

Conscientious Objection

Although the United States has not imposed conscription since 1973, the government can still legally do so. Currently, all male U.S. residents and citizens must register with the Selective Service, upon turning eighteen, providing a record that can be used in future drafts. However, exemptions can be made for those found physically unfit for combat or those who are found to be “conscientious objectors” to war and morally opposed to combat. Those exempted may serve in roles that do not require using weapons (such as providing medical aid) or participate in other forms of national service such as “conservation, caring for the very young or very old, education, [or] healthcare.”¹ Those who object to even these forms of service can face time in prison.

Throughout U.S. history, the requirements for having one’s “conscientious objector” status recognized have varied.² Since the beginning of military service in local militias, exemptions were provided for those who were members of certain churches that obligated pacifism, such as the Mennonites, Amish, Quakers, and the Church of the Brethren. Although members of non-Christian religions that prohibit participation in combat were also exempted from conscription, potential objectors still had to carefully describe the creed or official statements of their religion, sect, or organization that prohibited participation in combat.

Stephen Carey, born in Philadelphia in 1915 to a Quaker family, received a draft notice in 1942, in the midst of World War II. He claimed and obtained conscientious objector status because of his religious beliefs, and served in civilian work camps throughout the war.

In 1970, during the Vietnam War, the Supreme Court significantly expanded the number of people who could legally be exempted from military service. In *Welsh v. United States*, the Court ruled that the defendant, Welsh, who had refused to be inducted into the military because he opposed all actions in which people killed others – including war – could be exempt from military service for purely secular reasons. Non-religious conscientious objectors could be recognized as long as their moral views were “held with the same strength of traditional religious convictions.” A second Supreme Court case in 1971, *Gillette v. United States*, established limits to the liberalized conscientious objector status laws.³ That decision affirmed that exemption from military service could be granted for secular reasons but could not be granted to those whose objections were based solely on their perceived “justness” of the war in question.

Stephen Carey would probably have agreed with the finding in *Welsh*, but he may have taken issue with the finding in *Gillette*. “I have no illusions that my pacifist views are going to prevail, none at all,” Carey said. “But every great change in expanding the dimensions of human freedom has come from very small original beginnings: somebody said no.”

STUDY QUESTIONS

1. Under what circumstances, if any, should someone be able to object to military service?
2. Can one legitimately object to serving in a “just war”? How would a “just war” be defined?

¹ <http://www.sss.gov/FSconsobj.htm>

² <http://www.swarthmore.edu/library/peace/conscientiousobjection/co%20website/pages/HistoryNew.htm>

³ <http://supreme.justia.com/cases/federal/us/401/437/>