THE PRACTICAL GUIDE FOR CONSCIENTIOUS OBJECTORS IN THE MARINE CORPS

“The purpose of this Guide is to empower and inform conscientious objectors within the Marine Corps. This Guide will assist Marine Corps conscientious objectors pursuing conscientious objector status in accordance with Marine Corp Regulation 1306.16E.”

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Table of Contents:
Key Points to a Conscientious Objector Claim p. 2
Before Applying for Conscientious Objector Status p. 3-5
   Essential Information p. 3
   Understanding the Implications of Your Claim p. 3
   Finding a Qualified Conscientious Objector Counseling Organization p. 4
   A Rough Timeline p. 5
Applying for Conscientious Objector Status p. 6-13
   Preparing Your Conscientious Objector Application and Other Documentation p. 6-12
   Submitting Your Conscientious Objector Application and Other Documentation p. 13
The Processing of Your Conscientious Objector Claim p. 14-19
   Minimizing Blowback p. 14-15
   The Interviews p. 15-16
   The Hearing p. 16-17
   The Rebuttal p. 18
   The Final Decision p. 18-19
Appendix p. 20-32
   A: Unmarked Conscientious Objector Application p. 20-22
   B: Sample Correspondence for Supporting Letters/Statements p. 23-24
   C: Memorandum for Filing Conscientious Objector Claim p. 25
   D: Memorandum Requesting Appropriate Duty Assignment p. 26
   E: Memorandum on Processing a Conscientious Objector Claim p. 27
   F: Memorandum Requesting an Investigating Officer p. 28
   G: Memorandum on Having Witness and/or Counsel Present p. 29
   H: Memorandum on a Verbatim Record p. 30
   I: Memorandum on Submitting Additional Documents to the Case Record p. 31
   J: Memorandum of Rebuttal to the Findings of the Investigating Officer p. 32
About the Author and the Center on Conscience & War p. 33-34
Blank Page for Notes p. 35
KEY POINTS TO A CONSCIENTIOUS OBJECTOR CLAIM:

The following are key points to a conscientious objector (CO) claim in the Marine Corps. They are not exhaustive but they highlight the main points of being a military conscientious objector (CO). These points pertain to a conscientious objector who is applying for discharge (1-O status) or for assignment to noncombatant duties (1-A-O status).

If you read the key points, and feel you do not meet the criteria, please call the Center on Conscience & War (1-800-379-2679) and we can discuss your options in greater detail.

• It is the applicant’s responsibility to present evidence that demonstrates a SINCERELY HELD belief in OPPOSITION TO PERSONAL PARTICIPATION TO “WAR IN ANY FORM” based upon religious, moral OR ethical beliefs.

• CONSCIENTIOUS OBJECTOR BELIEFS AND CONVICTIONS must be the PRIMARY CONTROLLING FORCE in the applicant’s life.

• If the CO claim is NOT SPECIFICALLY RELIGIOUS in nature, then the STRENGTH and DEPTH must BE THE SAME as RELIGIOUS CONVICTIONS.

• A CO claim must NOT be for PERSONAL SELF-SERVING GAIN (expediency), AVOIDANCE OF MILITARY SERVICE or POLITICAL reasons.

• The applicant’s ACTIONS in ALL ASPECTS of life must be CONSISTANT with stated BELIEFS.

• A CO applicant MUST NOT HAVE BEEN a conscientious objector (CO) before joining the military (as part of your enlistment agreement, your signed that you were not a conscientious objector).

Submitting a CO application does not exempt you from active military service, but once your application is submitted you are to be assigned to duties which conflict least with your professed convictions. This will be discussed in greater depth below. You bear the initial responsibility of presenting evidence to support your claim. This MARINE CORPS PRACTICAL CONSCIENTIOUS OBJECTOR GUIDE will assist you as you proceed through the official process.
BEFORE APPLYING FOR CONSCIENTIOUS OBJECTOR STATUS:

ESSENTIAL INFORMATION

It is important to remember that it will be in your favor NOT to mention to your superiors, comrades, or political representatives your intention to file for conscientious objector status. If you have informed your chain-of-command (CoC) that you are a conscientious objector, contact the Center on Conscience & War (1-800-379-2679) or a qualified CO counseling organization immediately.

At this time, start keeping a detailed journal of dates and events that pertain to your beliefs as a conscientious objector and the CO application process. This will be helpful in the future.

If you are facing imminent deployment, please contact the Center on Conscience & War (1-800-379-2679) or other qualified CO counseling organization immediately. It has been our experience that in the overwhelming majority of cases, filing a CO claim will not prevent deployment for active-duty Marines. But, according to a study released in 2007 by the Government Accountability Office (GAO), the Marine Corps does not deploy active-duty Marine Corps conscientious objector applicants. It is important to note this discrepancy. In accordance with MCO P3000.19, if you are a Marine Reservist and your unit is activated to deploy or your unit is currently activated, then you will be assigned to HQBN, MFR, NEW ORLEANS.

UNDERSTANDING THE IMPLICATIONS OF YOUR CLAIM

It must be understood that this process is labor-intensive and lengthy, as well as emotionally and mentally draining. This is a process that you MUST take ownership of and be confident in pursuing. You must WANT this status. If you proceed in pursuing conscientious objector status, you have made a decision to challenge the military. In many cases, you will find those in your immediate chain of command unhelpful, combative and looking to challenge you on what you believe as a conscientious objector. It is helpful to remember that although your claim is personal in nature—not a critique of war or those who fight—many people in the military will read your application as a critique of that to which they have committed their lives. They will take YOUR claim personally. Just as you have strong feelings as a conscientious objector, your fellow Marines, regardless of rank, will have strong feelings about YOUR beliefs. They may be confused as to why the military allows for Marines to seek discharge as a conscientious objector and angered that discharge or reassignment as a conscientious objector exists. Although not all conscientious objector applicants experience this adversity, it is helpful to understand the perspective of those in your chain of command, and approach this process with level-headedness.
FINDING A QUALIFIED CONSCIENTIOUS OBJECTOR COUNSELING ORGANIZATION

In seeking a qualified CO counselor, you should ensure that the conscientious objector counselor you choose, regardless of experience and credentials, works within a network of qualified CO counselors. You should work with a qualified CO counselor who will get feedback from other qualified CO counselors within his/her network. This applies to counselors with military experience, those discharged from the military as conscientious objectors, as well as seasoned lawyers. You should make sure (ask for it!) more than one qualified CO counselors, regardless of experience, reviews your application.

NO qualified conscientious objector counselor should be willing to write your application or provide you with pre-formatted answers to the questions you will be asked. Also be wary of a counselor who corrects grammar and spelling beyond that of making a sentence readable. At times, you will be put on the spot and asked to expand on your application. If this addition to your application doesn’t generally reflect the style and grammar used throughout your application, the validity of your claim may be further questioned.

A CO counselor’s job, regardless of credentials, is not to carry you through the process, or serve as a crutch or protector, but to empower you to take a stand as a conscientious objector through providing constructive feedback, offering perspective, and providing additional knowledge and assistance based upon the unique circumstances of your case. Many conscientious objectors have been misled by well-intentioned peace advocates who are not qualified counselors. DO NOT LET THIS HAPPEN TO YOU! Many peace advocates are wonderful for support, but few are trained to counsel military conscientious objectors.

Also, there are web sites that claim that they KNOW how to get a discharge as a conscientious objector. Be skeptical of sites that make such claims. These sites offer one person’s experience and perspective. In reality, every CO experience is different, and simply because a person was successful in receiving a discharge as a conscientious objector does not mean they are qualified or KNOW how to help you get a discharge.

The Center on Conscience & War, as an experienced and professional CO counseling organization, would be happy to assist you throughout the process. If you are looking to work with a qualified counselor within your geographical area, we would also be happy to assist you in your search.
A ROUGH TIMELINE

This is a rough timeline. The circumstances, and thus timeline, for each conscientious objector are unique. This timeline is simply to provide you with a basic idea of how things will proceed.

AVERAGE TIME TO PROCESS A CO CLAIM IN THE MARINE CORPS: 9 months

Weeks 1-2: Preparing CO Application and Other Documentation

Weeks 3-6: Submitting CO Application and Receiving the Dates for your Chaplain and Psychiatrist Interviews

Weeks 7-10: Chaplain Interview and Psychiatrist Interview

Weeks 11-14: Waiting for Your Investigating Officer Hearing

Weeks 15-18: IO Hearing, Receiving the IO Recommendation, and Your Rebuttal

Weeks 19-26: CO Application Moving Up the CoC and Subsequent Rebuttals

Weeks 27-36: Waiting Final Recommendation
APPLYING FOR CONSCIENTIOUS OBJECTOR STATUS:

PREPARING YOUR CONSCIENTIOUS OBJECTOR CLAIM AND OTHER DOCUMENTATION

• Consult a qualified CO counseling organization before applying for CO status.

• Print 2 copies of Marine Corps Order 1306.16E. Set aside 1 copy. Read through Marine Corps Order 1306.16E. Highlight and take notes on Marine Corps Order 1306.16E. This will help demonstrate to your command the seriousness of your CO convictions and will allow you to answer any questions your command may have concerning the regulation once you have submitted your claim. In most cases you will be the expert on the CO process.

• Decide whether you wish to apply for 1-O status (discharge) or 1-A-O status (assignment to non-combatant duties). If applying for 1-O status (discharge) understand why you are applying for a discharge instead of assignment to non-combatant duties. If applying for a non-combatant position, understand why you are willing to service and support those who are in combatant positions.

• Complete the CO application on Pages 1-3 (Enclosure 2) of Marine Corps Order 1306.16E. The most important section falls under heading, B. Training and Belief. These questions should be answered fully and in essay format. When answering each question, try to incorporate language from the regulation into your answers. On the next few pages of this Guide, you will find helpful comments that pertain to each question found in Enclosure 2. Also be sure to read “The Guide for Conscientious Objectors in the Military”, written by Bill Galvin from the Center on Conscience & War, before your begin the writing process.

• See APPENDIX A of this Guide for a copy of Enclosure 2 which you can cut and paste into a blank document.

• You should complete Section B. Training and Belief, as found in Enclosure 2, first. Once complete, submit your conscientious objector application draft of Section B. to the Center on Conscience & War.

• The Center on Conscience & War will offer suggestions to strengthen your application. We will not write your CO application for you, nor should any qualified CO counseling organization. While we are reviewing this part of your application you can complete Sections A., C., and D. of Enclosure 2.

• Your application should be organized as follows in order to present your information in a helpful way for your chain of command. To assist you in better understanding each question, we have included brief commentary where pertinent.
REQUIRED INFORMATION TO BE SUPPLIED BY APPLICANTS FOR DISCHARGE OR NON-COMBATANT SERVICE.

A. General Information Concerning Applicant.

1. Full name

2. Social security number

3. Selective service number (if applicable)

   If you registered with the Selective Service, please visit the following web address to obtain your SSS number: www.sss.gov/RegVer/wfVerification.aspx

4. Service address

5. Permanent home address

6. Name and address of each school and college attended (after age 16) together with the dates of attendance and the type of school (public, church, military, commercial, etc).

7. A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college (after age 16), whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the from/to date for each position or job held.

   This should be filled out to the best of your ability. Don’t worry if you can’t remember it all.
8. All former addresses (after age 16) and dates of residence at those addresses.

This should be filled out to the best of your ability. Don’t worry if you can’t remember it all.

9. Parent’s names and address. Indicate whether they are living or deceased.

10. The religious denomination or sect of both parents.

11. Was application made to the Selective Service System (local board) for classification as conscientious objector prior to entry into the Marine Corps? To which local board? What decision was made by the board, if known? If application was not made, explain why not.

Write: N/A (not applicable).

12. When the applicant has served less than 180 days in the military service, a statement by the applicant as to whether the applicant is willing to perform work under the Selective Service System civilian work program for conscientious objector. Also a statement of the applicant as to whether the applicant consents to the issuance of an order for such work by the applicant’s local Selective Service Board.

Write: N/A (not applicable)

B. Training and Belief

1. A description of the nature of the belief which requires the applicant to seek separation from the Marine Corps or assignment to noncombatant training and duty for reasons of conscience.

First, state whether you are seeking discharge (1-O) or reassignment to non-combatant duties (1-A-O).

This question is asking you to describe YOUR personal beliefs, convictions and values, which now prohibit your personal participation in war (if applying for 1-O discharge) or prohibit you from participating in ALL WAR as a combatant (if applying for 1-A-O noncombatant duty status). Discuss YOUR personal beliefs, convictions and values! Keep quotes to a minimum. Keep your politics out of the application. This is not a philosophical treatise on war and peace. Talk about why you object to YOUR participation in ALL WAR because of your religious, moral or ethical beliefs. Demonstrate why your beliefs are DEEPLY held and SINCERE.
2. An explanation as to how the applicant’s beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.

Explain the beliefs that brought you into the military and why you were not a conscientious objector at the time of joining. Explain how those beliefs changed and developed as you went through training and/or deployed. Highlight any new beliefs acquired once joining the military and the source of those beliefs. Highlight sincerity and the moment when you became a conscientious objector. The moment when you became a conscientious objector is known as the “moment of crystallization.”

3. An explanation as to when these beliefs became incompatible with military service, and why.

Explain, in greater detail, when you became a conscientious objector. Restate your moment of crystallization, and restate why you are a conscientious objector.

4. An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any foreseeable circumstances.

You only have to be opposed to participation in war. That does not mean you would not use force for personal self-defense or for the defense of others. Take time to think through this question carefully as it is common for your commanders to focus on this question. You do not have to be a pacifist, which is a person opposed to all use of violent force. If you do believe in force, think about how that force is different than the force used in war.

5. An explanation as to how the applicant’s daily life style has changed as a result of the applicant’s beliefs, and what future actions are planned to continue to support these beliefs.

Demonstrate how you live out your beliefs as a conscientious objector. What changes have you made in your life? To what causes have you recently committed yourself? State how you plan to continue living out your beliefs, convictions and values in the future as a conscientious objector.

6. An explanation as to what in the applicant’s opinion most conspicuously demonstrates the consistency and depth of beliefs which gave rise to the claim.

What best demonstrates your sincerity and commitment to your beliefs as a conscientious objector? If you are applying for conscientious objector status because of long-held religious and/or moral and ethical beliefs that recently matured and developed, are there actions in the past that show that you have always sought to follow these beliefs? If you are applying for conscientious objector status because of newly-developed religious and/or moral and ethical beliefs, what changes demonstrate that you are strongly committed to these beliefs? In both cases you want to present evidence that suggests your beliefs are deeply held.
C. Participation in Organizations

1. Information as to whether applicant has ever been a member of any military organization or establishment before entering upon the present term of service. If so, the name and address of such organization will be given together with reasons why the applicant became a member.

2. A statement as to whether applicant is a member of a religious sect or organization. If so, the statement will show the following:

If you are applying for conscientious objector status solely based upon moral and ethical training and belief, and not the adherence to a religious sect or organization, then leave this section blank or simply write “I am not a member of a religious sect or organization.”

This is another tricky part to the application process. You may be unsure what to discuss and why you are required to provide such detailed information. Like many people, you may have grown up in a faith tradition, and perhaps you may even be a member of this faith tradition, yet moved away from practicing this faith or find yourself unsure about the each and every teachings of the church. This is okay.

There are two ways to answer the questions in this section. If you are of particular faith, such as Christian, Muslim, Hindu, Jewish, Buddhist, etc., you can simply state the generic term. You don’t have to go into detail about the sect or denomination. If you feel it important to state the sect or denomination, then you should be prepared to discuss the teachings of this denomination or sect in greater detail, and if a member, state why you are a member. Often, it is common for an Investigating Officer to focus on the fact that other members of your denomination, sect, and/or faith tradition participate in the military. Be prepared to discuss why YOU cannot participate in war in any form. It is okay to say something along the lines of, “Yes, I am a member of the Presbyterian Church, and I know many Presbyterian Church members who serve in the military. But, as a conscientious objector I can only talk about why my conscience makes it impossible for me to participate in any war.”

You do not need to be a member of a religious sect that requires you to be a conscientious objector in order to be a conscientious objector within the military. Membership in a religious sect that does not require you to be a conscientious objector does not make you ineligible for conscientious objector status within the military. The regulations clearly state this (See Section 5c. Religious Training and Belief, 3a-b).

Please visit our “Words of Conscience” website at: www.centeronconscience.org/woc. This can be a valuable resource and will provide you with your sect’s or denomination’s statement on war, peace and conscience.
a. The name of the sect, and the name and location of its governing body or head, if known.

b. When, where, and how the applicant became a member of said sect or organization.
c. The name and location of any church, congregation, or meeting which the applicant customarily attends, and the extent of the applicant’s active participation therein.

d. The name, title, and present address of the pastor or leader of such church, congregation, or meeting.

e. A description of the creed or official statements, if any, and if they are known to the applicant, of said religious sect or organization in relation to participation in war.

3. A description of applicant’s relationship with and activities in all organizations with which the applicant is or has been affiliated, other than military, political, or labor organizations.

D. References

Any additional information; e.g., letters, references, official statements, or organizations to which the applicant belongs or refers in the application, that the applicant desires to be considered by the authority reviewing the application. The burden is on the applicant to obtain and forward such information.

It is important to have strong references such as the following: military friends, military comrades, military superiors, friends, family members, religious leaders, teachers, etc. You should request these letters immediately after you have fully developed your conscientious objector beliefs and written your application. You should try to speak directly with those who you will be asking to write supporting statements.

These letters should attest to your sincerity, honesty and character. See APPENDIX C. of this Guide for a sample correspondence that can be provided to those who you have chosen to use as a reference. This sample correspondence is formal and can be provided to superiors. Please edit this sample correspondence as applicable. It is okay to ask those who have written supporting letters/statements to make revisions if a friendly and informal relationship exists. Do not draft a letter of support for others to simply sign. Those who write letters of support should write their own letters.

HAVE THE LETTERS SENT TO YOU, rather than directly to your commanding officer. If you are unable to submit them with your written application, you may submit them to the case record at a later date. If you find that a statement is not helpful in supporting your claim, it does not need to be submitted. A qualified CO counselor should review all letters of support before you submit them.
Once you have finalized your application, and have received feedback from a qualified CO counseling organization such as the Center on Conscience & War, the following items, in the following order, need to be compiled so that they can be directly submitted to your commanding officer.

- 1.) Completed Memorandum of Petition for Conscientious Objector Status
  - See Appendix C of this Guide

- 2.) Completed Summary Sheet for Review of Conscientious Objector Application
  - See MCO 1306.16E, Enclosure 3, pg. 1

- 3.) Completed and Reviewed Conscientious Objector Application
  - Submit letters of support, if reviewed and in your possession.
    - If these letters are not in your possession, they can be submitted at any time prior to your Investigating Officer hearing or at this hearing. This hearing will be described later.

- 4.) Copy of Privacy Act Statement
  - See MCO 1306.16E, Enclosure 4, pg. 1

- 5.) Copy of Counseling Concerning Veterans Administration Benefits
  - See MCO 1306.16E, Enclosure 5, pg. 1

- 6.) Copy of MCO 1306.16E

Before submitting these documents you need to make 4 copies of the documents listed above, for a total of five complete copies. You will need the other four complete copies as you progress through the CO application process. Take time to read over your completed CO application multiple times to ensure everything is enclosed. Your commanding officer has an “open-door” policy, and from this point forward, all documents need to be submitted directly to him or her in a labeled folder (name, rank, social security number, date submitted). There are no excuses for not submitting documents in an organized manner. All documents go directly to your commanding officer.
SUBMITTING YOUR CONSCIENTIOUS OBJECTOR APPLICATION AND OTHER DOCUMENTATION

- One of the five packets described above needs to be submitted directly to your commanding officer in a labeled folder (name, rank, social security number, date submitted). Again, there are no excuses for not submitting documents in an organized manner. Upon submitting the folder, you need to politely inform your commanding officer that you are a conscientious objector and are officially filing a CO application. Inform your commanding officer that you have written a memorandum, which has been placed at the front of the folder. The purpose of this memorandum is to outline the immediate future steps required by the Marine Corps Regulations.

  - Be prepared to politely and calmly discuss your beliefs in-depth with your commanding officer. Inform your commanding officer that you want to make this process easier for him/her, as reflected by the folder you provided, and that you are willing to assist in any way possible to ensure that the processing of the application progresses quickly. Remember: always thank your commanding officer for his/her time. The reality is they would rather not have more paperwork to process, especially paperwork that directly challenges their chosen profession. Also, be prepared for your commanding officer to initially ignore your request. Be persistent.

  - Be prepared to politely and calmly discuss your beliefs with all immediate supervisors and those in your unit. Often the word that you applied for conscientious objector status travels quickly. Reactions will vary from anger to curiosity. Talk about what you believe as a conscientious objector. In some cases, your superiors will be interested in testing your beliefs as a conscientious objector by giving you an order that they believe a conscientious objector should refuse. Be prepared. This will be discussed in greater detail.

  - If you would like to add any additional statements to your application or clarify any discussions that you may have engaged in with your commanding officer, you can submit them directly to him/her. Additional statements may also be given to your Investigating Officer once one is assigned for you.
THE PROCESSING OF YOUR CONSCIENTIOUS OBJECTOR CLAIM:

MINIMIZING BLOWBACK

• As mentioned above, your superiors may be interested in testing your beliefs as a conscientious objector. You should carry a signed copy of Memorandum on Duty Assignment on your person at all times in the event you are given an order which is in violation of your conscience (See Appendix D. of this Guide). This will assist you in refusing an order which violates your conscience. You should only use this Memorandum when given a direct order which conflicts with your beliefs as a conscientious objector.

• What constitutes a conflicting order varies for each conscientious objector. It may include, although is not limited to, weapons training, guard duty with a loaded weapon and/or range detail. Before presenting this Memorandum, make a polite and calm statement on why a given order violates your conscience. If the superior persist, you should present the individual giving the order with the Memorandum on Duty Assignment and immediately request to see an officer from legal. Often the individual giving the order will back-down and/or send you to see a legal officer (JAG officer). If this is not the case, you may have to decide how to comply with the order without violating your conscience (not taking a weapon, not loading your weapon, not chambering a round). If you do not comply with the order, although go through the motions, it is important to inform your fellow Marines if your actions may possibly place their lives in jeopardy. If you decide to disobey an order that is in violation of your beliefs as a conscientious objector, the rare possibility exists that you will be court-martialed.

• During this period you may face harassment and ridicule. If this is the case and you feel you are unable to handle such harassment and ridicule, you should immediately seek legal counsel through JAG (Judge Advocate Corp) and/or call the confidential GI Rights Hotline (1-877-447-4487).

• It is important to know that if you decide to go UA (unauthorized absence) during this process, your CO application will continue to be processed. If you are granted CO status, you will not be discharged until disciplinary action related to your absence has been resolved. If you decide to go UA during the process, call the GI Rights Hotline (1-877-447-4487).

• If you find a job within your unit that does not violate your convictions as a conscientious objector, you may want to bring it to the attention of your chain of command. This could allow you to do constructive work while your conscientious objector application is processed. It could also potentially dispel tension between you and your chain-of-command as well as allow you to engage with other Marines. NO chain-of-command, especially a CoC that feels as if it is pushing through “special” paperwork on your behalf, wishes to have you sit around for an extended period. Before volunteering for a job, call the Center on Conscience & War or other qualified CO counseling organization, to discuss any possible implications of taking on a certain job.
• At this point, it is important to try to identify allies within the military who are of influential rank. Allies may disagree with your beliefs as a conscientious objector but respect the fact that you are standing up for your beliefs, or are interested in ensuring that the Marine Corps orders on conscientious objection are properly followed. This is not always possible. Keep looking for allies throughout the process.

THE INTERVIEWS

• Upon submitting your application, you should give your commanding officer and immediate chain-of-command time to understand the regulations that govern conscientious objection. Most likely, they have never read the regulation. Often he/she will meet with a legal officer to better understand the regulation.

• Soon after submitting your application, you will be assigned an interview with a military chaplain, as well as an interview with a military psychiatrist. These interviews are arranged by your chain-of-command. You should also be assigned an Investigating Officer. If an interview with a military chaplain and a military psychiatrist are not scheduled within 2 weeks of submitting your claim, you need to approach your commanding officer and submit the Memorandum on Processing a Conscientious Objector claim (See Appendix E. of this Guide.) If you have yet to be interviewed by a chaplain and a psychiatrist after a 1 month period, you should resubmit the memorandum and send a copy to both your Member of Congress and Senators.

• The chaplain interview is to determine the nature and basis of your claim, as well as your sincerity and depth of your convictions. It is best to prepare for this interview through re-reading your CO application and to prepare to discuss what YOU believe as a conscientious objector. Often, chaplains will wish to impress you with their theological knowledge and seek to debate the merits of YOUR beliefs. Before beginning the interview, you should provide them with a copy of your application and a copy of MCO 1306.16E opened to Page 4, 6. Procedures. Although you should attempt to answer the chaplain’s questions in detail, be prepared to say something along the lines of, “I understand you feel that way, but unfortunately what I believe is…” or “I understand why you believe that way, but what I believe is…” Listen to what they have to say, but be sure to confidently let them know what you believe. Don’t debate (unless you want to!). Be honest and real. Be patient and thoughtful. Be aware that your conversation with the chaplain is not confidential. Following the interview you should request to receive a copy of his/her report. They do not have to comply with this request, but they often do. The chaplain report is solely on 1.) The nature and basis of your belief, and 2.) The sincerity and depth of your conviction. The chaplin must provide specific reasons for his or her conclusions. The chaplain’s report goes directly to your commanding officer.

• The psychiatrist/clinical psychologist interview is simply to determine the absence or presence of mental illness that would warrant a medical discharge. Answer these questions with honesty, although be aware the any information given to the psychiatrist is NOT confident. The role of the psychiatrist/clinical
psychologist is very different from the role of the chaplain. They should ask very few, if any, questions about your beliefs as a conscientious objector. Before beginning the interview, you should provide him or her with a copy of your application and a copy of MCO 1306.16E opened to Page 4, 6. Procedures. Following the interview you should request to receive a copy of his/her report. They do not have to comply with this request, but they often do. The psychiatrist’s report goes directly to your commanding officer.

- If you are not assigned an Investigating Officer within four weeks of submitting your application, please submit a memorandum requesting to be assigned an Investigating Officer. You can develop this memorandum through editing Appendix E of this Guide.

- Once you are assigned an Investigating Officer (IO), the IO may investigate your claim by such means as contacting family, friends, and members of your unit prior to the hearing. This is common.

THE HEARING

- Following your chaplain and psychiatrist/clinical psychologist interview, you will wait for your hearing with your assigned Investigating Officer. In order to prepare for this hearing you should re-read your conscientious objector application on a daily basis, challenging yourself mentally through such activities as reading and engaging in conversation. Also be familiar with, “The Guide for Conscientious Objectors in the Military”, written by Bill Galvin from the Center on Conscience & War.

- NEVER waive your right to a hearing with an Investigating Officer. The IO hearing is your opportunity to present additional evidence to support your claim and create a record of your beliefs and convictions as a conscientious objector.

- It is extremely important to read over, “Guide to the Investigating Officer, “found in MCO 1306.16E, Enclosure 7. This is a very simple and clear document that will give you an idea of how the hearing is to proceed.

- The Investigating Officer hearing is considered an informal hearing although all statements are given under oath.

- At times you may be given little or no advanced warning about your IO hearing. You should always be prepared for this hearing. If you are given no advanced warning about your IO hearing, you can always ask for an extension, although be aware that the military determines the length of such an extension. If you plan on having witnesses or counsel at your IO hearing you need to submit a Memorandum on Witnesses and/or Counsel at IO Hearing (Appendix F of this Guide) to your commanding officer as soon as
you decide that you would like to have witnesses or counsel present. This will inform your commanding officer of your intentions to have counsel and/or witnesses present. Your commanding officer will pass this information onto your Investigating Officer.

- It is important that you adequately prepare for your IO hearing. This hearing is an opportunity to share your beliefs and convictions with your assigned Investigating Officer. Bring your CO application, any revised statements that you would like to present as further evidence of your belief, letters of support and an updated timeline of the process. These documents should be presented to your IO before the hearing begins. Simply state, “I wish to add these documents to the record of the case.” Place Memorandum on Submitting Additional Documents to the Case Record, (See Appendix G. of this Guide) on top of any submitted documents at the IO hearing. You should also bring paper and a pen to take notes. This is not an adversarial hearing. Think of the hearing as an interview, and not as a trial.

- Decide whether you want to have a verbatim record of the IO hearing. A verbatim record of the hearing is not required. MCO 1306.16E is unclear and open to interpretation in regards to how to produce a verbatim record of the hearing. Interpretation depends upon your Investigating Officer. If you intend to have a verbatim record of the hearing then you will need to hire a stenographer (or court reporter) for the hearing and submit a Memorandum on a Verbatim Record of the Hearing (See Appendix H of this Guide) in order to receive further clarification. In accordance with the regulation (See MCO 1306.16E, Guide to the Investigating Officer, Paragraph 4g), if you elect NOT to have a verbatim record of the hearing, then immediately following the hearing, you will be able to review a summary of the hearing with the Investigating Officer.

- You may bring your own counsel or an attorney to the IO hearing. The advantage to having counsel present is that counsel can take notes and serve as a witness. Counsel will also be able to assist in writing up a summary of the hearing as well as a rebuttal if necessary. The disadvantage of having counsel present is that the IO may assume that counsel was heavily involved in writing your application and coaching you on the “right” answers. Although in almost all cases this is false, and in ALL cases should be false, the IO is entitled to hold his/her own opinions.

- After your IO hearing, wait for the Investigating Officer to write up his/her report. He/she will make a recommendation for either approval or denial of your application, as well as a summary of the hearing. He/she will then provide you with the entire case record.
THE REBUTTAL

- Whether the IO makes a favorable recommendation for approval or an unfavorable recommendation for denial, you should never waive your right to a rebuttal. In extremely rare cases, it may not be necessary to offer a rebuttal.

- Upon receiving the IO report and the entire case record, you have 7 days to offer a rebuttal. Your rebuttal needs to be submitted directly to your commanding officer. Examine your case record in its entirety to ensure all documents are enclosed. You do not want the case record to move forward with any missing documents such as letters of support or additional statements. Remember to continue to keep a detailed journal of all events.

- At this time, make another five copies of the entire case record. Copies of the entire case record should be sent to your Member of Congress and Senators, as well as a qualified CO counseling organization.

- Once you submit your rebuttal, your commanding officer will make a recommendation for approval or denial. Once your commanding officer makes a recommendation, your entire case record will then move to legal for review***. Once reviewed by JAG (legal), the entire case record will move up the chain-of-command to the base commander. At each level a recommendation will be made. Once the base commander makes a recommendation, you will again have a 7 day period to offer a rebuttal to any additional documents added to the case record since your initial rebuttal.

***If applying for 1-A-O status, your commanding officer will reassign you to non-combatant duties for the remainder of your time in service if your Investigating Officer makes a favorable recommendation. Your CO application will not move up the CoC unless you are applying for discharge.

THE FINAL DECISION

- After you submit your second rebuttal, the entire case record will move to the Commandant of the Marine Corps (CMC) who makes the final decision whether to approve or deny your conscientious objector claim. A review board will also examine your case at this level.

- If the CMC denies your claim you should immediately contact a qualified CO counseling organization, such as the Center on Conscience & War (1-800-379-2679) in order to determine how best to proceed.
• If the CMC approves your claim then you commanding officer will write a memorandum of discharge and you will proceed with out-processing. The nature of the discharge should reflect your service record. If you have a clean service record you should receive an honorable discharge. If your commanding officer does not write a memorandum stating that you are to receive an honorable discharge, you need to immediately meet with him or her and inquire as to what in your service record suggests anything but honorable service. MCO 1306.16E, Section 7, Paragraph a. states, “The type discharge issued will be based on the applicant’s service record…” If you need further assistance, call the GI Rights Hotline (1-877-447-4487) or immediately meet with JAG.

• Remember, if your claim is denied, you should immediately contact a qualified CO counseling organization. Depending on the circumstances of your case, it may be possible for your CO claim to move to the Federal Courts.
APPENDIX A: UNMARKED CONSCIENTIOUS OBJECTOR APPLICATION.
COPY AND PASTE INTO BLANK DOCUMENT. PROPERLY ANSWER ALL QUESTIONS.

REQUIRED INFORMATION TO BE SUPPLIED BY APPLICANTS FOR DISCHARGE OR NONCOMBATANT SERVICE.

A. General Information Concerning Applicant.

1. Full name

2. Social security number

3. Selective service number (if applicable)

4. Service address

5. Permanent home address

6. Name and address of each school and college attended (after age 16) together with the dates of attendance and the type of school (public, church, military, commercial, etc.).

7. A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college (after age 16), whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the from/to date for each position or job held.

8. All former addresses (after age 16) and dates of residence at those addresses.

9. Parent’s names and address. Indicate whether they are living or deceased.

10. The religious denomination or sect of both parents.

11. Was application made to the Selective Service System (local board) for classification as conscientious objector prior to entry into the Marine Corps? To which local board? What decision was made by the board, if known? If application was not made, explain why not.

12. When the applicant has served less than 180 days in the military service, a statement by the applicant as to whether the applicant is willing to perform work under the Selective Service System civilian work program for conscientious objector. Also a statement of the applicant as to whether the applicant consents to the issuance of an order for such work by the applicant’s local Selective Service Board.
B. Training and Belief

1. A description of the nature of the belief which requires the applicant to seek separation from the Marine Corps or assignment to noncombatant training and duty for reasons of conscience.

2. An explanation as to how the applicant’s beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.

3. An explanation as to when these beliefs became incompatible with military service, and why.

4. An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any foreseeable circumstances.

5. An explanation as to how the applicant’s daily life style has changed as a result of the applicant’s beliefs, and what future actions are planned to continue to support these beliefs.

6. An explanation as to what in the applicant’s opinion most conspicuously demonstrates the consistency and depth of beliefs which gave rise to the claim.

C. Participation in Organizations

1. Information as to whether applicant has ever been a member of any military organization or establishment before entering upon the present term of service. If so, the name and address of such organization will be given together with reasons why the applicant became a member.

2. A statement as to whether applicant is a member of a religious sect or organization. If so, the statement will show the following:

   a. The name of the sect, and the name and location of its governing body or head, if known.

   b. When, where, and how the applicant became a member of said sect or organization.
c. The name and location of any church, congregation, or meeting which the applicant customarily attends, and the extent of the applicant’s active participation therein.

d. The name, title, and present address of the pastor or leader of such church, congregation, or meeting.

e. A description of the creed or official statements, if any, and if they are known to the applicant, of said religious sect or organization in relation to participation in war.

3. A description of applicant’s relationship with and activities in all organizations with which the applicant is or has been affiliated, other than military, political, or labor organizations.

D. References

Any additional information; e.g., letters, references, official statements, or organizations to which the applicant belongs or refers in the application, that the applicant desires to be considered by the authority reviewing the application. The burden is on the applicant to obtain and forward such information.
APPENDIX B: SAMPLE CORRESPONDANCE FOR SUPPORTING LETTERS/STATEMENTS.
COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: __________

MEMORANDUM FOR: (name of reference)

SUBJECT: Supporting Statements for Conscientious Objector (last name, first name, middle initial & rank, branch)

Dear (name of reference),

I, (state your name), am respectfully requesting a personal statement/letter in regards to the sincerity of my convictions as a conscientious objector. As a conscientious objector, I object to my participation in all war because (write a succinct statement about what you believe). I believe that from our discussion (s) that you can personally attest to my sincerity, honesty and upstanding character.

I understand that you may disagree with my beliefs as a conscientious objector, and I acknowledge that when I joined the Marines, I would have disagreed with those who held CO beliefs, but I strongly believe that your input will be valuable in supporting my conscientious objector claim.

The letter I am requesting will complement my written application and strengthen my claim. Your letter should be addressed to the “Command Officer of (state your name).” Your supporting statement should open with an introduction of yourself, and if in the military or a veteran, please clearly state. Your statement should also briefly address our relationship. Your supporting statement should attest to all, and any, of the following: my sincerity, honesty, character and the moment when my beliefs “crystallized” as a conscientious objector, and if applicable, a discussion of my personal life experiences, our conversations, and those times in my life which may have contributed to the maturing of my beliefs.

Your letter should be dated, signed and all contact information should be provided in the event that the individual who will investigate my claim would like to contact you.

I respectfully request this supporting statement to be sent directly to me on or before: (date)

My address is as follows:
Thank you for your time in advance. Please do not hesitate to contact me with further questions. My contact information is below.

(Very respectfully, Sincerely, ATW…)

(NAME, RANK, BRANCH)
(CONTACT INFORMATION)
APPENDIX C: MEMORANDUM OF PETITION FOR CONSCIENTIOUS OBJECTOR STATUS.
COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: __________

MEMORANDUM FOR: (name of commanding officer)
CC: Congressional Representative (name of Member of Congress)
CC: Senators (name of Senators)

SUBJECT: Petition for Conscientious Objector Status

Dear Sir/ Ma’am—

I, (full name, rank), am a conscientious objector to war. Due to my convictions as a conscientious objector, I officially submit my conscientious objector application, and other relevant documents as required by Marine Corps Order 1306.16E. Within the folder you will find the following documents:

1.) Completed Summary Sheet for Review of Conscientious Objector Application
   ▪ See MCO 1306.16E, Enclosure 3, pg. 1
2.) Completed Conscientious Objector Application
3.) Privacy Act Statement
   ▪ See MCO 1306.16E, Enclosure 4, pg. 1
4.) Copy of Counseling Concerning Veterans Administration Benefits
   ▪ See MCO 1306.16E, Enclosure 5, pg. 1
5.) Copy of MCO 1306.16E, Subject: Conscientious Objection.

I respectfully request that I be assigned to duties within the command which conflict as little as possible with my asserted beliefs as a conscientious objector in accordance with MCO 1306.16E (See Section 6, Procedures, Paragraph 2j) and to duties that do not place my comrades in danger due to my conscientious objectors beliefs. I will not fire my weapon at another human being.

I also request that I immediately sign Enclosure 4, Privacy Act Statement, and Enclosure 5, Counseling Concerning Veterans Administration Benefits so that they may be added to the official record (See Section 6, Procedures, a-b). For your convenience, blank copies of both are enclosed within this folder.

In accordance with MCO 1306.16E, I request at your earliest convenience, to meet with a chaplain, a psychiatrist, and to be assigned an Investigating Officer (See Section 6, Procedures, c-d).

Very respectfully,

(full name & rank)
APPENDIX D: MEMORANDUM REQUESTING APPROPRIATE DUTY ASSIGNMENT. COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT. ALWAYS KEEP COPY ON PERSON.

DATE: ____________

MEMORANDUM FOR: (name of commanding officer)

SUBJECT: Request for Redress Under MCO 1306.16E, Page 6, Procedures, Section J

Dear Sir/Ma’am--

I, (full name, rank), am a conscientious objector to war. Due to my convictions and beliefs as a conscientious objector, I officially submitted my conscientious objector application on (date). I am thankful that my beliefs as a conscientious objector have been respected in accordance with MCO 1306.16E, Page 6, Procedures, Section J, which states:

“Until a final decision is made by the CMC (MM) every reasonable effort will be made to assign applicants to duties with the command which conflict as little as possible with their asserted beliefs.”

I respectfully request that the above provision is honored, and I continue to be assigned duties which do not conflict with my beliefs as a conscientious objector. If this cannot be honored, I immediately request to meet with a legal officer to get further clarification on the above procedure.

I fully acknowledge that this process may at times be challenging for you as well as my immediate chain-of-command. I understand that people may fundamentally disagree with my beliefs, but my beliefs are sincere and deeply held.

Very respectfully,

(full name & rank)
APPENDIX E: MEMORANDUM ON PROCESSING A CONSCIENTIOUS OBJECTOR CLAIM
COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: ____________

MEMORANDUM FOR: (name of commanding officer)

SUBJECT: Chaplain Interview, Psychiatrist Interview & Assigned Investigating Officer.

Dear Sir/ Ma’am —

I, (full name, rank), am a conscientious objector to war. Due to my convictions and beliefs as a conscientious objector, I officially submitted my conscientious objector application on (date). It has been over two weeks since submitting my application and I respectfully request the following actions to be taken in accordance with MCO 1306.16E.

1.) To be interviewed by a Chaplain (See Section 6, Procedures, c-d)
2.) To be interviewed by a Psychiatrist (See Section 6, Procedures, c-d)
3.) To be assigned an Investigating Officer (See Section 6, Procedures, c-d)

Thank you for looking into this matter. If I can be of any assistance in proceeding please let me know.

Very respectfully,

(full name & rank)

URL: www.centeronconscience.org   Toll-Free: 1-800-379-2679   E-mail: ccw@centeronconscience.org
APPENDIX F: MEMORANDUM REQUESTING AN INVESTIGATING OFFICER.
COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: __________

MEMORANDUM FOR: (name of commanding officer)

SUBJECT: Requesting to be Assigned an Investigating Officer.

Dear Sir/ Ma’am —

I, (full name, rank), am a conscientious objector to war. Due to my convictions and beliefs as a conscientious objector, I officially submitted my conscientious objector application on (date). On (date) I conducted my Chaplain’s interview, and on (date) I conducted an interview with a military psychiatrist. It has been over four weeks since submitting my application and I respectfully request the following action to be taken in accordance with MCO 1306.16E.

1.) To be assigned an Investigating Officer (See Page 5, 6. Procedures).

Thank you for looking into this matter. If I can be of any assistance in proceeding please let me know.

Very respectfully,

(full name & rank)
MEMORANDUM FOR: (name of commanding officer)

SUBJECT: Having Witnesses and/or Counsel Present at IO Hearing

Dear Sir/ Ma’am —

I, (full name, rank), am a conscientious objector to war. Due to my convictions and beliefs as a conscientious objector, I officially submitted my conscientious objector application on (date). In accordance with MCO 1306.16E, Guide to the Investigating Officer, Section 4a. & 4f. I will have counsel and/or witnesses present at my IO hearing. The counsel and/or witnesses will be as follows:

1.) Full Name, Contact Information
2.) Full Name, Contact Information…

I respectfully request to be informed of my IO hearing date so the above counsel and or/witnesses may be present. Thank you.

Very respectfully,

(full name & rank)
APPENDIX H: MEMORANDUM ON A VERBATIM RECORD OF THE HEARING
COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: ____________

MEMORANDUM FOR: (name of Investigating Officer)

SUBJECT: Memorandum on a Verbatim Record of the Hearing

Dear Sir/ Ma’am —

In accordance with MCO 1306.16E, Guide to the Investigating Officer, Paragraph 4g, I wish to have a verbatim record of the hearing produced. This will be helpful to me and I am sure it will also be helpful to you as well. I have hired a transcriptionist at my own expense. Unfortunately, transcriptionists record hearings in shorthand, which is then written out in long-hand. This takes time. The turn-around time is (number of days/weeks). Given the turn-around time, will you accept this verbatim record? If this is unacceptable, then I request guidance on how to proceed.

Very respectfully,

(full name & rank)
APPENDIX I: MEMORANDUM ON SUBMITTING ADDITIONAL DOCUMENTS TO THE CASE RECORD. COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: ____________

MEMORANDUM FOR: (name of Investigating Officer)

SUBJECT: Submitting Additional Documents to the Case Record

Dear Sir/ Ma’am —

I, (full name, rank), am a conscientious objector to war. In accordance with MCO 1306.16E, Guide to the Investigating Officer, Section 4, I wish to submit the following documents in order to create comprehensive case record. Section 4 states:

“The Investigating Officer will conduct a hearing on the application. The purpose of the hearing is to afford the applicant an opportunity to present any evidence desired in support of the application…”

Very respectfully,

(full name & rank)

URL: www.centeronconscience.org    Toll-Free: 1-800-379-2679    E-mail: ccw@centeronconscience.org
APPENDIX J: MEMORANDUM OF REBUTTAL TO THE FINDINGS OF THE INVESTIGATING OFFICER. COPY AND PASTE INTO BLANK DOCUMENT. BE SURE TO EDIT.

DATE: ___________

MEMORANDUM FOR: (name of commanding officer)

SUBJECT: A Rebuttal to the Findings of the Investigating Officer

The required submission date of my rebuttal is: (date)

I, (full name & rank), rebut the following findings found in the Investigating Officer’s report and/or case record.

(If the IO report is in your favor, note your agreement. If the IO report is not in your favor, state clearly that you are a conscientious objector and are disappointed by the findings.)

I offer a rebuttal to the following points in order to correct the case record. For clarity, I have quoted directly from the IO Report and/or case record (italicized), which is immediately followed by the point(s) that I wish to rebut.

Very respectfully,

(full name & rank)
About the Author:

Andrew Gorby was honorably discharged from the U.S. Army as a conscientious objector in April of 2007. He had been commissioned as a second lieutenant of Infantry through ROTC in May 2006 by Brigadier General Jim Huggins. At the University of Richmond, he participated in ROTC during his junior and senior years where he was the top scoring cadet on the physical fitness test and the captain of the Ranger Challenge team. He received a B.A. degree with major in psychology and a minor in religion. Aside from academics and ROTC, he also ran on University’s of Richmond’s Division I cross-country team his first two years of college and spent many hours volunteering in underprivileged communities.

Upon commissioning, Andrew was stationed at Ft. Benning, GA where he graduated from Basic Officer Leadership Course (BOLC) as well as the Infantry Officer Basic Course (IBOLC). In BOLC, he was ranked first in his squad and third within his platoon. His successes at IOBC placed him second on the order-of-merit list to attend Ranger School. During his second week at Ranger School, after sitting through a class on setting up an ambush, he stood before his squad, after consulting with a close friend and prior-service Iraq veteran from BOLC & IOBC, and announced, “I don’t believe in what I am doing here. Best of luck.” In the opening to his CO application he wrote, “My personal convictions on killing and war stem from a deeply held belief that in life we are called to serve others as called by the Spirit. In the capacity of an officer in the United States Army, I can no longer serve God, country and humanity.”

Since being discharged, Andrew has been involved with the Center on Conscience & War, where he is a CO counselor, is a GI Rights Hotline counselor, works on the Military Conscientious Objector Act (MCOA), co-presents at workshops on conscientious objection and the military at such events as Ecumenical Advocacy Days and Iraq Christian Peace Witness, and has played an integral role in developing the Center’s website. He has appeared as a guest on National Fox News Weekend Live where he debated Military Analyst Major General Bob Scales (Ret.); developed, organized and staffed a GI Rights table for servicemembers and veterans at the Iraq Veteran’s Against the War Winter Soldier hearings; participated in an inaugural delegation to Bogota and Medellin, Colombia, where he learned and exchanged ideas and information on the state of conscientious objection within the U.S. and Colombia; and conducted a GI Advocacy training for the IVAW “2008 State of the Union Bus Tour.”

Andrew currently resides in Washington, D.C., with his wife, Ashley. They are “attenders” at Friends Meeting of Washington. In his free time he enjoys volunteering at the Washington Animal Rescue League, training for triathlons, and day-dreaming about a self-sustaining farm. He does not consider himself to be a peace activist or pacifist, but a conscientious objector to the killing, violence and destruction of war. He welcomes comments and inquiries at his personal address: objector.to.war@gmail.com.
About the Center on Conscience & War:

The Center on Conscience & War (CCW) works to defend and extend the rights of ALL conscientious objectors. The Center is committed to supporting all those who question participation in war, whether they are U.S. citizens, permanent residents, documented or undocumented immigrants, or citizens of other countries.