



The Center on
Conscience & War

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CCW Kicks Off Its Lobbying Campaign!



Andrew Gorby explains CCW's lobbying strategy for the Military Conscientious Objector Act as CCW supporters await their lobbying visits.

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CCW Supporters Gather in DC May 15 and 16 in Support of Conscientious Objection

On May 15 and 16, supporters of conscientious objectors gathered in Washington, DC, in honor of International CO Day. The two-day event included CCW's annual Advisory Council meeting, and a lobby day in support of the rights of COs in the military.

International CO Day began with a welcome by J.E. McNeil, Executive Director of CCW, which was followed by each staff member of the Center

sharing the highlights of the work each had done during the previous year. Then Bill Galvin gave a brief history of conscientious objection and Andrew Gorby spoke about conscientious objectors in the current climate.

Over lunch Thomas Bergman led a discussion encouraging participants to think "outside the box" about what conscientious objection really is, rather than limiting one's understanding to the legal definition set forth in current laws.

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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

NYT: Desperate USMC Recruiters Target Women and Minorities

As the current wars make military recruitment more difficult, the United States Marine Corps is stepping up their efforts at enticing young people to enlist from under-represented demographics in order to broaden their recruitment pool.

This is according to an article in the *New York Times* published April 21.

In the latest campaign, a print ad in a fitness magazine shows a female marine striking a martial arts pose in front of a crowd of men who are looking up to her as their leader. The tag line: "There are no female marines. Only marines."

The advertisement is appealing to athletic females who are eager to prove themselves against their male counterparts, according to market research.

The recruitment of women stands in contrast to statistics reported in an article in the *New York Times Magazine* March 18, 2007, that nearly one-third of women seeking treatment from the VA reported they were raped during their service, as documented in a 2003 study financed by the Department of Defense.

Additional advertising also targets people from minority groups. The Marines Corps is reaching out to Latinos with ads in *La Raza's* newspaper that emphasize family and honor ("Each unit in the Corps is a family, and each member knows they never stand alone"), and to Arab-Americans with a message about nationality and identity ("I am American. I am Arab. I am a Marine ... I know where I stand").

Students at Ryerson University Protest Recruitment on Campus

Some students at Ryerson University in Toronto, Canada, cannot pay their tuition, and Canadian military recruiters are there offering to help.

According to an article in the *Eyeopener*, Ryerson's student newspaper, on April 8, 2008, however, some students think this is the wrong

solution to the problem many students face.

"We were hoping to educate as many students as possible about the priorities of the federal government for military spending as opposed to lowering tuition," said Ryerson Students' Union President Nora Loreto.

Loreto and about 10 others picketed the Force's booth at the April 3 Grab-a-Grad fair in the business building.

Demonstrators wore shirts with fake blood stains and handed out thousands of anti-war flyers and buttons with messages like "education not occupation" and "drop fees not bombs."

Canada Launches New Military Advertising Campaign

In the past, Canadian Forces advertisements focused on combat. Now, they focus on other missions of the Canadian military, according to an April 16 article from *Canwest News Service*.

The new ads have a music-video edge to them with images that blink and slower, moodier music. The words "Fight Distress," "Fight Fear" and "Fight Chaos" float across the screen as members of the Armed Forces are shown racing across the frozen tundra of Canada's North on snowmobiles to save people huddling together under blankets in the fuselage of a downed plane.

"There was some concern from outside the Forces that we were highlighting the combat aspect too much. There is a lot the Canadian Forces does and we need to make sure that Canadians see that," said Col. Matthew Overton.

He denied that a rising Canadian death toll in Afghanistan caused the change in the military's usual combat-oriented advertising message.

VA Releases Suicide Statistics

In *Veterans for Common Sense vs. Peake*, the Veterans Administration (VA) disclosed documents revealing reports of over 500 suicides a month occurring among veterans. The documents also reveal that the VA knew of these statistics but did not disclose them until this case.

Luis Salvador Interns for CCW

Hello, my name is Luis Salvador at the age of 16, and I'll be working with the Center on Conscience & War from April 21 until April 25. I will return on June 9 through the 20 for my internship. I am a Junior currently attending Cesar Chavez Charter High School for Public Policy. As part of the school curriculum I have to attend three weeks of community service. After high school I would like to attend to a college somewhere in Japan, studying art or technical engineering. During the time I will spend here I will try to help out the most that I can. My goal is to learn something new and meet with some new people. I support what this organization is doing for those who object to killing. In my belief those who kill without a conscience cannot call themselves humans or soldier, just monsters. I disagree with what the military is doing by not creating soldiers but drones, bodies that react on nothing but muscle memory, leaving their conscience too slow to have a thought.



CCW Staff Support IVAW's Winter Soldier Testimonials

Iraq War and Afghanistan War veterans gave chilling eyewitness accounts at IVAW's "Winter Soldier" event Thursday March 13 through Sunday in Silver Spring Maryland. This event was parallel to testimony given subsequent to the Vietnam War in 1971 by veterans about the realities of that war. But this time the veterans were speaking out earlier and more precisely as to the clear violations of Articles of War. And even more importantly, each speaker's testimony was vetted and verified prior to their being given a forum to speak.

Winter Soldier was an event by and for IVAW and while non-members of IVAW were allowed to witness it, they were just as clearly not the focus of this event. The Center was there in mass in a supporting role with Executive Director, J. E. McNeil, and staff attorney Dan O'Connor vetting and advising many of the dozens of speakers. "The unexpurgated versions of the stories they told were heart rending," remarked J. E. after the event. "But it was Dan's and other attorneys' and my job to make sure each of the veterans and servicemembers either did not say things that put them in legal jeopardy or were at least clear about what they were doing when they decided to tell all."

"I was asked later on if I listened to any of the testimony," explained Dan, "But by the time I had met and heard the unvarnished stories, I didn't have the energy to hear it again."

Andrew Gorby, CCW's Director of Legislative Affairs and a member of IVAW, organized a table of information with materials and counselors of the GI Rights Hotline. "While we were not allowed to put the GI Rights Hotline or the Center's name on the table, we wanted to be sure that the veterans and servicemembers had the information they needed while they were there. We actually were able to counsel a few servicemembers as to discharge issues at the table." Bill Galvin, CCW's counseling coordinator, also helped staff the table.

More than 200 hundred veterans and servicemembers attended the event which was open to media and counter demonstrators.

Check out the CCW website!

www.centeronconscience.org

You can access:

Information on lobbying your member of Congress in support of conscientious objection.

J. E. McNeil's blog on her work as CCW Executive Director.

Information on real-world alternatives to the military's (often deceitful) promises of money for college and job training.

And countless more pages of information about the military, the Draft, and conscientious objection, as well as inspiration for supporting conscientious objection!

CO Film to be Broadcast on PBS!

According to the PBS website, its POV series is to feature the documentary *Soldier's of Conscience* (check out CCW's review online), on October 21. Check your local listings for specific broadcast times! For a trailer of the film, visit <http://www.pbs.org/pov/pov2008/soldiersofconscience/preview.html>

SOLDIERS OF CONSCIENCE



Military Outreach

CCW Attends GI Rights Hotline Conference in San Diego

In April, three staff members from CCW attended the GI Rights Hotline Conference in San Diego, CA. The Center is a founding member of the Hotline, which was initially a cooperative effort of a half dozen groups and now has over 20 groups from around the country participating. CCW receives about 10% of the calls to the Hotline, and is among the most experienced counseling groups in the Network.

The Hotline has undergone a major transition in the past year and a half, with the formation of an Advisory Council and the development of by-laws and proposals for a cooperative decision making structure. CCW's counseling coordinator, Bill Galvin as a member of the Advisory Committee has been integrally involved with this transition and developing these proposals. He was also on the planning committee for the conference.

This conference had two purposes: One was to bring together as much of the network as possible and try to make some decisions about the future of the Network; the other was to have advanced training for members of the network. About 50 counselors from around the country—ranging from Hawaii and Alaska to North Carolina and Massachusetts—attended. It was an opportunity for counselors to talk face-to-face, rather than simply by email and telephone, and that proved to be valuable in itself. It also brought together some of the most experienced counselors in the country to lead workshops.

There was an entire day “track” of workshops on conscientious objection led by a team that included Peter Goldberger and Steve Collier. (Goldberger and Collier are experienced lawyers who have both represented COs whose claims have been denied by the military.) Since this team has seen a variety of CO applications, they were able to help

those in the training understand what the military is looking for—and what reasons are commonly given for denying a claim so these problems might be avoided in the future.

Bill Galvin led a workshop on helping folks get out of the Reserves and National Guard. There were also workshops on topics such as medical discharges, counseling people who are AWOL, sexual harassment and other forms of harassment, the military justice system, filing complaints, and “Don’t Ask, Don’t Tell” (the military’s policy for dealing with gays). There was a “track” of more basic workshops for relatively new or less experienced counselors, and there were also workshops on outreach and working with Iraq Veterans Against the War and other groups of veterans.

Simultaneous with this were discussions about ensuring quality of care for military personnel calling the Hotline, fine tuning the proposed by-laws, and other network related business.

Gorby, Bergman, and Galvin were kept very busy throughout the weekend—sometimes having to be in two or more places at once. Gorby’s time was further complicated by the fact that he had been working with a CO in the Marines who was stationed near San Diego. The close proximity allowed for some face-to-face counseling. They still found a little bit of time to get over

to the beach and for Galvin to ride the roller coaster in San Diego.

The last part of the conference was a plenary of all those gathered to try to make some decisions about how we will function in the future. While a significant part of the discussion focused on the by-laws, a number of other significant decisions were made. Approval was given for seeking a grant to fund redoing the GI Rights Hotline website and establishing a wiki. The conference affirmed the importance of keeping

statistics and set forth a process for determining what statistics should be kept by the Hotline. The conference also established a diversity committee to address both internal and external Network issues related to racism,



Bill Galvin facilitating a plenary session of the GI Rights Hotline Conference in San Diego.

Military Outreach

sexism, homophobia, ablism, ageism, classism and other forms of oppression, and an Emotional Support Committee for Counselors.

A major issue for the Network is the distribution of area codes. Those present approved a committee for assigning area codes based on these considerations:

1. Quality of counseling
2. Continuity
3. Geography
4. Branch preferences
5. Technology
6. Capacity
7. Counselor Retention

A major issue for the Network was the admission of new counseling groups because the advisory committee had previously decided to not add new groups during this transition period considering the concern about quality of care. However, three groups had been trained and led to believe that they would be added to the Hotline routing by some people in the Network, and this created a MAJOR problem for the Network as these folks were anxious to get going, yet adding them was outside of the established process. So after much discussion we established an exception for the OK, NM and El Paso groups to be recognized as Associate Members of the GI Rights Hotline Network until their anticipated Full Membership is approved under the by-laws. Also these groups were to take calls under a mentorship arrangement. CCW will be mentoring one of these groups.

Concerns that the energy taken by the quality of care committee to bring three new groups up to anticipated standards would delay the process of the Quality of Care Committee developing the standards themselves (and other important training materials, etc.) were noted and set aside given the uniqueness of this situation and the reassurance that this would be a “final exception” to the policy. Andrew joined the committee as a member during the conference.

In spite of some tense negotiations about some of these issues, it was a powerful weekend with much valuable interaction. The plan is to have a meeting like this each year.

CCW Joins with NYCLU in Support of Military CO Case in NY Circuit Court

The Center on Conscience & War along with the New York Civil Liberties Union filed a brief of *amicus curiae* in the Second Circuit Court of Appeals in support of a conscientious objector, Dr. Timothy Watson. Dr. Watson is a board certified radiologist and entered into a contract with the U.S. Army under the Health Professions Scholarship Program. However, the tragedy of Sep-

tember 11, 2001 and our nation’s wars in Afghanistan and Iraq catalyzed Dr. Watson to profound inquiry into the nature and reasons for terrorism, warfare, and violence generally.

Over a period of years, Dr. Watson’s questioning of violence and warfare progressed in intensity. During the year 2005, Dr. Watson came to realize that he was morally, religiously, and ethically opposed to participating war in any form. After much struggle, deliberation, study, and soul-searching, on January 3, 2006, he filed an application for discharge from the Army Reserve as a conscientious objector.

The Department of the Army Conscientious Objector Review Board (DACORB) denied Dr. Watson’s application stating only that they believed his application to be insincere. Dr. Watson filed a petition for a writ of *habeas corpus* in the U.S. District Court for the Eastern District of New York. The district court concluded that DACORB failed to comply with the legal requirement that it provide a statement of reasons for its decision. The district court addressed each of the Army’s arguments for denying the petition and rejected each argument as lacking any basis in fact. The government has appealed the case claiming that the district court should not have granted the writ, but instead remanded the case back to the DACORB in order to clarify its reasons for the decision.

The *amicus* brief supports the district courts finding that the writ should be granted because the Army failed to follow its own regulations by failing to provide the reasons for denying Dr. Watson’s claim. A remand in this instance would give the Army an unfair second chance to deny Dr. Watson’s claim. The brief also challenges the Army’s argument made in the district court that they found Dr. Watson insincere because he cited a number of sources for his conscientious objection beliefs. The Army claimed that a “grab bag” of sources was used by Dr. Watson to resonate with the review board and did not reflect his own beliefs. The brief argues that not only is such a claim unfounded, but such an argument would run afoul of the conscientious objection regulations. This is because the regulations require that a non-traditional religious CO show that his beliefs came “through training, study, contemplation or other activity comparable in rigor and dedication to the process by which traditional religious convictions are formulated.” The *amicus* brief argues that if the “grab bag” rule were accepted, then non-traditional religious COs would never be able to show they studied or contemplated comparable in rigor and dedication to traditional religious convictions. The district court decision is *Watson v. Geren*, 483 F. Supp. 2d 226 (E.D.N.Y. 2007).



“To Extend and Defend...”

CCW’s Annual Advisory Council Gathering & Lobby Day 2008

Continued from front page

The highlight of the day for many people was the afternoon presentation by Peter Goldberger about the case of Agustín Aguayo. Aguayo is a conscientious objector that the Center began helping 4 years ago. Goldberger is an attorney who represented him in his *habeas* petition in federal court after his CO claim had been denied, and in subsequent appeals up to the Supreme Court. Peter presented a detailed account of all Aguayo had been through before even getting into federal court—including a tour of duty in Iraq during which he refused to load his weapon because he did not want to compromise his values.

the Military CO Act is so important and necessary.

The last presentation of the day was by John Judge, who is the guiding light behind CHOICES (Committee for High School Options & Information on Careers, Education, and Self-Improvement), a DC-based group that focuses on Truth in Recruiting and Counter Recruitment in the High Schools. He talked about their work to get into the schools and how they present the issues as they deal with students as well as teachers and administrators.

J. E. McNeil closed the program with some reflections on the day and the work of CCW. She urged everyone to return the next day for Lobby Day.



Peter Goldberger speaks about his legal defense of military CO Agustín Aguayo as J. E. McNeil waits to speak about CCW’s amicus brief.

When the military denied Aguayo’s application, they didn’t provide reasons for denial, so the court let the Army submit a list of reasons months after the denial! Goldberger explained that the court allowed the military decision to stand because the military must meet “a basis in fact” standard and the court felt that there was some basis in the list of reasons the military presented (months after the denial) despite the fact that there was substantial evidence that the military had made a wrong decision.

After Peter’s presentation, he was joined by J.E. McNeil and CCW’s staff attorney Dan O’Connor to answer questions about the Aguayo case. McNeil and O’Connor had prepared an *amicus* brief in support of Aguayo on behalf of the Center highlighting some of the religious freedom issues in this case. The failure of the court to intervene in the case of Agustín Aguayo shows why

May 16, Lobby Day began with an overview of our lobbying goals and a detailed description by Andrew Gorby of the Military CO Act with a particular emphasis on how it would alleviate some of the problems current military COs are encountering. Once those present had been thoroughly briefed on the Military CO Act, Devin Helfrich of Friends Committee for National Legislation led a general overview discussion on effective lobbying.

From there we divided into groups and visited Congressional offices. We reconvened later in the afternoon for a debriefing and closing. A total of 11 offices were visited, and overall the reaction of the staffers we met with was receptive. Some of the comments of the Congressional staff were helpful as we think about the best way to protect the rights of COs in the military. But we still haven’t found a Congressional office that is willing to take the lead in introducing the bill.

Books, Films and Such

Film Presents Narrative of Empowerment to Those Who Resist War

by Thomas Bergman, CCW staff

“Sir! No Sir!”

Film by David Zeiger

Displaced Films (2007)

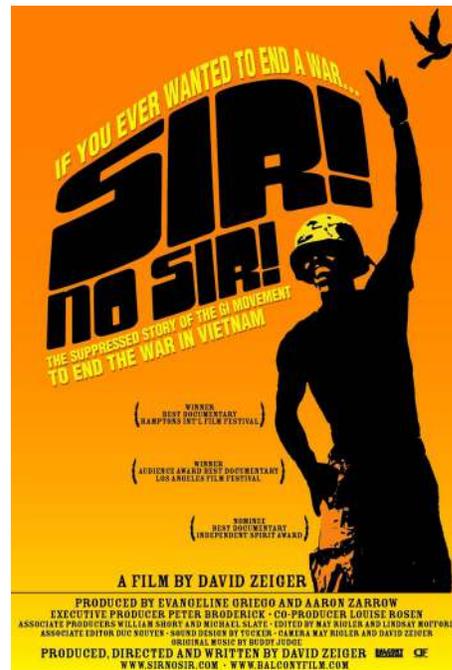
<http://www.sirnosir.com/>

When most Americans think of the Vietnam War, what usually comes to mind are the actions of the civilians: leftist radicals holed up in college administrative offices, mass protests, and the scandals occurring in Washington, DC. Rarely do we think of the stories of those who actually fought in the war. And our perception is that it was the people protesting or tarnished with scandal that actually put an end to the war in Vietnam. One film, *Sir! No Sir!*—produced, directed, and written by David Zeiger—puts our perceptions into question with its narrative of the GI Resistance Movement to end the war in Vietnam.

With a narrative driven by stories told by the main characters of that movement, *Sir! No Sir!* personalizes the reality of those who resisted. These empowering stories range from combat troops out on Search-and-Destroy missions to guards stationed in camps for prisoners of war, from nurses in the Navy to air-men gathering intelligence about the North Vietnamese radio communications in reaction to U.S. bombing campaigns, from soldiers ordered out into the frontlines in Vietnam to soldiers ordered to support anti-riot police operations in U.S. cities. Each story is quite unique, given that they came from people with different backgrounds, trained in different military jobs, but they all share a common resistance to war and struggled in their consciences to decide the right response to the horror in which they participated.

Sir! No Sir! also dispelled many myths commonly perpetrated by people in the United States who use those myths to undermine the credibility of those who stand up for peace during periods of war. Many times, pro-war partisans use the image of Jane Fonda to criticize those working to end war as traitors to the troops fighting in war. After watching the film, viewers should question this rhetoric, since the film uses footage that shows Jane Fonda entertaining thousands of protesting GIs who appreciated the fact that a woman of privilege would stand up and support their resistance to the war.

Another dastardly myth the film proves absurd is the story of a hippie woman waiting to greet returning GIs with spit and insults, such as calling them baby-killers. *Sir! No Sir!* inter-



views someone who researched the accusation, looking through contemporaneous accounts of returning veterans, such as those found in newspapers, National Lawyers Guild files, and even pro-war publications, and who did not find any reports of that kind. Only after the Vietnam Era did this myth arise in popular culture and form our perception of the past.

Although these myths are troubling, the most troubling perception is the one that emphasizes civilian action and resistance to the war in Vietnam. Civilians freely talk about their demonstrations against the war, such as the one that occurred on the Mall in Washington, DC, and are featured in many documentaries about leftist radicalism in the sixties and seventies. Rarely, however, do the stories of the GI Resistance Movement receive prominent reception in the current media environment. This is troubling because, as seen in the film, it was actually the resistance of the GIs that led to the “Vietnamization” of the conflict that disengaged U.S. forces from direct ground combat—not the notion that President Nixon and Secretary Kissinger had seen the light. Regular soldiers were successful in pressing the brakes of the Vietnam War.

Apart from the information the film provides that sheds light on a corner of the world that most people, especially civilians, never see or dare to look into, *Sir! No Sir!* provides an empowering narrative that gives people working for peace hope that there are people everywhere that stand up against the machinery of war.



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From the Desk of the Executive Director

Sometimes it feels like there is not enough time. Sometimes it feels like there is not enough money. But mostly it feels like there is not enough of either one.

We were counseling a young African American enlisted man in Iraq who described himself as being from the “projects in Chicago.” His Unit clearly had mistreated him. They equally clearly thought he would go AWOL and not return from Exodus Leave (formerly known as Christmas Leave). He surprised them and come back to insist on his CO application being processed. He was told to his face by the Chaplain that he could not be a CO because he listened to Hip Hop Music. Now setting aside the basic racism in that concept for a moment, it shows amazing ignorance on the part of the Chaplain. It shows his lack of understanding of the rules for determining sincerity for conscientious objector discharge. It shows ignorance of the entire genre of Christian Hip Hop music.

I looked for an attorney to represent him, but was unable to find a *pro-bono* attorney, and he, as a very low ranking enlisted man, didn’t have the money to hire one.

Not enough money.

Bill has been working on a Manual for military chaplains. But he had to stop to write the first five or so drafts of a handbook for military COs since the last such book was published in the early ‘80s and the demand was so great. And, of course, he had to stop to help with the reorganization of the GI Rights Hotline. And he had to mentor new counselors and simply answer Hotline calls while juggling providing support for some COs in midprocess.

Not enough time.

But then some days everything seems to fall into place and we get someone exactly what they need. Or we get a thank you from someone for what we did.

And I remember that we can only be faithful to our tasks.

It is enough.

Although more money would still be nice.

Yours for Peace and Justice,

J. E. McNeil

