Bill Galvin Represents CCW at Events Commemorating 9/11

CCW’s Bill Galvin speaks at an interreligious gathering of peace in Washington, DC, on September 11.

Every September 11, Montgomery Community College in Rockville, Maryland, sponsors a day of special activities to commemorate the attacks and engage students in issues of war, peace, and justice. This year one of the activities was showing the film “Soldiers of Conscience,” and the college invited CCW’s Counseling Coordinator Bill Galvin to participate in a panel discussion afterward. The discussion was facilitated by college faculty, and included a Vietnam veteran, current active duty military personnel, and a refugee from Iraq.

In the evening, the American Muslim Voice organized the Miracle Movement for Peace and Friendship in front of the White House in Lafayette Park. It was co-sponsored by a variety of faith-based organizations, including the Fellowship of Reconciliation, Presbyterian Peace Fellowship, Maryknoll Office for Global Concerns, Buddhist Peace Fellowship, Council of Churches of Santa Clara County (California), and September 11 Families for Peaceful Tomorrows.

Galvin was also a participant in the vigil and gave a speech during the event, an evening that incorporated a celebration of breaking the Ramadan fast at sundown.

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News Briefs

Colombian Supreme Court Grants COs Right to Opt out of Military Service

On October 16, the Supreme Court of Colombia decided that young men have the right to object to induction into the military based upon religious, moral, or philosophical beliefs.

This decision was made after years of advocacy by groups around Colombia, particularly the Colombian Mennonite Church, a church with a tradition of pacifism. CCW was also involved.

Before the Supreme Court ruled on this matter, only students seeking priesthood in the Catholic Church were guaranteed exemption.

(Christian Today, 29 October 2009)

Turkish Court Convicts Soldiers of Assaulting Military CO

A military court in Istanbul sentenced the soldiers to three months and 10 days’ imprisonment on November 13 for the “intentional wounding” of Mehmet Bal in June 2008.

Mehmet Bal was arrested for evading military service on June 8 and detained at Hasdal Military Prison in Istanbul.

His lawyers told Amnesty International that the next day, a senior military officer took Mehmet Bal into a prison ward and ordered military prisoners to “do what is necessary to remind him of prison rules”.

Prisoners in the cell then kicked Mehmet Bal and beat his face and body with a plank of wood.

After the attack, Mehmet Bal was taken to Gümüşsuyu Military Hospital for treatment. He was then sent back to Hasdal Military Prison on June 10, reportedly without having fully recovered from his injuries. Mehmet Bal was eventually released on June 24 and found not guilty of the charges against him in December 2008.

The three soldiers convicted of intentional wounding were all prisoners being held in the cell at the time of Mehmet Bal’s detention.

No charges have been brought against the military officer who allegedly instructed the prisoners to beat Mehmet Bal, nor against any other official at the prison.

(Christian Today, 29 October 2009)

Afghan Defense Ministry Considering Conscription To Bolster Security Forces

In response to challenges posed by insurgents within Afghanistan and to the need for a self-sustained Afghan state, the Defense Ministry of Afghanistan is considering enacting conscription to hasten the growth of security forces.

The current size of the Afghan army is 92,000, a number that may be changed to 134,000 in the next year.

The goal is to reach 240,000 as soon as possible, which would mean training at least 5,000 men each month. The conscripts would fill administrative positions, and the volunteers would continue to man the front lines.

(Christian Today, 29 October 2009)

Selective CO Watada Discharged after Long Court Battle

After a three-year struggle inside the U.S. Army Courts-Martial system, the Army has decided to give First Lieutenant Ehren Watada an administrative discharge rather than further pursuing prosecution.

The Army failed in their first court martial convened against him for Missing Movement and Conduct Unbecoming an Officer and a Gentleman, and they wanted to retry him. A U.S. District Court ruled this violated Watada’s constitutional protection against double jeopardy.

The Department of Justice was working on an appeal of this decision, but halted their work in May. Watada will be separated and given a discharge under other than honorable conditions.

(Star Bulletin, 26 September 2009)
Bill Galvin on 9/11, continued

Galvin spoke briefly about his own Christian faith and calling to work for peace, and talked briefly about the Presbyterian Peace Fellowship, which he is actively involved with.

Galvin said, “What a joy it was to be in a multifaith gathering, in front of the White House, in which we are all affirming the truth that we know: that God wants us to live in peace.”

Galvin also talked about the history of the Center and our current work with conscientious objectors and the GI Rights Hotline. He shared with the crowd some of the stories we have heard from conscientious objectors who have been in Iraq and Afghanistan. He pointed out that these conscientious objectors come from a wide variety of faith traditions, and yet they have come to affirm, as did those of us gathered in front of the White House that evening, that we are all sisters and brothers and we must find a way to live in peace.

CCW Prepares Manual to Guide Military Chaplains in Counseling COs in the Military

By virtue of their role as the clergy for military personnel, chaplains are inescapably an integral part of the conscientious objector process.

Those who become conscientious objectors in the military often seek out a military chaplain as they seek to sort out their values and try to make sense of the reality that they are expected to do things that they feel violate their religious upbringing. For many, it is a genuine struggle of trying to reconcile two divergent obligations pulling at their heart—their innermost being. On the one hand, they know that they did, in good faith and with integrity, make a commitment to serve the U.S. government as a member of the military. On the other hand, their sense of right and wrong is being undermined every day by their participation in the military. They turn to the chaplain in hopes of receiving some helpful spiritual guidance to resolve the dilemma within them.

Even those who don’t seek out a chaplain still have to deal with them. Military regulations require an interview with the chaplain as part of the CO process, whether or not the conscientious objector is religious. And surprisingly, many COs the Center works with report that the chaplain is the biggest obstacle in the process. The Center has, on occasion, had to write a rebuttal to a chaplain’s report. So the Center is currently preparing a manual for military chaplains that will hopefully help them to better perform their duties.

Churches send chaplains to the military to ensure that members of their faith tradition receive proper pastoral care and spiritual nourishment. From the perspective of the military, chaplains are there to help maintain morale among the troops. They are also to ensure the free exercise of religion for military personnel. Army regulations explicitly state, “The chaplain is a teacher of religion and provides religious instruction... Chaplains will contribute to the spiritual well-being of soldiers and families of the command by... Conducting programs for the moral, spiritual, and social development of soldiers and their families.”

When talking about “moral development” the military wants chaplains to address things such as responsibility to one’s family, use of illegal drugs or sexual promiscuity. While there is sometimes discussion of morality in war, meaning some discussion rooted in ‘just war’ tradition about the proper conduct of war, there is virtually never any discussion of the morality of war itself. It is just assumed to be moral.

So when someone approaches a chaplain with questions about the morality of war or military service, the chaplain is often ill-equipped to respond in a helpful way. They have either never really confronted the question as to whether war is inconsistent with morality and their faith, or they have considered it and rejected the notion that war is an inconsistency. They are immersed daily in a culture that assumes the legitimacy of war, and even though virtually every church that sends chaplains to the military affirms conscientious objection as a legitimate expression of that church’s teaching, military chaplains tend to accept the dominant thinking in the military and relegate those who think differently to the fringes.

In spite of the fact that the regulations clearly state the role of chaplains as religious/spiritual leaders, chaplains are also military officers, wearing the uniform with rank and getting their paycheck from the U.S. treasury. The welfare of the military is often a major priority for them. As the chaplain goes about his or her routine duties, this does not usually present an explicit problem. But when confronted with someone whose spiritual crisis is rooted in their very participation in the military, chaplains often have difficulty getting beyond their role as military officer.

Military chaplains have reconciled their faith with their military service. Even well educated and open minded chaplains operate in a milieu where the dominant culture is an acceptance of war as a legitimate option. And their ministry is in the context of an institution that has as its purpose to prepare for and fight war. The dominant culture of the military looks skeptically at anyone who questions the assumption that war is legitimate. A Christian fundamentalism that often equates military service with serving God runs throughout the military—at some locations this is more prevalent than others. Chaplains are an integral part of that military culture.

Continued on page 5
“Extending the rights of conscience...”

U.S. Court of Appeals Upholds District Court’s Order for CO Discharge

Dan O’Connor, CCW Staff Attorney

In a decision supporting a brief by the Center on Conscience & War, the Second Circuit Court of Appeals upheld a decision of an appeals court panel to grant Dr. Timothy Watson a conscientious objection discharge. In a 5-4 decision, the Appellate Court agreed with a three judge panel’s decision that DACORB’s denial of Watson’s petition was in error and the error was so “fundamental and pervasive” that it was “uncorrectable as a matter of law.” However, the Center’s work is under attack. In a strongly worded dissent, Judge Reena Raggi argued that the District Court and the Appellate Court were both incorrect in their judgments in denying DACORB a second chance to deny Dr. Watson’s claim.

Watson, a board certified radiologist, joined the U.S. Army under the Health Professions Scholarship Program. The tragedy of September 11, 2001 and our nation’s wars in Afghanistan and Iraq catalyzed Watson to question the nature and reasons for terrorism, warfare, and violence generally. Over the years, Watson’s questioning of violence and warfare intensified. By 2005, Watson realized that he opposed participating in war in any form. On January 3, 2006, he filed an application for discharge from the Army Reserve as a conscientious objector.

DACORB denied Watson’s application stating only that they believed his application to be insincere. Watson filed a petition in federal court. The District Court held that each argument by DACORB lacked any basis in fact and ordered the Army to grant Watson’s discharge. The government appealed the case claiming that the District Court should not have granted the writ. Instead, the government argued the court should remand the case back to the DACORB in order to clarify its reasons for the decision.

When the case was appealed, the Center on Conscience & War filed an amicus brief with the Appellate Court on Dr. Watson’s behalf to uphold the decision of the District Court. The Appellate panel agreed with our brief and concurred with the District Court that it was not necessary to remand because the DACORB’s error was so fundamental and pervasive as to be uncorrectable as a matter of law. The majority of the 2nd Circuit Court of Appeals denied a subsequent request for an en banc rehearing, a hearing which involves all members of the court, agreeing with both the District Court and the Appellate panel. Four Judges dissented in the en banc hearing.

The dissent attempts to argue that the court should have given the Army a second chance to deny Watson’s claim. They argue that since DACORB was vague in its reasoning to begin with, DACORB should have a second chance to explain itself. The dissent supports this argument by cherry-picking the record and finding reasons for DACORB to deny the claim. This included taking language from an investigating officer who approved Watson’s discharge arguing that since the investigating officer stated that Watson “opposed all armies” and that he had a “strong anti-war bias,” Watson was not opposed to all war. However, all wars that are fought are fought with armies. The investigative officer who made these remarks believed Watson was a CO and recommended a discharge.

The dissent also attacks Watson’s character in a manner that can only be described as character assassination. It suggested that he is a hypocrite for refusing to treat wounded soldiers while not condemning those who do so. Conscientious objection is based on one’s own actions, not what you think of others. The dissent also suggests that he’s insincere because Watson stated that he finds war to be a shameful endeavor and his CO application only gives examples of the horrors of war and he does not give his views of war’s positive effects. It is clear from the record that Watson opposes all war. Regardless of other effects, war always produces massive casualties, death and destruction. He finds that using war as a means to goals shameful, be it to conquer or to liberate.

Overall, the dissent’s arguments reflect a complete lack of understanding of what a conscientious objector actually is. It fails to understand that Watson cannot be a doctor in the Army because he knows that his purpose in the military is to treat people so that they are well enough to go back into combat and kill the enemy, not treat people so that they may continue to live a long and healthy life. Participating in the continuation of killing is something that Watson opposes, even if he is indirectly involved. The sanctity of life is something that Watson holds as very important.

The Army has until January 28, 2010, to appeal to the Supreme Court of the United States. If appealed, the Center will file another amicus brief on Watson’s behalf to uphold his rights and his beliefs.

Join CCW on Facebook and MySpace!

Now you can connect with CCW and invite your friends to find out about the work of the Center as well:

- CCW’s Facebook page:
  http://www.facebook.com/group.php?gid=9523600046

- CCW’s MySpace page:
  http://www.myspace.com/centeronconscience
Chaplain’s Manual, continued

So they often have difficulty responding in a positive and helpful way to those who come to them questioning their own participation in the military.

I know chaplains who will affirm the CO laws and process for “those few” who fit into that extremist perspective, but there is a general denial of the fact that we ALL have a conscience and the norm is for people to have questions about the morality of killing someone, even in war.

So chaplains are often not helpful to the CO trying to sort through their values and religious training and apply it to war.

The chaplains manual will hopefully accomplish two different objectives. First of all, it will help chaplains better understand CO law, and military provisions relating to Conscientious Objectors. According to military regulations, the chaplain is required to “submit a written opinion as to the nature and basis of the applicant’s claim, and as to the applicant’s sincerity and depth of conviction.” The manual will explain the legal definition of Conscientious Objection. It will also discuss appropriate as well as inappropriate issues to be considered by the chaplain in evaluating an applicant’s sincerity.

For example, the CO regulation says that one’s objection to participation in war must be “firm” and “fixed.” COs must also demonstrate that their beliefs have changed, or “crystallized” since they joined the military. Chaplains have sometimes thought that because these beliefs are still new for the applicant and he or she is still trying to sort it all out, that the CO’s beliefs are not firm and fixed.

The manual will also attempt to reach chaplains on a human and theological level, and help them be more open to conscientious objectors than many of them currently are. It will help them understand how many COs come to their convictions and understand that EVERYBODY has a conscience. We hope to break through the bias against COs that permeates military culture.

The Center hopes that once chaplains better understand conscientious objection and military policy they will be better able to fulfill their obligations to “facilitate the ‘free-exercise’ rights of all personnel.”

March 21-22, 2010: Join the Center on Conscience & War at Riverside Church in New York City to Promote the Military Conscientious Objector Act

Soldiers must have freedom of conscience:
The exercise of individual moral conscience is an expectation and strength of those serve in the U.S. military.

Veterans injured by regulations for Conscientious Objection will testify to the dilemmas posed by the current policies:
Current regulations require them to be opposed to “war in any form” to receive Conscientious Objector status. Many service men and women serving in Iraq and Afghanistan have faced moral dilemmas because they believe one or both of these wars are illegal or unjust.

We must restore freedom of religion and adherence to international law:
Military regulations in the United States have long recognized an individual’s right to refuse military service for reasons of faith. Most religious traditions apply just war criteria to evaluate wars, while only a minority object to all wars, and many religious leaders deemed the Iraq War unjust, illegal, and immoral. The Nuremberg Principles and Geneva Conventions apply to military personnel.

We believe it is possible for soldiers, veterans, civilians committed to a peaceful world, and religious people to work together effectively to support those most directly impacted by service in war.

Welcome to a nationwide conversation to address this profound moral dilemma.

Together, we will:
1. Receive testimony from those affected by the moral dilemmas of war and the consequences of their moral choices;
2. Educate our communities about the criteria of just war, the Nuremberg Principles, the Geneva Conventions, and the ethical dilemmas of soldiers whose conscience deems a war illegal and immoral;
3. Heal the injuries of war in our communities and enlist greater public support for veterans by bridging polarizations between pacifists and followers of just war traditions, between the military and peace movements, and between religious people and secular activists;
4. Work to change the current Conscientious Objection (CO);
5. Learn about more effective ministry to members in active military service and their families, as well as veterans of combat;
6. Further the effective use of Truth Commissions to make public the personal impact of social issues, to reduce polarizations around difficult issues, to educate the public, and to expand public support for change;
7. Demonstrate how the visual arts, especially film, can be a powerful partner with religion in educating the public about profound moral issues in ways that bring people together and motivate them to work for the common good.
Franz Jägerstätter:
A Man of Conscience

Movie Review by Patrick Spahn,
German Conscientious Objector

Franz Jägerstätter was an Austrian CO who objected to participation in Hitler’s Army knowing that he would be executed. This article is supposed to be a review of the documentary movie “Franz Jägerstätter: A Man of Conscience,” but after learning more about Jägerstätter’s life, his conscience and some circumstances in Austria in that time, I want to do more than just review the movie.

Jägerstätter was born and raised in a small village called Sankt Radegund in Upper Austria. As a grown man he lived and worked on his own farm there with his wife and three daughters. Although he was very respected in his village he was also known as a wild guy with his motorcycle.

Right after Austria became a part of the German Reich in 1938, Jägerstätter was offered a chance to become the mayor of Sankt Radegrund, but he refused, not wanting to legitimize the German authority. Later that year the Austrian people were asked by referendum if they really want to become a part of the German Reich, although this was just a legitimation for the annexation of Austria. Jägerstätter was the only person in his village who voted against the referendum.

In 1940, when he was called up for military training. He followed his orders, believing it would be a sin to refuse the orders of his state, so he swore the oath on Hitler. In October 1940, he became a member of the of the order of the Franciscans. He wrote in his letters to his wife his military training and learning about the euthanasia program of the Nazis caused his faith became stronger than before.

In April 1941, his hometown considered him indispensable to the religious community, so he was able to get back to his home and family to become a sacustain in the church.

From his first day home again, Jägerstätter said could not support National Socialism and that he would refuse to fight if here were called up again. The consequences of such a position were well known. His friends and family tried to convince him not to refuse orders for the sake of his wife and three small children. But his conscience was stronger. In 1943, he was called back up. He reported to his duty station and declared his conscientious objection. The Nazis put him into prison immediately.

Jägerstätter always had to struggle with his decision. He was sincere with his objection and opposition to the Nazis, the other Christian people around him went along with the war and the Nazis. When he first went into the prison and talked to other COs, the prison chaplain told him that Father Franz Reinisch, also a CO, had been executed because he refused to participate in the war. Jägerstätter’s reaction was: “That is exactly what I’ve talked about. I cannot be on the wrong path. If a Priest decided to do that and then got killed, I cannot be wrong.” On July 6 he was sentenced to death, and on August 9, 1943 he was beheaded.

But the story of Franz Jägerstätter does not end here. To some he became a symbol for conscience and resistance. Other people only see him as a tragic victim of his own conscience and environment, as a betrayer of his country.

Austrian President Heinz Fischer called Jägerstätter in 2007 “a brave resister to an inhuman regime. (...) and he is a person of our country we can be proud of.”

In June 2007, Pope Benedict XVI authorized the Congregation for the Causes of Saints to publish a decree that declares Jägerstätter a martyr.

Jägerstätter had three children and a wife; he refused to fight for his country Austria as a part of the Nazi regime; he was left alone by his fellow Catholics and the Catholic Church. He knew the consequences of his resistance, but he followed his conscience.

His story has a lot controversial aspects. The Catholic church celebrates him as a martyr; people see him as a true hero or as a betrayer to his country.

But the bottom line is, Franz Jägerstätter was just a man of conscience; it is as simple and as special as that.

“It is better to have your hands tied up than your will.”
—Franz Jägerstätter

You can reach us online too!

The Center on Conscience & War has a website. Supporters of the Center can access information surrounding the work we do, such as:

- A guide for filing for CO status in the U.S. military
- A guide for preparing for the draft
- Urgent Action Alerts about new developments in our issues
- Our executive director’s blog
- Our online store of CO books, movies, t-shirts, etc.
- Information about the realities of the military and war

All available at www.centeronconscience.org
"Spreading the word..."

What Does Eliminating Conscriptin in Germany Mean for the Future?

Patrick Spahn, German Conscientious Objector

Germany’s recently elected government plans to reduce the length of conscription from nine to six months. The plan is expected to be enacted in January 2010. This decision is a compromise between the two parties that make up the new government—the Christian Democrats who want to keep the conscription and the Free Democrats who want to end it. Peace organizations and other federal parties demand an end to conscription.

The main argument of the Free Democrats is that the draft is unjust, since only half of the young men who are supposed to serve actually do serve. In 2008, 53.3% of the drafted citizens needed to serve, while the rest were excused, most because of medical reasons. Every German citizen who gets drafted has to go to the medical examination, where the doctor will evaluate your fitness and rank it into different degrees of fitness, but mainly in if you are capable of a service or if you are not. Although the degrees of fitness are strictly defined, parties and organizations who oppose the conscription argue that the total number of the drafted young men who qualify for service depends on the amount the armed forces need, and does not reflect the actual condition or degree of fitness of the drafted citizens. By reducing the length of the conscription six months, the government intends to increase the number of people needed in the armed forces and decrease the share of work provided by each person.

After the Government announced their plans, the discussion has focused primarily on the consequences to social service organizations.

After the medical examination, draftees have the right to apply for conscientious objector status. Once granted they are expected to find their own alternate service placement. If they don’t find an alternate service placement, they will be assigned to one, the biggest providers being social service organizations such as the Red Cross or the Labor Welfare.

With a six-month service period, the social service organizations doubt that providing Civilian Service placements will be productive for them anymore. For example, a Civilian Servant with the Red Cross as a driver for an ambulance might spend his first three of a total six months of service in training, effectively serving only three months. A Civilian Servant placed as a caretaker for senior citizens or children has barely enough time to build trust with them before the six months of service are complete.

Politicians say that a reason to keep the conscription is that there is an indispensable need for Civilian Servants. However, for years young men and women have had the option to take a “voluntary social year”, which is a program for men and women. Social Services even use this program already heavily now and when the reduction to six months will start, they will probably use volunteers rather than civilian servants, since they stay a full year.

People cite the upcoming reduction as the beginning of the end of conscription and the alternate service. In the last 20 years you can see a trend in German Politics towards a professional, “all volunteer” army and an end to conscription. The planned reduction will be the fifth reduction since the end of the cold war and reunification in 1990. In the 1960s, conscription lasted 18 months. Since there is no threat of a next-door neighbor within Europe anymore, there is no need for a large conscripted army. Instead since Germany sends troops to war in Afghanistan, Germany needs smaller, and better-trained armed forces. Within NATO, 23 of 28 countries have all-volunteer armed forces and among EU states, 21 of 27. The end of conscription in Germany seems to be only a matter of time.

Considering the trends in the politics and the debate about the upcoming reduction, I am not seeing the proper amount of a debate about the consequences of an all-volunteer armed forces which is likely to come. In a future without conscription, the military will rely on recruiters, advertising for recruitment and glorification of the military to attract new recruits. This opens the door for potential recruiter abuse of recruits. It is hard to imagine that there will be an easy way out once you voluntarily enlisted, while with a conscription soldiers who did not like the military just waited until their conscription ends.

Since there is no debate about these issues, I am skeptical that German citizens, as well as the German peace movement or leftist parties, will be able to catch up with these upcoming new trends.
To every thing there is a season, and a time to every purpose under the heaven.
—Ecclesiastes 3:1

I have discussed many topics in this space over the years. As I write today, flying to Houston, Texas, to my mother’s funeral, the verse I cite above resonates with me.

This represents the beginning of a second decade of me writing “From the Desk of...” Over the last ten years, the editor of the Reporter for Conscience’ Sake has changed 10 times. We have changed some of the layout and included more pictures. In addition, my style has changed somewhat: For example, I used to always begin with a quote as I have done this time.

But some things haven’t changed. The Reporter continues to bring to your attention information concerning conscientious objectors around the world. It brings you news of what issues the Center is working on and with whom we are working. Sometimes it tells you of failures and sometimes of triumphs. But it never fails to illuminate issues of peace and justice.

My mother celebrated her 96th birthday on October 28, 2009. Now I go to celebrate her life with family and friends. It was a rich life in many respects. She was the mother of five children. She taught—mostly high school English—for over 40 years. She even went back to school herself to obtain a Masters in English when she had 4 children at home. She was respected in the school where she taught, having a reputation for firmness and fairness to everyone regardless of race at a time when that was not the norm.

This is not to say that Mother did not have her struggles. Frankly, raising five children is a struggle. Burying a mother, a husband, a sister, and finally a son is a struggle. Suffering three strokes and—the ultimate blow to my mother—losing her eyesight and ability to read was the greatest struggle.

But all of those things pale when I think of the young man sitting four rows ahead of me on this plane. He is clearly infant and likely headed to Ft. Hood from where he will deploy to fight “for his country,” to see killing, to watch friends and colleagues die, to kill, to be wounded physically, mentally, perhaps even to die. He looks like he is no more than 18. Legally, he must be at least 18.

I struggle today less with the pain of my mother’s death at 96 after a full life than all the deaths at 18 and 19 and—among Iraqis and Afghans and Colombians—even younger. I struggle to try to understand the “purpose under the heaven.”

So on Friday, when I return to the Center, I will return to one of the things that has not changed in 10 years—the work to protect the rights of those who say no to war.

And that brings me to another thing that hasn’t changed—my plea that you join in this work both by sharing the stories you read on these pages and by your financial support of the Center.

Yours for Peace and Justice,

J. E. McNeil