

Conscientious Objection

Every member of the military participates in the military's primary mission: to prepare for and fight wars. Some members of the military develop profound objections to participating in war and apply for discharge as conscientious objectors. Applying for conscientious objector status is intimidating — it is made even more so by the long and complicated process devised by the military. If you decide to apply for conscientious objector discharge, assistance from a knowledgeable counselor is invaluable.

Consider applying for a conscientious objector discharge if you are distressed handling weapons, have doubts about the missions you are required to support, or do not believe that you want to take part in war.

Members of the military who develop a "firm, fixed, and sincere objection to participation in war in any form or the bearing of arms,"¹ based on moral, ethical, or religious beliefs, are entitled to discharge from the military or transfer to non-combatant status. A conscientious objector must meet three criteria:

- you must object to participation in war in any form;
- you must base your objection on "religious training and belief" (which can include moral or ethical training and belief) that "crystallized" after you entered the military; and
- you must demonstrate that your position is "sincere and deeply held."

An applicant for conscientious objector (CO) status must submit a written application and be interviewed by a chaplain, military psychiatrist, and investigating officer. The written application must describe:

- The nature of the applicant's beliefs about participation in war.
- How those beliefs changed or developed since entering the military.
- When and why the applicant's beliefs prevented him or her from continuing to serve in the military.
- How the applicant's daily lifestyle has changed as a result of his or her beliefs.

While the concept of objecting to war is fairly simple, the legal criteria that a military conscientious objector must meet are more complicated. To be a conscientious objector,

1. See DoD Directive 1300.6; AR-600-43; MILPERSMAN §1900-020; MCO 1306.16E; AFI 36-3204

you must have a firm, fixed, and sincere objection to personally taking part in war, not merely to the idea of war. And you must object, not merely dislike or be saddened by war.

Deciding whether you object to participation in war in any form is the primary moral question to consider. You are likely new to the concept of objection to war; most servicemembers do not even know that a discharge for conscientious objection exists.

Rethinking one's beliefs about war raises a host of questions. Two typical questions asked by applicants and investigating officers alike are: "Would you fight if the country were attacked?" and, "Would you have fought Hitler?" (For a full discussion of these topics, see the Central Committee for Conscientious Objector's publication *Advice for Conscientious Objectors in the Armed Forces*.)

The important thing to remember about these questions is that while they are interesting to discuss, they have no real answer. For instance, it is simply impossible to really know what a person would have done had he or she been born in a different time. Rather than attempt to speculate, you can explore what your beliefs would require in various hypothetical situations. In answering such questions, applicants must reaffirm what they will not do — they will not participate in war in any form.

In addition to deciding whether you qualify for CO status, you must decide whether you *want* to apply for CO status. To aid in this decision:

- Consider other possible discharges that might result in a faster, or otherwise more desirable, discharge.
- Review the application process with a GI Rights Hotline counselor so you know what to expect.

There are a number of stereotypes about conscientious objectors. The military generally assumes that COs are white and middle class, with an above average education, an intellectual bent, and a way with words. Conscientious objectors are expected to be a bit naive and unworldly, gentle pacifists who would never talk back to an officer or defend themselves against a bully. Religious CO applicants may be expected to attend church daily and spend spare time reading religious texts. You may be concerned that you do not fit one of these stereotypes. Do not let that stop you. If you object to participation in war, you should consider applying for CO discharge.

Working on a Claim

- Applying for conscientious objector status takes a lot of work and time.
 - A successful claim will involve several drafts.
 - No application should be submitted before being reviewed by a counselor.
-

www.girightshotline.org

877- 447- 4487

The GI Rights Hotline

Documentation

The application process is intentionally long and difficult. The CO claim must document "views and actions strong enough to demonstrate that expediency or avoidance of military service is not the basis of [the] claim." Evidence of your sincerity of belief is documented through written answers to six required questions on your training and belief; supporting letters from friends, coworkers, and religious advisors submitted with the claim; and in two of the three required interviews.

You have the "burden of establishing a claim of conscientious objection...through clear and convincing evidence...." Therefore, you must establish that your claim meets the criteria for conscientious objection and that your beliefs are "honest, sincere and deeply held."

DoD Directive 1300.6 contains 25 required questions for CO applicants. Most are simple: name, Social Security number, etc. There are six questions about training and belief that require extensive answers.

Once the written application has been submitted, the military begins an involved process for evaluating the claim. After interviews with a chaplain, a psychiatrist or medical officer, and a hearing with an investigating officer, the investigating officer will make a recommendation to your commander. Your commanding officer will then make recommendations for approving or denying the claim. After the application is submitted, it can take several months to complete this part of the process.

Final approval or denial is made by the headquarters of your Service, usually through a CO Review Board. The decision of the Service headquarters (and the CO Review Board) can take an additional one to six months.

Assignment During Processing

Waiting for a CO claim to be processed is often the hardest part of the procedure. A CO applicant is to be placed on duties "which will conflict as little as possible with [his or her] asserted beliefs." Theoretically, this means non-combatant duties. But the military's definition of non-combatant may not be acceptable to you. You can try to work out an acceptable assignment with your command but this is not always possible. Submission of an application will not prevent deployment or reassignment.

Type of Separation

It is entirely your choice whether to request discharge (1-0) or transfer to non-combatant status (1-A-0). The military is prohibited from offering 1-A-0 status "as a compromise."

A CO discharge is Honorable unless, using standard discharge regulatory criteria, a General (under Honorable Conditions) characterization is warranted. COs are eligible for any veterans' benefits to which their characterization and length of service entitles them.

During the processing for CO status, a CO applicant is asked to sign a form stating that he or she may lose benefits as a "conscientious objector who refuse[s] to perform

military duty (or refuses to wear the uniform) or otherwise to comply with lawful orders of competent military authority." Simply put, applicants who violate military law and face disciplinary action may lose benefits. Signing this statement has no effect on eligibility for benefits.

Advice for COs

- The Central Committee for Conscientious Objectors' *Advice for Conscientious Objectors in the Armed Forces* can help you decide whether to apply for CO status. The book also provides a detailed description of the application process.
 - To order, call the GI Rights Hotline at (800) 394-9544 or email girights@objector.org
-