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**Conscription**  
AND THE  
**“Conscientious Objector”**  
**to War**

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**FACTS REGARDING EXEMPTIONS FROM MILITARY  
SERVICE UNDER THE CONSCRIPTION ACT**

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Society of Friends (Quakers)	Local, in and about New York
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## CONSCRIPTION AND THE "CONSCIENTIOUS OBJECTOR" TO WAR

Liberty of conscience is essentially an Anglo-Saxon tradition for which our ancestors fought and died, and for which thousands emigrated to America. Indeed liberty of conscience is so essential a feature of our traditional liberties, that of 36 states whose constitutions or statutes provide for drafting men for military service, 30 of them specifically exempt from bearing arms those who have conscientious scruples against it. A reference to these states will be found on page 10.

The American Union Against Militarism and other organizations made every effort to get Congress to include a liberal provision in the conscription act covering conscientious objectors, similar to that in the British act, and permitting men opposed to participation in war to accept other forms of service if they desire. The efforts were not successful, chiefly because the War Department opposed any other provision than one covering "members of well-recognized sects." The Department decided not to recognize individual conscience—and conscience is nothing if it is not individual—fearing that such recognition would leave the doors too wide open to slackers, and because individual conscience would be difficult for the local boards to determine.

Under the Conscription Act certain classes of men of military age (21 to 30 inclusive) may be exempted from service. Among these are members of "well-recognized religious sects or organizations whose creed or principles are opposed to participation in war." While this definition, if rigidly interpreted, applies only to Quakers and similar sects, it at least offers opportunity to all "conscientious objectors," whether opposed to participation in war on religious, on humanitarian or on economic grounds, to state their cases before the local boards dealing with exemption even though their prospects for exemption seem slight.

In order that men of military age may state their cases with a full knowledge of the facts, this pamphlet is prepared and distributed. Legal aid and advice to conscientious objectors is being organized throughout the United States. Full particulars follow:

### THE PROVISIONS OF THE CONSCRIPTION ACT RELATING TO EXEMPTIONS.

The act passed by Congress and approved by the President May 18, 1917, providing for raising an army of 1,000,000 men by the "selective draft," permits exemption from military service for certain groups of men.

In this connection the essential facts are:

1st. The act provides for raising at once an army of 500,000 men between the ages of 21 and 30 years both inclusive and for an additional army later of 500,000 more between the same ages.

2d. All men in the United States who have reached their 21st birthday by June 5, and who have not yet reached their 31st

birthday on that day, are required to register at the places fixed by the authorities. Absentees and persons who are ill may register by mail, and their blanks must be delivered to the authorities on that day. (Ask your Congressman for a copy of the draft act and the regulations of the War Department.) A copy of the registration blank appears on page 11. The clerks at the registration places will fill out the blanks, putting down the answers as given. Each man registering will sign his own name, and will receive a certificate showing that he has registered.

3d. The act provides three kinds of exemption—absolute, non-combatant and conditional.

(1) Those who are entirely exempt under the act are the officers of the United States and of the several States and Territories; regular or duly ordained ministers of religion; students now in recognized theological or divinity schools; and persons now in the military and naval service of the United States.

(3) Those who *may* be altogether exempted by the President or assigned by him to "partial military service" (a phrase which the War Department is not yet prepared to define) under regulations prescribed by him are:

(a) County and municipal officials.

(b) Customhouse clerks; persons employed in mail service; men employed in armories, arsenals and navy yards; other classes of federal employes to be specifically named by the President.

(c) Pilots; mariners "actually employed in the sea service of any citizen or merchant within the United States."

(d) Persons "engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency."

(e) Those "in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable."

(5) Those "found to be physically or morally deficient."

4th. All males of military age, regardless of the exemption provisions of the act, must register on June 5, or be liable to arrest and trial in a Federal District Court, under penalty of imprisonment for not more than a year, official registration and subsequent liability to military service.

5th. Those who claim exemption on their registration blanks will be notified to appear before either the local or the district boards established throughout the United States. The *local* boards are to be established one in each county or similar sub-division of a state and one for every 30,000 population in cities. These boards, composed of three or more citizens of the district "none of whom shall be connected with the military establishment," will be

appointed by the President "from among the local authorities or from citizens residing in the sub-division." *These boards will hear every claim for exemption except those made under clause (d) above, (namely persons "engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency.")*

This latter group of claims for exemption will be heard before the *district boards*, appointed one in each federal judicial district in the same manner as the local boards. These district boards will have not only original jurisdiction over this class of cases, but the right to hear all appeals from the local boards.

The decision of the district boards in all cases is final, except that an appeal may be taken to the President of the United States under rules and regulations which will be announced later. (Any and all rules may be modified from time to time. All persons who are on our mailing-list will be notified of changes as soon as they are announced.)

### HOW THE LAW WILL OPERATE

As far as can be now determined the operation of the law in the case of applicants for exemption will probably be as follows:

1st. Those who refuse or fail to register will be subject to arrest and conviction in the Federal District Courts and to the penalties provided in the act—imprisonment for not more than a year, forcible registration and liability to military service. It is possible that in many cases the Court would convict a man, suspend sentence, and forcibly register him, thus bringing him under military authority without actually serving a sentence under the civil law. Or he might serve a day or short period in prison and then be registered under military law.

2d. Those who register and claim exemption specifically on any of the grounds set forth in the act will be notified to appear before a local or district board, as the case may be, to present their claims. Conscientious objectors who are not members of "well-recognized religious sects," and yet who are opposed to participating in war, also have the right to state their claims to exemption on the registration blank and to a hearing before the board. *The authorities in charge of registration have no right to refuse to accept a blank because in their judgment the claim is not valid. Only the exemption boards may determine that.*

3d. Those who fail to get an exemption, either before the local board or on appeal, will be notified to take the physical examination for the army. Those who refuse to take the examination are under military authority, and are liable to court-martial and imprisonment. Those who take the examination and are found to be physically qualified will be put on the eligible list, subject to the selective draft.

The War Department is not prepared to announce what the subsequent procedure will be. It has been suggested that the

jury wheel may be resorted to for the selective draft. One out of each fifteen eligibles will be chosen.

Those who refuse to serve if drafted are under military authority and are subject to court-martial and any penalty it may order.

Much depends upon the attitude of the administration in the enforcement of the conscription act. The present indications are that its provisions will be liberally construed and that no unnecessary hardships will be inflicted upon real conscientious objectors, even though they may not be covered by the exact letter of the law.

President Wilson, in the proclamation fixing the day of registration, said "It is in no sense a conscription of the unwilling." Secretary of War Newton D. Baker, in a letter to a member of the American Union executive committee dated May 5, said:

*I hope that the administration of whatever law is passed, will make it possible for us to avoid the unhappy difficulties [regarding conscientious objectors] which occurred in England and which you mention.*

### LEGAL AID FOR CONSCIENTIOUS OBJECTORS

The local and district boards which will determine exemptions are not judicial bodies. They are administrative boards with a semijudicial function. Whether men who appear before them will have the right to be represented by counsel is still to be determined. The procedure will be simple—just a series of questions and answers, of which an official record will be made by a stenographer. The boards will base their decisions on departmental rulings and instructions from Washington and on precedents which will be established as the work develops.

Persons who appeal from the decisions of the local boards to the district boards will do so by filing written notice. Appeals to the President of the United States can be taken the same way. Attorneys, may, of course, help applicants prepare their statements and advise them, but it is unlikely that they will be allowed to represent clients before the boards.

In order that all possible legal aid may be given to conscientious objectors and other applicants for exemption from military service on account of their opposition to war, the *American Union Against Militarism* has established a bureau of aid and advice for conscientious objectors. It is in charge of the committee which appears on page 2. It is cooperating with an advisory committee composed of representatives of all national agencies interested.

This bureau will perform the following functions:

1. Print and distribute from time to time information and advice in regard to exemptions from military service to all who are on its mailing list and to interested organizations throughout the United States.
2. Organize committees locally in the leading centers of population to give aid and advice to conscientious objectors.

3. Secure legislation and departmental rulings in the interest of liberty of conscience.

4. See to it that conscientious objectors receive proper treatment at the hands of both civil and military authorities, in order that the scandals and brutalities which are said to have accompanied the administration of the conscription act in England may not be repeated in the United States.

At the special meeting of the Federal Council of Churches of Christ in America, called in Washington May 8 and 9 to discuss the relation of the Protestant churches to the war problems, the following resolution on behalf of the conscientious objector was adopted:

"When the state compels men to military service, it raises the ancient question of freedom of conscience. Churches who have furnished martyrs for this principle are under particular obligation to see that the conscientious objector is allowed such non-combatant service as does not violate his conscience. . . . We therefore, request the administrative committee carefully to consider what practical steps can be taken to secure this end."

Already a local bureau of aid and advice has been established in New York city under the name of the "Bureau of Legal First Aid" with offices under Miss Fanny Witherspoon at Room 1108, 70 Fifth Avenue. Communications regarding cases in and about New York should be addressed to this bureau.

### ADVICE TO CONSCIENTIOUS OBJECTORS

At the present time the only immediate question which conscientious objectors are facing is whether or not to comply with the conscription act by registering on June 5th.

Some take the position that registration means taking the first step in compliance with a law which they hold to be in violation both of the Federal Constitution and of the inalienable right of liberty of conscience. These persons, as a matter of principle, refuse to have anything to do with the administration of the law or to recognize its application to them. They propose passively to wait until they are arrested for failing to register and to go to trial in the federal courts, offering as their defense their conscientious objection to war.

Others are proposing to comply with the law on the ground that registering does not violate personal liberty, and that it offers men an opportunity to serve notice upon the authorities of their opposition to participation in war, with a right to a hearing before a board.

Many take the position that even though they are not members of "religious sects opposed to war," and are therefore not recognized in the act, they are at least entitled to state their cases before the boards, hoping that so large a number will claim exemption on humanitarian, internationalist or economic grounds that

the Government will be forced to make some provision for them other than court-martial.

This problem which now confronts the conscientious objector has been considered by a number of groups and organizations. The action which has been taken so far as we have been able to learn, follows:

1. The American Union Against Militarism has advised all conscientious objectors to register and to state their protest against military service at that time.

2. The "World Patriots" an organization of men of draft age, advises registration and protest.

3. Of thirty persons voting on the matter at a meeting in New York, representing a large number of groups, 22 voted in favor of registration and protest, and 8 for refusing to register.

4. A number of labor and radical groups in various parts of the country have advised conscientious objectors not to register.

It is the opinion of the American Union Committee that *the conscientious objector's protest against participation in war will be much stronger if made directly to the authorities on the registration blanks*, thus squarely putting up to the government the extent of the problem with which it will have to deal. The committee advises all conscientious objectors to do this firmly and courteously; to act, in whatever contingency may arise, without bitterness or violence of any sort, and to demonstrate by their acts their loyalty to humanity and conscience.

In registering, the clerks will write out the information on the blank as given by the person registering. Everything but the signature of the man registering is written by the clerk. He is instructed by the War Department regulations to put down the answers substantially as given.

Conscientious objectors who are members of well-recognized sects opposed to war, should see that the name of the sect is written on the blank.

Those opposed to war on religious grounds, but not members of a well-recognized sect should see that some phrase is written down such as, "conscientious objector opposed to war."

Those who base their opposition to war on humanitarian, economic, or internationalist grounds can well use the same phrase. A reference to conscientious objection is more nearly in the spirit of the law. *It cannot be emphasized too strongly that the registration officials have no power whatever to deny applicants the right to file any claims for exemption they wish. The validity of those claims is for the exemption boards alone to determine.*

### CONSTITUTIONALITY OF THE CONSCRIPTION ACT

It seems likely from present indications that the conscription principle will be tested in the courts. The issue has never been before the United States Supreme Court. One of the grounds on which it is likely to be tested deals directly with the conflict between conscription and liberty of conscience. Liberty of con-



science is assumed to be guaranteed by the First Amendment to the Constitution, which provides:

“Congress shall make no law respecting an establishment of religion, or *prohibiting the free exercise thereof* or abridging freedom of speech, or of the press, or the right of the people to assemble, and to petition the Government for a redress of grievances.”

It is likely that a separate case will be brought in the courts, involving this point.

## THE EXPERIENCE IN ENGLAND

The problem which we are facing in the United States is so similar to that which England has experienced for the past year and a half under conscription that we give briefly the chief facts about it as far as they can be learned from published statements in this country.

The British conscription act permits certificates of exemption from military service to be issued “on the ground of a conscientious objection to the undertaking of combatant service.” Thus the door is left wide open, both for the member of a religious sect and for the man with purely personal convictions.

But the administration of the law at once showed that this liberal provision could not be justly administered in war-times. A long series of cases in which brutal treatment, injustice and hardship were frequent all testified to the difficulty of administering the law fairly with public sentiment so strongly against the conscientious objector. The local boards have been severe, and men not exempted and turned over to the military authorities have been harshly treated. It has been particularly hard on Socialists and radicals who base their objections on humanitarian and internationalist grounds, and who usually refuse any kind of service, civil or military, under compulsion.

Upwards of 30,000 cases have been heard. Of these some 25,000 have been given “alternative forms of service” either under the military or civil authorities. Between 4,000 and 5,000 men are in prison, mostly for refusing any kind of compulsory service. The government is even now making things very difficult for such men who come before the boards.

No conscientious objectors have been shot, although 36 were sentenced to death and sent to France. The death sentence was commuted to 10 years’ imprisonment. Most of the conscientious objectors in England who have been sentenced to imprisonment are in the socialist or radical movements, but many of them are liberals in professional life, university men, lay preachers, doctors, social workers, and others. The Quakers, for the most part, have accepted alternative service.

Owing to widespread agitation and protests, the administration of the law has been greatly improved since January, 1917, when men serving prison terms were taken from under military author-

ity and placed in civil prisons where they are now doing chiefly out-of door work.

### IN OTHER COUNTRIES

The conscientious objector to bearing arms is dealt with harshly in almost all the countries in Continental Europe. Such men are imprisoned or shot without formality. In Russia and Scandinavia the governments have been tolerant of certain small groups of objectors.

In the middle ages, of course, large groups of men put their duty to their conscience and their God above their duty to the state. It was in these times that the Quakers and other Christian sects opposed to war had their origin.

### REFERENCES

The following articles published in American magazines on the British experience will be found of interest.

"The Conscientious Objector" by Henry W. Nevinson, in the *Atlantic Monthly*, Nov. 1916.

"The Conscientious Objectors," by Ian C. Hannah, in the *Survey*, March 3, 1917.

*Note*:—Exemption from military service is granted for conscientious scruples against bearing arms, in the constitutions or statutes of the states of \*Colorado, \*Idaho, \*Illinois, Indiana, \*Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, North Carolina, \*North Dakota, Ohio, Oklahoma, \*Oregon, Pennsylvania, Rhode Island, South Carolina, \*South Dakota, Tennessee, Texas, Vermont, Virginia, \*Washington, Wyoming.

\* In times of peace only.

REGISTRATION CARD

1—Name, in full.....Age, in years.....

2—Home address.....

3—Date of birth.....

4—Are you (1) a natural-born citizen; (2) a naturalized citizen; (3) an alien; (4) or have you declared your intention (specify which)?.....

5—Where were you born?.....

6—If not a citizen, of what country are you a citizen or subject? .....

7—What is your present trade, occupation, or office?.....

8—By whom employed?.....

Where employed?.....

9—Have you a father, mother, wife, child under 12, or a sister, or brother under 12 solely dependent on you for support (specify which)?.....

10—Married or single (which)?.....

Race (specify which)?.....

11—What military service have you had? Rank.....  
Branch..... Years..... Nation or State.....

12—Do you claim exemption from draft (specify grounds)?  
.....

I affirm that I have verified above answers and that they are true..... (Signature)

## THE ISSUE STATED

"You have heard that it hath been said, an eye for an eye, and a tooth for a tooth; but I say unto you, resist not evil; but whosoever shall smite thee on thy right cheek, turn to him the other also.

"You have heard that it hath been said, thou shalt love thy neighbor, and hate thine enemy, but I say unto you, love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; that you may be the children of your father which is in heaven."

FROM CHRIST'S SERMON ON THE MOUNT.

"War, which to us is wrong, and which the peoples do not seek, will only be made impossible when men who so believe remain steadfast to their convictions, and so there will be no men to carry on war of either character, defensive or offensive. War would become impossible if all men were to have the view that war is wrong."

A. H. BODKIN, English Conscientious Objector.

"I am a Socialist and so hold in all sincerity that the life and personality of every man is sacred, and that there is something of divinity in every human being, irrespective of the nation to which he belongs. I cannot betray my belief in the brotherhood of all men. To me war is murder, and will only become impossible when an increased number of those who share this conviction will remain true to their belief, refusing to take part in warfare, whatever be the pretext for which it is waged."

CLIFFORD ALLEN, English Conscientious Objector.

"I believe in the spirit of love in its widest sense as the only hope of the salvation of humanity, and unswerving faith therein as the sole means of establishing a real and lasting peace founded on human brotherhood.

"It would be a violation of my deepest convictions to become part of or willingly assist in any way an organization the purpose of which is the slaughter of human beings, however much I may desire the end it is hoped to attain by such means, and in spite of my extreme prejudice to acting counter to laws passed by the constituted authorities."

H. S. BEAVIS, English Conscientious Objector.

"I believe human life to be so sacred that I cannot take the responsibility of inflicting either death or injury. I believe this war, and all wars, to be immoral and futile as a means of settling any dispute. I cannot distinguish between combatant and non-combatant service or even alternative service, the object of which is the better carrying on of the war."

H. RUNHAM BROWN, English Conscientious Objector.

"The State is not the whole life of man or society and should not touch his conscience or his religion. There is an inner life which is a man's own."

TREITSCHKE.

"I believe that all wars between civilized states are unnecessary and that if men had sufficient courage they could accomplish by peaceful means whatever is legitimate in the interest for which they are fighting. My opposition to war is based not upon religious grounds, but upon common sense and common humanity."

BERTRAND RUSSELL.

"For the state to compel a conscientious objector to undertake the duty of military service is morally the same thing as compelling a nun to undertake the duty of having a baby."

GEORGE BERNARD SHAW.

"The state [England] is beginning to exercise exactly the kind of pressure that is exercised in Germany to compel conformity to the State political

religion, to the beliefs of the majority, that is in so far as those beliefs touch deep and fundamental convictions. \* \* \*

"The question surely is this: If the democracies like England and France are to put first the efficient working of the national military machine over a period of years, will it not be at the price of a control of opinion by the state as complete as in Germany? And, if so, why should we expect sensibly different moral results? \* \* \*

"And we can hardly doubt that, if unity of political belief is necessary to the successful conversion of a nation into a military instrument, the modern state will kill political heresy even more successfully than the church-state killed religious heresy and in lesser or greater degree with the analogous result of rendering Europe impotent to solve the very problem out of which conscription has arisen."

NORMAN ANGELL.

America's entry into the world war makes more necessary than ever before all efforts to maintain democratic liberties; to destroy militarism; to build toward world federation and the ultimate abolition of war. ■■■ ■

The American Union Against Militarism needs the membership and support of every American citizen who stands for these ideals. The names of interested persons should be sent, with or without a contribution, to the New York Office, 70 Fifth Avenue.

**AMERICAN UNION AGAINST MILITARISM**



## **ERRATUM**

(Omitted from page 4)

(2) Those exempt from combatant service but who may be assigned to "non-combatant service" are those found to be members of "any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or the participation therein."