



The Center on
Conscience & War

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CCW Continues to Advance the rights of COs!



Executive Director J.E. McNeil discusses the work of CCW with a member of the Baptist Peace Fellowship.

Selective Service Announces Changes

Last fall, the Selective Service System contacted a number of church-related groups who have an interest in conscientious objection, including CCW, to tell us that they were reviewing their procedures for implementing a draft. They asked us to tell them about changes that we would like to see, so they could consider them. The Center and other groups sent in a number of concerns and suggestions.

On June 17, Selective Service convened a conference call with the groups from which they had solicited comments. The purpose of this conference call was to bring us up to date with the agency and tell us how they had responded to our

comments.

First of all, they assured us that there is no reason to believe the draft will resume in the foreseeable future. There is no movement in that direction politically (either from the Administration or Congress) and the Selective Service budget and staffing has been getting smaller in recent years.

Selective Service had previously informed CCW that they would change the procedures so that COs who waive their physical would also be able to apply for other classifications for which they may qualify. This would be a tremendous

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News Briefs

Drug Abuse and Alcoholism Rises within Military

The twin vices of drug addiction and alcoholism were rampant in the U.S. military during the Vietnam war and through movies like *Apocalypse Now* and *Platoon* became the emblematic image of the armed forces during that war. But figures shows that by the end 2005, of the 104,000 who had sought medical help after serving in the wars in Iraq and Afghanistan, 32,010 were suffering from posttraumatic stress disorder, depression, drug addiction or alcoholism. Proportionally, that's three times as many as those who returned from Vietnam.

There hasn't been the same media coverage of the problem in the 'war on terror', but in Iraq and Afghanistan the situation, according to many, is equally dire, some say worse. Alcohol and drug-related charges were involved in a third of all Army criminal prosecutions of soldiers in the two countries in 2006. 240 of the 655 cases resulted in convictions, and alcohol-related crimes have increased each year since 2004.

A Pentagon health study found that the rate of binge drinking in the Army shot up by 30 percent from 2002 to 2005, and, they concluded, that 'may signal an increasing pattern of heavy alcohol use in the Army'. On top of this, for the first time since 1985, more than a quarter of all Army members asked said they regularly drink heavily, which is defined as five or more drinks at one time.

3,057 veterans of the Iraq and Afghanistan wars were diagnosed with potential drug dependency from 2005 to 2007, according the Veteran Health Authority. From 2002 through 2004 only 277 veterans were diagnosed with a drug dependency.

(Matt Kennard, 11 July 2009)

More Female Veterans Winding Up Homeless

WASHINGTON - The number of female service members who have become homeless after leaving the military has jumped dramatically in recent years, according to new government estimates, presenting the Veterans Administration

with a challenge as it struggles to accommodate the hundreds of thousands of returning veterans from Iraq and Afghanistan.

As more women serve in combat zones, the share of female veterans who end up homeless, while still relatively small at an estimated 6,500, has nearly doubled over the last decade, according to the Department of Veterans Affairs.

For younger veterans, it is even more pronounced: One out of every 10 homeless vets under the age of 45 is now a woman, the statistics show.

And unlike their male counterparts, many have the added burden of being single parents.

"Some of the first homeless vets that walked into our office were single moms," said Paul Rieckhoff, executive director and founder of Iraq and Afghanistan Veterans of America. "When people think of homeless vets, they don't think of a Hispanic mother and her kids. The new generation of veterans is made up of far more women."

Overall, female veterans are now between two and four times more likely to end up homeless than their civilian counterparts, according to the VA, most as a result of the same factors that contribute to homelessness among male veterans: mental trauma related to their military service and difficulty transitioning into the civilian economy.

According to the National Coalition for Homeless Veterans, a nonpartisan advocacy group in Washington, about 23 percent of the homeless population in the United States are veterans. Nearly half are from the Vietnam era and three-fourths experience some type of alcohol, drug, or mental health problem.

Most of the homeless vets, who are estimated by the Veteran's Administration to number at least 130,000 on any given night nationwide, are men older than 50.

(Boston Globe, 9 July 2009)

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.

CCW Welcomes Back Dan O'Connor

My Name is Dan O'Connor and I am a volunteer staff attorney at the Center. I am a graduate of the American University Washington College of Law and the George Washington University. I was a law clerk at the Center for the fall of 2005 semester. I returned as a volunteer to the Center in November of 2007, where I assisted in writing amicus briefs in the CO cases for Augustin Aguayo and Timothy Watson. I also provided council to veteran's who testified at the Winter Soldier Panel hearings in March of 2008. After a brief hiatus from late 2008 to early 2009, I have returned to my duties as pro-bono staff attorney.

CCW Staff Travels around the Country in Outreach to Supporters of Conscience

CCW's Counseling Coordinator Bill Galvin is a known face among NY Quakers, and throughout the week of New York Yearly Meeting he talked with Friends about the Center, conscientious objection, the GI Rights Hotline and related concerns. Bill met with all the JYM groups 5th grade and higher- to talk about conscientious objection, war resistance, the peace testimony, military recruitment and how they might help their friends who get recruited. (The exact discussion varied by age appropriateness and questions raised. And once again, the 5th graders asked the best questions!) Bill also showed the film *Soldiers of Conscience* and led a discussion about it. And he met with NYYM's Committee that helps Friends deal with the dilemma of paying taxes for war in view of the peace testimony and the recent consensus of the meeting that it is wrong to pay for war.

Similarly, CCW's Executive Director, also had a round of visits to supporters of the Center around the country.

McNeil, along with Communications Director Russell Ricks, traveled to the gathering of the Friends General Conference at Virginia Tech University. McNeil planned on giving a presentation on Truth in Recruitment, but she had to leave the gathering early. Ricks gave the presentation instead.

Traveling to the other side of the country, McNeil attended the conference of the Baptist Peace Fellowship in Ogden, Utah. During the meeting, she introduced the Center to the plenary and gave a Truth in Recruiting presentation. In her free time there, she visited John Mogan, a Mormon conscientious objector whom CCW had supported during World War II.

Next McNeil went to Rhode Island to New England Yearly Meeting to give a three day workshop on conscientious objection and truth in recruiting. There she met up with other members of the GI Rights Hotline Network and they gave an interest group together.



Executive Director J.E. McNeil meets with other members of the GI Rights Hotline Network at New England Yearly Meeting.

The summer travels pulled to a close with McNeil going to nearby Baltimore Yearly Meeting being held in Frostburg, Maryland, the first week in August.

But meetings and travels will begin again in September, with J.E. speaking at River Road Unitarian Congregation. And so it goes.

“Spreading the word...”

U.S. Court of Appeals Upholds Conscientious Objector Discharge

Raymond J. Toney, Attorney and Counselor at Law

On June 25, 2009, the U.S. Court of Appeals for the Second Circuit upheld a district court’s grant of a petition for a writ of habeas corpus for conscientious objector Dr. Timothy D. Watson. The habeas corpus petition initially was granted by the U.S. District Court for the Eastern District of New York, which ordered Dr. Watson’s immediate discharge from the Army. The Army appealed the decision to the Second Circuit.

Dr. Watson is a radiologist and incurred an active duty service obligation to the Army of three years. He was serving in a residency program when our nation was attacked on September 11, 2001. Those tragic events, and the wars that followed, caused Dr. Watson to reevaluate his views on life, death, religion, warfare, and pacifism. Dr. Watson chose the path of peace and non-violence. “I prefer going to jail over killing or being part of an institution that kills. I prefer to die than to kill,” he informed the Army. And he meant it. I know: I was his lawyer. To its great credit, the Second Circuit clearly recognized his sincerity and the depth of his beliefs, despite the vigorous pleas of the Army to the contrary.

The Center on Conscience & War, together with the New York Civil Liberties Union, filed a friend of the court brief in support of Dr. Watson. For that I am most grateful. And for your support of CCW, without which such excellent moral and legal contributions would be impossible, I also thank you.

As you know, being a military conscientious objector is like swimming against a ferocious current. Your strength is tested, and surrendering to the prevailing forces, always present and powerful, is a great temptation. The military, in many instances, does everything it can to silence the CO, as Dr. Watson’s case certainly shows. Without competent counseling and moral support by CCW staff, and your continued contributions to their work, some might not survive the ordeal.

I practice general military law, and few of my clients are conscientious objectors. They are morally thoughtful, patriotic, sometimes deeply religious, and compassionate. They are my neighbors, and yours. They are human beings, and thus demand our attention and support. CCW, through the G.I. Rights Network, counsels hundreds of young people in the military who find themselves isolated, confused, and sometimes in deep trouble. The work of counseling them is demanding, expensive, and crucially important. It is an endeavor very worthy of your involvement and support.

CCW’s director, J. E. McNeil, asked me to write an article for The Reporter on Dr. Watson’s case. She didn’t ask me to make an appeal to support CCW’s work. I do that of my own free will.

Please continue your support of CCW. It is especially important that you do so during these economically distressed times.

Canada Government Deports U.S. War Resisters against the Will of Parliament

On July 8th, Kimberly Rivera appeared in the Supreme Court of Canada, in an effort to prevent her deportation to the US where she likely faces court-martial charges for desertion. Kim is one of hundreds of war resisters who have fled to Canada seeking asylum. They are members of the U.S. military who choose to no longer be part of the wars in Iraq or Afghanistan. Many of them have served a tour of duty in a war zone and refuse to go back. Some are conscientious objectors whose claims have been denied. Others object to the current war, but do not qualify for CO status under U.S. law, which requires objection to “participation in war in any form.” While some are applying for refugee status, the vast majority are living underground and watching to see what happens to those going through the legal process.

So far, five of them have been deported. They were all court-martialed upon their return and received jail sentences ranging from 6 to 15 months.

Many remember the Vietnam era, when Prime Minister Trudeau declared Canada to be a refuge from militarism and many thousands of COs and war resisters fled there. In fact, Canada has been a refuge for war resisters and other freedom lovers for over a hundred years. The North Star that guided those in the Underground Railroad led many former slaves well past Pennsylvania!

But in recent decades, Canada’s immigration laws have changed and legal migration has become much more difficult. Generally U.S. war resisters must apply for refugee status, and to succeed they must establish in the courts that they would be persecuted were they to return to the U.S. And being prosecuted for violating military law is not the same as being persecuted.

There is much support for the war resisters in Canada. Last year, when Cory Glass was facing deportation leaders Canadian religious leaders wrote to Prime Minister Stephen Harper saying, “We are writing to request your quick action to stop the deportation and removal proceedings against U.S. Iraq War conscientious objector Corey Glass who came to Canada seeking refuge. . . the Government’s quick action is urgently required to alleviate the terrible tensions and pressures on those people for whom conscientious objection to war and killing was the only deeply ethical and moral choice they could make.” The letter was signed by leaders of the United Church of Canada, the Mennonite Church, the Society of Friends, the Catholic Church and many others. On June 3, 2008 the Canadian Parliament passed a (non-binding) resolution calling on the government to establish a program to allow U.S. war resisters to

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apply for permanent resident status in Canada and to cease all deportation and removal proceedings against U.S. war resisters. Also in June, 2008 an Angus Reid national poll found that 64% of Canadians agreed that the war resisters should be allowed to stay in Canada.

Prime Minister Harper has ignored the will of the Canadian people on this issue. On March 19 the United Church of Canada, Canadian Friends Service Committee (Quakers) and Mennonite Central Committee Canada issued an open letter to the Prime Minister calling on him to allow war resister Kimberly Rivera and her family to stay in Canada.

The letter states in part “We are deeply disturbed that the Government has refused to provide a process for permanent residency for resisters and their families as requested by the June 2008 Parliamentary Resolution. We are further concerned that efforts to deport resisters have escalated over the past few months.”

Parliament reaffirmed its resolution on March 30, 2009. To date, there is no indication that the Harper administration will stop procedures to deport U.S. war resisters. In fact, Canada’s Immigration Minister Jason Kenney described the AWOL soldiers as “bogus” refugee claimants. This comment has drawn criticism from Amnesty International.

Kimberly Rivera is the first female Iraq War resister to seek refugee status in Canada. “The amount of support I’m getting from Canadians is amazing. The parents of my kids’ friends, MPs and even strangers on the street keep telling me that they can’t believe the votes in Parliament aren’t being respected.”

She did not object to the war until she went to Iraq and experienced it firsthand, and looked into the faces of the Iraqi people. “It’s like they’re looking right into your soul. And they’re asking one simple question: ‘Why are you hurting my family? What did I do to you?’ And I couldn’t answer that question for the life of me.”

This may be Kim’s final opportunity to challenge her deportation. At issue in Kim’s hearing is government’s evaluation of the treatment she would likely receive should she return to the US. The report accurately states that most soldiers who go AWOL are not court-martialed and do not go to jail, suggesting that Kim wouldn’t really be at risk should she return to the U.S.. But it fails to take into account that those who are vocal in their opposition to the war usually are punished more severely. Also, the report fails to take into account what has happened to those who were deported from Canada. They all went to jail, and the 12 and 15 month sentences are among the harshest sentences given to AWOLS during this war. The report also contained sections that were copied “word for word” from assessments carried out on two other war resisters four months earlier. Kim’s attorney said, “It’s almost that the conclusion was reached before the

evidence was even looked at.”

Lights! Camera! Think!

This month, CCW’s friends at Ironweed Film Club are distributing the powerful documentary called *Soldiers of Conscience* by directors Gary Weimberg and Catherine Ryan, along with two shorts: *My First War* and *We Are Made As One*. Ironweed offers the film on DVD for purchase alone or as part of its club membership.

Soldiers of Conscience

To kill or not to kill? After World War II, a U.S. Army study revealed that three quarters of combat soldiers given the chance to fire on the enemy failed to do so. This powerful, thought-provoking film follows eight US soldiers, four who were willing to kill, and four who become conscientious objectors after their “crystallization of conscience.” All soldiers interviewed are treated respectfully and speak eloquently about their decisions, but those who choose CO status, and suffer the consequences, offer an authentic and inspiring example of what it will take to someday achieve a world without war.



At Ironweed Film Club, they believe that documentary films have the power to transform the world we live in. The greater the audience, the greater the impact a film can make in helping us understand the complexities inherent in today’s global society.

That’s why Ironweed is dedicated to fostering the relationship between today’s most intelligent film audiences and the dedicated community of filmmakers who are courageously telling these compelling and important stories.

As a membership club, Ironweed sends its members a DVD each month with a full-length documentary and several shorts on a topical subject we feel calls out to be examined.

Membership in Ironweed doesn’t just help you stay informed on the leading edge, but also allows you to support the greater social action ecosystem and the work of all the stakeholders involved with these critical issues.

Discover the benefits of membership and join us at www.ironweedfilms.com

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improvement for COs who exercise this right. (See the Reporter, Spring issue p.5 for more details on this.)

CCW had also raised a concern about the potential hardship for some COs because CO applicants are required to appear personally before the local draft board. If they fail to appear their CO application is deemed ‘abandoned’ and will not be considered. We were concerned because Selective Service would not provide travel reimbursement for COs to attend such hearings. The Center pointed out that this could present an undue hardship for some COs who would not get CO status simply because they didn’t have financial resources to travel to the hearing. This could be a particular problem for people overseas in low paying service jobs (like with a church mission or the Peace Corps) who would be required to travel a great distance for a hearing. CCW proposed reimbursing registrants for transportation to these mandatory hearings just as those traveling to the mandatory physical have their transportation covered. Another less desirable solution would be to make the hearings optional.

Selective Service told us that they are working on a proposal for reimbursement for travel to and from these required hearings in certain circumstances!

CCW had also raised questions about the definition of a church in Selective Service procedures for determining if someone qualifies for a ministerial exemption or ministerial student deferment. We could identify churches that didn’t qualify under their definition. They announced that churches would only have to meet at least one of the criteria on their list to qualify.

CCW proposed a number of other changes that were not made. But some concerns raised by other groups received a favorable response.

For example, there were concerns about emergency medical costs for COs performing alternative service. While on the job injuries would be covered by Workers Compensation Insurance, but what about illness or injuries while not on the job? Presumably the COs would not be making much money, so who would cover the cost? Selective Service said they are working on a plan for covering such medical expenses (unless they are due to negligence on the part of the CO).

Those on active duty in the military receive protection through the “Soldiers and Sailors Relief Act.” This protection includes reduced interest rate on mortgage payments and credit card debt, some protection from eviction, and delay of all civil court actions, such as bankruptcy, foreclosure or divorce proceedings. Selective Service told us that in the event of a mobilization and draft, they will propose to Congress a law that would provide similar protection for COs.

Mennonites have had an ongoing dialogue with Selective Service about “standards of conduct” for COs doing alternative service in their programs, and it would be complicated to explain it all here. But Selective Service told us that they don’t want to try to define acceptable conduct in detail. They want to take a more generalized approach. The regulations will be the standard, and the regulations say that COs must meet the same standards as other employees at the workplace.

The Old Order Amish Farm Project had been approved for alternative service in the past, but Selective Service informed the Amish that it will not be authorized for alternative service in the future. Their reasoning was that it doesn’t appear to benefit the public—in order to qualify there would need to be some kind of charitable aspect to it.

Selective Service is considering changes initiated by their staff as well.

For example, Selective Service told us that they are looking into the possibility of assigning COs to ‘for profit’ enterprises. In the past, many COs worked in hospitals and related health care facilities. But in recent years, more and more of these facilities have become ‘for profit’ companies, so Selective Service is worried about not having enough jobs.

Selective Service also told us that they are considering a requirement that COs submit a statement from their church about their churches position on conscientious objection. The Center voiced a strong objection to this proposal. First and foremost, the law is clear that the important issue is what the CO believes, not what his church teaches. And secondly, many COs don’t know what their churches official position is—this would add an additional burden on them to research this when they are already under a very tight time line for submitting their application.

There were a number of changes that CCW had proposed that Selective Service did not make. Here are the most significant ones:

Selective Service allows for military personnel to serve in administrative staff positions, and plans call for area offices to be staffed by members of the National Guard. Area Offices are the primary place where potential draftees will come face to face with the Selective Service System. CCW believes that this could present a problem for some conscientious objectors. By law the Selective Service System is a civilian agency, a fact that was considered essential when the agency was established in 1940. Staffing by military personnel tends to blur the distinction between Selective Service and the military itself. While the Selective Service System has provisions for COs who object to submitting to military control for the physical at MEPS,

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these same people may feel like they are being required to submit to military authority when they encounter military personnel in the area office to which they are assigned. Selective Service said they didn't know how they could do their job without utilizing the military in this way.

The current registration process does not allow for someone to register as a conscientious objector. CCW is aware of young men for whom this presents a crisis of conscience. For them to be registered with Selective Service without being officially on record as a conscientious objector implies they have registered to be available for military service; and to be so registered violates their conscience. In reality, what matters legally in obtaining CO status is one's belief at the time he is drafted, not at the time he registered. Yet there continues to be the problem when someone goes before a draft board and says “This is what I believe.” The draft board often asks: “How do we know that's really what you believe?” “How do we know you didn't make this up because we're drafting you?” If registering as a CO were an option, the CO who had so registered would have a specific action to which he could point as evidence of his beliefs. Selective Service said if they did that, and people checked off the box on the registration form, they might think they don't have to do anything else.

CCW has no illusions about Selective Service and whether a draft could ever be fair. We know that by definition it can't be. And we remain opposed to “all forms of conscription.” But we also know that there are decent and honest people working at Selective Service who want the system, should it ever be actively drafting people, to be as fair as possible. CCW will continue to monitor their plans, and work with them to the extent possible to advocate for the rights of conscientious objectors and others who may be affected by the Selective Service System.

Washington State Resident Stands up to Draft Registration

A young Washington state man has sued the U.S. government because the draft registration form has no place to show conscientious objector status. Tobin Jacobbrown, 21, of Indianola, a practicing Quaker, is being represented by the American Civil Liberties Union in the lawsuit filed Wednesday in the District of Columbia, The Washington Post reported.

Jacobbrown says U.S. law requires the Selective Service System to recognize those who object to war or military service on religious or moral grounds. The military draft was abolished in 1973, but young men are still required to register in case Congress brings it back. Jacobbrown said he refused to fill out the forms. That means he cannot get a job with the U.S. government or receive federal student aid.

Peace Group Wins Access to Public Schools in North Carolina

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) on August 12 announced the successful resolution of a four-year battle between peace activist Sally Ferrell and the Wilkes County Board of Education regarding Ms. Ferrell's constitutional right to free speech in the Wilkes County high schools. Beginning in March 2005, Ms. Ferrell had sought permission from the school district to distribute information to high school students regarding alternatives to military service, as well as information about the realities of military service on the same basis and to the same extent as military recruiters were being allowed access to students for purposes of recruiting. Military recruiters had been granted access to students in Wilkes County high schools for some time, but the Superintendent and members of the Wilkes County School Board repeatedly refused Ms. Ferrell's request to distribute literature and to speak with students. The ACLU-NCLF intervened on Ms. Ferrell's behalf, and for a short time, the school district allowed her to provide information to the students as a representative of N.C. Peace Action. Students reported that they were pleased to receive the information from Ms. Ferrell and N.C. Peace Action about opportunities with Job Corps and AmeriCorps and expressed appreciation that different points of view were allowed to be expressed. Nevertheless, the Superintendent soon rescinded her access to the schools, and the ACLU-NCLF filed a lawsuit in Wilkes County Superior Court on January 5, 2009.

The parties met on Tuesday, August 11, 2009, and agreed to a settlement that would permit Ms. Ferrell and N.C. Peace Action to have access to Wilkes County high school students on the same terms and under the same conditions as military recruiters have, which is exactly what Ms. Ferrell has been seeking for more than four years. If the school district honors its end of the agreement, then the lawsuit will be dismissed.

CCW has consistently supported groups like Ms. Ferrell's in their attempts to gain access to students in schools. Given the serious nature of military enlistment, the Center feels it is imperative that those considering enlistment have good information other than that provided by the sales personnel, namely military recruiters. “I was continually denied access to speak with students in our local high schools who were being aggressively recruited by the military,” said Sally Ferrell. “I am glad the schools have finally recognized N.C. Peace Action's First Amendment right to express our viewpoint, and I look forward to providing truthful, job-related information about military careers – and alternatives to careers in the military – in all Wilkes County high schools.”



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From the Desk of the Executive Director

I recently noted with pleasure that the discounted tickets for the local Minor League Baseball Stadium on Service Days does not just recognize members of the military but teachers and nurses as well.

This led me to think about the phrase “Thank you for your service.” I have heard that phrase a lot over the last several years. When it is said, it usually is directed to men and women in the armed services. But so many of us have bought into the idea that the only service to our country is through the military that the military can get away with tag lines like: “Service Honor Discipline” unchallenged. The military promotes that idea – that serving in the military is the only way to serve your country, the only way to become honorable, the only way to learn discipline. But it’s not, of course.

Besides nurses and teachers we must include firefighters, police officers and EMT. We should also include people working in the Peace Corp and AmeriCorps and other humanitarian aid organizations—even to the point of risking their lives—60 humanitarian aid workers have been killed in the line of duty this year so far. But that doesn’t complete the list either. Journalists serve this country as well, risking their lives (29 journalists have been killed so far this year, countless others live with PTSD) to bring us the information that allows us to make the right decisions in this democracy. Diplomats, judges, and, yes, even politicians, make themselves and their families targets to keep the government functioning.

Then there are the hundreds of thousands who serve this

country working for non-profits and even more who serve volunteering for the work of those non-profits. President Obama is making much of this form of service.

We should be proud of our service to the country and the world, you and I.

I confess I often shrug it off. When it is directed to me the phrase is more likely to be, “Thank you for all that you do.” I read that phrase and think of all the things I have not done, rather than the efforts and successes of days past.

Yet the reality is that you and I have done a great deal for the lives of individuals trapped in the military machine, rescuing them for good and fulfilling lives of service that does not include a weapon.

So, thank you for all that you do.

And thank you for helping us do all that we do—stopping war one soldier at a time.

Yours for Peace and Justice,

J. E. McNeil

