



The Center on
Conscience & War

The Reporter for Conscience' Sake

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CCW Prepares for a Spring of Lobbying!



After a busy January, CCW staff and friends have fun on movie night at J E's house! Pictured from top left going clockwise: James Reichard, Thomas Bergman, J E McNeil, Dan O'Connor, Bill Galvin, Emily Cody, Andrew Gorby, Melani Hom, and Ashley Gorby.

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Selective CO Statute Would Protect Religious Freedom for all Members of the United States Armed Forces

by Andrew Gorby, Legislative Affairs

The Center on Conscience & War, as the only organization in the country that solely focuses on issues of conscientious objection, supports ALL conscientious objectors. COs range from the men and women who cannot even bear to pay taxes for war to those men and women in the military who are proud to be in the military but object to the war in Iraq. Most COs stand in between those ends of the spectrum. Because of this support of all conscientious objectors, the

Center continues its long-standing work for laws that will protect members of the U.S. military who conclude that a war—any war—is wrong.

Recently, the Center hosted a gathering of experienced lobbyists, heads of Washington church offices and others to discuss a lobbying strategy for the Military Conscientious Objector Act (MCOA). On January 11, the staff of CCW facilitated this focused group discussion

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Founded in 1940, the Center on Conscience & War works to extend and defend the rights of conscientious objectors to war. In pursuit of this calling, the Center provides these services free of charge:

- Counsel military conscientious objectors.
- Provide legal support for military personnel.
- Lobby Congress to extend and defend the rights of conscientious objectors.
- Provide accurate information to the public on Selective Service registration.
- Provide support to COs who refuse to register for the draft through F.E.A.T student loans.
- Counsel soldiers on the GI Rights Hotline with accuracy and honesty.
- Military counter-recruitment information
- Provide workshops, training, and speakers on any of the above topics.

News Briefs

Is Conscription Coming to India?

Is compulsory military service the answer to the woes of an army that is fighting a losing battle on two fronts? On one side, it's not managing to attract enough bright young men and women for its officer cadre and on the other, it's hemorrhaging serving officers wanting to jump the ship.

Now, perhaps for the first time, a serving Indian Army chief has hinted that compulsory military service—in other words, conscription—may have to be seriously considered in the near future if present trends continue. “If things don't improve, the government may have to take a view on it,” said General Deepak Kapoor, after being asked if conscription was the answer to the crippling shortage of officers in the 1.13-million strong Indian Army.

Though the general was quick to point out that “we have not come to that stage yet”, things don't look too good for the force. The latest statistics show the army is grappling with a shortage of 11,238 officers in an “authorized” strength of 46,615. To top that, around 3,000 officers have applied for premature retirement since 2004.

(The Times of India, 15 January 2008)

Franz Jägerstätter, Absolutist Objector to Nazi War and Oppression, Beatified

On October 26, 2007, the Roman Catholic Church beatified Franz Jägerstätter for dying at the hands of the Nazis during World War II.

Growing up in the village of St. Radegund, he had a humble background as a farmer in an area with a long history of agriculture since the Roman Empire. Farming was not his only vocation, however. Attending school, he excelled in reading and writing, and he became very interested in religious studies, reading the Bible and many Catholic writings that inspired his devotion to the teachings of Jesus.

During the Nazi annexation of Austria, Jägerstätter was the only one in his village to vote against the what was known as the Anschluss, and he was openly anti-Nazi. When the We-

hermacht was drafting people into the German military, he chose to resist. Nazi authorities placed him in an Austrian prison and subsequently executed him.

European Court Declares Turkey Violated CO Supporter's Rights

In January Sanar Yurdatapan, spokesperson for the Initiative against Crimes of Thought, a Turkish free-speech group, was awarded 2,000 Euros in damages and 1,500 Euros legal costs by the European Court of Human Rights (ECHR).

Turkish authorities had sentenced Yurdatapan to two months imprisonment for a statement in support of Turkish CO Osman Murat Ülke.

Yurdatapan appealed to the ECHR in 2001, citing Article 10 of the European Convention on Human Rights. The court decreed that the statement did not incite to violence and did not openly call for desertion.

The ECHR declared that such a punishment was “unnecessary in a democratic society.” Furthermore, the court said that the right to a fair trial had been violated.

(Bia News Center, 9 January 2008)

Cypriot Turks Challenge Turkish Conscription

In the Turkish part of Cyprus, their armed forces, Turkish Cypriot Security Force (TCSF), fills its ranks by conscription. Although most Turks take conscription for granted, some Turkish Cypriot youths are questioning that tradition.

The leader of the youth group, Ediz Kanatli, planned a discussion about conscription in the north central region of the island of Cyprus that was to be held last December. The government of the Turkish half of Cyprus plans to enact constitutional reforms, and the youth want provisions added to the constitution for alternative national service for conscientious objectors. This is in line with recommendations from the European Union, which told the Turkish Republic of Northern Cyprus they had to provide alternative service options for conscientious objectors.

Meet CCW Intern Emily Cody

Hello! My name is Emily Cody, and I recently began an internship with Center on Conscience & War. I grew up in Ridgewood, New Jersey. I am a junior at Fordham University at Lincoln Center, and am double majoring in Political Science and Philosophy, with a focus on Peace and Justice Studies. I would like to attend law school and study human rights law, and go into human rights advocacy and activism.



I am currently attending the Washington Semester Program at American University, where I am studying Peace and Conflict Resolution. In my program, we focus on the peacemaking process, both internationally and domestically, and analyze case studies to determine ways of promoting nonviolent solutions to inter- and intra-state disputes. We also examine systematic violence and its manifestations in society and culture, which I think has helped to illuminate the importance of the work at CCW.

I am still in the process of training and learning the ropes at CCW, and learning guidelines for counseling military personnel. In the future, I will counsel on the GI Rights Hotline and plan CCW's Annual Lobby Day with Andrew Gorby. I am really proud to be working with a nonprofit that unites those who question the morality of organized killing and offer alternatives to military service. I am thankful for the opportunity to be a part of CCW.

CCW Files *Amicus* Brief with Supreme Court

On December 7, CCW submitted to the U.S. Supreme Court an *amicus* brief written by our attorneys-in-residence Daniel O'Connor and J. E. McNeil. Urging the court to hear the case of military conscientious objector Augustin Aguayo was important to CCW because it raises the possibility of stripping COs overseas of the right to redress in federal court if the military mistreats them.

In the case, Aguayo, a soldier deployed to Iraq while he was filing his claim for CO status, filed a *habeas* claim in the District of Columbia District Court, the court which hears all federal cases originating overseas. Aguayo claimed the Army CO Review Board, which reviews cases in the name of the Secretary of the Army, denied his CO claim due to his agnostic religious beliefs.

The District Court denied his petition, agreeing with the review board that, because he did not arrive at his CO beliefs through religious contemplation or study, he was not sincere in his CO convictions, and so deferred to the judgment of the review board.

The deference the court afforded to the judgment of the CO review board results in a decision indicating that the court will not be responsive to *habeas* claims of military mistreatment. Aguayo appealed the decisions to the DC Circuit Court of Appeals, which upheld the judgment of the District Court. He then appealed that decision to the Supreme Court. To encourage the Supreme Court to hear the case, CCW wrote an *amicus* brief.

CCW Testifies for CO from Greece

J. E. McNeil, CCW's Executive Director, testified as an "informed lay person" at an immigration hearing February 4 on behalf of a Greek CO seeking asylum in the U.S. An informed lay person is similar to an expert witness.

While the young man had been raised as a Seventh Day Adventist by his mother, he subsequently began living with his father and attending the Greek Orthodox Church. His mother received his notice of induction and did not forward the information to him and until it was too late for him to register as a CO.

Greece is the only country in the European Union still to have conscription and has a near universal draft. Although Greek law provides for alternative service for COs, to become a CO requires, for all intents and purposes, Seventh Day Adventist membership. The applicant has only a one-month period in which he must obtain certification from the police that he has never had a gun permit or a hunting license—a certification that generally takes 6 weeks to obtain. In addition, COs must obtain certification from a Greek Orthodox priest as to their sincerity. The Greek Orthodox Church, however, is an arm of the Greek government and seldom (if ever) issues such a certificate.

COs who refuse induction are sentenced to 2 years in prison. When they are released they are again inducted and sentenced. Currently, there is one Greek CO who has spent nearly 20 years in repeated prison sentences. COs are also denied a passport.

"Alternatives to Killing" Campaign

CCW is launching our new "Alternatives to Enlistment, Alternatives to Killing" campaign. This campaign will leverage our new website and simple, attractive postcards. These postcards are a necessity for any Truth-In-Recruiting event and were designed by CCW staff to appeal to youth thinking about joining the military, fulfilling our mission of "Stopping war one soldier at a time." Please visit our webpage for more information or call CCW for pricing information.

“To Extend and Defend...”

Military CO Act

(Continued from front page)

on how to move forward in our lobbying efforts to extend and defend the rights of military conscientious objectors to war. The act is a measure that would protect conscientious objection as a religious freedom for those in the armed force. It would also make the application and discharge process fairer and smoother for the applicant.

There are four important aspects of the MCOA: The act would provide a basis in law for a member of the armed forces to seek discharge as a conscientious objector. The military could suspend the policy at any time as it did during the Gulf War. Conscientious objection should—at the very least—be a statutory right.

Secondly, under military policy a conscientious objector is an individual who is “opposed to participation in war in any form.” This means that to qualify for recognition as a CO, a military member must be opposed to all war. COs who oppose all wars are the minority and reflect the history of the discharge arising from the Historic Peace Churches. The Center supports all conscientious objectors. For this reason, the Center is lobbying for “selective conscientious objection” which aligns with the religious teachings of mainstream Protestant churches and the Catholic Church.

Thirdly, the discharge process for someone who has been recommended for discharge as a conscientious objector is different from that for other types of discharges. This is costly to the military and adds a considerable amount of time to the already extensive CO discharge process. The Center believes that the CO discharge process should work the same way as other types of discharges.

Fourthly, the Center is advocating for an independent review board to examine conscientious objector claims that have been denied, thus providing an appeal process. At this time the only “appeal” is through a *habeas* petition in federal court.

The majority of Americans subscribe to the Just-War theory, believing in war only if certain moral criteria are met, or some variation thereof. This would make them naturally inclined to support selective conscientious objection. This belief is held by the majority of Christians, both Protestant and Catholic, as well as most religious and non-religious people in the United States, and yet this belief is given no credence by the Department of Defense. It is important that we seek to extend and defend the rights of all conscientious objectors. We are currently in the process of building support as we seek to raise up to mainline churches that the Just-War teachings of their churches are not protected.

Everyone has a conscience, and everyone is a conscientious objector. Some may fall on the spectrum in a different place than those of us who are absolutist conscientious objectors but if the Center truly wants to fulfill its mission of extending and defending the rights of conscientious objectors, then it is important to protect the rights of the majority as well as the minority. This may understandably make some supporters of the Center uncomfortable. As a discharged military conscientious objector who holds “absolutist conscientious objector” beliefs because of my faith, I was unsure if I could lobby for such a measure. However, I realized that people need to start somewhere, and the religious freedom to say NO to war based upon one’s faith is a right that needs to be recognized.

CCW’S International CO Day and National MCOA Lobby Day

Please join the Center on Conscience & War as we seek to extend and defend the rights of conscientious objectors. We will host our annual Advisory Council gathering and Military Conscientious Objector Act Lobby Day on May 15-16 from 9:00AM to 5:00PM at the Methodist Building in Washington, DC. This is a wonderful way to celebrate International CO Day which falls on May 15 and support conscientious objection. So mark your calendars now!

This year’s speaker will be Peter Goldberger. He is a former professor at Villanova Law School and Whittier Law School and an active member of the National Lawyers Guild, Military Law Task Force, and the ACLU. He has been listed for more than 10 years in “Best Lawyers in America.” Goldberger is also the attorney for military CO Agustin Aguayo, a CO currently seeking discharge from the military. His experience actively supporting conscientious objectors, both military and civilian, since graduating Yale Law School in 1975, has qualified him as an expert in his field of supporting this religious freedom.

Other events of the day will include workshops addressing the Supreme Court petition of Agustin Aguayo led by Peter Goldberger and J.E. McNeil, a history of conscientious objection in the United States by Bill Galvin, an update on the state of Truth-in-Recruiting by John Judge, and an introduction to our new lobbying campaign for the Military Conscientious Objector Act (MCOA). On May 16 there will be a brief discussion on the MCOA followed by lobbying members of Congress by conference attendees. There will also be a screening of “Soldiers of Conscience.”

Please contact the Center on Conscience & War at 1-800-379-2679 for more information. Look for further updates soon at www.centeronconscience.org.

“Sowing Seeds of Truth”

On Feb 9 Andrew Gorby and Bill Galvin of CCW’s staff traveled to Roanoke, VA to lead a Truth-In-Recruiting Workshop for the Plowshares Peace Center.

This workshop covered a variety of issues from how to help people get out of the Delayed Enlistment Program (DEP) to how to keep the military from getting access to a student’s school records.

The workshop provided detailed information about how the DEP works, what ASVAB is about (that’s the Armed Services Vocational Aptitude Battery), ROTC and JROTC, and how the military recruitment aspects of No Child Left Behind work. The workshop also included a detailed discussion of the enlistment agreement, and focused on common problems encountered by military recruits because of incorrect information recruiters often put on the enlistment forms.

But providing an effective “counter-recruitment” program involves more than having good information about military realities. It must also know how to effectively reach out to young people who are considering military enlistment. Because of his recent military experience, Gorby was able to help those in attendance understand why people join the military, and what kinds of things are generally appealing to young people who are considering the military. He and Galvin also stressed the need to provide information about real alternatives for these young people and distributed our new “Alternatives to Enlistment” postcards (see our website for more information).

This was Gorby’s first Truth-In-Recruiting workshop. He is very passionate about the work and hopes to convey a message that Truth-In-Recruiting is not about peace and justice, and all the accoutrements (peace flags, tie-dye, and the “progressive” agenda). Indeed, it’s about reaching out to those youth who are going to stop at a military recruiters table. The military has studied what appeals to youth and it is our job as peacemakers to pay attention to how they attract youth. His message is simple: “Reclaim the values (honor, integrity, selfless service), copy the image (strength and discipline), and offer an alternative (jobs, community college, college, and financial aid).”

This workshop provided those in attendance with a solid core of information that will better enable them to effectively address young people through providing focused Truth-In-Recruiting materials. It will enable young people to make better choices that are in line with their conscience.

Galvin will provide a similar workshop in Knoxville, TN on February 23. The Center is available to come to your community to provide these (and other) workshops. Please call us at 1-800-379-2679.



Andrew Gorby at the Plowshares Peace Center in Roanoke, VA, engaging in conversation with other people involved in campaigns to bring realities of the military to the attention of potential GI recruits.

UPDATE ON THE GI RIGHTS HOTLINE

The new GI Rights Hotline number (1-877-447-4487) is running strong. The Center on Conscience & War, as one of the founding members, has recently taken on a greater role in the organization. Bill Galvin, CCW counseling coordinator, currently serves on the advisory committee and quality of care committee. Andrew Gorby serves as the phone carrier administrator and is responsible for billing the respective organizations that make up the GI Rights Hotline. In early April, CCW staff will be headed to San Diego, CA, to join fellow Hotline counselors as the GI Rights Hotline seeks to improve upon the successes of the past year.

The GI Rights Hotline is a consortium of more than twenty non-governmental, non-profit organizations located in more than fifteen states and in Germany. Counselors, some of whom are veterans, provide free, confidential, and accurate information on US military regulations and practices to servicemembers, veterans, potential recruits, and their families.



Upcoming CCW Events

February 16-28

CO Workshop and Outreach

Last year, Iraq Veterans Against the War (IVAW) organized a bus tour, visiting many military bases to meet soldiers, passing out leaflets and other resources, and spending a couple of days at each base. IVAW encountered suspicion each time they arrived at a new base. As they passed out materials told the soldiers, “Check it out, and if it’s not useful you can throw it away or pass it on to someone else who might appreciate it.”

IVAW observed that after a couple of days, when a number of soldiers had looked over the materials they had been given, many of them were interested in talking more about their feelings about the war, or learning how to get out of the military. But by that point, the IVAW bus was on its way to another base.

So this spring, IVAW members, VFP, the Military Law Task Force (MLTF) of the National Lawyers Guild, and CCW are working together to try something different. These groups hope the two weeks will provide adequate time for the soldiers who want to talk with our staff. Ft. Stewart is a good base for this project because it is where military CO Kevin Benderman was stationed. He and his family are still there working to reach out to the soldiers in that community.

The project will spend two weeks at Ft. Stewart, leafleting and conducting outreach to soldiers. Towards the end of the period, Bill Galvin and Andrew Gorby from CCW will be on the scene to speak with soldiers about conscientious objection and other discharges.

March 6-7

Christian Peace Witness

Immediately preceding the Advocacy Days (described at right) will be the Christian Peace Witness. This is a follow up to last year’s event in which thousands of people filled the National Cathedral for a worship service followed by a candlelight vigil to the White House on a cold and snowy evening! This year, as last year, there are a number of workshops during the event, and CCW will once again be presenting workshops about conscientious objection.

March 7-10:

Ecumenical Advocacy Days

Every spring, a wide range of churches work together to create Ecumenical Advocacy Days, which brings hundreds of church members from around the country to Washington, DC.

The theme of this year’s Advocacy Days on Mar. 7 - 10 is “Claiming a Vision of True Security”:

“Some trust in chariots, and some in horses, but our trust is in the name of our God” (Psalm 20:7 NKJV). In the language of today, the same passage might read: Some trust in violence and take pride in technologies of war, and some in military power, but our trust is in the unfailing love and faithfulness of our saving God. (Ecumenical Advocacy Days’ webpage)

It is time to move beyond the misdirected strategies of the past few years and envision a new pathway to true human security—one which seeks not only the absence of tension, but the presence of justice, as put by Rev. Dr. Martin Luther King, Jr. Ecumenical Advocacy Days assembly will explore new visions of security in our homes, our neighborhoods and our world.

Conscientious objection fits very well into the theme of this year’s advocacy days, so the Center will be leading a workshop on conscientious objection as part of this year’s event.

The workshop will cover the history of conscientious objection, how churches can help their young people think through issues of conscience and war so they can be ready for military recruiters or a potential draft, and the current U.S. policy on conscientious objection. Since our current system is broken, many conscientious objectors are facing incredible obstacles as they seek to honor their beliefs within our current system which fails to honor a fundamental religious freedom. We will highlight the Military Conscientious Objector Act as the solution.

March 13-16

IVAW Winter Soldier

CCW’s Andrew Gorby, military CO and member of Iraq Veterans against the War (IVAW), will be attending and volunteering at Winter Soldier, a four-day event sponsored by IVAW. J.E. McNeil, CCW’s executive director, will be providing legal support as a member of the Military Law Task Force. From March 13 to 16, veterans from across the country will testify about their experiences in Iraq and Afghanistan—and present video and photographic evidence. The event will also include panels of scholars, veterans, journalists, and other specialists to give context to the testimony. These panels will cover such topics as the history of the GI resistance movement and the fight for veterans’ health benefits and support. For more information on Winter Soldier please visit www.ivaw.org.

March 22-30

Colombia Delegation

CCW staff member Andrew Gorby will be attending a delegation to Colombia from March 22-30 with the Fellowship of Reconciliation. The trip will examine how the youth of Colombia are advocating against militarism in their country and explore the various ways youth are peacefully resisting America’s Other War.

Books, Films and Such

Haunting Realities of War Challenge Army Instructor's Message

by Andrew Gorby, CCW staff & military CO

"Soldiers of Conscience"

Film by Catherine Ryan and Gary Weimberg

Luna Productions (2007)

<http://www.lunaproductions.com/>

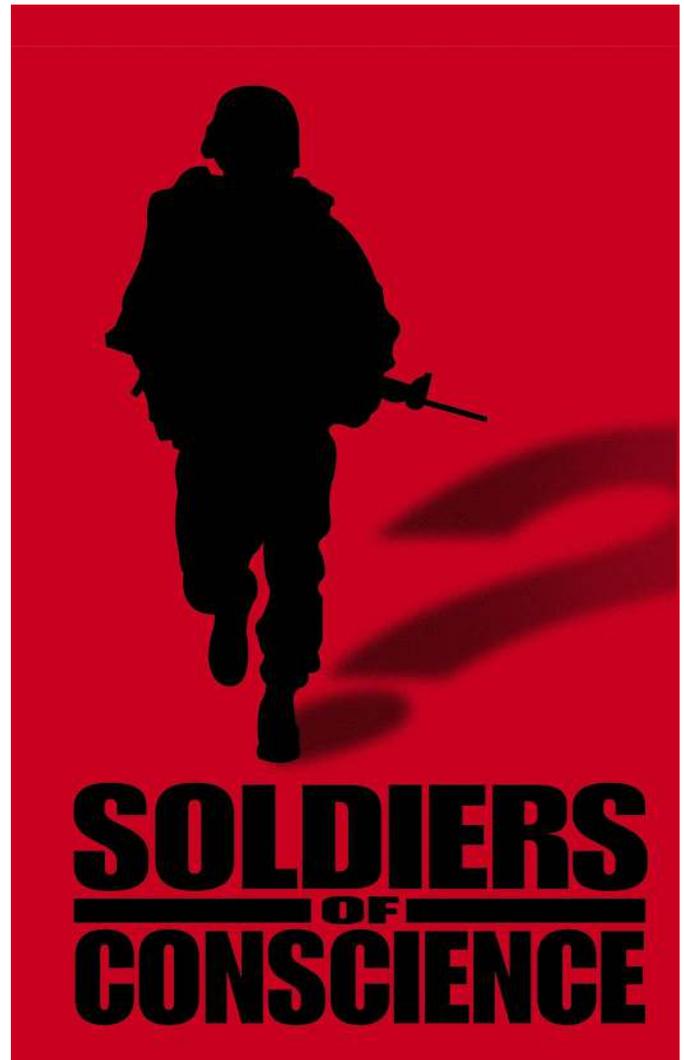
"Soldiers of Conscience," produced and directed by Gary Weimberg and Catherine Ryan, is a thought-provoking and open-ended examination of the power of a soldier's conscience to say no to war. There is no frenzied forced-feeding of "right or wrong" or "moral or immoral" as the filmmakers challenge the viewer to step beyond their self-evident truths. This isn't another self-serving rant filled with cranes, peace buttons, and angry Bush-bashing protestors. It is an unbiased look at soldiers who sincerely believe that the killing of war is at times morally justifiable, juxtaposed with those whose consciences have forced them to set down their weapons and answer to a higher calling for peace.

The documentary is propelled by a West Point philosophy instructor, Major Peter Kilner. A former infantry commander whose experience with war and killing comes from his discussion with soldiers who have experienced both, Kilner hypothesizes that soldiers struggle with their consciences because military failed to teach them that it is moral to kill. His hypothesis is not undermined by an intellectual treatise on pacifism or by divisive and misinformed rhetoric, but by the faces and stories of those who have killed and interrogated; both those who can justify their actions as necessary and those who cannot.

This haunting documentary captures the experience of soldiers. It tells the story of their struggles with duty and conscience through both spoken words and images of destruction in Iraq that, at times, speak more eloquently than any conscientious objector or soldier. The words of four military COs—Camilo Mejia, Kevin Benderman, Aidan Delgado, and Joshua Casteel—serve as a powerful testimony to humanity's willpower to say no to the violence and killing of war. The pained looks and voices of those who have killed and are willing to kill again remind the viewer that the scars of war are deeper than most of the American public, both those within the military and those who are not, are willing to admit.

Gary Weimberg and Catherine Ryan have succeeded in producing a work that captures the reality of war for both soldiers and the civilians caught up in it. It is not another documentary with

a political or ideological agenda telling the viewer what to think and feel. Although it is impossible, whether peace advocate or a believer in war, to walk away from this documentary and not think and feel that war is a tragedy for all involved.



The Center on Conscience & War highly recommends that you contact the producers of this documentary regarding local screenings and DVD availability. Visit www.socfilm.com for more details.

Note from the Staff of CCW

The message of "Soldiers of Conscience" resonates deeply with the staff at CCW. Our work is a testament to the belief that war is a tragedy for ALL involved. Take a look at the rest of *The Reporter* if you need a reminder of how we fulfill our mission. We need your support as we extend and defend the rights of conscientious objectors!



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From the Desk of the Executive Director

This issue is somewhat focused on the upcoming Advisory Council annual meeting on May 15—International CO Day—and lobbying for the Military CO Act. We have a renewed determination at the Center to get the Military CO Act introduced and passed in this current year because of a number of factors.

One of the factors is the joining of our staff last fall of Andrew Gorby. Andrew, as you may recall, was an officer in the United States Army when he came to his conviction that as a Christian he could not participate in war. His discharge process was not painless, but it was swift and sure. In spite of the fact that Andrew did not have a bad experience, he is clear that part of the reason he did not is because he fits the correct prototype of a dedicated officer who is blond and blue eyed.

That brings us to the second reason we have become more determined. My parents raised me to be color-blind. Now this color-blindness has its pluses, but it has its minuses as well: I sometimes don't see the very real racism that surrounds me. I recently realized that my color blindness was having this second effect in looking at the CO process.

It was clear to me that officers tended to have an easier time in the CO process. I concluded that this was because the military is so hierarchical. But last month I finally made a connection that, to my shame, I should have made before. The pattern I saw was about officers and enlisted. The pattern I should have seen was about People of Color. The vast majority of officers are White. My frustration with the process has been multiplied by the realization that People of Color are much more likely to be denied CO recognition and, therefore, are more likely to face punishment.

The third reason we have become more determined is that

several churches have come forward to ask for support in their own quest to provide for recognition of the most common type of CO: selective objectors. The Christian Reformed Church has not been a supporter of our work before, but it has recently concluded that we present one of the best avenues of having their beliefs recognized by the law.

I often speak about how conscientious objection is a continuum from War Tax Resisters to members of the military who want to protest this war without violating military regulations. We are all conscientious objectors. The sooner that concept becomes part of the collective belief system, the sooner COs will receive fair treatment and the sooner war will be recognized as the obsolete system that it is.

The first step—a baby step—to recognizing we are all conscientious objectors is recognizing selective objection as a legitimate and protected belief.

So we are ready to move forward. Ready to confront the denials and lies about the process in the military. Ready to confront the inherent racism. Ready to confront the religious discrimination.

But we will need the help of everyone who supports the Center to move forward—even though (for the moment) we are taking a baby step.

Yours for Peace and Justice,

J. E. McNeil

