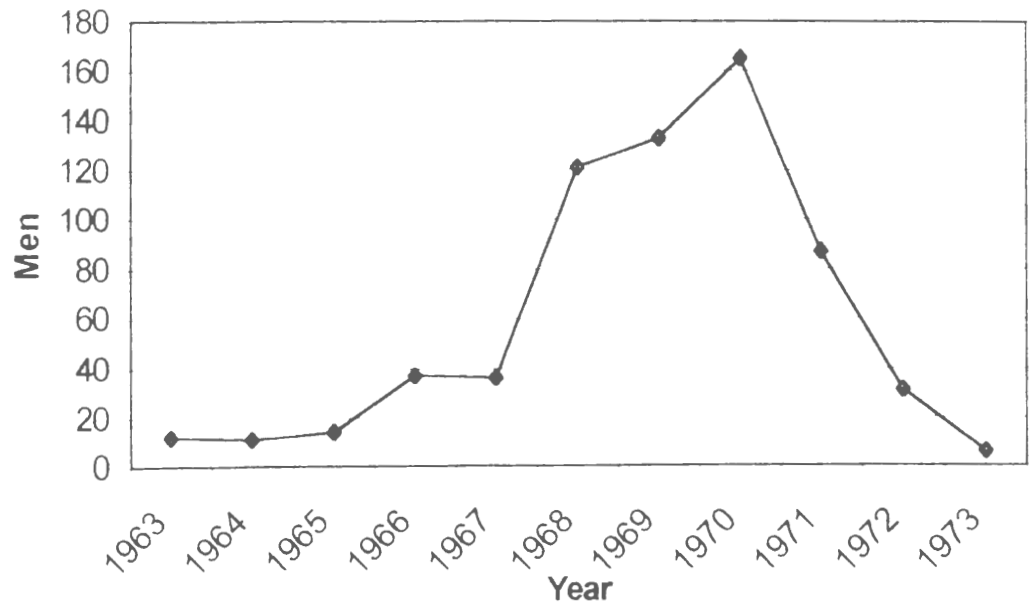
<i>Year</i>	<i>I-O</i>	<i>I-W</i>
1963	7,839	2,147
1964	10,549	2,322
1965	10,423	3,182
1966	9,345	5,547
1967	11,041	6,367
1968	13,341	6,402
1969	15,855	8,743
1970	28,118	10,221
1971	36,713	12,677
1972	9,920	9,758
1973	9,202	4,003



Adapted from Selective Service System, *Semi-Annual Report*, 1973, no 2, 32.

Table 4.3: United Methodist C.O.s

<i>Year</i>	<i>C.O.s</i>
1963	12
1964	11
1965	14
1966	37
1967	36
1968	121
1969	133
1970	165
1971	87
1972	31
1973	6



Adapted from Parks, "United Methodist Conscientious Objector," 37-38

As the numbers of C.O.s increased throughout the war, the ratio of men classified I-O as opposed to I-A (or I-A-O) fell. In the pre-war 1960s, there were over 200 men in the I-A class for every I-O, and the number slowly fell throughout the years preceding American involvement in Vietnam. By January 1965, the ratio had dropped to 190 I-As for every C.O. By the end of 1966, the ratio was 125:1. The figure rose slightly during 1967, a year of strong support for the war. By the end of 1968, the ratio was down to 108:1. Throughout 1969, the number fell even further, with only about 90 men receiving I-A classifications for every I-O.²¹

In December 1969 the Selective Service instituted a draft lottery. This meant that men were inducted based on their random sequence number. Conscientious objectors were treated like any other registrant. A C.O. remained in the I-O pool until his number was called, then he moved into alternate service.²² Interestingly, the S.S.S. reported that many registrants with high enough numbers to avoid the draft still proceeded with the C.O. process. Tarr noted that “[t]his seems to confirm the degree to which many young men feel strongly about professing matters of conscience and the

²⁰ Selective Service System, *Semi-Annual Report*, 1969, report 2, 17.

²¹ *Reporter for Conscience' Sake*, 27 (Jan 1970): 2. The NISBCO calculated the ratios based on Selective Service figures.

²² I-A-O (willing to perform non-combat service in the military) were counted in the I-A (ready for service) category.

seriousness of the beliefs of many who claim status as conscientious objectors.”²³

Until 1970, the Selective Service had not tracked the number of conscientious objectors on a monthly basis. But starting in June 1970, and continuing until June 1971, the S.S.S. kept detailed monthly statistics.²⁴ The *Welsh* decision was released on June 15. Coincidentally, 14,440 men filed for conscientious objection that month, a substantially higher number than any other month in the year long survey. Of that number, 7,056 claims were considered by the local boards, and 2,785 men were classified I-O or I-A-O. It seems that the July spike in C.O. claims were likely *not* due to the *Welsh* decision. First, the decision was not released until mid-month, meaning that less than half of the C.O. claims could have been a result of *Welsh*.²⁵ Also, the new regulations did not reach local boards until July 6. Finally, as Tarr points out, many students left either high school or college in June which canceled their student deferments.²⁶ Without student deferments, many men would then apply for conscientious objector status. Yet if this were true, there would likely be a similar spike for June 1971. In June 1971 there was no jump in registrants (in fact, there was a slight decline in registrants), but

²³ Selective Service System, *Semi-Annual Report*, 1970, report 2, 9.

²⁴ *Ibid.*, 8, and Selective Service System, *Semi-Annual Report*, 1971, report 1, 58. July 1970 numbers were not reported.

²⁵ Selective Service System, *Semi-Annual Report*, 1970, report 2, 8.

²⁶ *Ibid.*

there was a significant jump in claims considered and C.O. classifications. Another factor that might account for the discrepancy between the 1970 and 1971 figures was the events of spring 1970. American forces invaded Cambodia that spring, and soon after four college students protesting this invasion were killed by National Guard troops at Ohio's Kent State University. Both incidents outraged the public, and that anger could conceivably have translated into an increase in conscientious objection.

Looking at the broader picture, there was a substantial jump in the number of men classified I-O, from 15,855 in 1969 to 28,188 in 1970. The numbers were even higher in 1971 (36,713), but dropped off significantly in 1972 and 1973 as the draft wound down. It is difficult to determine how much the *Welsh* decision affected these numbers. Obviously, *Welsh* only affected the 1970 statistics from mid-June on, and as the monthly figures showed, the rest of the year remained very constant. Tarr mentions that he did not believe *Welsh* caused more C.O. applications, but that it probably had "influenced local boards to classify more of those who do apply into I-O."²⁷

The Average C.O.

A description of the "average" Vietnam-era C.O. is not easy to come by. Perhaps the primary reason for this oversight is a lack of information. The Selective Service has destroyed its C.O. records due to insufficient storage

²⁷ *Ibid.*

space.²⁸ The only other organizations that collected data on C.O.s were draft counseling organizations (like the NISBCO and the CCCO), and individual denominations. Scholars have yet to do a comprehensive study of these resources, with the exception of Ronald Parks' dissertation on United Methodist C.O.s.

Parks' research gives us a general picture of a mainstream religious C.O. This picture will probably not apply to either peace church or secular C.O.s, but it is an important source when considering the mainstream C.O.

Besides source problems, any attempt to define the average C.O. runs up against the problem of individuality. Conscientious objection is by nature an individual stance. Since 1940, a C.O. has not had to have any specific religious affiliation to gain the classification. The draft board decided cases based on the *individual's* belief and the *individual's* sincerity. Parks notes that every registrant in his survey came to his C.O. convictions through a different route, except for a pair of identical twins.²⁹

Nearly 80 percent of 491 United Methodist C.O. registrants were students, with almost 60 percent working towards an undergraduate degree. Fifteen percent were high school students. The remaining 20 percent of

²⁸ U.S. Selective Service System, Request for Records Disposition Authority, Job No. NC1-147-78-1, 2/22/78 and Robert Schoch and Gregory Lippolis, "Information on DSS & SSS Form 1, Sept. 24 1940-Nov. 1973, Selective Service Recurring Data Analysis Chart, 7/14/7," as cited in Parks, "United Methodist Conscientious Objector," 32.

²⁹ Parks, "United Methodist Conscientious Objector," 116.

registrants were spread between a wide variety of occupations.³⁰ Thirty-five percent of the sample belonged to at least one anti-war or peace-oriented organization.³¹ Almost 70 percent of those belonged to one of the oldest groups, the Fellowship of Reconciliation.³²

When asked about the sources for their C.O. beliefs, very few of the registrants noted either particular events in the Vietnam war (such as the Tet Offensive or the My Lai massacre) or the artistic protests of the decade.³³ What was influential was the registrants' formative religious experiences. A number of registrants noted that their childhood Sunday School (or church) experience helped form their pacifist convictions.³⁴ College also afforded many C.O.s the opportunity to confront issues of war and peace both inside and outside of the classroom.³⁵

Parks' data contained no information on race or economic status.³⁶ However, because the majority of C.O.s were college students, we can assume that the C.O.s came from predominately middle and upper class

³⁰ *Ibid.*, 37-38.

³¹ *Ibid.*, 56.

³² *Ibid.*, 57.

³³ *Ibid.*, 100, 103.

³⁴ *Ibid.*, 122-123.

³⁵ *Ibid.*, 128.

³⁶ *Ibid.*, 61.

backgrounds. In other words, C.O.s were largely those men who could afford to be educated.

Obtaining a C.O. Classification

The first step in obtaining a C.O. classification was to notify the draft board either at the time of registration or at any time before the registrant received his induction notice. The registrant then filled out Selective Service Form 150, explaining his conscientious objection beliefs. Once the registrant completed the form it was held by the draft board until the individual came up in the sequence of induction. C.O.s, whether I-O or I-A-O, were treated in the exact same sequential manner as I-As.³⁷ The S.S.S. determined a sequence of deferments available to the draftee, and I-O and I-A-O were the last designations on the list.³⁸ If a potential C.O. could be deferred for any other reason, he was. Only if no other deferment could be found was a registrant's C.O. application acted on.³⁹ Because of this policy, there were quite likely many thousands of men who held C.O. beliefs who were given other deferments each year.

The NISBCO estimated that from June 1970 to June 1971 about 60 percent of registrants requesting a C.O. classification received it. Most who

³⁷ Selective Service System, *Annual Report*, 1964, 15.

³⁸ Selective Service System, *Annual Report*, 1965, 15-16.

³⁹ Selective Service System, *Annual Report*, 1964, 15.

were turned down appealed the local board's decision.⁴⁰ Because detailed statistics on conscientious objection were not collected by the S.S.S. prior to June 1970, it is impossible to know if this trend held true throughout the entire war period. The appeal approval rate was likely somewhat lower before the *Welsh* case came down in June 1970. After *Welsh*, the more liberal guidelines probably led to a higher approval rate.⁴¹

If a registrant was turned down, he could appeal the decision through a series of local and national appeal boards. In the event that none of these avenues proved successful, the registrant could then take his case into the legal system, as Seeger, Welsh, and Gillette did.

A C.O. applicant might face his draft board either at a pre-classification personal hearing, or at a latter appeal. In such a situation, the draft boards often asked the registrant to explain his religious beliefs. He was questioned about how they were formed, and why they would not allow him to kill or participate in war.

In-service Objectors

The least numerous form of conscientious objection was "in-service" objection. The Department of Defense had provided for members of the armed forces who formed C.O. beliefs during their period of service to request

⁴⁰ "COs on Increase," *Reporter for Conscience Sake*, 28 (September 1971): 4.

⁴¹ Selective Service System, *Semi-Annual Report*, 1970, report 2, 8.

either a non-combatant transfer or a honorable discharge.⁴² To keep the in-service system in line with the draft, the military used Selective Service regulations regarding conscientious objection and even consulted with the S.S.S. on such C.O. cases.⁴³

In 1966 the NSBRO reported that in-service C.O.s were being discharged under pre-war levels.⁴⁴ As NISBCO figures from 1966 to 1970 show, in-service C.O.s were much more likely to be granted a transfer to a non-combatant position than to receive a C.O. discharge. In 1966, the Army approved only 4 percent of discharge requests, while granting 85 percent of C.O. transfer requests. In 1970, the Army approved 32 percent of discharge requests and 76 percent of transfer requests. The Navy and the Marine Corps also had a higher approval rate as the war went on. The Navy moved from a total approval rate of 38 percent in 1966 to 63 percent in 1970; the Marines went from 25 percent to 67 percent over the same period. Only the Air Force reduced its approval rating throughout the Vietnam War, moving from 90 percent in 1966 to 42 percent in 1970. In terms of numbers, even at the height of disenchantment with the war in 1970, only 1,945 soldiers in the Army requested C.O. status. That year the Navy handled 577 applications, the Marines 135, and the Air Force 286 requests.⁴⁵

⁴² Palmer, "Time to Exorcise," 190.

⁴³ Selective Service System, *Annual Report*, 1965, 21

⁴⁴ "NSBRO Reports," *Reporter for Conscience's Sake*, 23 (Nov. 1966), p. 1.

I-A-Os

Approximately half as many conscientious objectors entered non-combatant military service as did civilian alternate service.⁴⁶ If their non-combatant application was approved, the registrant was placed in the I-A-O category. An applicant requesting a I-A-O designation had about a 75 percent chance of receiving the classification. This was slightly better than the almost 60 percent chance of success the I-O registrant enjoyed.⁴⁷ The reason for the disparity harks back to Leo Crespi's research on public reactions to WWII C.O.s. The public tended to approve more of C.O.s who entered the military as non-combatants than those who remained as civilians. In other words, the more willing a registrant was to serve in the military the more likely he was to receive a C.O. classification. One observer claims that this also accounted for the more favorable press reaction to I-A-O objectors.⁴⁸ Furthermore, I-A-Os counted towards a draft board quota of inductions, making a I-A-O claim more "useful" to the board than a I-O claim.

The Selective Service grouped the I-A-Os with the I-As, as both groups were destined for military service. Consequently, there were no figures for the number of men classified I-A-O, only for those who actually entered the

⁴⁵ "Proposed Form for COs Draws Storm of Protest," *Reporter for Conscience' Sake* 28 (December 1971), p. 4.

⁴⁶ "COs on Increase," *Reporter for Conscience Sake*, 28 (September 1971): 3.

⁴⁷ "Further Statistics on CO Claims," *Reporter for Conscience' Sake* 28 (October 1971), p. 4.

Table 4.4: Non-Combatant C.O.s

<i>Year (as of June 30)</i>	<i>Number of Non-Combatant C.O.s</i>	<i>Percentage of Total Military Strength</i>
1964	1,561	.058%
1965	1,680	.063%
1966	2,954	.095%
1967	4,123	.112%
1968	4,067	.115%
1969	3,675	.106%

Adapted from "Combatant: Non-Combatant," *The Reporter for Conscience' Sake* 27 (April 1970): 4.

No figures were reported after 1970.

military. As Table 4.4 shows, the number of I-A-O C.O.s from 1964 to 1969 did not exceed 5,000. Also, non-combatant C.O.s made up a small proportion of the total American military strength. With such low numbers, it was not difficult for either the S.S.S. or the military to accommodate these objectors.

Non-combatant C.O.s mostly served as medics, and medics were nearly always sent into combat in Vietnam.⁴⁹ Because medics in the field were under the same risks as every other foot soldier, yet had no way to fight back, their peers often respected their bravery.⁵⁰ Some non-combatants also served as cooks, clerks, truck drivers, and any number of other military support positions.⁵¹

Alternative Service

Since 1951, conscientious objectors performed alternate service instead of the WWI-style non-combatant service or the WWII-era CPS camps. During Vietnam, however, the system was stretched to its limit by the huge influx of conscientious objectors. Especially after the *Seeger* and *Welsh* decisions, many boards had trouble placing C.O.s in alternate work.⁵² The

⁴⁸ Showalter, "Coverage of Conscientious Objectors," 53.

⁴⁹ Gerald R. Gioglio, *Days of Decision : An Oral History of Conscientious Objectors in the Military During the Vietnam War* (Trenton, N.J.: Broken Rifle Press, 1989), 7.

⁵⁰ *Ibid.*, 115, 120, 135.

⁵¹ *Ibid.*, 7.

⁵² Curtis Tarr, *By the Numbers*, 87, and Selective Service System, *Semi-Annual Report*, 1970, report 2, 7.

numbers of C.O.s simply outstripped the available work positions. When Congress renewed the draft in 1971 it changed the alternative service provision, placing the director of the S.S.S. in charge of supervising alternative service rather than the local boards. However, in these final two years of the program, former director Curtis Tarr wrote that "we made no real progress in the administration of alternate service."⁵³

Conscientious objectors, classified I-W once in alternate service, performed a wide variety of jobs. The S.S.S. found jobs for about one-third of I-Ws. Another third found their own employment, and the remainder found jobs through churches, draft counselors, or other means.⁵⁴ One C.O. who worked at a YMCA camp described his experience:

The pay was small—I think less than \$300 per month—but room and board came with it, and I thought there could be worse places to do alternate service work, and I was interested in doing some writing (the mountains seemed like a good place) and so I accepted. I became pretty good friends with the other two C.O.s. One was a tall, WASPy sort from California...and he completed his term a few months after I arrived, the other was blue collar-Boston, with that great New England accent. The jobs we had were mainly in the maintenance area — garbage trucks, moving stuff around, clean up, etc. I arrived in mid-February. My parents took me out there and they were depressed when they left — it was bleak and lonely, and the camp was only used on weekends, and even then not too often.

A few months into my stay I had a run-in with the head of the camp...[who] had sort of a tough, mean demeanor. Still, how mean could he be, it was the YMCA—right? I went to his office because I had hopes of becoming a "counselor" or of at least

⁵³ *Ibid.*, 89.

⁵⁴ NISBCO, "Survey of the Civilian Work Program," Swarthmore Peace Collection, Swarthmore College, Swarthmore, Pennsylvania, as cited in Mansavage, "Alternatives to Arms," 47.

doing something besides driving a garbage truck. Remember, I was expecting to stay there for two years; I'd been there about two months. In this meeting, [he] told me he was my "warden" and I would do what he told me to do. Uncharacteristically for me, I slammed my fist down on his desk and informed him that I was not a prisoner, I was here by my choice, that I was within my rights as a citizen, and that furthermore I was college educated and could actually be of some help to the camp. My outburst must have surprised him, since shortly after I was "reassigned" as the head of youth programming for the whole camp. I began planning out activities for kids, and set up a whole program for the rest of the year, and felt that at least I would be using my brain and natural abilities in running this program.⁵⁵

Members of the peace churches were much more favorable towards alternative service than other I-Ws. Seventy-five percent of peace church I-Ws were favorable towards alternative service, while only 51 percent of members of other religious groups approved of alternative service. Only 28 percent of non-church I-Ws were favorable. Even within these groups opinions varied a good deal. One member of the Church of the Brethren said that "[n]o sincere CO would accept a salaried position." A non-church I-W called the program "punishment for not serving your country in the Armed Forces." A Episcopal I-W said that alternative service was "evil in intent in that it is obviously designed to make COs suffer as much disruption to their freedom as men inducted into the army."⁵⁶

⁵⁵ "John D." [pseud.], correspondence with author, February 16, 1997.

⁵⁶ *Reporter for Conscience' Sake* 27 (May 1970): 4-5

In 1966 the S.S.S. noted that 39 percent of I-Ws worked for a religious organization. And of those I-Ws who worked overseas, 95 percent were affiliated with a religious denomination.⁵⁷

Selective Conscientious Objection

Selective objection, although it had roots in the Christian and Jewish notions of a "just war," was often seen as political in nature. A S.C.O., by objecting to a particular war, announced that the government's policies were not only unsound, but also immoral. Supporters of selective conscientious objection often argued that a man must follow his conscience, even to the point where he is disobeying the orders of his government.⁵⁸ The government could accept total pacifists as C.O.s, but it drew the line with selective conscientious objection. Many people assumed that if selective conscientious objection was enacted, every American military action would be subject to a plebiscite.

It is possible that at least some of the men classified as conscientious objectors really were selective objectors. As one C.O. said, "I took the position that it was really the only war I was confronted with and so...my opinions about other wars would be more or less speculative."⁵⁹ There is no way to tell

⁵⁷ Selective Service System, *Annual Report*, 1966, 20.

⁵⁸ John A. Rohr, *Prophets Without Honor* (Nashville: Abingdon Press, 1971), 192.

⁵⁹ Peter Dahl, interview by the author, tape recording, Seattle, Wash., 29 December 1997. For similar sentiments, see Parks, "United Methodist Conscientious Objector," 153 and

how widespread this feeling was, and any evidence on the matter is anecdotal.

Conclusion

As the *Seeger* and *Welsh* decisions took effect, the number of C.O.s skyrocketed. Most C.O.s performed civilian alternate service, although some did choose non-combatant military service. Only a very small number of C.O.s were discharged by the military as a result of their objections. As the Vietnam War progressed, conscientious objection became an important issue, especially in the churches.

Chapter V:

The Religious Response to Conscientious Objection

Any analysis of the religious response to conscientious objection must lead to the question, "How much influence did the churches have in individual C.O. cases?"

In the early years of the Vietnam conflict, C.O. claims were decided using the 1940 model of individual religious belief. With the *Seeger* and *Welsh* cases, the focus shifted away from religious belief and toward an individual's sincerity. Despite the focus on individuality, conscientious objection remained deeply rooted in its past. Ties with religion remained strong, despite the individual nature of conscientious objection. Throughout the Vietnam War, the overwhelming majority of C.O.s came from religious backgrounds. Religious influences were not simply legislated away.

The focal point for many C.O.s was the local church or synagogue. At the local church, the C.O. received much of the religious training that likely made up his set of beliefs. Also, some C.O.s had supportive pastors, priests, or rabbis who were willing to vouch for the C.O.'s sincerity in front of the draft board. However, not all clergy, nor their parishioners, were supportive of conscientious objection. Constructing a general picture of the local impact on conscientious objection is a daunting, if not impossible, task.

An examination of the denominational response to conscientious objection is certainly more feasible. Although the denomination did not have

the same immediate impact as the local church, it was nevertheless useful in a registrant's bid for C.O. status. A registrant could show his local board that his "religious training and belief" was soundly based in his denomination's policies. The specific impact of a denominational statement varied depending on the group in question. Roman Catholics tended to be more unified under an official hierarchy, while Protestant groups varied in their obligation to a denominational statement.

Finally, the church's embrace of conscientious objection shows a profound shift. Even if pro-C.O. resolutions were pushed by small groups of activists, they still had to be voted on and approved by a majority of the rank-and-file delegates to denominational meetings. This support reflected a growing mainstream disillusionment with war, especially the Vietnam War. In World War I and II, churches tended to provide a solid pro-government stance. In Vietnam, the support of conscientious objection shows an increased willingness by a significant number of Americans to support dissenters.

Anti-War movement

In late 1964, the *New York Times* reported that about a quarter of Americans did not even know there was fighting in South Vietnam.¹ The public soon learned of Vietnam as American combat troops arrived in

¹ Foster Hailey, "Many in U.S. Held Hazy About Asia," *The New York Times*, December 15, 1964, p. 9.

Vietnam in force in March 1965. Public opinion polls tell us that by mid-1966 Americans began to feel uneasy about U.S. involvement in Vietnam.² By mid-1967, about half of those polled thought it was a mistake to get involved in the fighting.³ After the 1968 Tet Offensive, public opinion swung sharply against administration policy.

The anti-war movement preceded public opinion somewhat. The first major national demonstrations appeared in the spring of 1965.⁴ Old-line anti-war groups such as the Fellowship of Reconciliation and the Committee for a Sane Nuclear Policy were joined by New Left organizations like Students for a Democratic Society.⁵ Increasingly, religious groups also joined the anti-war movement.

In general, the religious anti-war movement was largely politically and theologically liberal. Within the movement, the most active groups were also the groups likely to be involved with the National Council of Churches and the civil rights movement.⁶ Conservative evangelical churches tended to stay out of politics, preferring to remain silent on the issue of war.⁷ The

² Lurch and Sperlich, "American Public Opinion," 22-23.

³ *Ibid.*, 25.

⁴ Hall, *Because of Their Faith*, 3.

⁵ *Ibid.*, 2.

⁶ *Ibid.*, 5.

⁷ *Ibid.*

evangelical movement also contained elements of nationalism.⁸ Catholics tended to be more pro-war than liberal Protestants, but not significantly so. Of the major religious movements, the Jews were the most "dovish."⁹

Church response to conscientious objection generally followed the trend of the broader ecumenical anti-war activity. Mainstream Protestants favored conscientious objection, and some even advocated selective conscientious objection. Conservative evangelicals did not actively support C.O.s, but rather generally remained silent on the issue. There was a large increase in Catholic conscientious objection throughout the war, much of which can be attributed to a more sympathetic Catholic hierarchy. Jewish support of conscientious objection remained strong during the war years.

Although often theologically and socially conservative, the historic peace churches were very much against the Vietnam war. However, these groups were small in numbers and did not play a large role in the religious anti-war movement.¹⁰ Having always been exempted from military service, historic peace church C.O.s were not affected by the changing S.S.S. regulations during Vietnam. The number of peace church C.O.s remained

⁸ *Ibid.*

⁹ Lunch and Sperlich, "American Public Opinion," 41-42.

¹⁰ In 1965, the Church of the Brethren listed 201,958 members; Society of Friends, 100,000; The Mennonites listed 88,947 in 1973 (no figures were available for 1965). 1965 figures are from the Yearbook of American Churches, 1965, as cited in the 1966 Reader's Digest Almanac, Pleasantville, NY: The Reader's Digest Association, p. 369-373. 1973 figures are from the 1973 Reader's Digest Almanac, Pleasantville, NY: The Reader's Digest Association, p. 511-514. All further denominational membership statistics come from this source.

roughly constant throughout the Vietnam War. However, the relative proportion of peace church C.O.s fell dramatically as secular and mainstream religious objection increased during the war.

Early religious anti-war activity included a 1965 vigil held at the Pentagon by the Interreligious Committee on Vietnam, which included Martin Luther King, Jr.¹¹ By late 1965, peace-oriented groups like the Catholic Peace Fellowship and the Fellowship of Reconciliation were joined by more mainstream organizations like the National Council of Churches, the United Church of Christ, and the Union of American Hebrew Congregations in passing resolutions mildly opposing American involvement in Vietnam.¹² Clergy and Laymen Concerned About Vietnam (CALCAV), the most visible ecumenical anti-war group, emerged in early 1966.¹³ Liberal clergy spearheaded the ecumenical anti-war movement.¹⁴ The lay population tended to be much more conservative on Vietnam than the clergy.¹⁵

In the atmosphere of the cold war, when American flags often adorned sanctuaries, it was somewhat dangerous to question American foreign policy.

¹¹ Hall, *Because of Their Faith*, 9.

¹² *Ibid.*, 10.

¹³ *Ibid.*, 1.

¹⁴ Clarence E. Tygart, "Social Movement Participation: Clergy and the Anti-Vietnam War Movement," *Sociological Analysis* 34 (Fall, 1973): 202.

¹⁵ Webber, "CALC: The Anti-War Years"; Hadden, *Gathering Storm*, 123-36; Gallup, *The Gallup Poll: Public Opinion, 1935-1971*, (New York: Random House, 1972), 3:1933, 3:2120; Alfred O. Hero, Jr., *American Religious Groups View Foreign Policy: Trends in Rank-and-*

Certainly, criticism was often read as disloyalty, and the McCarthy era was not too far removed. In 1967, 75 percent of people in a Louis Harris Poll felt that anti-war activity "encouraged the Communist to fight all the harder," and a like percentage of people believed anti-war demonstrators were disloyal.¹⁶ Groups like CALCAV attempted to counter these opinions by gathering the prominent religious leaders together.¹⁷ Most of CALCAV's leaders were theologically liberal. Most of the leaders were Protestant, but there were a number of Jews. Roman Catholics and conservative Protestants were not well represented in CALCAV's leadership.¹⁸ Even with the nation's religious leaders behind it, CALCAV did not take a radical stance. CALCAV, as Mitchell Hall wrote, "claimed for itself a share of the patriotic label," and remained conservative among anti-war groups.¹⁹

Religious Public Opinion About Vietnam

When asked in 1968 if the Vietnam war was a mistake, 80 percent of Jews said yes, compared with 64 percent of Protestants and 56 percent of Catholics.²⁰ Throughout the entire war, Jews were consistently more anti-

File Opinion, 1937-1969 (Durham, N.C.: Duke University Press, 1973), 165-208, as cited in Hall, *Because of Their Faith*, 6.

¹⁶ Nancy Zaroulis and Gerald Sullivan, *Who Spoke Up?: American Protest Against the War in Vietnam, 1963-1975* (Garden City, N.Y.: Doubleday, 1984), 147.

¹⁷ Hall, *Because of Their Faith*, 16.

¹⁸ *Ibid.*, 16-17.

¹⁹ *Ibid.*, 25.

war than the Christian denominations.²¹ Theological and political conservatives tended to support the war, while moderates and liberals showed doubts about America's involvement in Vietnam. The range of opinion was quite broad, from the peace churches to the fundamentalist American Council of Christian Churches, which proclaimed the Vietnam war a "holy righteous crusade."²² However, even at the height of the war, Vietnam was sometimes pushed to the background by other issues, especially race relations.²³

In early (pre-Tet) 1968, nine denominational magazines invited their readers to respond to a poll on Vietnam.²⁴ Some 34,000 people responded to this admittedly unscientific poll. Over 60 percent of respondents disapproved of the Johnson administration's handling of Vietnam. The United Church of Christ, the Lutheran Church in America, and the Methodist Church had the highest rates of disapproval. Despite the dissatisfaction with Johnson's war policies, only 35 percent felt the U.S. should stop bombing North Vietnam, and 56 percent felt that the U.S. should use all military strength necessary to

²⁰ Lunch and Sperlich, "American Public Opinion," 41-42.

²¹ *Ibid.*, 41-42.

²² "Churches Continue to call for Vietnam Peace," *The Lutheran* 5 (June 21, 1967): 24.

²³ Hall, *Because of Their Faith*, 16-17.

²⁴ The denominations were: Disciples of Christ, Evangelical United Brethren, The Episcopal Church, the Lutheran Church in America, the Methodist Church, the Presbyterian Church-U.S., the United Church of Canada, the United Church of Christ, and the United Presbyterian Church. "The Opinion Poll on Vietnam," *Presbyterian Life*, 21 (April 1, 1968): 22-23. All but 10,000 of the 36,000 respondents were Presbyterians, Lutherans, and Methodists. Albert P. Stauderman, "Editor's Opinion," *The Lutheran* 6 (March 1968): 50.

win the war. The respondents strongly supported what would become President Nixon's policy of "Vietnamization," putting more responsibility for the fighting in the hands of the South Vietnamese.²⁵ The results of the survey led the editor of *The Lutheran* to note that "[o]fficially the churches may coo like a dove but the majority of their members are flying with the hawks."²⁶

When asked about conscientious objectors, three-quarters of respondents wanted "other types of active service" for C.O.s. When asked if churches should defend conscientious protest against the Vietnam War, "whatever the consequences," the respondents were not sure. Only 40 percent approved of such a defense, while 55 percent disapproved.²⁷

In the broader ecumenical anti-war movement, active clergy defined themselves as both theologically and politically liberal.²⁸ As mentioned earlier, the lay population tended to be more hawkish than the clergy.²⁹ Throughout the 1968 denominational magazine survey, clergymen were much more likely to be anti-war and to defend conscientious protest against the war.³⁰ Viewed by individual denominations, clergy tended to reflect the

²⁵ "The Opinion Poll on Vietnam," 22-23.

²⁶ Stauderman, "Editor's Opinion," 50.

²⁷ "The Opinion Poll on Vietnam," 22-23.

²⁸ Tygart, "Social Movement Participation," 202.

²⁹ See also Hall, *Because of Their Faith*, 66.

³⁰ "The Opinion Poll on Vietnam," 22-24.

denomination's outlook on the war (or the denominations reflected the clergy's views on the war). Clergy from conservative groups, like the Southern Baptists, were overwhelmingly in favor of escalation. Moderate denominations (Lutheran Church in America) saw their clergy split between pro- and anti-war views. Dovish denominations (Methodists) found their clergy strongly advocated complete withdrawal from Vietnam.³¹

Conscientious Objector Religious Affiliations

Since 1952, the NSBRO (later NISBCO) collected data on C.O.s in the I-W alternate work program. This was not necessarily a complete survey of every I-W, but at least in the pre-Vietnam war period, the NSBRO had information for about three-quarters of all I-Ws.³²

In the pre-Vietnam period, 1952 to 1964, the majority of C.O.s came from historic peace church backgrounds.³³ Although the Mennonites were not the largest of the peace churches, they contributed over eight thousand C.O.s, nearly 70 percent of the total. The Brethren and Quakers were the next largest groups, with 11.5 percent and 3.7 percent, respectively. As the war progressed, the percentage of peace church C.O.s dropped quite a bit.

³¹ Harold E. Quinley, "The Protestant Clergy and the War in Vietnam" *Public Opinion Quarterly* 34 (Spring 1970): 45.

³² "Denominational Affiliations," *Reporter for Conscience' Sake* 21 (November 1964): 3. See Table 5.1.

This was not due to fewer peace church C.O.s, but rather to a huge increase in other denominational affiliations, thereby diminishing the percentage.

Conscientious objectors with no religious affiliation made up only 1.2 percent of I-Ws in the pre-Vietnam period. It is highly unlikely that these men were entirely non-religious. The overwhelming majority of Americans in the 1960s held some religious beliefs. The percentage of people willing to admit to an interviewer that they held no religious beliefs was very small.³⁴ Furthermore, the law and the S.S.S. were quite explicit in that the C.O. provision only applied to those who came by their beliefs through “religious training and belief.” There is no way to know why these men did not chose to report any religious affiliation to the NSBRO.

Even after the *Seeger* case, C.O.s still had to base their objection in some form of religious belief, albeit the former requirement of belief in a “Supreme Being” no longer applied. This liberalization likely accounts for the increase shown from 2.5 percent in 1967 and 1968 to 20.0 percent in 1970. Although the NISBCO did not report any statistics after August 1970, the *Welsh* case probably further increased the number of non-affiliated (and even non-religious) C.O.s.

In the pre-Vietnam era, the number of mainstream C.O.s was negligible. The Vietnam period saw most churches increase their percentage

³³ While American involvement in Vietnam started before 1964, I will refer to this 1952-1964 period as the “pre-Vietnam” period because neither large-scale fighting nor public attention to the war occurred before 1965.

Table 5.1: Religious Affiliations of Conscientious Objectors

Group	July 1 '52 to Oct. 31 '64	Sept. '67 to Nov. '68	Nov. '68 to Sept. '69	Oct. '69 to Aug. '70
Mennonite	68.5%	41.5%	36.8%	29.0% ⁺
No Affiliation	1.2% [‡]	2.5%	10.0%	20.0%
Catholic	less than 0.1%	2.1%	7.3%	8.0%
Friends (Quakers)	3.7%	3.1%	7.2%	6.0%
Church of the Brethren	11.5%	6.9%	6.6%	5.0%
Methodist	1.3%	2.8%	4.9%	5.0%
Episcopalian	0.2%	n/a	2.0%	3.5%
Presbyterian	0.3%	1.1%	2.8%	3.5%
Unitarian	0.1%	1.5%	2.7%	3.0%
Lutheran	n/a	1.1%	2.3%	2.5%
Jewish	n/a	.8%	1.6%	2.0%
United Church of Christ	0.5%	n/a	2.2%	1.5%
Baptist	0.3%	2.9%	1.4%	1.5%

Figures are, except when noted, from "Religious Affiliations of I-Ws," *The Reporter for Conscience' Sake* 27 (December 1970): 2.

Totals will not equal 100%, due to the many other denominational groups represented among C.O.s.

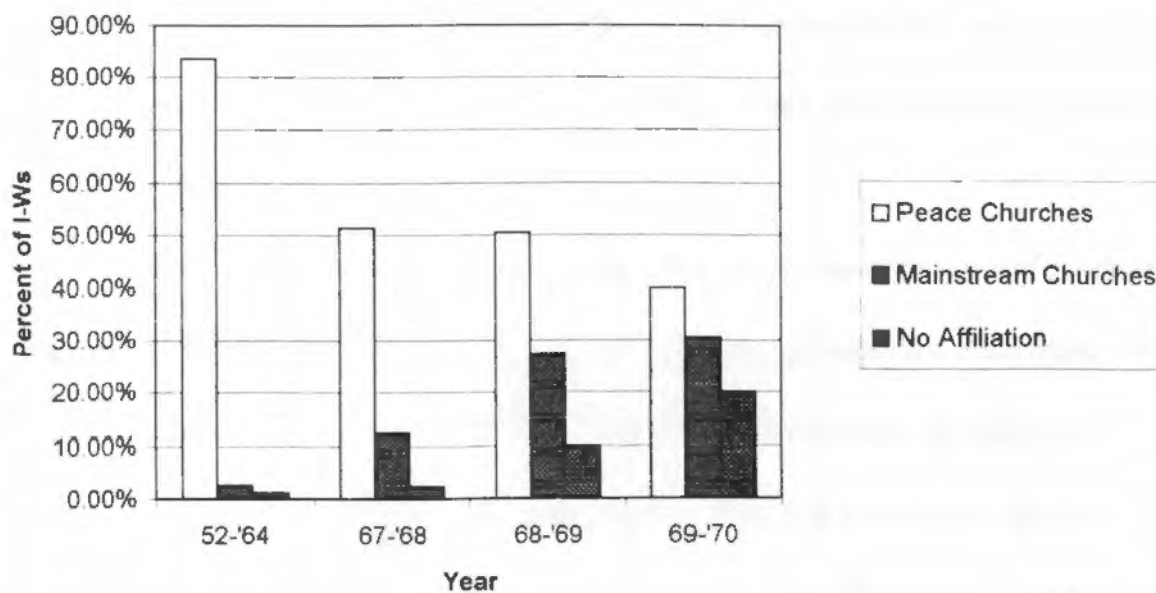
* July 1, 1952 to Oct. 31 1964 figures are from "Denominational Affiliations," *The Reporter for Conscience' Sake* 21 (November 1964): 3.

† I have added the Amish figure to the Mennonite figure for the period of Oct '69 to Aug. '70. The NISBCO had reported these figures together prior to 1969. "Religious Affiliations of I-Ws." *The Reporter for Conscience' Sake* 27 (December 1970): 2.

‡ Figure is from July 1, 1952 to March 1, 1965. In the time period from the earlier study to this one (Oct. '64 to March '65), 488 more I-Ws were included. It is highly unlikely that this changed the percentage. "More I-W Statistics." *The Reporter for Conscience' Sake*, 22 (November 1965): 3.

Table 5.2: Religious Affiliations of Conscientious Objectors

Group	July 1 '52 to Oct. 31 '64 [*]	Sept. '67 to Nov. '68	Nov. '68 to Sept. '69	Oct. '69 to Aug. '70
Peace Churches [†]	83.7%	51.5%	50.6%	40.0%
Mainstream Churches [‡]	2.6%	12.3%	27.2%	30.5%
No Affiliation [§]	1.2%	2.5%	10.0%	20.0%



Figures are, except when noted, from "Religious Affiliations of I-Ws," *Reporter for Conscience* ' Sake 27 (December 1970): 2.

Totals will not equal 100%, due to the many other denominational groups represented among C.O.s but not listed in the survey.

* July 1, 1952 to Oct. 31 1964 figures are from "Denominational Affiliations," *Reporter for Conscience* ' Sake 21 (November 1964): 3.

† "Peace Churches" means only the Mennonites, Friends, and Brethren, and none of the smaller groups.

‡ "Mainstream Churches" means for July 1 '52 to Oct. 31 '64: Catholic, Methodist, Episcopalian, Presbyterian, Unitarian, United Church of Christ, and Baptist. Numbers for Jews and Lutherans were not available for this period (either they had less than 10, or none at all). For the other three periods, "mainstream churches" means Catholic, Methodist, Episcopalian, Presbyterian, Unitarian, United Church of Christ, and Baptist, Jewish, and Lutheran. No figures were reported for Episcopalian and United Church of Christ during Sept. '67 and Nov. '68.

§ Figure is from July 1, 1952 to March 1, 1965. In the time period from the earlier study to this one (Oct. '64 to March '65), 488 more I-Ws were included. It is highly unlikely that this changed the percentage. "More I-W Statistics," *The Reporter for Conscience* ' Sake, 22 (November 1965): 3.

of C.O.s, although in some cases the increase was very slight. The most dramatic increase occurred in the Roman Catholic church. In the pre-war period, only 10 Catholics were I-Ws. By 1970, 8 percent of I-Ws were Catholic. Two of the churches, the United Church of Christ and the Baptists, actually dropped in percentage as the war went on. These drops could be related to the increase in conscientious objection as the war went on, pushing the relative proportion of each church down, much like what happened to the historic peace churches.

The denominational percentages are much more meaningful when grouped together.³⁵ When the various religious groups are combined into categories, the various trends are magnified. The peace churches, as explained above, go from over 80 percent in the pre-war era to 40 percent in 1970. No-affiliation I-Ws move from 1.2 percent to 20 percent. In an equally dramatic increase, mainstream churches go from only 2.6 percent to over 30 percent. Because only the large mainstream churches were included in the NISBCO report, it is clear that many objectors from smaller mainstream Protestant churches did not get counted. Including those men, it is likely that the majority of C.O.s, both in terms of percentages and sheer numbers, came from mainstream religious backgrounds.

³⁴ Lunch and Sperlich, "American Public Opinion," 41-42.

General Religious Statements on Conscientious Objection

Most denominations acted individually when considering issues relating to the Vietnam War and conscientious objection. But there were some broad ecumenical organizations that acted on the issue of conscientious objection. The National Council of Churches (N.C.C.) is an agency representing many mainstream Protestant denominations in America. The more conservative evangelical churches tended not to be members of the N.C.C. The N.C.C. released a statement in support of conscientious objection in early 1967. The statement showed support for the Selective Service laws, but the N.C.C. also asked for a selective conscientious objection provision. The N.C.C. asked that the requirement of "religious training and belief" be removed from the law. This request would not be granted until three years later, after the *Welsh* case.³⁶

The other national forum for debate on conscientious objection was the religious press. Most denominations published some form of magazine. These magazines were usually not distributed outside of the denomination's membership, thereby reducing their influence. Most of these publications did not publish general articles on C.O.s; rather, they reported the results of resolutions voted on at various denominational meetings. A notable

³⁵ See Table 5.2.

³⁶ *Religious Statements on Conscientious Objection*, ed. Gerald E. Shenk, (Washington D.C.: National Interreligious Service Board for Conscientious Objectors, 1970): 53-54.

exception to this was the nine-denomination survey on the war and C.O.s, mentioned above.

The non-denominational religious press was more active. Coverage of C.O.s was limited before 1965, but as the intensity of the war increased, C.O.s received a good deal of press.³⁷ Liberal to moderate journals like the *Christian Century* and *Christianity and Crisis*, both with small circulations, were quite influential in both religious and non-religious circles.³⁸ As early as 1965, *Christianity and Crisis* was speaking out against the Vietnam War.³⁹ The *Christian Century* was quite active in its support for conscientious objection, to the point where in one survey of six major opinion magazines, fully half of the C.O. articles came from the *Christian Century*.⁴⁰ The *Century* was so supportive that it occasionally berated the religious community for not supporting conscientious objection enough.⁴¹ The more conservative *Christianity Today* tended to stay away from the Vietnam issue. It published only three articles on conscientious objection, all negative.⁴² The

³⁷ Stuart W. Showalter, "Six Opinion Magazines' Coverage of Conscientious Objectors to the Vietnam War" (paper presented to the Mass Communication and Society Division of the Association for Education in Journalism, San Diego, Cal., August 18-21, 1974), 7.

³⁸ Martin Marty, *et al*, *The Religious Press In America*, (Westport, CT: Greenwood Press, 1963), cited in Hall, *Because of Their Faith*, 7.

³⁹ Hall, *Because of Their Faith*, 9-10.

⁴⁰ Showalter, "Six Opinion Magazines," 7. The other journals included were *Christianity Today*, *Commonweal*, *The Nation*, the *New Republic*, and the *National Review*.

⁴¹ "In Good Conscience," *The Christian Century* June 22, 1966, 791.

⁴² Showalter, "Six Opinion Magazines," 9.

Catholic journals *America* and *Commonweal*, as well as the Jewish *Commentary*, were also active.⁴³ In the religious press, as well as the secular press, the treatment of C.O.s was directly related to a magazine's political orientation. Liberal journals approved and supported objectors, while conservative publications largely ignored the subject.⁴⁴

Protestant Denominations

A number of Protestant churches followed a doctrine of personal choice. Decisions were left up to the individual, not a church creed. For many denominations, this idea made specific pronouncements on conscientious objection unnecessary. Also, some denominations had covered the issue in 1940 when first faced with the draft. They simply had no reason to re-hash the issue in the 1960s. Still others, despite previous pronouncements, felt the war in Vietnam meant that the conscientious objection issue deserved new consideration. A new issue that faced every denomination was that of selective objection to war.

Conservative and fundamentalist denominations tended to stay out of public policy, unless it related to an area of individual personal morality. However, moderate and liberal groups were quite active in public policy,

⁴³ Marty, *The Religious Press*, cited in Hall, *Because of Their Faith*, 7.

⁴⁴ Showalter, "Coverage of Conscientious Objectors," 93, 95, 106, 112.

especially foreign policy.⁴⁵ Many of these denominations made statements or passed resolutions on the conduct of the Vietnam War and the issue of conscientious objection. When a denomination made a statement on a particular issue, like conscientious objection, it almost always did so at a denominational annual meeting. Delegates from the denomination's member churches met, debated and voted on various resolutions.

Since conscientious objection was not based on church affiliation, a registrant did not need any specific support from his denomination. But support was nevertheless quite useful. To receive a C.O. classification, the registrant needed to convince his draft board that he was sincere, and, until 1970, that his beliefs stemmed from "religious training and belief." If his denomination had affirmed its support for conscientious objection, this fact might carry some favor with the draft board. A supportive pastor was also capable of writing the registrant an all-important letter of support to the draft board.

The following survey of religious denominations shows the wide range of opinions on the war and conscientious objection. Some groups were strongly supportive of conscientious objectors. But many groups, such as Baptists and Lutherans, were split into denominations that have distinctly different political outlooks. For example, the Vietnam War was not an important issue for many Southern Baptists, and there is some evidence to

⁴⁵ Hero, *American Religious Groups*, 158.

suggest that C.O.s were not looked upon in a favorable light. However, the American Baptists were much more active and tolerant. Other denominations, like the United Methodists, took a more moderate approach to conscientious objection. A good number of Protestant denominations, represented here with the Church of God, left decisions of conscience to their members. These denominational pronouncements often did not represent the views of the entire membership, as illustrated by some dissension in the United Church of Christ.

Baptist

In Table 5.1, the percentage of Baptist C.O.s shows that although the percentage initially grew at the start of Vietnam, the numbers then went down from about three percent in 1967/1968 to only one and a half percent in 1969/1970. These figures are inconclusive for a number of reasons. First, the decrease in Baptist strength could be due to an increase in other denominations, thus pushing the relative strength of the Baptists down. Also, there is more than one denomination placed into the category "Baptist." The two largest denominations, the Southern Baptist Convention and the American Baptist Convention (ABC), had very different reactions to both the war and conscientious objection.

The conservative Southern Baptists accepted conscientious objection in 1940.⁴⁶ At that time, they stated that a “considerable number of members” were C.O.s.⁴⁷ Selective Service records show that 243 “Baptists” were C.O.s during World War II.⁴⁸ The Northern Baptist Convention, later the American Baptist Convention, also passed a resolution in support of conscientious objection in 1940.⁴⁹

During the Vietnam War, most of the over ten million Southern Baptists supported the government’s war effort, but they did so quietly. Signs of an anti-war movement did not begin to appear among Southern Baptists until 1969, considerably later than many other denominations.⁵⁰ In 1969, the war in Vietnam was only the ninth most important issue covered in nearly thirty state Baptist newspapers.⁵¹ In 1970, the war failed to make the top ten.⁵²

Baptists tended to stay away from such active political activity. When they did become active, they gravitated towards issues of morality, like

⁴⁶ “Resolution of Southern Baptist Convention, 1940,” in *Religious Statements*, 11.

⁴⁷ *Ibid.*

⁴⁸ Selective Service System, *Conscientious Objector*, 218. Again, no distinction was made between Southern Baptists and Northern, later American, Baptists.

⁴⁹ J. Douglas Archer, “Conscientious Objectors and the Northern Baptist Convention of 1940,” *Foundations*, 15 no. 4 (1972): 343-354.

⁵⁰ Kent B. Blevins, “Southern Baptist Attitudes Toward the Vietnam War in the Years 1965-1970,” *Foundations* 23 (July-September 1980): 237.

⁵¹ *Ibid.*, 240.

temperance or gambling laws, not the war.⁵³ In one of the only Baptist statements on conscientious objection made during the Vietnam War, *The Religious Herald*, a Baptist magazine from Virginia, declared that conscientious objection was “immoral.” “The conscientious objector who accepts escape from military service,” the *Herald* wrote, “has no part in the noblest national traditions, because the history of this nation stands as testimony to the lives of heroes who readily bore arms in mortal combat to win and secure the American heritage of freedom.”⁵⁴ Although this was not official doctrine of the Southern Baptist Convention, it does provide insight into the attitude toward conscientious objectors at this time.

The smaller (about 1.5 million members) and more moderate American Baptist Convention was much more congenial towards C.O.s. In a 1965 resolution, the American Baptists urged the U.S. government to work towards a cease-fire in Vietnam. In the same breath, they also approved of the general fight against communism.⁵⁵ At the 1968 convention, the denomination passed a resolution supporting conscientious objectors. They vowed to “aid, counsel, and pray for” C.O.s. The Baptists also acknowledged that some men took positions not recognized by the S.S.S. (i.e., selective conscientious objection or draft resistance), and they promised to support

⁵² *Ibid.*

⁵³ *Ibid.*, 243.

⁵⁴ *Ibid.*, 232.

⁵⁵ John. C. Slemp, “San Francisco, 1965,” *Missions* 163 (June, 1965): 18.

them. The denomination urged churches to set up counseling centers and to try to actively work with those facing the draft.⁵⁶ The 1969 Convention asked for amnesty for those in violation of the draft law, but they refused to participate in a peace demonstration near the Seattle, Washington, meeting.⁵⁷ Compared to their Southern Baptist cousins, the American Baptists were quite liberal. They supported conscientious objection, but had a cautious attitude towards the Vietnam War.

Church of God (Anderson, Indiana)

The Church of God is one of many denominations who preferred to leave matters of military service to the individual's conscience.⁵⁸ Early in the church's existence members were influenced by the historic peace churches, and this led to strong support for conscientious objectors during World War I, even though most eligible men served in the military. In the post-WWI period, the Church took a more pacifist stance, but quickly renounced that position during WWII. During Vietnam the church, which had about 180,000 members, remained neutral on the war.⁵⁹

⁵⁶ "Excerpts from the Resolutions at Boston," *Crusader* 23 (September 1968): 7.

⁵⁷ "American Baptists at Seattle," *Crusader* 24 (June 1969): 3-4.

⁵⁸ Mitchell K. Hall, "Time for War: The Church of God's Response to Vietnam," *Indiana Magazine of History* 79 (December 1983): 286.

⁵⁹ Hall, "Time for War," 285.

In July 1961, the Church of God reaffirmed its commitment to conscientious objection. The resolution stated: "We are conscientiously opposed to participation in war in any form at any time, whether civil, political, or religious."⁶⁰ This early resolution, passed at a time in which draft calls were low and there was no "hot" war, is much more pacifist in tone than later resolutions. A June 1966 resolution reiterated the church's commitment to the principle of individual conscience. A number of non-creedal Protestant denominations shared beliefs similar to those outlined in this statement:

"We respect the right of each person to arrive at his own convictions. We believe in the principle of freedom of worship and freedom of conscience. We respect the rights of the individual conscience within our fellowship. We have never set up an authoritative creed. Instead, we accept the entire New Testament as our rule of faith and practice, and we seek to lead every member of our fellowship to full comprehension and full acceptance of the Spirit of Christ as the guide for all conduct."⁶¹

It appears, despite the support for both individual conscience and C.O.s, that the number of Church of God C.O.s was fairly small. Only fifty-five letters inquiring about C.O.s were received by the denomination between 1971 and 1973.⁶² Two men served their alternate service obligations by working for

⁶⁰ "Church of God Reaffirms Position Opposing Participation in War," *Reporter for Conscience' Sake*, 18 (December 1961): 3.

⁶¹ Adopted by the General Assembly of the Church of God on June 16, 1966, as cited in *Religious Statements*, 20.

⁶² Hall, "Time for War," 288.

the Church of God.⁶³ An informational pamphlet on the Church of God published in 1969 noted that most eligible members had served in the military, but that the church supported the minority position of conscientious objection.⁶⁴ Mitchell Hall, in an article on the Church of God and Vietnam, concludes that conscientious objection was probably an unpopular choice in the Church of God.⁶⁵

Episcopalian

The three and a half million member Episcopal church is related to the Church of England. In America, the Episcopal church is often considered one of the highest-status churches. On average, Episcopalians are better educated, more urban, and more wealthy than any other Protestant denomination.⁶⁶ In their survey of church opinion, Lurch and Spurlich found that Episcopalians were supportive of the war early on, but then moved to the anti-war position as the fighting dragged on.⁶⁷ In the 1968 denominational magazine survey, the Episcopalian respondents were very close to the total averages in nearly every category, with 64 percent of Episcopalian respondents disapproving of President Johnson's handling of

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 299.

⁶⁵ *Ibid.*, 300.

⁶⁶ Hero, *American Religious Groups*, 536.

the war.⁶⁸ By 1970 a large majority of members on the church's Executive Council voted to call for total withdrawal from Vietnam.⁶⁹

In the pre-war period, Episcopalians only made up 0.2 percent of I-W conscientious objectors. There was strong support from Episcopal clergy during the pre-war period. In 1951 and 1952, 95 percent of Episcopal bishops and 93 percent of priests felt that Episcopalians should support conscientious objection. Only half of parishioners agreed with the clergy, further showing the divide between lay and clergy opinion on this issue.⁷⁰ Episcopal C.O. affiliations were not available for the 1967/1968 period, but in 1968/1969, 2 percent of C.O.s were Episcopalian. This figure rose to 3.5 percent for the next year.

In 1967 the Episcopalians re-affirmed their support for C.O.s. They also asked the S.S.S. to include non-religious objectors as C.O.s, which would not happen until 1970. In a more cautious tone, they offered support to selective conscientious objectors, but "refused to give them the same recognition accorded conscientious objectors."⁷¹

⁶⁷ Lunch and Sperlich, "American Public Opinion," 42 nn. 47.

⁶⁸ "Opinion poll on Vietnam", 22-23.

⁶⁹ "Too much, Too Little," *The Episcopalian* 135 (July 1970): 13.

⁷⁰ Charles Y. Glock, Benjamin B. Ringer, and Earl R. Babble, *To Comfort and to Challenge* (Berkeley: University of California Press, 1967), 144-151, cited in Hero, *American Religious Groups*, 512-513.

⁷¹ "What did we actually do?" *The Episcopalian* 132 (November 1967): 40.

Lutheran

Like the Baptists and the Presbyterians, there are a number of denominations that fall under the heading “Lutheran.” The most conservative of the Lutheran denominations is the three million member Missouri Synod. Like many fundamentalist churches, the Missouri Synod tried to stay out of politics. In 1967, the Synod released a statement saying “As a church body we are not to be a political influence group, identified with a particular program for waging and conducting war.”⁷² The *Lutheran Witness*, the Synod’s magazine, called this position “owlish,” rather than dovish or hawkish.⁷³ In 1969, the Synod released a statement on conscientious objection. The statement endorsed the “just war” theology found in the Catholic tradition and asked the government to allow selective conscientious objection. Despite this outwardly liberal statement, the language of the resolution seemed to strongly support traditional military service. The Synod reminded its members that it was not a sin to participate in war, and it encouraged “members to pledge themselves anew to loyalty and obedience to the government also in the matter of military service.”⁷⁴ Along with the Southern Baptists and a number of small fundamentalist

⁷² “When Compromise is Progress,” *The Lutheran Witness* 86 (August 1967): 7.

⁷³ *Ibid.*

⁷⁴ Adopted by the Lutheran Church—Missouri Synod at its Denver Convention, July, 1969, cited in *Religious Statements*, 44.

groups, the Missouri Synod Lutherans were among the most supportive of American policies in Vietnam.⁷⁵

The other two Lutheran branches were more moderate than the Missouri Synod. In early 1964, the Executive Council of the three million member Lutheran Church in America (LCA) released a reserved statement on conscientious objection. The statement asked that pastors support those members of the church who were C.O.s. It also asked that C.O. registrants notify the denomination of their action.⁷⁶ In a long 1968 statement, the church pledged to support C.O.s, endorsed selective conscientious objection, and asked the government to remove religious restrictions to conscientious objection. But some of the resolution's language suggests that some disagreed with the C.O. stance. The resolution begins by stating that Lutheran teaching, "while rejecting conscientious objection as ethically normative, requires that ethical decisions in political matters be made in the context of the competing claims of peace, justice, and freedom." The resolution offers praise for those who chose to enter the military, saying that the "office of soldier, like all other temporal offices, is to be held in esteem by all." Unlike many other statements which speak of the "right" to object, the LCA reminded C.O.s that "legal exemption for the conscientious objector is a privilege, not a right, which a just government grants in the interest of the

⁷⁵ Hero, *American Religious Groups*, 163.

civil good.”⁷⁷ The *Lutheran*, reporting on the resolution, noted that the five-hour debate on the resolution was one of the “[s]harpest clashes of the sessions.”⁷⁸ A dozen amendments were added to the original text, perhaps accounting for the somewhat contradictory nature of the resolution. The resolution was approved by a margin of 426-146.⁷⁹ One proposed amendment that was soundly defeated sought the removal of the endorsement of selective conscientious objection.⁸⁰

The two and a half million member American Lutheran Church approved a conscientious objection resolution in 1966. The statement mentioned that the historical teaching of the church had been to “willingly...assume the duties of citizenship, including the bearing of arms.” But the church also agreed to support those members who could not, in conscience, participate in war.⁸¹ In 1968, the American Lutheran Church asked again that its clergy and members “stand by” its C.O.s. The 1968 resolution also warned members not to “judge a person's patriotism or his

⁷⁶ “Lutheran Statement on Conscientious Objection,” *Reporter for Conscience' Sake* 21 (May 1964): 3.

⁷⁷ *Religious Statements*, 41-43 and “Lutherans on Conscientious objection,” *Reporter for Conscience' Sake* 25 (August 1968): 1, 2, 4.

⁷⁸ “Action at Atlanta,” *The Lutheran* 6 (July 17, 1968): 8

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, 26.

⁸¹ Statement from War, Peace, and Freedom adopted by the Third General Convention of The American Lutheran Church, October 19-25, 1966, cited in *Religious Statements*, 41.

Christian faith by his willingness or unwillingness to render military service.”⁸²

United Church of Christ

A resolution passed by the two million member United Church of Christ (U.C.C.) shows the often divisive nature of the conscientious objection issue. In the 1967 General Synod meeting of the U.C.C. the delegates voted to urge a change in the draft laws to accommodate selective conscientious objectors. The resolution was passed with a vote of 302 to 142.⁸³ The resolution sparked some controversy.

Those supporting the resolution saw it as furthering the denomination’s existing support for conscientious objection.⁸⁴ One layman delegate said, “I spoke for it, feeling that it is an extension of the concept of freedom of speech and of the regard for the individual, which is inherent to being a Christian.”⁸⁵ The denomination’s president, Dr. Ben Herbster, opposed the measure. In a letter to the denomination’s clergy, Herbster emphasized that this resolution did not mean the U.C.C. supported draft

⁸² Reports and Actions of the Fourth General Convention of the American Lutheran Church, 1968, 486, cited in *Religious Statements*, 41.

⁸³ David F. Marshall, “We Have Opened Another Door!” *United Church Herald* 10 (August 1967): 16.

⁸⁴ “Herbster explains Synod Actions of War Service,” *United Church Herald*, 10 (November 1967): 4.

⁸⁵ Edward A. Wearin speaking in “We Have Opened Another Door!” produced by David F. Marshall, *United Church Herald* 10 (August 1967): 16.

dodgers or those who refused to fight in Vietnam. Herbster mentioned that C.O.s, whom he called "these troubled young people," must undertake alternate service "as long, as dangerous and as personally inconvenient as that which our fighting men undergo."⁸⁶

In a decidedly unusual move, one U.C.C. church threatened to leave over the result of the vote. Members of the First Evangelical Church of Houston, Texas, voted 124 to 45 to withdraw from the denomination if the resolution supporting selective conscientious objection was not withdrawn. Taking the attitude of many fundamentalist groups, the church felt the U.C.C. statement was too politically active. The deadline set by the church for the resolution's withdrawal was unrealistically short. For the resolution to be revoked in time, a special session of the General Synod meeting would have had to been called.⁸⁷ The church left the denomination on September 10, 1968.⁸⁸

The Houston church must have felt quite strong in its opposition to selective conscientious objection because the U.C.C.'s constitution states that local churches are not bound by General Synod decisions. The resolutions are the "expressions of opinions of the 700 delegates" to the General Synod.⁸⁹

⁸⁶ "Herbster Explains Synod," 4.

⁸⁷ "Houston Church Threatens to Withdraw From Denomination," *United Church Herald*. 10 (November 1967): 32.

⁸⁸ United Church of Christ, South Central Conference, Austin, Texas, telephone conversation with the author, May 22, 1998.

Presbyterian

With over three million members, the United Presbyterian Church is the larger of the two Presbyterian denominations. At the 1967 General Assembly, the United Presbyterians asked Congress to expand the conscientious objection clause to include objection "which is the product of profound human conscience."⁹⁰ However, they defeated a measure to support selective conscientious objection, reversing a 1966 vote on the subject.⁹¹ According to *Christianity Today*, in 1968 the United Presbyterian Church had only fifty-five C.O.s.⁹² When American troops crossed the Cambodian border on April 30, 1970, the General Assembly strongly condemned the action and asked that America withdraw by June 30, 1971.⁹³

Citing a twenty-year history of support for conscientious objectors, the second Presbyterian denomination, the Presbyterian Church in the United States, passed a 1969 resolution in support of selective conscientious objection.⁹⁴ The resolution not only supported the right to object to particular wars, but it also urged Congress to change the existing law. Finally, the

⁸⁹ "Houston Church Threatens," 32.

⁹⁰ "The Assembly Views War, Peace, Justice at Home and Abroad," *Presbyterian Life* 20 (June 15, 1967): 42.

⁹¹ *Ibid.*, 42.

⁹² "Hawks in the Pews," *Christianity Today* 12 (April 12, 1968): 36.

⁹³ Hall, *Because of Their Faith*, 102.

⁹⁴ "Church and Society Papers," *Presbyterian Survey* 59 (June 1969): 19-24.

church asked the draft law be reviewed to “remove the inequities that now exist in this archaic law.”⁹⁵

United Methodists

As mentioned above, Ronald Parks has written a thorough history of United Methodist conscientious objection during Vietnam.

In previous wars Methodists have been noted for their strong support of government policy. During the Civil War, Lincoln commented that other churches cannot be blamed because the “Methodist Episcopal Church sent more soldiers to the field, more nurses to the hospitals and more prayers to heaven than they!”⁹⁶ Parks reports that during World War I the Methodist press was critical of C.O.s of all religious affiliations.⁹⁷ By the Vietnam period, according to Parks, “Moderate hawks and doves both had their place in the Methodist flock.”⁹⁸ So conscientious objectors, and their supporters, were distinctly in the minority in United Methodist churches.⁹⁹ This was not unusual, and in fact, it was probably the norm in most mainstream churches.

The 1968 merger between the Methodist Church and the Evangelical United Brethren formed the United Methodist Church with nearly eleven

⁹⁵ *Ibid.*, 24.

⁹⁶ Parks, “United Methodist Conscientious Objector,” 18.

⁹⁷ *Ibid.*, 20.

⁹⁸ *Ibid.*, 44.

million members. Prior to the merger, both denominations had passed resolutions supportive of conscientious objection. In 1968, the United Methodists adopted the 1963 Evangelical United Brethren statement denouncing war and recognizing the right to object conscientiously.¹⁰⁰ However, in that same 1968 meeting, United Methodist delegates voted down a proposed selective objection amendment to the resolution by a 3 to 2 margin.¹⁰¹

Historic Peace Churches

The peace churches maintained their centuries-old objection to war throughout the Vietnam conflict. There is no record of those peace church members who might have served in the military during this period, although there were probably some who did serve. This is somewhat of a taboo subject among many peace church members, and little research has been done in this area.¹⁰²

Although the *percentage* of peace church C.O.s fell from over 80 percent before the war to about 40 percent in 1970, peace churches were still the largest single supplier of C.O.s. Their influence is clearly shown when comparing the number of C.O.s by state. The states with the highest

⁹⁹ *Ibid.*, 2.

¹⁰⁰ *Ibid.*, 28.

¹⁰¹ "A Union...and much more," *Together*, 12 (July 1968): 16.

percentage of peace churches also tended to be the states with the highest percentage of C.O.s. Conversely, those states without a large peace-church presence had fewer C.O.s.¹⁰³

Peace church C.O.s were considerably more satisfied with the arrangements for conscientious objection than non-religious or mainstream C.O.s. When the NISBCO asked I-Ws what they thought of the draft in 1970, 85 percent of C.O.s with no religious affiliation said it should be abolished. None of these men wanted to keep the draft in its current form. Only 21 percent of peace church I-Ws felt the draft should be abolished, while over 52 percent of them would not change the draft at all. The NISBCO did not provide separate figures for mainstream I-Ws. Of all I-Ws asked, 48 percent wished the draft would be abolished. When asked if their work was a positive contribution to society, only 62 percent of non-religious I-Ws said yes, compared to 92 percent of peace church C.O.s. A similar proportion of non-religious and peace church I-Ws felt their work was personally rewarding. When asked if two years of alternate service was reasonable, 95 percent of peace church I-Ws said yes, while only 43 percent of non-religious I-Ws agreed.¹⁰⁴

¹⁰² For a discussion of the Mennonites serving in WWII, see Bush, *Mennonite GIs and their Church*."

¹⁰³ Mansavage, "Alternatives to Arms," 33.

¹⁰⁴ "Peace Church and Non-Religious I-Ws Differ Strongly on the Draft and Civilian Work," *The Reporter for Conscience's Sake* 27 (December 1970): 3.

Roman Catholic

The Roman Catholic Church is the largest single religious group in America. During the Vietnam War, the Catholics also made the largest increase in the percentage of C.O.s, jumping from less than .1 percent before the war to 8.0 percent in 1970.¹⁰⁵

American Catholics have always been quick to point towards their patriotism. This strong element of nationalism perhaps explains the reluctance of Catholics to question American policy in Vietnam. Further reinforcing this point was a Catholic hierarchy that encouraged rank-and-file Catholics to be loyal to the government.¹⁰⁶ Meanwhile, there was a pacifist strain of Catholicism, embodied in the Catholic Worker movement. The Catholic Worker movement, founded in 1933, became the primary vehicle for Catholic conscientious objection during WWII.¹⁰⁷

A profound shift in Catholic doctrine appeared between WWII and the Vietnam War. The Second Vatican Ecumenical Council, or "Vatican II," met between 1962 and 1965.¹⁰⁸ Vatican II addressed a wide range of topics, including conscience and war. War was strongly condemned: "Every act of

¹⁰⁵ See Table 5.1. The *Reporter for Conscience's Sake* also noticed the increase in Catholic objection. See "NSBRO Reports," *Reporter for Conscience's Sake*, 23 (November 1966), 1 and "Honorable Advisor," *Reporter for Conscience's Sake* 26 (December 1969), 5.

¹⁰⁶ John Tracy Ellis, "American Catholics and Peace: An Historical Sketch," in *The Family of Nations*, ed. James S. Rausch (Washington, D.C.: United States Catholic Conference, Division of World Justice and Peace, 1970), 7, as cited in McNeal, "Catholic Conscientious Objection," 223-4.

¹⁰⁷ McNeal, "Catholic Conscientious Objection," 233-4.

war directed to the indiscriminate destruction of whole cities or vast areas with their inhabitants is a crime against God.”¹⁰⁹ In *Constitution on the Church in the Modern World*, a Vatican II document, the church recognized the rights of conscientious objectors, writing: “It seems right that laws make humane provisions for those who for reasons of conscience refuse to bear arms, provided, however, that they agree to serve the human community in some other way.”¹¹⁰ In addition, in his 1963 encyclical *Pacem in Terris*, Pope John XXIII denounced the arms race and the proliferation of nuclear weapons.¹¹¹

As a result of the Vatican II teachings, Catholics had three options when faced with war: total pacifism (which would qualify for conscientious objection under U.S. law), selective objection to an unjust war (which did not qualify), or participation in a just war.¹¹² The Vatican II pronouncements legitimized the position of Catholic C.O.s.

The concept of a “just war” or an “unjust war” was quite important to Catholics as they faced the issue of conscientious objection. The just war theory was proposed by the pagan Cicero and brought within the Catholic

¹⁰⁸ Hall, *Because of Their Faith*, 5-6.

¹⁰⁹ Division of World Justice and Peace, United States Conference, cited in *Religious Statements*, 60.

¹¹⁰ Forest, *Catholics and Conscientious Objection*.

¹¹¹ *Pacem in Terris*, Encyclical Letter of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity and Liberty, April 11, 1963.

¹¹² J. Bryan Hehir, “The U.S. Catholic Bishops and Selective Conscientious Objections: History and Logic of the Position,” in Noone, *Selective Conscientious Objection*, 71-72.

tradition by Augustine and Thomas Aquinas. Augustine argued that war was proper if used to remedy evil.¹¹³ Later theorists added a number of rules to decide if a given war is just or unjust.¹¹⁴ However, nearly all just war theorists focus on the *prince*, not the *subject*. The rules governing just and unjust wars applied to those in power when examining a given conflict, not to the subject facing military service in an existing conflict. Most theorists decided that if a prince saw fit to declare war, then the war was probably just and the subject should obey the call to serve.¹¹⁵ Furthermore, the subject was not in a position to judge a war, for he did not have the same information that the prince did when making his decision.¹¹⁶

The just war tradition was by no means unified. Grotius believed the subject should not fight in a war he considered unjust. "*Disobedience*," writes Grotius, "in things of this kind, by its very nature, is a lesser evil than *manslaughter*, especially than the slaughter of many innocent men."¹¹⁷ Grotius definitely held the minority position, as most thinkers felt the subject should obey the prince in all matters.¹¹⁸

¹¹³ *Ibid.*, 64.

¹¹⁴ See chapter 1.

¹¹⁵ LeRoy Walters, "A Historical Perspective on Selective Conscientious Objection," *Journal of the American Academy of Religion* 41, no. 2 (1973): 203.

¹¹⁶ Vitoria, quoted in *Ibid.*, 205.

¹¹⁷ Grotius, quoted in *Ibid.*, 206. Emphasis in original.

For much of history, this argument was largely hypothetical. Soldiers before the age of Napoleon were usually volunteers.¹¹⁹ Legal provisions for selective conscientious objection were simply not necessary.¹²⁰ By the time of Vietnam, the issue of a just war was no longer hypothetical. "Subjects" in the 1960s were, thanks to extensive media coverage of the war in Vietnam, much more informed than their medieval counterparts. And the American subjects could no longer assume that their "prince" would follow the just war tradition when choosing to engage a particular enemy.

The American Catholic hierarchy took up this issue. American bishops released the pastoral letter *Human Life In Our Day* in 1968. They asked for a modification of the C.O. law to allow selective conscientious objection.¹²¹ They expanded on this statement in the 1971 letter *Declaration on Conscientious Objection and Selective Conscientious Objection*. Building upon Vatican II statements, the bishops asked that "moralists, lawyers and civil servants" work towards re-writing the law to provide an effective and fair means for selective objection.¹²² Part of the bishops' letter stated:

In the light of the Gospel and from an analysis of the Church's teaching on conscience, it is clear that a Catholic can be a

¹¹⁸ "Man is bound to obey secular princes insofar as this is required by the order of justice. Wherefore if [the prince]...commands what is unjust, his subjects are not bound to obey him, except perhaps accidentally, in order to avoid scandal." Thomas Aquinas, *Ibid.*, 207.

¹¹⁹ *Ibid.*, 209.

¹²⁰ *Ibid.*

¹²¹ Hehir, in Noone, *Selective Conscientious Objection*, 73.

¹²² *Ibid.*, 74.

conscientious objector to war in general war or to a particular war because of religious training and belief...As we hold individuals in high esteem who conscientiously serve in the armed forces, so also we should regard conscientious objection and selective conscientious objection as positive indications within the Church of a sound moral awareness and respect for human life.”¹²³

Despite this strong endorsement of selective objection, the legal challenge to the C.O. clause on these grounds was dismissed by the Supreme Court.¹²⁴

The only Catholics that could qualify were complete pacifists. Had selective objection been incorporated into law, the number of Catholic C.O.s would certainly have skyrocketed.

Judaism

Although Jews, both ancient and modern, have often engaged in war, and the Torah contains many accounts of war, there is a pacifist strain in the Jewish tradition. This aspect of the Jewish faith is not an all-out condemnation of war. Biblical Israelites were considered “ritually unclean” after battle.¹²⁵ God forbade the Israelite King David to build a temple, saying: “You shall not build a house in honour of my name, for you have been a fighting man and you have shed blood.”¹²⁶ And an early Rabbinic tract

¹²³ *Ibid.*

¹²⁴ *Gillette v. U.S.*, see ch. 3.

¹²⁵ Albert S. Axelrad, *Call to Conscience: Jews, Judaism, and Conscientious Objection* (Hoboken, N.J.: Ktav; Nyack, N.Y.: Jewish Peace Fellowship, 1986), 64.

¹²⁶ 1 Chronicles 28.2-3 as quoted in Ferguson, *War and Peace*, 81.

answered the question "Who is the strongest among the strong?" by saying "One who makes of one's enemy one's friend."¹²⁷

The Jewish tradition also included an idea similar to the Christian "just war" concept. War is either "optional" war (*milchemer reshut*) or "obligatory" war (*milchemet mitzvah*). Obligatory wars are those started in self-defense, and both types of war are only to occur after peace negotiations have failed.¹²⁸

In America, Jews were early supporters of conscientious objection. The first pro-C.O. statements came out as early as 1934. At that time, there was no draft, and these denominations were clearly looking to a future draft. The previous C.O. provision had limited C.O.s to only those churches with specific pacifist creeds, which excluded the Jews. The conservative Rabbinical Assembly pledged to support C.O.s in 1934.¹²⁹ Two years later the Central Conference of American Rabbis, a Reform denomination, asked that the government allow Jewish C.O.s.¹³⁰ When the draft began in 1940, both groups re-emphasized their support for conscientious objection.¹³¹ By that

¹²⁷ Axelrad, *Call to Conscience*, 76-77.

¹²⁸ Ferguson, *War and Peace*, 90-92.

¹²⁹ *Religious Statements*, 40.

¹³⁰ *Ibid.*, 39-40.

¹³¹ *Ibid.*, 40.

time, of course, Jews qualified to become C.O.s. According to the S.S.S., fifty "Hebrews" were C.O.s during World War II.¹³²

As noted earlier, during Vietnam Jews were the most "dovish" religious group. Support of C.O.s from WWII carried over into the Vietnam War. The Reform, Conservative, and Orthodox branches of Judaism were joined by the pacifist Jewish Peace Fellowship, which, like the Christian historic peace churches, were strongly anti-war and pro-C.O.¹³³ All together, Jewish C.O.s rose from less than one percent of the total in the 1967/1968 period to two percent in 1969/1970.

Despite strong support from every branch of Judaism, it appears that some Jews were still having difficulty obtaining C.O. status as late as 1971. The director of the Synagogue Council of America¹³⁴ wrote a letter to the Selective Service asking that local boards be specifically informed that Jews could indeed become C.O.s.¹³⁵

¹³² Selective Service System, *Conscientious Objector*, 218.

¹³³ *Religious Statements*, 40.

¹³⁴ The Synagogue Council of America includes the Rabbinical Council of America (Orthodox), the Rabbinical Assembly (Conservative), the Central Conference of American Rabbis (Reform), the Union of Orthodox Jewish Congregations of America, the United Synagogue of America and the Union of American Hebrew Congregations. *Ibid.*, 39.

¹³⁵ "Judaism Embraces Conscientious objection," *Reporter for Conscience' Sake*, 28 (May 1971), 4. This letter represented the official policy of the Synagogue Council of America.

Conclusion

By the end of the Vietnam War the historic peace churches, long the bastion of conscientious objection, no longer provided most of the conscientious objectors. Instead, most C.O.s came from either mainstream religious organizations or had no religious affiliation. This shift occurred with, and was perhaps encouraged by, the acceptance of conscientious objection by many mainstream religious groups. This acceptance was by no means universal, as conservative religious groups chose not to involve themselves in this issue. However, many moderate and liberal groups did support conscientious objectors.

Conclusion

During the Vietnam War, many people wondered if American values and principles would survive those tumultuous years. As protest, division, and social change rocked the nation, one deeply-rooted American principle was actually strengthened, namely, a person who was conscientiously opposed to killing could be excused from wartime combat. In addition to the traditional support of the historic peace churches, support for conscientious objection grew among mainstream Jewish, Protestant, and Catholic organizations. This was perhaps one sign that American civilization was, in the words of General Lewis Hershey, "healthy and flourishing."

Throughout the twentieth century, conscientious objection in America has moved from requiring a religious creed to not requiring any religion at all. Throughout this transition, the issue of objection to war has revolved around notions of religion. During much of the century, men were classified as conscientious objectors "by reason of religious training and belief."

Throughout the Vietnam War, the very nature of conscientious objection changed. The C.O. law, as designed by Congress, interpreted by the Supreme Court, and enforced by the Selective Service, was the vehicle for this change. The Supreme Court dramatically expanded meaning of "religion" as it related to conscientious objection to the point where nearly any sincere objector to all war qualified as a C.O. But the Court did not allow selective objection, even if it was based on an established religious belief like the "just war theory."

Institutional churches played a vital role in the conscientious objector experience. During World War I a C.O. needed to be a member of a pacifist denomination. After 1940, the law allowed objection based on individual belief, and although some churches supported conscientious objection, most WWII objectors came from historic peace churches. This trend did not change until the Supreme Court changed the interpretation of the draft law in the 1965 *Seeger* case. Both changes coming from the *Seeger* case and the unpopularity of the war in Vietnam provided for a dramatic increase in mainstream religious and secular objection. Mainstream denominations facilitated this increase by supporting both conscientious objection and selective conscientious objection. Although most fundamentalist and conservative groups were not actively involved, nearly every mainstream denomination endorsed conscientious objection.

Both local churches and national denominations played a role in obtaining for a registrant conscientious objector status. There is no clear picture of the role of the local churches, mainly because of the diverse nature of local congregations. Generalizations are more forthcoming on the denominational level. Many denominational annual meetings passed resolutions supporting conscientious objection, thereby reflecting the support of politically active churchgoers. This support helped many registrants point to statements from their religious groups supporting their position as C.O.s.

In the Vietnam period, conscientious objection moved for the first time away from the margins of American life and into the mainstream. Mainstream religious groups, Protestant, Catholic, and Jewish, voiced

their support for conscientious objectors. Many religious groups translated this support of C.O.s, and an anti-war sentiment, into tangible form through formal resolutions. By the close of the Vietnam War, conscientious objection had evolved away from the association with only the historic peace churches and into the mainstream of America.

Bibliography

Books

- 1966 Reader's Digest Almanac.* Pleasantville, NY: The Reader's Digest Association, 1966.
- 1973 Reader's Digest Almanac.* Pleasantville, NY: The Reader's Digest Association, 1973.
- Ahlstrom, Sydney E. *A Religious History of the American People.* New Haven: Yale University Press, 1972.
- Axelrad, Albert S. *Call to Conscience: Jews, Judaism, and Conscientious Objection.* Hoboken, N.J.: Ktav; Nyack, N.Y.: Jewish Peace Fellowship, 1986.
- Brock, Peter. *Twentieth Century Pacifism.* New York: Van Nostrand Reinhold Co., 1970.
- Chambers, John Whiteclay II. *To Raise an Army.* New York: The Free Press, 1987.
- Flynn, George Q. *The Draft, 1940-1973.* Lawrence, Kan.: University Press of Kansas, 1993.
- . *Lewis B. Hershey: Mr. Selective Service.* Chapel Hill: University of North Carolina Press, 1985.
- Ferguson, John. *War and Peace in the World's Religions.* New York: Oxford University Press, 1978.
- Gioglio, Gerald R. *Days of Decision: An Oral History of Conscientious Objectors in the Military During the Vietnam War.* Trenton, N.J.: Broken Rifle Press, 1989.
- Hall, Mitchell K. *Because of Their Faith: CALCAV and Religious Opposition to the Vietnam War.* New York: Columbia University Press, 1990.
- Latourette, Kenneth Scott. *A History of Christianity.* New York: Harper and Brothers, 1953.
- Link, Arthur S., et al, ed. *The Papers of Woodrow Wilson.* Vol. 47: March 13-May 12, 1918. Princeton: Princeton University Press, 1984.

- Moorehead, Caroline. *Troublesome People: The Warriors of Pacifism*. Bethesda, Md.: Adler & Adler, 1987.
- Noone, Michael F. Jr., ed. *Selective Conscientious Objection: Accommodating Conscience and Security*. Boulder, Col.: Westview Press, 1989.
- Rohr, John A. *Prophets Without Honor*. Nashville: Abingdon Press, 1971.
- Schlissel, Lillian, comp. *Conscience in America: a Documentary History of Conscientious Objection in America, 1757-1967*. New York : Dutton, 1968.
- Selective Service System. *Report of the Director of Selective Service to the Congress of the United States Pursuant to the Universal Military Training and Service Act as Amended*. Washington, D.C.: Government Printing Office, 1964-1967.
- . *Conscientious Objection*. Vol. 1, Special Monograph no. 11. Washington, D.C.: Government Printing Office, 1950.
- . *Evaluation of the Selective Service Program*. Washington, D.C.: U.S. Government Printing Office, 1956.
- . *Semi-Annual Report of the Director of Selective Service to the Congress of the United States Pursuant to the Universal Military Training and Service Act as Amended*. Washington, D.C.: U.S. Government Printing Office, 1968-1974.
- Shenk, Gerald E., ed. *Religious Statements on Conscientious Objection*. Washington, D.C.: National Interreligious Service Board for Conscientious Objectors, 1970.
- Sibley, Mulford Q., and Philip E. Jacob. *Conscription of Conscience: The American State and the Conscientious Objector, 1940-1947*. Ithaca, NY: Cornell University Press, 1952.
- Stevens, Franklin. *If This Be Treason*. New York: Peter H. Wyden, Inc., 1970.
- Tarr, Curtis. *By the Numbers: The Reform of the Selective Service System 1970-1972*. Washington, DC: National Defense University Press, 1981.

United States War Department. *Treatment of Conscientious Objectors in the Army*. Washington, D.C.: Government Printing Office, 1919.

Wright, Edward Needles. *Conscientious Objectors in the Civil War*. Philadelphia: University of Pennsylvania Press, 1931.

Zaroulis, Nancy, and Gerald Sullivan. *Who Spoke Up?: American Protest Against the War in Vietnam, 1963-1975*. Garden City, N.Y.: Doubleday, 1984.

Journal and Magazine Articles

"Action at Atlanta." *The Lutheran* 6 (July 17, 1968): 5-8, 26-29.

"American Baptists at Seattle." *Crusader* 24 (June 1969): 2-7

Archer, J. Douglas. "Conscientious Objectors and the Northern Baptist Convention of 1940." *Foundations*, 15 no. 4 (1972): 343-354.

"The Assembly Views War, Peace, Justice at Home and Abroad." *Presbyterian Life* 20 (June 15, 1967): 25-27.

Blevins, Kent B. "Southern Baptist Attitudes Toward the Vietnam War in the Years 1965-1970." *Foundations* 23 (July-September 1980): 23-244.

Bush, Perry. "Military Service, Religious Faith, and Acculturation: Mennonite GIs and their Church, 1941-1945." *Mennonite Quarterly Review* 67, no. 3 (1993): 261-282.

"Business—'Internal' and 'External'." *The Christian* 106 (November 17, 1968): 9-11.

"Church and Society Papers." *Presbyterian Survey* 59 (June 1969): 19-24.

"Churches Continue to call for Vietnam Peace." *The Lutheran* 5 (June 21, 1967): 24-25.

"Church of God Reaffirms Position Opposing Participation in War." *Reporter for Conscience' Sake*, 18 (December 1961): 3.

"Combatant: Non-Combatant." *The Reporter for Conscience' Sake* 27 (April 1970): 4.

"Conscientious objectors from the government's angle." *Current Opinion*, 66 (June, 1919): 382.

"COs on Increase." *The Reporter for Conscience Sake*, 28 (September 1971): 3-4.

"C.O.'s Protest Is Not Silenced." *Christian Century* 77 (October 26, 1960): 1238.

Crespi, Leo P. "Attitudes Toward Conscientious Objectors and Some of Their Psychological Correlates." *Journal of Psychology* 18 (July, 1944): 81-117.

———. "Public Opinion Toward Conscientious Objectors and Some of Their Psychological Correlates." *Journal of Psychology* 18 (1944): 81-117.

———. "Public Opinion Toward Conscientious Objectors: II. Measurement of National Approval-Disapproval." *Journal of Psychology* 19 (1945): 209-250.

———. "Public Opinion Toward Conscientious Objectors: III. Intensity of Social Rejection in Stereotype and Attitude." *Journal of Psychology* 19 (1945): 251-276.

———. "Public Opinion Toward Conscientious Objectors: IV. Opinions on Significant Conscientious Objector Issues." *Journal of Psychology* vol. 19 no. 2 (April 1945): 277-305.

"Denominational Affiliations." *The Reporter for Conscience' Sake* 21 (November 1964): 3.

Duram, James C. "In Defense of Conscience; Norman Thomas as an Exponent of Christian Pacifism During World War I." *Journal of Presbyterian History* 52, no. 1 (1974): 19-32.

Eitzen, Dirk W., and Timothy R. Falb. "An Overview of the Mennonite I-W Program." *Mennonite Quarterly Review* 56, no. 4 (1982): 365-381.

"Excerpts from the Resolutions at Boston." *Crusader* 23 (September 1968): 7.

Flynn, George Q. "Lewis Hershey and the Conscientious Objector: The World War II Experience." *Military Affairs* 47, vol. 1 (1983): 1-6.

- "Further Statistics on CO Claims." *The Reporter for Conscience' Sake* 28 (October 1971): 4.
- Glen, John M. "Secular Conscientious Objection in the United States: The Selective Service Act of 1940." *Peace and Change* 9, no 1 (1983): 55-71.
- Hailey, Foster. "Many in U.S. Held Hazy About Asia." *The New York Times*, December 15, 1964, 9.
- Hall, Mitchell K. "Time for War: The Church of God's Response to Vietnam." *Indiana Magazine of History* 79 (December 1983): 285-304.
- "Hawks in the Pews." *Christianity Today* 12 (April 12, 1968): 36.
- "Herbster explains Synod actions of war service." *United Church Herald*, 10 (November 1967): 4.
- "Honorable Advisor." *Reporter for Conscience' Sake* 26 (December 1969), 5.
- Houston, Bruce. "Conscientious Objectors: The Aftermath of *United States v. Seeger*." *Albany Law Review* 30 (June 1966): 304-316.
- "Houston Church Threatens to Withdraw From Denomination." *United Church Herald*. 10 (November 1967): 32-33.
- "In Good Conscience." *The Christian Century* (June 22, 1966): 791-792.
- "Judaism Embraces Conscientious objection." *Reporter for Conscience' Sake*, 28 (May 1971): 4.
- Juhnke, Roger. "The Perils of Conscientious Objection." *Mennonite Life*, 34, no. 3 (1979): 4-9.
- Justice, Joyce. "World War II Civilian Public Conscientious Objector Camps in Oregon." *Prologue* 23, no. 3 (1991): 266-273.
- Keim, Albert N. "Mennonites and Selective Service in World War II: An Ambiguous Relationship." *Mennonite Quarterly Review* 66 no. 4 (1992): 508-524.
- "Kentucky Rules Objector Cannot Teach School." *Christian Century* 60 (July 7, 1943): 788.

- Lunch, William L., and Peter W. Sperlich. "American Public Opinion and the War in Vietnam." *Western Political Quarterly* 32 (March 1979): 21-44.
- "Lutheran Statement on Conscientious Objection." *The Reporter for Conscience' Sake* 21 (May 1964): 3.
- Lynd, Stoughton. "Selective Conscientious Objection; Notes on a Tradition." *Worldview* 10 (February 4-10, March 1967): 4-11.
- Marshall, David F. "We Have Opened Another Door." *United Church Herald* 10 (August 1967): 12-19.
- Masland, J.W. "Treatment of the Conscientious Objector Under the Selective Service Act of 1940." *American Political Science Review* 36 (August, 1942): 697-701.
- McNeal, Patricia. "Catholic Conscientious Objection During World War II." *Catholic Historical Review* 61, no. 2 (1975): 222-242.
- "More I-W Statistics." *The Reporter for Conscience' Sake* 22 (November 1965): 3.
- "New Form 150." *The Reporter for Conscience' Sake* 25 (October, 1968): 1.
- "NSBRO Reports." *The Reporter for Conscience' Sake*, 23 (November 1966): 1, 4.
- "The Opinion Poll on Vietnam." *Presbyterian Life* 21 (April 1, 1968): 22-23.
- Palmer, William D. "Time to Exorcise Another Ghost From the Vietnam War: Restructuring the In-Service Conscientious Objector Program." *Military Law Review* 140 (Spring 1993): 179-247.
- "Peace Church and Non-Religious I-Ws Differ Strongly on the Draft and Civilian Work." *The Reporter for Conscience' Sake* 27 (December 1970): 3.
- "Proposed Form for COs Draws Storm of Protest." *The Reporter for Conscience' Sake* 28 (December 1971), p. 4.
- Quinley, Harold E. "The Protestant Clergy and the War in Vietnam." *Public Opinion Quarterly* 34 (Spring 1970): 43-54.

- Rabin, Robert L. "When is a Religious Belief Religious: *United States v. Seeger* and the Scope of Free Exercise." *Cornell Law Quarterly*, 51 (Winter 1966): 231-249.
- "Religious Affiliations of I-Ws." *The Reporter for Conscience' Sake* 27 (December 1970): 2.
- Renner, Richard Wilson. "Conscientious Objection and the Federal Government, 1787-1792." *Military Affairs* 38, no. 4 (1974): 142-145.
- The Reporter for Conscience' Sake* 27 (Jan 1970): 2.
- The Reporter for Conscience' Sake* 27 (May 1970): 4-5.
- Slemp, John. C. "San Francisco, 1965." *Missions* 163 (June, 1965): 15-18.
- "Some Statistics on CO's and the Draft." *The Reporter for Conscience' Sake* 22 (February, 1965): 1.
- Sprunger, Keith L., and John D. Thiesen. "Mennonite Military Service in World War II: An Oral History Approach." *Mennonite Quarterly Review* 66, no. 4 (1992): 481-491.
- Stauderman, Albert P. "Editor's Opinion." *The Lutheran* 6 (March 1968): 50.
- Stone, Harlan Fiske. "The Conscientious Objector." *Columbia University Quarterly* 21 (October, 1919): 253-269.
- "Too much, Too Little." *The Episcopalian* 135 (July 1970): 13-15, 30.
- Tygart, Clarence E. "Social Movement Participation: Clergy and the Anti-Vietnam War Movement." *Sociological Analysis* 34 (Fall, 1973): 202-211.
- "A Union...and Much More." *Together* 12 (July 1968): 5-7, 9-16.
- Walters, LeRoy. "A Historical Perspective on Selective Conscientious Objection." *Journal of the American Academy of Religion* 41, no. 2 (1973): 201-211.
- "We Resolve." *The Christian* 105 (December 3, 1967): 11-12.
- "What Did We Actually Do?" *The Episcopalian* 132 (November 1967): 39-45.

"When Compromise is Progress." *The Lutheran Witness* 86 (August 1967): 7.

Whitney, V.H. "C.O.'s: Second-class Citizens." *Nation* 161 (December 29, 1945): 735-736.

Wilson, E. Raymond. "Evolution of the C.O. Provisions in the 1940 Conscription Bill." *Quaker History* 64, vol 1 (1975): 12.

"Word of Advice to War Objectors Whose Lives and Goods are Protected by Red-blooded Fighting Americans." *Official Bulletin* 2 (March 28, 1918): 3.

Theses and Dissertations

Houghton, Beverly D. "Conscientious Objection: Socialization and Social Deviance." Ph.D. diss., University of Minnesota, 1973.

Mansavage, Jean. "Alternatives to Arms 1-W Conscientious Objectors to the Vietnam War" (master's thesis, Texas A&M University, 1990).

Moskos, Charles C. and John Whiteclay Chambers II, *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993).

Parks, Ronald S. "The United Methodist Conscientious Objector in the Vietnam War Era: a Study of Ethical Formulation and Implementation" (Ph.D. diss., Drew University, 1992).

Showalter, Stuart Wesley. "Coverage of Conscientious Objectors to the Vietnam War: An Analysis of the Editorial Content of American Magazines, 1964-1972 (Ph.D. diss., University of Texas, Austin, 1975).

Laws and Court Cases

Draft Act of 1917. Statutes at Large 40 (1917): 76.

Federal Militia Act of 1864. Statutes at Large 13 (1864): 6.

Gillette v United States, 401 US 437 (1971).

Girouard v United States, 328 US 61 (1946).

Jost v United States, 347 US 901 (1954).

Military Selective Service Act of 1967. Statutes at Large 81 (1967): 104.

Military Selective Service Act of 1971. Statutes at Large 85 (1971): 348.

Selective Draft Law Cases (Arver v United States; Grahl v Same, Wangerin v Same; Dramer v Same; Graubard v Same), 245 US 366 (1918).

Selective Service Act of 1948. Statutes at Large 62 (1948): 604.

Selective Training and Service Act of 1940. Statutes at Large 54 (1940): 885.

United States v Macintosh, 283 US 605 (1931).

United States v Schwimmer, 279 US 644 (1929).

United States v Seeger, 380 US 163 (1965).

Universal Military Training and Service Act of 1951. Statutes at Large 65 (1951): 75.

Welsh v United States, 398 US 333 (1970).

Other

Forest, James H. *Catholics and Conscientious Objection* [pamphlet]. New York: Catholic Peace Fellowship, 1981.

Pacem in Terris, Encyclical Letter of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity and Liberty, April 11, 1963.

Showalter, Stuart W. "Six Opinion Magazines' Coverage of Conscientious Objectors to the Vietnam War." Paper presented to the Mass Communication and Society Division of the Association for Education in Journalism, San Diego, Cal., August 18-21, 1974.