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AN UNBROKEN WITNESS: CONSCIENTIOUS OBJECTION  
TO WAR, 1948-1953.

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AN UNBROKEN WITNESS:  
CONSCIENTIOUS OBJECTION TO WAR, 1948-1953

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE  
UNIVERSITY OF HAWAII IN PARTIAL FULFILLMENT  
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IN HISTORY

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By

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Objectors, John Lapp of the Mennonite Central Committee, and Wilbur Mullon of the Church of the Brethren.

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AN UNBROKEN WITNESS:  
CONSCIENTIOUS OBJECTION TO WAR, 1948-1953

By Zelle Andrews Larson

A dissertation submitted to the Graduate Division of the University of Hawaii in partial fulfillment of the requirements for the degree of Doctor of Philosophy

ABSTRACT

This study examines the laws governing conscientious objection to war in America from 1948 to 1953, the treatment of men claiming conscientious scruples against war during the period, and the work of peace agencies on behalf of draft-age pacifists as they confronted another era of conscription and war.

Congress passed America's first peacetime draft in June, 1948. This act narrowed the grounds on which men could be classified as conscientious objectors (from what those grounds had been in the 1940 Draft Act), while giving them the most generous substitute for combatant service they had ever had: deferment. A man's conviction still had to be based on "religious training and belief." But the 1948 law added that the belief must be "in a relation to a Supreme Being involving duties superior to those arising from any human relation." It specifically excluded "essentially political, sociological, or philosophical

views or a merely personal moral code." Consequently, Selective Service officials looked even more diligently than before for membership in the "historic peace churches" (Friends, Mennonite, Brethren) to guide them in classifying pacifist registrants.

Pacifists disliked the new requirement of conventional religious belief but applauded the substitute for combatant service. From June, 1948, to June, 1951, conscientious objectors were not required to perform alternative service. Before the Korean War broke out, Americans generally accepted this arrangement for classified COs. Meanwhile, however, the Department of Justice prosecuted, sometimes repeatedly, those who conscientiously refused to register for the draft, and judges often sentenced them to relatively long prison terms.

After the start of the Korean conflict, the public's attitude towards deferred COs stiffened. Congress responded by reinstating an alternative service program in the Universal Military Training and Service Act of 1951. The small number of classified conscientious objectors (about 12,000 in June, 1951), and the urgings of peace lobbyists had persuaded Congress not to reestablish Civilian Public Service camps. Instead, COs were to perform civilian work "contributing to the maintenance of the national health, safety, or interest." The program began officially in July, 1952. The conscientious objectors worked primarily in health care facilities, mainly as orderlies,

assistants, and custodians in general hospitals and mental institutions.

The alternative service, or I-W, program was singularly successful for everyone involved. The COs welcomed the opportunity to perform meaningful social service; the people they served were grateful for their loyal and gentle assistance; peace agencies were relieved of burdensome and unpleasant administrative responsibilities for COs; Selective Service received few complaints from the public or the pacifists; and Congress had replaced a costly and problem-plagued system for handling conscientious objectors.

Yet while Congress and peace agencies for the first time devised a satisfactory service program (largely for Mennonites and Brethren), problems such as misclassification of pacifists and illegal application of Selective Service laws by draft boards and Department of Justice Hearing Officers went unresolved. In addition, some pacifists were taking an increasingly resistant stand towards conscription in the early 1950s. A notable example was the American Friends Service Committee, which refused to participate again in a government-controlled alternative service program.

In spite of the Cold War, McCarthyism, and a moribund peace movement, the period from 1948 to 1953 saw substantial progress in the treatment of some of society's most difficult dissidents: conscientious objectors to war.

However, increasing resistance among them to conscription anticipated the militance of opponents of war in the 1960s.

## GLOSSARY OF ABBREVIATIONS

AFSC	American Friends Service Committee
BSC	Brethren Service Commission
CO	Conscientious Objector
CCCO	Central Committee for Conscientious Objectors
CPS	Civilian Public Service
DOJ	Department of Justice
FCNL	Friends Committee on National Legislation
FOR	Fellowship of Reconciliation
MCC	Mennonite Central Committee
NSBRO	National Service Board for Religious Objectors
SCPC	Swarthmore College Peace Collection
UMT, UMTS	Universal Military Training and Service
WRL	War Resisters League

## PREFACE

The title of this study was taken from testimony by Harold S. Bender, then Chairman of the Peace Section of the Mennonite Central Committee, in hearings on a bill for Universal Military Training before a subcommittee of the Senate Armed Services Committee that were held in January and early February, 1951. Mr. Bender argued against the bill and for an end to peacetime conscription which had been initiated in 1948.

His words emphasized the long history of opposition to war by members of his church:

Today's statement is . . . part of an unbroken witness which our conscience, as anchored in the Christian Gospel, has moved us to give from the beginning of our history, both in Europe and in America.\*

His words also emphasize the major theme of this investigation: that conscientious objection was alive and active in the years immediately preceding and during the Korean War. Though their efforts have been overlooked and their experiences largely forgotten, COs in the late 1940s and early 1950s carried on the long witness for peace in yet another time of international conflict and opened new paths of pacifist commitment along which a succeeding generation of objectors would travel.

\*Hearings Before The Preparedness Subcommittee of the Committee On Armed Services: United States Senate, Eighty-Second Congress, First Session on S. 1, A Bill To Provide For . . . Universal Military Service and Training . . . . January 10-February 2, 1951, p. 979.

## CHAPTER I

Introduction: The Historiography of  
American Conscientious Objection to War

Conscientious objectors to war in America have proved a persistent and intractable problem. Only a small portion of the total population, they have angered good citizens with draft-age sons and more orthodox world views, made impatient those who struggle to frame "fair" and "equitable" draft laws, and given endless headaches to those who administer the conscription and prison systems. In a nation involved in four major wars in this century alone, conscientious objectors have hardly disturbed the government's willingness or ability to conduct efficient and successful warfare. But they have prodded the national conscience, forced reluctant officials to recognize their rights, and kept alive the notion that warmaking is evil and futile.

An unpopular war in Vietnam swelled their ranks and made their radical protest if not respectable, at least highly visible. No longer an isolated and quixotic band, objectors could be found in nearly everyone's neighborhood or community, and the derogatory label "conchie" was seldom heard anymore. Terms formerly heard only in pacifist circles, such as "witness" and "non-violent resistance" became current and their implications were acted out by those who staged marches, conducted sit-ins, and burned draft cards. The peace movement became large and assertive in the 1960s, and protest against war now means something more to the average American than the antics

of a few "religious cranks."

The recent anti-war mood prompted new scholarly interest in protests against earlier wars in this country. Samuel Eliot Morison, Frederick Merk, and Frank Freidel, in Dissent in Three American Wars,<sup>1</sup> wished to dispel any notion that the bitter controversy over Vietnam was an entirely new phenomenon in wartime America. It was notable as well, they demonstrated, during our smaller conflicts with Britain in 1812, with Mexico in 1848, and with Spain in 1898. Among the critics were political pragmatists who thought the United States was conducting unwise or unjust warfare simply to gain territory or lucrative markets. In the latter wars, they were joined in angry accusations against the government's policies and its leaders by other protesters who voiced moral outrage over needless killing, the possible spread of slavery, and the failure of the country to live up to its noblest ideals.

The variety of dissenters to America's wars drew the attention of Joseph R. Conlin in American Anti-War Movements.<sup>2</sup> Historically, he pointed out, anti-war sentiment has sprung from three major sources: pacifists, a loose coalition of groups, largely religious, who opposed all wars; non-pacifists, a shifting body of people who opposed particular wars, from abolitionists to anti-imperialists, from socialists to isolationists; and fifth-columnists, a small number in any war who actively supported the nation's adversaries. Their social analyses, set forth by Conlin in a collection of documents, were too divergent to permit effective cooperation

until the Vietnam period. Then, Conlin argued, the diverse dissenters finally forged a movement powerful enough to end a war abroad and possibly to begin a social revolution at home.

Other authors focussed almost exclusively on the committed pacifists. Perhaps the first to examine them from a recent perspective was Staughton Lynd in Nonviolence in America: A Documentary History.<sup>3</sup> A noted peace proponent and civil rights activist, Lynd was also the first scholar "to piece together the many strands of the nonviolent tradition in the United States."<sup>4</sup> With documents from the 1700s to the 1960s, he identified the special contributions to that tradition made by those responding to deep religious convictions such as the Quakers, those struggling for specific political and economic reforms such as anarchists, suffragists, and trade unionists, those confronting the government's demand to participate in killing such as conscientious objectors, and those fighting for racial equality such as the abolitionists of the past century and the civil rights workers of the present. The length of this tradition and the influence of its spokesmen on such important sources of nonviolent theory as Gandhi and Tolstoy led Lynd to assert that the United States had played a crucial role in keeping the nonviolent idea alive and in transmitting it to the rest of the world. In his view, America not only had an indigenous and therefore unique tradition of nonviolence, it "has more often been teacher than student in the history of the nonviolent idea."<sup>5</sup>

Peter Brock shared Lynd's interest in the growth of

nonviolent theory and practice in America, but in contrast to Lynd, he emphasized the influence of imported, particularly Gandhian, ideas to that development. Brock, whose earlier study of religious pacifism in America to the first World War is considered definitive, surveyed pacifism as it broadened its philosophy and influence in Twentieth-Century Pacifism.<sup>6</sup> Comparing its expression in this country to that in other, especially European, countries, Brock viewed Gandhian theories of nonviolence as the most significant contribution to pacifist thought and activity in the present age. A unique method of direct action to overcome social injustice and political oppression, nonviolent resistance has proved effective in the movement for civil rights. It offers the only hopeful alternative, he suggested, to nuclear warfare and the potential annihilation of mankind.

Charles Chatfield examined the pacifists closely from 1914 to 1941 as they struggled to find nonviolent means for achieving social change in America and for resolving contests for power among nations. In his major new study of pacifism, For Peace and Justice: Pacifism in America, 1914-1941,<sup>7</sup> Chatfield described the dilemmas of concerned peace advocates as labor unrest, the Depression, nationalistic ideologies, and military preparations revealed a domestic order gone awry and international relations beyond reasonable control. He demonstrated that as the pacifists responded to these crises, they moved beyond a concern for personal rectitude derived from their religious doctrines to a liberal social

philosophy drawn heavily from the Social Gospel movement, which stressed direct action and personal involvement in society's problems. Unable to correct economic injustices through peaceful labor union activities, or to stem the progress towards international conflict by vigorous campaigns for arms limitation and neutrality, the pacifists were outwardly defeated during the interwar years. But they had made an important transition in their own thinking from personal commitments to eschew violence to a readiness to experiment with organized forms of protest. After World War II they turned logically to Gandhian ideas for help in formulating a practical political philosophy that they were searching for, and moving toward, in the 1930s -- a philosophy that shaped substantially the movements for civil rights and peace in the 1960s.

Perhaps the most significant study of efforts for peace in the twentieth century is Lawrence S. Wittner's Rebels Against War: The American Peace Movement, 1941-1960<sup>8</sup> which provided the first clear picture of what happened to the peace movement after its collapse in the late 1930s. Rather than probing deeply into the intellectual struggles of individual pacifists as Chatfield did, Wittner concentrated on the fluctuating fortunes of pacifist organizations as they gained or lost supporters with the changing climate of the times.

Experiencing a brief revival when the atomic bombs at Hiroshima and Nagasaki suggested to Americans that warfare had

gone too far, the peace movement found new adherents among those opposed to nuclear weapons and those who believed that global government was the only alternative to mutual destruction. But the advent of "nuclear pacifism" and renewed energy of "one worlders" could not strengthen the movement sufficiently to withstand the onslaught of the late 1940s and early 1950s when fear of communism, loyalty crusades, and McCarthyism cast a pall over America's political and intellectual life. The repressive atmosphere of the Cold War era stripped the peace movement's membership to its hard core believers, and sent most of that remnant underground. A few tax refusers and pamphleteers engaged in brave but futile protests. Most peace loving Americans simply despaired at the country's ugly mood and waited in frustrated silence for it to pass.

Organized peace efforts were revived again after the mid-1950s, Wittner points out, when the testing of hydrogen bombs galvanized both the scientific and the liberal communities into action. By the end of the decade the drive for civil rights in the South also gained momentum. In both campaigns pacifists played major roles, leading their associates into new experiments with nonviolent resistance, a strategy a number of them had first tested in Civilian Public Service camps during World War II.

In the midst of intensified nuclear testing and militant demands for racial justice, the pacifists' arguments about the futility of war and the need for radical social change gained fresh relevance. In the long run, Wittner argued, their

criticisms of America's belligerent foreign policy, its emphasis on military protection rather than social justice, the dangers of an arms race, and the questionable value of supporting anti-communist but repressive regimes have proved more astute than pacifist views are commonly thought to be. Armed with a method for organized protest that both met their commitment to peaceful means and was effective against an all-powerful state, peace activists in the late 1950s forged a new movement whose strength and purpose would be revealed in the next decade.

The new interest in America's anti-war tradition encouraged some authors to look closely at those who put their pacifist convictions on the line -- the conscientious objectors and war resisters -- to determine what they have believed and how they have been treated. Lillian Schlissel took a long historical look in Conscience in America: A Documentary History of Conscientious Objection in America, 1757-1967.<sup>9</sup> Selecting legal documents pertaining to COs and statements by succeeding generations of objectors from the Indian Wars to Indochina, Schlissel identified important issues they raised and the government's efforts to resolve them. She made clear that many objectors have not been satisfied with any arrangement devised for them. They refused to pay fines to get exempted from the Civil War, they would not perform alternative service required in World War II, and they rejected the proposition that conscientious objection involved refusal to serve in any war during the Vietnam conflict. Their militance has increased

with every war, she argued. By the war in Vietnam, objectors not only refused to fight but demanded that the entire society modify its goals and practices. In fact, resistance to American military policies became so widespread in the late 1960s and early 1970s that the term "conscientious objection" had to be expanded to include a great variety of citizens who have turned to marches, sit-ins, and tax refusal, for example, to express their profound discontent. The contest between the war-minded state and the individual conscience in America has been a lengthy one, Schlissel demonstrated; the recent intensity of that confrontation adds pertinence to the subject of conscientious objection.

Alice Lynd, in We Won't Go: Personal Accounts of War Objectors,<sup>10</sup> was particularly concerned about the young people having to face that struggle essentially alone. In order to help others grappling with the same issues, she collected taped or written statements from COs, war resisters, and draft opposers (and, in some cases, their wives) about their feelings and attitudes toward the Vietnam war and what had happened to them as a result of acting upon those beliefs. Though the statements provided no clear or certain answers for those who would oppose the war, these testimonies exposed many of the pitfalls of noncooperation with military service. More significantly, they uncovered profound uncertainties, commitments, and moral struggles of decent people taking a stand against their government, their society's values, and often their closest friends and relatives.

Willard Gaylin, a practicing psychiatrist, probed even more deeply than Mrs. Lynd into the thoughts and motivations of those opposed to the Vietnam war, recording his personal interviews with men imprisoned for their beliefs in his recent work, In the Service of Their Country: War Resisters in Prison.<sup>11</sup> Using psychoanalytic techniques in those interviews, Dr. Gaylin sought to determine what prompted the resisters' radical stand and what effects life in prison was having upon them. He found some similar personality traits that could partially account for their behavior: ambivalent feelings towards their fathers, a sense of alienation from their peers, and stern consciences which gave them strong inhibitions against violence as well as tendencies towards depression. But in most respects, their personalities and backgrounds were too varied to be easily categorized.

What struck Gaylin most sharply was how similarly -- and frighteningly -- the prison experience had affected those different people. For all of them, confinement had produced a raging anger against the mindless, oppressive system in which they were caught. Regimented in the most minute details of life, threatened with homosexual attacks, controlled by indifferent, sometimes brutal, guards, war resisters (like any prisoners) led an existence at once excruciatingly dull and extremely dangerous. But they suffered less from physical violence than from a loss of personal identity and sense of self worth, and from severe disillusionment with the possibilities for peaceful social change. Prison, Gaylin discovered, had

turned gentle and generous youths into bitter and hostile adults. Cataloging a host of errors, misjudgments, and misguided laws that bring peaceful men to prison, Gaylin delivered in conclusion a stinging indictment of the draft and prison systems in the United States.

This review of some of the recent scholarship on opposition to war reminds us that the subject is an essential part of our country's history. Conscientious objectors are a basic element in that story because it is in the clash between the peace-loving individual and the warmaking state where commitments to peace are tested and vital civil rights issues are raised. While descriptions of COs in the Vietnam period explain some of that confrontation, we look naturally to examinations of conscientious objectors in earlier wars for further understanding. Lillian Schlissel's survey is helpful, but necessarily superficial. We can find more thorough studies of COs in every war, with the exception of one, in which the United States has depended upon a conscripted army. Edward N. Wright described conscientious objection in the Civil War in a book by that title; H. C. Peterson and Gilbert C. Fite looked at the objectors in World War I in Opponents of War, 1917-1918; and Mulford Q. Sibley and Philip E. Jacob examined extensively COs in World War II in Conscription of Conscience: The American State and the Conscientious Objector, 1940-1947.<sup>12</sup> The chronology of conscientious objection is almost complete. Only conscientious objection during the Korean War has not yet been investigated.

The near total absence of scholarship on COs in Korea is striking. Nor have pacifists themselves discussed this chapter in their history. Lillian Schlissel devoted only one sentence in her review to the Korean period -- a brief reference to those who had violated Selective Service laws. She included but one significant pacifist document from the early 1950s: a general treatise on resistance to government authority by A. J. Muste.<sup>13</sup> One gains little feeling for the scope or importance of conscientious objection during the Korean War from this source. There is not much more to be learned on the subject from Lawrence Wittner. He discussed pacifists' objections to the war, giving us some indication at least that there was resistance from their ranks. But he touched only briefly on those who were sentenced to prison for refusal to cooperate with the 1948 Draft Act and mentioned only indirectly those who served as COs. His indirect reference noted that though the American Friends Service Committee decided not to cooperate during the Korean War with Selective Service in employing conscientious objectors, the majority of pacifists still accepted alternative service.<sup>14</sup>

One might not consider Wittner's passing glance at COs in the Korean War unusual since he was concerned, after all, with the broad development of peace activities over an almost twenty-year period. Yet he felt the contribution of COs in World War II to that development was worth a full chapter. For Wittner, the most significant events in the 1950s were the growth of opposition to nuclear weapons and of pacifist

participation in the struggle for civil rights for black Americans, both of which revitalized the ailing peace movement. The contributions of Korean COs to that movement were not measured.

The picture is quite similar in Lynd's and Brock's studies. After full chapters on conscientious objection during World Wars I and II, the authors moved immediately to discussions of nonviolent action campaigns against nuclear weapons and racial segregation. As Schlissel did, Lynd included A. J. Muste's call in 1952 for "holy disobedience" when government policies conflict with moral conscience. But neither he nor Brock said anything about conscientious objection during the Korean War.

In contrast to the other authors cited, Joseph R. Conlin did discuss the Korean War period, providing some useful insights into public attitudes towards the war and the status of the peace movement at the time, which are included in the next chapter. But he acknowledged that there was pacifist opposition to the war only by implication, noting that the police action had "elicited virtually no organized non-pacifist opposition," and never explained the protests of peace advocates further.

It is not difficult to understand this recurring emphasis among authors. Conscientious objectors were not a very visible group during the Korean War. Not only were they small in numbers,<sup>15</sup> they were not confined, as the majority of them had been in World War II, to detention camps where public

attention could readily be focussed on their treatment. The strikes by resisting COs at some of these camps caused a good deal of adverse publicity about the government's handling of objectors, creating greater public awareness of them than might otherwise have occurred. Scattered about the country and within communities during the Korean War, doing largely menial work primarily at health care institutions, COs were hardly noticeable then. It is logical, therefore, that they might be overlooked now.

Moreover, they were taking their stand when anti-war sentiments were not only unpopular but nearly unthinkable. As Wittner has explained, the peace movement barely survived the Cold War era. It is natural that writers especially interested in the progress of that movement would look most readily to its revival in the late 1950s and 1960s for their subject matter. The doldrums of the early 1950s are not very inspiring. Thus the obscurity of Korean COs was as much a function of the times as of the way the government handled them.

But objectors themselves are partly responsible for their obscurity. There is nothing comparable in pamphlet literature or autobiographies following the Korean War to what was produced by COs after World Wars I and II.<sup>16</sup> In contrast to those who preceded them, Korean COs have been remarkably quiet about their experiences. Better treatment can account for some absence of self-expression. There were fewer outraged feelings to be recorded than in previous wars. The

anti-communist mania of the 1950s could explain an objector's reluctance to publicize his dissent, since dissent was so readily associated with communism. When identification as a "pinko", "fellow traveler", or even "sympathizer" might cost one his job, no one was eager to make his radical views known. Nor, presumably, were publishers eager to publish them. There was no market for radical critiques like there has been recently. For these reasons, and others perhaps, we know little about the conscientious objector to the Korean War.

Yet the experiences of COs in the Korean War period<sup>17</sup> need to be chronicled. The story is worth attention not only because it allows us to compare the treatment of objectors in the 1950s with what they had experienced in World War II, or because it enables us to compare the attitudes of pacifists towards conscription during the two periods, or because it helps us to trace the growth of the peace movement -- though the story does enable us to do all these things in some measure. More significantly, the story of how conscientious objectors were treated during the Korean War period<sup>18</sup> is a chapter in the development of the American people's ability to deal with dissent -- to deal with those who not only assert, but act defiantly upon, convictions about the power of the state to determine how they shall behave in time of national crisis. What we can learn from this study is something about the development of the American people's willingness, and ability, to cope with conscientious dissent when that dissent is expressed in resistance to law, at a time when deviations

from established norms of belief were suspect, and were the subject of police and even Congressional investigations.

Indeed, the story of objectors to war from 1948 to 1953 is part of this country's effort to assure that its government is a government of laws and not of human beings, and a story in which the rule of law, as we shall see, did not always prevail. If one mission of a democracy is to assure the right of survival even for members of its smallest minorities, the history of war objectors during the late 1940s and early 1950s demonstrates that in this time of crises, American democracy was less sturdy than we might have hoped. But the story is still an account of progress, because during this period members of a conscientious minority made gains that helped make possible an enlarged tolerance, even respect, for dissent. Moreover, this small dedicated group of people developed new attitudes about their relationship to a warmaking state that deeply affected the course of American life in the 1960s. The story of conscientious objectors from 1948 to 1953, in short, is a significant chapter in American social and intellectual history.<sup>19</sup>

## FOOTNOTES

1. Samuel Eliot Morison, Frederick Merk, and Frank Friedel, Dissent in Three American Wars (Cambridge, Harvard University Press, 1970).
2. Joseph R. Conlin, American Anti-War Movements (Beverly Hills, The Glencoe Press, 1968).
3. Staughton Lynd, ed., Nonviolence in America: A Documentary History (Indianapolis, The Bobbs-Merrill Company, Inc., 1966).
4. Lynd, Nonviolence, Foreward by Alfred Young and Leonard W. Levy, p. viii.
5. Lynd, Nonviolence, p. xvi.
6. Peter Brock, Twentieth-Century Pacifism (New York, Van Nostrand Reinhold Company, 1970).
7. Charles Chatfield, For Peace and Justice: Pacifism in America, 1914-1941 (Knoxville, The University of Tennessee Press, 1971).
8. Lawrence S. Wittner, Rebels Against War: The American Peace Movement, 1941-1960 (New York, Columbia University Press, 1969).
9. Lillian Schlissel, ed., Conscience in America: A Documentary History of Conscientious Objection in America, 1757-1967 (New York, E. P. Dutton & Co., Inc., 1968).
10. Alice Lynd, We Won't Go: Personal Accounts of War Objectors (Boston, Beacon Press, 1968).
11. Willard Gaylin, In the Service of Their Country: War Resisters in Prison (New York, The Viking Press, 1970).
12. Edward N. Wright, Conscientious Objection in the Civil War (Philadelphia, University of Pennsylvania Press, 1931); H. C. Peterson and Gilbert Fite, Opponents of War, 1917-1918 (Madison, Wisconsin, University of Wisconsin Press, 1957); and Mulford Q. Sibley and Philip Jacob, Conscription of Conscience: The American State and the Conscientious Objector, 1940-1947 (Ithaca, New York, Cornell University Press, 1952).

13. The reference to prosecutions of Selective Service law violators during the Korean conflict appears on p. 217. Muste's treatise, "Of Holy Disobedience," published in 1952, appears on pgs. 242-252. (Schlissel, ed., Conscience in America.)
14. The discussion of pacifist objections appears on pgs. 202-203. The reference to noncooperators appears on pgs. 186-187. The statement about the AFSC's refusal to serve as an employer of COs occurs on p. 225. (Wittner, Rebels Against War.)
15. The number of COs during the Korean War is discussed more precisely in Chapter XIII. Since the number of objectors in any war is at best an estimate, its derivation must be explained in detail.
16. From World War I, for example: Ernest L. Meyer, "Hey! Yellowbacks!" The War Diary of a Conscientious Objector (New York, The John Day Company, 1930); Harold Studley Gray, Character "Bad": The Story of a Conscientious Objector (New York, Harper & Brothers, 1934); and Norman Thomas, War's Heretics: A Plea for the Conscientious Objector (New York, Civil Liberties Bureau, 1917).
17. The terms "conscientious objector" and "CO" are used in a variety of ways. In their narrowest sense they refer only to men who perform alternative service. In a broader sense they refer to men who receive the conscientious objector classification from Selective Service. In the Korean War period that included those willing to perform alternative service but not yet assigned (I-Os), those performing alternative service (I-Ws), those classified as conscientious objectors before the service requirement was put into effect (IV-Es), and those who accepted non-combatant status in the armed forces (I-A-Os). In their most general sense, the terms include all draft-age men with conscientious scruples against war whether classified as conscientious objectors by Selective Service or not. That includes all the above categories plus war resisters who refuse to register for the draft on conscientious grounds, and men who claimed conscientious objections to war but were denied the CO classification and refused to be inducted into the armed forces.

It will be necessary to use the terms in all these ways in this study. In chapters on war resisters and men in alternative service, references to conscientious objectors would mean those specific categories unless otherwise indicated. I have tried to avoid confusion by referring to "classified

conscientious objectors" or "men with conscientious scruples against war" to cover more limited and more general categories. It should be clear from the context of the discussion which level of abstraction I am using.

18. I am using the terms "Korean War period" and "Korean period" to mean the years 1948 to 1953. Although American military engagement in Korea did not begin until mid-1950, the new wave of objection to war began with the Selective Service Act of 1948. The COs and war resisters in 1948, 1949, and early 1950 logically belong, then, with objectors who were conscripted after the fighting began, since they were all subject to the same 1948 Draft law. By including the peacetime COs of the late 1940s and first six months of 1950 with the wartime COs of 1950 to 1953, we can distinguish them from the conscientious objectors to World War II who were under the jurisdiction of the Selective Service Act of 1940. The terms "Korean War objector" and "Korean period objector", and the phrase "resister during the Korean period" may include, therefore, both peacetime and wartime pacifists.
19. An exhaustive account of the treatment of conscientious objectors during this period would properly include discussion of the many court cases involving COs and especially Jehovah's Witnesses, and the judicial opinions by which many of them were resolved. The constitutional issues that arose in some of these cases were significant. For example, the arguments over whether a registrant claiming conscientious objection had the right to see the FBI's report on his case to the Justice Department's Hearing Officer -- an issue on which the Supreme Court spoke in *U.S. v. Nugent* and *U.S. v. Packer* (240 F. 2d 46, 540 [1953]) -- helped clarify the concept of due process as it applied to proceedings before quasi-judicial officers. But none of the decisions or opinions clarified substantially the philosophic issues underlying conscientious objection, altered markedly the legal definition of such objection, or affected greatly the day-to-day experience of the objectors. Because my dissertation focuses primarily on these philosophic issues, on the definition of conscientious objection under Selective Service laws, and on the experiences of the objectors, I have elected not to explore the details of legal cases and the judicial doctrines developed in them.

## CHAPTER II

## Pacifists at the Outbreak of the Korean War

The outbreak of the Korean War was an abrupt and startling event. The war "burst upon us without prelude" allowing us no time, stated a top military officer, "to arrive at our major decisions through conferences, debate, legislative action, and careful clearances." Never before, he added, "had the issue of peace or war faced a President of the United States with such explosive suddenness."<sup>1</sup> The American people were thoroughly surprised. Without a week's warning, they were "involved half a world away in a struggle [they] neither understood nor felt a part of."<sup>2</sup> Historians of the Selective Service System also noted: "The public was not prepared for the overnight action which transformed a nation at peace to a nation at war."<sup>3</sup> For a nation preoccupied with the activities of a peace only recently achieved, the sudden resumption of warfare in such a remote place was a severe jolt for which everyone, from militarists to pacifists, were unprepared. One pacifist, lately reviewing the period, said: the "advance rumblings . . . about a major war in Korea were pretty small, so I do think the Korean War . . . caught us more or less unaware." It "kind of crept up on us."<sup>4</sup>

Truman's swift commitment of American air and sea forces to South Korea -- though lacking the required Congressional sanction -- initially received some strong public approval in this country. Presenting his action as essential for the survival of the United Nations and for the prevention of a

third world war, Truman touched responsive chords in Americans who harbored some guilt over this country's failure to support the League of Nations and were easily persuaded that one instance of Communist aggression unchecked would lead, as Munich had, to further aggression around the world.<sup>5</sup> A news analyst was struck by the degree of public acceptance. The President's announcement of his decision, the analyst said, "generated enthusiasm in practically every quarter of Washington and swept to applause in the capitals of Western Europe . . . . In all the controversy which much later was to arise, let it be remembered that on that day, June 27, the cheers were well-nigh unanimous."<sup>6</sup> The newsman exaggerated to some extent. More than a few foreign countries had reservations about Truman's action and responded without enthusiasm to the idea of international involvement in the Korean conflict. But in those early days, many official leaders and spokesmen in the United States gave the President vocal support.

The press was squarely behind the President. "Practically every major newspaper in the country approved [his decision] ."<sup>7</sup> So too did Republican leaders who had been severely criticizing the Democratic Administration during the past year for its weakness and ineptitude in meeting the dangers of communism as evidenced particularly in the case of Alger Hiss and the "fall" of China. Senators William Knowland, Wayne Morse, H. Alexander Smith, and Robert Taft spoke strongly in favor of Truman's rapid response to North Korean aggression. Ronald Caridi, a leading scholar on the politics of this era,

explained: ". . . the principal spokesmen of the GOP regarded the Administration's quick intervention as an indication of a firmer policy toward Communism and applauded its decision."<sup>8</sup> The question of whether Truman had the right to act without Congressional approval was raised but got nowhere; the tide of bipartisan support was too strong.<sup>9</sup> Indeed, when Democratic Floor Leader John McCormack read the President's statement in the House of Representatives, "the members rose to their feet and cheered."<sup>10</sup>

Though conventional accounts of the period do not mention it, Truman's decision did arouse some prompt opposition from pacifists. The first to act was the Friends Committee on National Legislation, the Washington lobby for pacifist, especially Quaker, points of view. "From the second day of the conflict the [F.C.N.L.] tried to encourage mediation of the war."<sup>11</sup> Led by its Executive Secretary, E. Raymond Wilson, the small group of lobbyists -- the entire staff of the FCNL numbered only about ten people at the time -- began interviewing key Senators, urging them to support mediation. From the war's beginning, the organization "maintained a consistent opposition . . . and a consistent effort to bring the war to a close."<sup>12</sup> A Philadelphia journal of the Society of Friends advocated the same position on the war. "'There must be mediation at the earliest possible time and the United States in particular should always remain ready to accept mediation efforts when the first opportunity presents itself.'"<sup>13</sup> Leaders of the Women's International League for Peace and

Freedom, assembled in Liverpool, England the last week in July, passed a resolution urging the Security Council of the United Nations to "work vigorously for an immediate ceasefire in Korea" and calling for the appointment by the Secretary General of a Mediation Commission to secure a peaceful settlement.<sup>14</sup> The same month, thirty religious and peace leaders, many of them members of one of America's oldest pacifist organizations, the Fellowship of Reconciliation, issued a statement condemning the United States and the United Nations for sending troops to Korea, and calling for mediation of the conflict.<sup>15</sup>

A. J. Muste, the leading spokesman of generations of pacifists, reacted cautiously, confining his opposition to thoughtful articles and pamphlets that analyzed this country's long-term difficulties with totalitarianism. In the first that appeared in July and September, 1950, however, he argued firmly that Korea was no "police action" but a civil war which must be mediated, and followed up by a lasting resolution of the struggle for power between East and West.<sup>16</sup> Alfred Hassler of the FOR thought Korea was a direct result of Cold War tensions and was as angry as Muste that the war was being minimized by euphemistic description. "The fighting in Korea is indistinguishable from war," he wrote; "men are being killed or wounded on just as wholesale a scale as if the action were openly labeled war."<sup>17</sup>

But apparently only Jim Peck of the War Resisters League and a few pacifist colleagues ventured something more daring

than formal statements of protest. When the UN delegates assembled for a meeting of the Security Council at Lake Success to debate the question of entering the Korean War, Peck and four others were ready to distribute leaflets headed "Mediation in Korea." When Peck noticed the leaflets of his associates being confiscated by authorities, he slipped in the delegates' entrance and began placing copies on the desk of each delegate. UN guards hustled him off in short order. Though the tactic failed, the incident did get some front page newspaper coverage.<sup>18</sup>

It is difficult to know whether these examples fairly represent the range and depth of the pacifists' immediate opposition to the conflict.<sup>19</sup> But it does seem evident that the pacifists' initial response was neither vigorous nor widespread. Raymond Wilson lamented in October, 1950, that he had tried "without avail, to get the American Friends Service Committee . . . to issue a statement on Korea" since that was "the logical Friends organization" to do it rather than the FCNL. Other near-pacifist institutions such as churches, he noted recently, tended "either to accept it or to sort of take a neutral position."<sup>20</sup>

A number of conditions may account for the rather muted reaction. In addition to their surprise when the war broke out, some individuals and groups usually sympathetic to pacifist views believed at first that Korea might be a justifiable response to the greater evil of world anarchy. Wilson explained, "there was some tendency to support the Korean War because it was a war for the first time in history for the upholding of

international institutions and the principles of the United Nations."<sup>21</sup> The generally anti-war people also tended to believe, as did the larger public, that Korea was not a real war but merely a "police action," and that it would end shortly when U.S. military power was fully applied. Torn between their abhorrence of war and their belief that this was merely a quick "police action" to support the world's only peace-keeping body, many people hesitated or thought it unnecessary to speak out.<sup>22</sup>

But the faintness of the peace witness in June of 1950 had other sources as well. One was the proximity of the Korean War to the end of World War II. Some pacifists were simply tired after five years of wartime exertions. Others coming out of Civilian Public Service camps and prisons were busy reestablishing their "civilian" lives, getting jobs and finishing their education. "There would be ten years before they would be really settled and have . . . regular free time to take up public . . . causes."<sup>23</sup> Still others who did remain active in peace work were caught up in experiments with radical new organizations, such as the Peacemakers, or with new styles of life, such as cooperative communities.<sup>24</sup>

In addition, a variety of peace-related causes had drawn the attention of the most committed pacifists. Many of the radicals had joined the Congress of Racial Equality and helped begin the long battle for racial justice. Both radical and traditional pacifists fought hard and persistently against proposals by the government for a system of universal

military training, an effort which "ran very strong between 1944 and 1952 and . . . almost wholly absorbed" the various pacifist groups involved.<sup>25</sup> They also spent a good deal of time between the wars seeking favorable disposition of the accumulated wages of C.P.S. men being held by the Treasury Department, and attempting to gain amnesty for COs imprisoned during World War II. In fact, both issues remained unresolved throughout the Korean War.

The National Service Board for Religious Objectors, one of the major pacifist agencies, and the FCNL took the lead on the problem of the so-called "frozen fund," which, by December, 1950, totalled \$1,389,144.93. They continually urged Congressmen to accept the wishes of the C.P.S. men, who had earned the wages in farm work and dairy herd testing, that the money be used for international relief. After watching several bills which assigned the fund first to the International Childrens Emergency Relief Fund and then to CARE fail in both houses from 1948 to 1953, the pacifists' hope for this solution waned.<sup>26</sup>

The War Resisters League and, after 1948 when it was established, the Central Committee for Conscientious Objectors, were especially active on the amnesty issue. For more than ten years they inspired a campaign of petitions, circulars, picketing at the White House, fasts, letter writing, and interviewing (and attempted interviewing) of Presidents Truman and Eisenhower and Attorney Generals Tom Clark and J. Howard McGrath. The WRL was the most active in the civil

disobedience which was particularly evident until about 1949; the CCCO continued the struggle thereafter with the more modest forms of protests.<sup>27</sup>

To both groups, the treatment of men who violated Selective Service laws on the grounds of conscience was an outrage. A CCCO circular protested that these men "were sentenced to prison terms . . . longer than the average imposed by federal courts on forgers, counterfeiters or white slavers." Failure to proclaim a general amnesty would compound the injustice, for

the end of a prison term does not end the punishment. Their Selective Service violation has made them felons and most states deprive them of their right to vote, to hold office, or to obtain licenses to enter many of the professions. This second-class citizenship continues for life, unless amnesty is granted by the President.<sup>28</sup>

But their varied protests had little effect. Both the President's Amnesty Board in 1947, and Truman himself in successive Christmas seasons, issued a number of pardons to Selective Service violators. But no general amnesty was ever proclaimed.

In 1950, then, the pacifists were experiencing more than a "postwar letdown."<sup>29</sup> Those who had remained active in peace work, or begun to return to it, were preoccupied with a number of long-term campaigns. Their interests and energies, especially among leaders of pacifist organizations, were absorbed in these pressing, some of them intractable, problems. It was this preoccupation, as well as the suddenness with which hostilities had broken out, which prompted Raymond Wilson to

say that the Korean War had "crept up" on the pacifists.

Yet the principal reason for the absence of strong protest at the beginning -- even for the duration -- of the war was the simple fact that there was no peace movement to launch it. Peace organizations such as the Fellowship of Reconciliation and the War Resisters League had lost members and money since 1945 as a result of that "postwar letdown."<sup>30</sup> There was further attrition as a result of factional disputes which developed in the late 1940s over the attitude that pacifists ought to take toward communism and communist activity in the United States. Neither those who felt peace organizations had taken too rigid and "unreconciling" a stance nor those who believed their position was too "soft" could be satisfied, and members on both sides of the issue resigned. Not only the FOR and the WRL, the latter of which lost "several prominent members" of its executive committee over this issue in early 1950, but other organizations as well "experienced the same splintering effect."<sup>31</sup> Thus while there is no conclusive evidence that the number of people strongly committed to pacifism in the U.S. declined from 1945 to 1950, and it is clear that a certain fraction of them were busily engaged in peace work, it is also true that a significant portion of them withdrew their support from formal peace organizations, whose strength had waned, as a result, well before June, 1950.

Moreover, anti-war movements during any period of our history had depended heavily on non-pacifist supporters, since dedicated pacifists have never been numerous enough to

create such movements by themselves. The absence of non-pacifist opposition to the Korean War was a vital reason why the voice of protest was so weak.<sup>32</sup> The belief that Korea was a crucial test for the United Nations explains only part of this phenomenon. The more compelling reason was the national uproar over the threat of communism.

The development of this fearful atmosphere, its causes and effects, have been examined in detail by several scholars. It will perhaps suffice to note that 1949 and early 1950 was a particularly startling period for the American people, with one event indicating communist subversion following quickly upon another. The President's loyalty campaign to root communists out of government, which had begun in 1947, was continuing. The House Un-American Activities Committee was busily investigating, having heard in August, 1948, well-publicized testimony from Elizabeth Bentley and Whittaker Chambers on Soviet espionage which had resulted in December of that year in the indictment for perjury of Alger Hiss by a federal grand jury.

The trials of Alger Hiss "were the sensation of 1949," said historian Allen J. Matusow. "No other episode in the postwar period did more to convince the public that . . . treason had once reached into high places and perhaps was still there."<sup>33</sup> Other spectacular trials occurred the same year. Members of the American Communist Party were tried in a nine-month courtroom drama for violating the Smith Act of 1940 by advocating the overthrow of the government. Judith

Coplon, a trusted employee of the Justice Department, was tried for passing secret FBI reports to a Soviet agent. The danger of treason was emphasized yet again in February, 1950, when the British government arrested Dr. Klaus Fuchs, who had earlier worked in the U.S. on the A-bomb, for giving atomic secrets to the Russians.<sup>34</sup>

Aroused by this apparent communist subversion at home, Americans were even more frightened by the victory of Communist forces in China which suddenly became a partisan political issue in the spring of 1949. Increasingly convinced by Republican charges that incompetence and duplicity in the State Department were responsible for the "loss" of China, Americans began to view communism with profound and pervasive dread. Within a short time that feeling was expanded and exploited by Senator Joseph R. McCarthy (R - Wisconsin), who made his first charges about "communists in government" in February, 1950. What became national hysteria in the following years had begun.

The influence of McCarthyism and the public's fear of communism on American political life is a large and complex subject that is well beyond the scope of the present investigation. What is significant in this discussion is that well before June of 1950 an atmosphere had been created in which any behavior or point of view that deviated from conventional patterns was suspect. Numerous writers and speakers were quick to suggest connections between unorthodox views and "the communist line." Membership long past or present in organiza-

tions named on the Attorney General's list of "subversive" groups was sufficient to damn one's character and put one's job in jeopardy.

In a setting such as this, Americans tended to shun anything resembling "left-wing" or "radical" viewpoints. Most people did not want to hear them; only a few dared to express them. The consequences for the peace movement were severe. The FOR said in the fall of 1950,

The experiences of pacifist groups and individuals throughout the country was that anti-Communist feeling and hysteria make it far more difficult to get a hearing for the pacifist position now than at any time during World War II, and indications are that this situation is more likely to get worse than to improve.<sup>35</sup>

Constance Muste suggested nine months later that the situation had not substantially changed, if at all. "It would hardly be possible," she said, "to speak up for pacifism anywhere these days without risking opposition and hostility . . . ." <sup>36</sup> Even more disturbing than the people's fear of different ideas, the public's awareness of unconventional points of view was diminishing. A disillusioned member of the WRL, Igal Roodenko, reported in May, 1950, after a field trip across the country that people hardly knew such a thing as pacifism existed.<sup>37</sup> Most damaging to peace efforts was the loss of faith among the country's most intelligent and concerned citizens, upon whom pacifists have always depended for support, in the possibility of peaceful solutions to world problems. Even they had become convinced that communism was too great an evil to be lived with. Or, though they retained some critical perspec-

tive, were nevertheless certain that war was inevitable.<sup>38</sup>

With such a pall cast over their views and activities, pacifists had no organized strength. They were reduced, said Roy Kepler of the War Resisters League, to "'little fellowship groups of mutual commiseration and fear.'"<sup>39</sup> With membership in their organizations continuing to decline in 1950, and their influence in the non-pacifist community vanishing, pacifists were isolated and powerless. As early as 1949, Kepler observed that there was "no pacifist movement in the U.S." anymore.<sup>40</sup> Scholars have confirmed that the peace forces were in dire straits by June, 1950. Said Joseph R. Conlin, "When hostilities with North Korean . . . troops commenced in 1950, the American anti-war movement stood at its nadir."<sup>41</sup> Lawrence Wittner generalized that "the promising stirrings in the postwar peace movement collapsed under the pressure of the Cold War. By 1950 few could see any cause for optimism." Elsewhere he asserted more specifically that the outbreak of fighting "dealt the final hammerblow to the fragile postwar peace movement."<sup>42</sup>

The unpopularity of pacifism and peace ideals was as significant throughout the Korean War as it was at its beginning, for the temper of the time did not improve. Rather, with Joe McCarthy's prodding and the inconclusive progress of the war, it got worse. It is important to our discussion to understand the problems and preoccupations of the pacifists as they first confronted the Korean War and the Cold War atmosphere which surrounded it, because it was the environment out of

which conscientious objection in the 1950s developed.

## FOOTNOTES

1. Matthew B. Ridgway, The Korean War (Garden City, New York, Doubleday & Company, Inc., 1967), pgs. 3 and 13.
2. Ridgway, Korean War, p. 1.
3. The Selective Service System: Its Concept, History, and Operation (National Headquarters, Selective Service System, Washington, D.C., September, 1967), p. 34.
4. E. Raymond Wilson to Zelle A. Larson, June 30, 1971. See also Ridgway, Korean War, p. 228, on the rapid demobilization of "our great military machine" after World War II, and the turning of public attention to domestic pursuits and pleasures.
5. The most thorough analysis of what the Truman Administration thought about the invasion of South Korea and how it reached its decision to intervene is by Glenn Paige, The Korean Decision, June 24-30, 1950 (New York, The Free Press, 1968). The first -- and still useful -- account of this reaction was Beverly Smith, "The White House Story: Why We Went to War in Korea," Saturday Evening Post, Vol. 224 (November 10, 1951) 22-23+. Other articles revealing the Administration's acceptance of the domino theory are Albert L. Warner, "How the Korea Decision Was Made," Harper's Magazine, Vol. 202 (June, 1951) 99-106, and Denys Smith, "A Fortnight That Changed the World," The National and English Review, Vol. 135, No. 810 (August, 1951) 185-191.
6. Warner, "Korea Decision," p. 104. Beverly Smith made a similar observation: "the President's . . . decision to use the Navy and Air Force was greeted by a general approval and enthusiasm which few people -- after all the war's trouble and controversy -- now remember." ("White House Story," p. 82.) Joseph C. Harsch of The Christian Science Monitor said: "'I have never seen such a large part of Washington so nearly satisfied with a decision of the government.'" (Quoted in Paige, Korean Decision, p. 194.) Glenn Paige confirmed that "French, Italian, and other European officials also expressed support of President Truman's decisions." (Korean Decision, p. 201.)
7. Beverly Smith, "White House Story," p. 82. The only exceptions, Smith noted, were the Chicago Tribune and its affiliate, the Washington Times-Herald.
8. Ronald J. Caridi, The Korean War and American Politics: The Republican Party As a Case Study (Philadelphia,

University of Pennsylvania Press, 1968), p. 14.

9. Republicans Kem of Missouri and Watkins of Utah raised it in the Senate, and Democrat Vito Marcantonio of New York raised it in the House. (Smith, "White House Story," p. 82.)
10. Smith, "White House Story," p. 82. The cheering was not unanimous, however, as Smith implied. Representative Marcantonio did not join his colleagues in their elated expression. (Paige, Korean Decision, p. 198.)
11. Michael J. Nugent, "The Friends Committee on National Legislation and Foreign Policy, 1945-1953," Unpublished M.A. Thesis, University of Maryland, 1969, p. 40.
12. E. Raymond Wilson to Zelle Larson, June 30, 1971. Some of the Senators Wilson specifically recalled interviewing were Wayne Morse, Robert Hendrickson, and Hubert Humphrey. Michael Nugent also described some of the FCNL's lobbying efforts. "In the first half of 1951, it [FCNL] managed to bring nearly 300 Friends and others to Washington to interview Congressmen. [It also] issued frequent memos to approximately 200 organizations actively opposed to Selective Service or universal [military] training." ("The Friends Committee on National Legislation and Foreign Policy," p. 137.)
13. Quoted in "Quakers in Korea," The Progressive, Vol. 14, No. 10 (September, 1950) 11. This article appeared in The Friends Journal before its publication in The Progressive, so it seems fair to assume it represented one of the early pacifist reactions to the war.
14. Statement issued by the Women's International League for Peace and Freedom, August 1, 1950. In the files of the National Council for the Prevention of War, Swarthmore College Peace Collection (SCPC).
15. "Action on Korea Draws Few Protests," Fellowship, Vol. XVI, No. 8 (September, 1950), p. 19.
16. A. J. Muste, Korea: Spark to Set a World Afire? (New York, Fellowship of Reconciliation, July, 1950), pgs. 10-11, 21-22, 26-29; and "The Pacifist Position on Korea," The Progressive, Vol. 14, No. 9 (September, 1950) 9-11.
17. Alfred Hassler, "Cops in Korea," Fellowship, Vol. XVI, No. 8 (September, 1950), p. 4.
18. Jim Peck, We Who Would Not Kill (New York, Lyle Stuart, 1958), pgs. 185-187.

19. It is my understanding that research on pacifism during the Korean War is presently being done for a doctoral dissertation at a mainland university. When the dissertation is completed, perhaps we will have more information than is now available about the pacifists' initial protests against the war.
20. E. Raymond Wilson in letter to Truman Kirkpatrick of the Chicago Offices of the American Friends Service Committee, October 5, 1950, FCNL files, SCPC. Also, E. Raymond Wilson to Zelle Larson, June 30, 1971.
21. E. Raymond Wilson to Zelle Larson, June 30, 1971.
22. Lawrence S. Wittner, Rebels Against War, pgs. 201-202.
23. E. Raymond Wilson to Zelle Larson, June 30, 1971.
24. Wittner, Rebels Against War, pgs. 152-159.
25. E. Raymond Wilson to Zelle Larson, June 30, 1971, and Wittner, Rebels Against War, p. 162.
26. The December, 1950, figure on the amount in the "frozen fund" was taken from a Press Release of the Religious News Service, December 29, 1950. The NSBRO's concern for the legislative bills pertaining to the fund is described in its monthly newsletter, The Reporter, October, 1948, p. 2; September 10, 1949, p. 2; April, 1949, p. 1, 4; October 31, 1950, p. 3; May 15, 1950, p. 1; May, 1952, p. 3; and May, 1954, p. 2.
27. For a discussion of the amnesty campaign up until 1947, see Sibley and Jacob, Conscription of Conscience, pp. 388-398. The CCCO's role is described in its newsletter, News Notes, December, 1949, Vol. 7, p. 1, and in minutes of the organization's meetings, November 8, 1949, p. 2; December 12, 1952, p. 1; December 17, 1954, p. 2; February 18, 1955, p. 1; October 12, 1956, p. 1. (SCPC) Other pertinent documents in CCCO files (SCPC): A circular, "Amnesty for Conscientious Objectors," 1949; Special Release, August 31, 1949, p. 2; Background Information on CCCO Meeting, February 3, 1950, p. 2. The NSBRO commented unfavorably on the CCCO's picketing as Santas at Christmastime in The Reporter, January, 1950, p. 4.
28. "Amnesty for Conscientious Objectors," CCCO, SCPC, 1949.
29. Wittner, Rebels Against War, quoting peace activist Roy Kepler, in 1946, on the reasons for a decline in the strength of pacifist organizations after World War II, p. 152.

30. Wittner, Rebels Against War, p. 152. Wittner states that the FOR had lost more than 1,000 members by 1948. The War Resisters League, he adds, "went into a period of decline in membership and finances after 1945."
31. Wittner, Rebels Against War, pp. 206-207.
32. Conlin, Anti-War Movements, p. 50.
33. Allen J. Matusow, ed., Joseph R. McCarthy (Englewood Cliffs, New Jersey, Prentice-Hall, Inc., 1959), pp. 6-7.
34. Matusow, McCarthy, pp. 5-9.
35. "Action on Korea," Fellowship (September, 1950), p. 19.
36. Constance Muste, "Accent on Affirmation," Fellowship (June, 1951), p. 1.
37. Igal Roodenko to the WRL, May 18, 1950. Quoted in Wittner, Rebels Against War, p. 212.
38. Wittner, Rebels Against War, p. 212. The author quotes the discouraged observations of intellectuals such as William O. Douglas and Albert Einstein.
39. Wittner, Rebels Against War, p. 212.
40. Wittner, Rebels Against War, p. 212, fn. 49.
41. Conlin, Anti-War Movements, p. 50.
42. Wittner, Rebels Against War, p. 201.

## CHAPTER III

Deferment of Conscientious Objectors  
Under the Selective Service Act of 1948

During the first year of the Korean War, conscientious objectors occupied a unique position in the history of U.S. conscription. They were totally deferred from military and civilian service. This arrangement did not suit the absolutists who would not accept even the duty to register, nor did it seem fair to some whose sons were being drafted. But it was acceptable to many pacifists and it avoided for twelve months, at least, the difficulties of administering an alternative service program, an arrangement that had been as unpopular in its own way with the military as it had been with peace groups. Deferment, a striking change from the work camps of World War II, was established in the Selective Service Act of 1948. Since the provisions of this Act covered the entire Korean War period -- it was extended indefinitely with only a few important changes (among them the disposition of COs) in 1951 -- we need to examine its origins and contents in some detail.

The Selective Service Act of 1940 had expired, with President Truman's approval, on March 31, 1947. Congress had subsequently established the Office of Selective Service Records, giving it the responsibility of liquidating the Selective Service System though "maintaining its records" and "preserving its knowledge and methods."<sup>1</sup> In addition to collating and organizing quantities of material, this task involved releasing thousands of employees and preparing laws to cover any "con-

tingencies" that might again require massive, conscripted manpower. When a "contingency" arose within a little more than a year, the OSSR was ready to swing quickly back to its former Selective Service functions.<sup>2</sup> But for fifteen months, the United States was without a draft; the country depended solely on voluntary enlistments to maintain its armed forces.<sup>3</sup>

The development of the Cold War put an end to the Office of Selective Service Records. According to the Service's Annual Report for 1948:

The United States was forced into serious planning for early military activity by the threatening moves of Soviet Russia. In the last half of 1947, as the several countries of Eastern and Central Europe succumbed to the Soviets and set up pro-communist governments, it became evident that there would be no peaceful settlement of the European situation in the foreseeable future. The state of international tension continued into 1948.<sup>4</sup>

On March 17, 1948, Truman asked that the draft be reinstated. In a special message to Congress, he said that the draft was necessary because,

Our armed forces . . . have been unable to maintain their authorized strength through voluntary enlistments, even though such strength has been reduced to the very minimum necessary to meet our obligations abroad and is far below the minimum which should always be available in the Continental United States.

We cannot meet our international responsibilities unless we maintain our armed forces.<sup>5</sup>

The machinery for reestablishing the Selective Service System was set in motion immediately. In fact, since the OSSR had carefully prepared for this "contingency", it had a proposal for legislation already available. With some preliminary

modification, it was the selective service legislation introduced to Congress in the spring of 1948.<sup>6</sup>

The Armed Services Committees of both houses of Congress heard extensive testimony on the draft bills, H.R. 6401 and S. 2655, primarily in March and April. At the time of the hearings, the bills included provisions for universal (or national) military training. These provisions were later dropped, but those who participated in the hearings were testifying on the two proposals: one calling for resumption of a draft of men for combat readiness, and the other urging the creation of a general reserve program of military training.<sup>7</sup> Their statements reveal clearly the current attitudes towards the developing Cold War and the introduction of peacetime conscription.

Chan Gurney of South Dakota, Chairman, opened the hearings in the Senate Armed Services Committee saying,

We meet today . . . against a back drop of world-wide fear of aggression, a fear which is engendered by the aggressive acts of the Soviet Union . . . . It would serve no purpose to recite the long list of countries, which, since VE-day, have been driven behind the iron curtain. Neither is it necessary to name other countries which are on the 'prospect' list of this international purveyor of tyranny.

It is perfectly clear that a definite threat to our own security exists in the world today; it is clear that the clouds of war are starting to gather.<sup>8</sup>

Secretary of State George C. Marshall immediately followed with similar references to the loss of independence, one by one, of the Balkan states (except Greece) and the Communist takeovers of Hungary and Czechoslovakia, the latter event

having occurred just the previous week. History seemed to be repeating itself, he observed, with frightening similarity to the days of Adolph Hitler. Diplomatic action, he said, "without the backing of military strength in the present world can only lead to appeasement."<sup>9</sup>

It was Secretary of Defense James Forrestal in statements before both the Senate and House Armed Services Committees, who presented this argument most fully and vigorously. "The situation in the world today finds deadly analogies in the past. At the root of each analogy lies despotic power, uncurbed by firm opposition until too late to prevent the tragedy of war." He cited the Germans' rush through Belgium in 1914 and twenty-five years later, Hitler's moves against Austria, the Sudetenland, and Czechoslovakia.

There is a 'deadly parallel' between those events and the successive toppling of national governments in Europe the last 3 years . . . . It is my belief that if we make it plain and clear that the United States will not tolerate the destruction of the western civilization of Europe we shall have peace. Not a peace, I believe, through long and exhausting war . . . but peace because, for once in world history, an aggressor will be forewarned of our determination backed by our strength.<sup>10</sup>

Dr. Karl T. Compton, President of Massachusetts Institute of Technology and head of Truman's Advisory Committee on Universal Military Training, echoed Forrestal's view. A strong military posture, he argued, "will be a deterrent to actions by any nation which might provoke war, as it would have been a powerful deterrent against Hitler, Mussolini, and

Japan." He added an ominous warning:

". . . technological advances in the art of war permit any nation which is planning war to act and move with devastating quickness. Therefore, if we should become involved in war, we would have less time to prepare and we would need more time . . . . The only possible answer is to have part of the preparation done in advance . . . . It [UMT] would give us a stock pile of time."

Peace groups argued just as vigorously, but vainly, against the proposals. Their testimony restricted to twenty minutes per speaker in the Senate and fifteen minutes per speaker in the House (while government and military officials were given unlimited time), pacifists had few illusions that what they said would change any minds.<sup>12</sup> They came in numbers, nevertheless, to express their opposition.

Representatives of religious bodies spoke respectfully, even sadly, to the Committees. Rev. Albert M. Gaeddert, Acting Chairman of the Peace Section of the Mennonite Central Committee said,

Once again we appear before the elected representatives of our United States to express our concern for impending conscription legislation. It is with a heavy heart that we speak . . . .

Few Christian people know the sting of war and the crushing effects of conscription better than the . . . Mennonites. Since Reformation days . . . we have suffered under the strong arm of the state which subjected itself to militarization . . . .

More than once America, the land of freedom, stood as the citadel of hope for crushed peoples . . . . When there is movement toward the further adoption of conscription methods . . . it fills us with grief . . . .<sup>13</sup>

W. Harold Row, representing the Church of the Brethren, was somewhat firmer in tone but still deferential:

The proposals for a renewed draft plan cut across our historic faith, and we are compelled by virtue of religious conviction to register our opposition to them . . . . We believe that the element of compulsion inherent in the system violates the Christian conception of the dignity, worth, and freedom of the individual . . . . History shows that military conscription is usually the first step away from Christianity and democracy in the direction of tyranny and the absolute authority of the state . . . .<sup>14</sup>

Representatives of pacifist organizations closely affiliated with religious groups asserted their views more forcefully, and offered alternatives to military weapons as methods for keeping the peace. Professor Charles Iglehart of Union Theological Seminary, representing the Fellowship of Reconciliation, argued on the grounds of simple common sense:

Whatever may have been true of wars in the past, modern war with the weapons, the methods, and the objectives now taken for granted by all has become so bestial as to place it outside the moral sanctions of God or man.<sup>15</sup>

Dr. Henry Cadbury, Professor of New Testament at Harvard University and Chairman of the American Friends Service Committee, spoke for the Friends Committee on National Legislation at the Senate Hearings. The present tension between the United States and Russia, he stated, was based on mutual fear.

We are afraid of communism backed with military weapons, and Russia is afraid of capitalism backed with atomic weapons. The present tragic cycle must be reversed . . . .<sup>16</sup>

Instead of a mutual build-up of weapons, the United States should initiate a "4-year intensive plan for peace" and put "manpower resources and determination into such a program . . . comparable to that which is now proposed for rearmament."<sup>17</sup>

Representatives of non-religious pacifist protest groups challenged their listeners boldly, even defiantly. They were sharply critical, even contemptuous, of the Administration's draft proposals and of its foreign policy in general. Dr. Henry Hitt Crane, Chairman of the Michigan Council Against Conscription (there were similar Councils in numerous states) declared that peacetime conscription was,

irreconcilably un-American; it is an unashamed adoption of a technique that is preeminently characteristic of totalitarianism; it is the renunciation of one of the most highly cherished traditions of our democracy, and it is a deliberate step toward a dictatorship . . . disguised with the fallacious contention that it is the most effective way to preserve peace.

There is no more disastrous delusion than the oft-repeated lie that the way to keep the peace is to prepare for war . . . . What we sow we reap. This is as true of conscription as it is of corn.<sup>18</sup>

Edward C. M. Richards, representing the War Resisters League, echoed Dr. Crane's assertion that conscription was antithetical to the American way of life. If "any nation on earth should repudiate militarism," he told the Representatives, "it is the United States of America. The refusal on your part to be frightened into passing any kind of peacetime conscription measures will be a vital blow at the militarists in all countries." He charged that the Administration was

deliberately trying to scare the Congress and the country into accepting its draft proposals. In "one more desperate effort to go on with the militaristic foreign policy which is largely responsible for the present mess, they have come out with a new 'crisis' to frighten the country into adopting peacetime conscription." Not only should the Congress refuse "to play into the hands of our own militarists by voting against . . . conscription," it should initiate a "systematic house cleaning of our State Department and our foreign representatives by substituting civilian for military personnel in key posts . . . ."19

Frederick J. Libby, founder and leader of the National Council for the Prevention of War, was the sharpest critic of Truman's foreign policy and of the Administration's role in fostering the current atmosphere of international tension. He agreed with Richards that the atmosphere was the result of "war hysteria" in this country which had been "artificially created by deliberate design." Fear of war and frantic preparations for it were the logical result of the Truman Doctrine, "an unlimited blank check" to fight Communism wherever it appeared. But how, he demanded, would thousands of conscripts and millions receiving military training every year save the world from Communism?

What is it proposed to do with men drafted?  
Are they to occupy Italy, if the Italian  
Communists should win the election . . . ?  
Are they to lay down their lives in China,  
fighting the Chinese people who distrust  
Chiang Kai Shek's loyalty to the principles  
of Sun Yat Sen?

I challenge the administration to tell the American people now how many of these draftees will be ordered to fight. For one, I see no hope for peace in the Truman Doctrine.<sup>20</sup>

There was very little testimony in the hearings pertaining to conscientious objectors. Lewis B. Hershey, then Director of the Office of Selective Service Records, was the only witness who questioned their proposed deferment. If COs were not required to perform "some work in accord with [their] religious beliefs" while other men were obliged to render military service, the public would not understand, he warned. Moreover, such a liberal provision would greatly increase the number of men claiming conscientious scruples against war. "The history of America and of other countries is that whenever you establish a means of being deferred or being exempted from service, many there are who develop the specifications necessary to qualify."<sup>21</sup>

But Hershey was distinctly ambivalent about the arrangement. In spite of the adverse public reaction and the increase in COs he anticipated, Hershey emphasized that Selective Service would gladly relinquish the job of administering an alternative service program. The best interest of the agency I represent, he said, "would be served . . . by having nothing to do with the troublesome problem." His agency would be "very happy to solve the problem by deferring the man who had conscientious objections." When Hershey recommended that the Committee "at least give some thought" to alternative service for conscientious objectors, it was clear his enthusiasm for

this position was decidedly lukewarm.<sup>22</sup>

The greatest attention to provisions for COs was given in a written statement by a leader of the Mennonite Church, which had originally been delivered to the President's Advisory Commission on Universal Military Training in April, 1947. The Church's representative at the Senate hearings in 1948 asked that it be inserted in the record. This statement included several recommendations to the government about handling conscientious objectors: that absolutists, those who will not take part in any step in the conscription process, be completely exempted; that any alternative service program be completely under civilian direction and that there be no military personnel involved in the entire process of selection, induction, and administration of COs; that church agencies be allowed full responsibility for training and service programs for their CO inductees; and that maintenance allowances and wages, denied to men in C.P.S., be permitted.<sup>23</sup>

It is interesting that such far-reaching proposals were not debated in the hearings. Peace groups did not focus on them. As we have seen, the pacifists leveled more general indictments against peacetime conscription and militaristic foreign policies. Committee members did not question pacifists about the recommendations. They appeared to be much more interested in the testimony of military and government officials, and seemed eager to get rid of the spokesmen for peace and to get on with the job of raising an army as a show of force against communism.

But the absence of discussion at the hearings does not necessarily indicate a lack of concern on the part of the pacifists or even the legislators. There was some feeling among peace groups that uncompromising resistance to conscription was their primary task at that time. Emphasis on allowances for COs would dilute their protest and suggest a willingness (which their experiences in World War II had diminished) to help the government carry out its demands on objectors. For example, minutes of deliberations on the draft proposals by the Executive Committee of the Peace Section, American Friends Service Committee in May, 1948, show: "Those present felt that we ought not to let the concern for C.O. provisions interfere with opposition to conscription or draft bills of any kind. It was also felt that there should be no implication that we would take part in administering any conscription law."<sup>24</sup>

Yet this desire to emphasize their aversion to conscription did not prevent pacifists from pressing legislators for improvements in CO provisions as outlined in the Mennonites' written statement. They simply did not argue their case for these revisions in the Congressional hearings, but lobbied quietly for them in private meetings with a variety of government officials. Even the Friends, the most thoroughgoing in their refusal to cooperate with a draft system, participated in the conferences. Minutes of a meeting of the NSBRO Consultative Council (a group of representatives from several pacifist agencies) reveal that the NSB

worked informally with members of the [House

and Senate Armed Services] Committees and their staffs, talked with members of Selective Service, the Department of Army, and Department of Justice. In addition . . . the Federal Council of Churches, the Friends, and others had seen various officials and congressmen. These efforts were directed towards getting a broad definition of conscientious objectors, pay and dependency allowances, and civilian control of conscientious objectors.<sup>25</sup>

Thus pacifists and government officials did exchange views on the proposals. The lack of controversy over them at the hearings resulted from the apparent perception on both sides that there were more important issues to discuss there.

Some of the recommendations did emerge briefly in public debate. Wayne Morse (R - Oregon) introduced an amendment to the draft bill which included the pacifists' proposals when the bill came to the floor of the Senate. Continually disclaiming any agreement with the COs' attitudes towards military service (" . . . I am at a loss to understand the psychology of conscientious objectors. They perplex me."), he argued that the demands of religious freedom and the lessons of World War II required a change in the government's policies towards objectors. "We cannot have religious freedom under the Constitution," he said, "and then in practice deny it [to] those who seek to exercise [it]."<sup>26</sup> Nor should Congress ignore the recommendations of those who administered the CO provisions of the 1940 Draft Act. The arguments of the pacifist organizations might be expected, but even the Attorney General, in his annual report for 1944, urged that a special board be established to handle the problems created by COs, having the

power both to classify the objectors and assign them to suitable work.<sup>27</sup>

Morse's amendment went further than the Attorney General's suggestions. It called for a National Commission on Conscientious Objectors, composed of civilians appointed by the President, which would

prescribe the conditions under which persons claiming [conscientious objections] shall (a) be inducted into the armed forces, (b) be assigned to noncombatant service, (c) be assigned to special service of national importance with governmental or approved private agencies operating in the public good at home or abroad, or (d) be deferred.<sup>28</sup>

It would replace the Department of Justice as the ultimate investigator and judge of a man's sincerity by giving the civilian board the right to hold hearings on and establish the validity of a CO's claim that he was wrongly classified. In addition, the Commission would have the authority (subject to the President's approval) to prescribe all administrative rules and regulations, "including pay and dependency allowances."<sup>29</sup>

Although these procedures would have eliminated some of the recurring difficulties with COs, the Senate was not ready to accept such "fundamental changes in the treatment of conscientious objectors."<sup>30</sup> It voted 48 to 22 against Morse's amendment. Surely the pacifists' lobbying efforts, the Attorney General's report, and General Hershey's testimony (both public and private) effectively disputed Senator Gurney's assertion that "the way the conscientious objectors were taken care of during the war worked out very well, generally . . . ."<sup>31</sup>

But the Senate was not ready to make any significant changes in CO policies. Its version of the draft bill was nearly identical in its provisions for COs to the 1940 Draft Act, requiring that objectors who refused noncombatant service "be assigned to work of national importance under immediate civilian direction." The only concession to demands for reform was granting workmen's compensation rights to objectors who were disabled or died while performing their alternative service work.<sup>32</sup>

In light of the strong feeling in both houses that military preparations were necessary to thwart communism, and in light of the Senate's uncompromising attitude towards conscientious objectors, it is interesting that such a liberal policy -- complete deferment for COs -- eventually emerged from Congressional deliberations. Though this provision first appeared in the House version of the bill, there is little information in House records to explain why Representatives accepted the idea, nor is it entirely clear how the measure reached the final draft act. The report of the House Armed Services Committee which accompanied H.R. 6401 contains no explanation for this important departure from previous policies on COs. It simply lists various groups to be exempted or deferred.<sup>33</sup> There was no debate in Committee hearings, as we have seen, nor any debate when the bill came to the House floor.

Ora Huston, Executive Secretary of the NSBRO, who had participated in the pacifists' private meetings with govern-

ment officials, suggested that the policy originated in closed sessions of the House Armed Services Committee. He reported to the NSBRO Consultative Council that Chairman Walter Andrews (R - New York) had asked Secretary Forrestal whether he objected to deferring COs rather than putting them in "concentration camps." After Forrestal replied that he did not, the Committee decided to adopt the measure.<sup>34</sup>

Although the House and Senate provisions on COs differed so sharply (as, apparently, did other sections of the two draft bills), the Conference Report fails to discuss their resolution. The Report states only the Senate "recede[d] from its disagreement" with the House bill and agreed to accept wording on the disposition of COs identical to that in the House version.<sup>35</sup> When presenting the Conference Report to the Senate, Senator Gurney did not elaborate but said simply, "With respect to conscientious objectors, the Senate yielded to the House. Those who oppose any military service . . . are deferred and are not put in a conscientious-objector camp."<sup>36</sup>

Again, Ora Huston provides what little information there is on that decision. "It is believed" [by whom he did not specify -- or the secretary did not record] that "in the give-and-take of compromise the House CO provision may have been accepted because so many of the other provisions of the House bill were unacceptable to the Conference Committee."<sup>37</sup> Since pacifists like Huston had close and continuing contacts with people involved in the legislative

process, it is not unreasonable to presume that this conclusion was an informed, if unspecific, one.

While this explanation may account for the action of some Senators, particularly those on the Conference Committee, it does not reveal much about the motivation of other Senators and especially the Representatives for accepting CO deferment. Since twenty-two Senators voted in favor of Morse's amendment to establish a national civilian board to administer the CO program, perhaps there was some sympathy around for the pacifist position. On the other hand, those who favored such a board may simply have viewed it as a sensible means of relieving the military, which had more important work to do, of a troublesome burden.

The apparent impatience with the pacifists in the Congressional hearings on the draft bills and the freshness of World War II experiences suggest that political expediency, not thoughtful concern for conscientious scruples, was the reason for CO deferment. Officials of the Justice Department and Selective Service who had served during the Second World War were still around to inform Congressmen, as Hershey did both publically and privately, about the difficulties caused by recalcitrant objectors. An increased number of CO claims for local boards to process (if Hershey's prediction was correct) would be a small price to pay to avoid a costly, problem-plagued alternative service program. As long as there was no shooting war and draftees were not facing combat, Congressmen might reasonably have concluded that the public

would not demand CO service vociferously enough to make them uncomfortable. Why set up an expensive, difficult program until public opinion demanded it?

Final debate on the draft bill took place in June, 1948. A few voices were raised against the introduction of peacetime conscription. Dewey Short (D - Missouri) chided his colleagues in the House:

It seems incredible to me that after fighting two world wars in our generation and winning both as freemen we should now reach the point where we are going to adopt the techniques, the methods, and the plans of the very nations we fought to destroy.<sup>38</sup>

Senators Glen Taylor (D - Idaho) and William Langer (R - North Dakota) tried to prevent passage of the bill by engaging in an all-night filibuster on June 19-20, with Langer reading letter after letter from his numerous fundamentalist-pacifist constituents who opposed conscription. But during the filibuster, Senate and House conferees worked behind the scenes on a compromise measure. It was immediately put to a vote when the filibuster was broken and cleared the Senate during a "turbulent session." Vito Marcantonio (American Labor Party - New York) then attempted to block its passage in the House by challenging the legality of the conference agreement, which had been obtained before the conferees were formally appointed. But he was overruled and the compromise measure was passed, 259-136, after an hour's debate.<sup>39</sup>

The advocates of peace-through-preparedness had won. America would have its first peacetime draft in history, a

condition, most Congressmen were sure, that would prevent war by making clear that the U.S. was "capable of instantly launching a counteroffensive so devastating that no enemy [would] care to make war on us."<sup>40</sup> The draft bill, S. 2655, was sent immediately to the White House. Truman signed it on June 24, and it became the Selective Service Act of 1948.<sup>41</sup>

The haste with which the House and Senate differences were resolved further suggests that the provision on conscientious objectors was the product of political expediency, not wisdom. In the late-night maneuvering between the legislative conferees, deferment, which the House favored, may have been accepted as a simple quid pro quo for some other provision favored by the Senate. In this context, Ora Huston's observation about the "give-and-take of compromise" may be more revealing than it seems. Whatever its origins, deferment was a significant innovation in government policies regarding COs.

Other provisions of the 1948 Draft Act were, in most respects, "the same as World War II legislation."<sup>42</sup> However, the length of service was limited to twenty-one months, and only men between the ages of 18 and 26 had to register. Section 6(j) pertained to conscientious objectors. (See Exhibit A.) It not only stipulated that they were to be deferred, it also defined who was eligible for the CO classification and what steps one could take to appeal if the claim was denied. We will examine the implications of that definition in the following chapter.

## FOOTNOTES

1. Lewis B. Hershey, Outline of Historical Background of Selective Service and Chronology (Revised, 1952 Edition, Washington, U.S. Government Printing Office, 1952), p. 12.
2. Report of the Director of the Office of Selective Service Records, 1947-1948 (Washington, U.S. Government Printing Office, 1950), pp. 56-57, and Selective Service Under the 1948 Act, June 24, 1948-July 9, 1950 (Washington, U.S. Government Printing Office, 1951), pp. 4-6.
3. Harry A. Marmion, "Historical Background of Selective Service in the United States," in Roger Little, ed., Selective Service and American Society (New York, Russell Sage Foundation, 1969), p. 41.
4. Selective Service Under the 1948 Act, p. 4.
5. Quoted in the Report of the Director OSSR, p. 94.
6. Report of the Director OSSR, pp. 94-96.
7. In a report accompanying its version of the Selective Service law, the Senate Armed Services Committee concluded that a bill containing both selective service and universal military training was "inexpedient at this time from both a fiscal standpoint and from the standpoint of practicability." Report No. 1268, Selective Service Under the 1948 Act, p. 10.
8. Hearings Before the Committee on Armed Services, United States Senate, Eightieth Congress, Second Session, on S. 2655, Universal Military Training, March 17-April 3, 1948 (Washington, U.S. Government Printing Office, 1948), p. 1.
9. Hearings, Senate Armed Services Committee, 1948, p. 4.
10. Hearings Before the Committee on Armed Services, House of Representatives, Eightieth Congress, Second Session on H.R. 6274 and H.R. 6401, April 12-May 3, 1948, pp. 326-327.
11. Hearings, Senate Armed Services Committee, 1948, p. 71.
12. On some days the pacifists testified, only a few members of the Armed Services Committees were present. When the high-ranking government and military

officers appeared, Committee members were in full attendance.

13. Hearings, House Armed Services Committee, 1948, pp. 6384-6385. Rev. Don E. Smucker of the Mennonite Central Committee delivered nearly identical testimony for the group at the hearings of the Senate Armed Services Committee, pp. 756-758.
14. Hearings, House Armed Services Committee, 1948, p. 6400.
15. Hearings, Senate Armed Services Committee, 1948, p. 480.
16. Hearings, Senate Armed Services Committee, 1948, p. 593.
17. Hearings, Senate Armed Services Committee, 1948, p. 593.
18. Hearings, Senate Armed Services Committee, 1948, p. 293.
19. Hearings, House Armed Services Committee, 1948, pp. 6349-6351.
20. Hearings, Senate Armed Services Committee, 1948, p. 195.  
A number of other pacifist and anti-draft groups testified at the House and Senate hearings, either delivering their statements orally or inserting them in the record. Some of these groups included the National Service Board for Religious Objectors (NSBRO), the Women's International League for Peace and Freedom, the National Council Against Conscription and several of its state councils, city and state Committees Against Peacetime Conscription, the Women's Committee to Oppose Conscription, the Women's Christian Temperance Union, and peace sections of the Presbyterian and Methodist Churches.
21. Hearings, House Armed Services Committee, 1948, pp. 6513-6514.
22. Hearings, House Armed Services Committee, 1948, p. 6513.  
In a discussion in August, 1950, with representatives of pacifist agencies about the possibility of allowing COs to work in church relief projects abroad if alternative service should be reinstated, Hershey again expressed his distaste for Civilian Public Service. A record of the meeting states:

"General Hershey made it quite specific that he was not asking for any change in the conscientious objector classification from that of deferment, for he thinks of CPS as a tremendous headache and is not looking for the same kind of thing again . . . ."

(Memo to: Julia Branson, Steve Cary, Lewis Hoskins, and Dick Bennett, From C. Lloyd Bailey, August 10, 1950, FCNL files, SCPC, p. 2.)

23. "Statement on Conscription for Military Training, and Provisions for Conscientious Objectors, Submitted to the President's Advisory Commission on Universal Military Training, April 10, 1947," by H. S. Bender, then Chairman of the Peace Section of the Mennonite Central Committee. Inserted following the testimony of Rev. Don E. Smucker, member of the Mennonite Central Committee, Hearings, Senate Armed Services Committee, 1948, pp. 758-760.
24. Minutes, Executive Committee, Peace Section, American Friends Service Committee, (AFSC files, Haverford College Library), May 25, 1948.
25. NSBRO Consultative Council Minutes, June 29, 1948, NSBRO files, SCPC, p. 2.
26. Congressional Record, Senate, Eightieth Congress, Second Session, Vol. 94, Part 6, June 3, 1948 to June 14, 1948, p. 7277.
27. Congressional Record, Senate, June, 1948, pp. 7278-7279.
28. Congressional Record, Senate, June, 1948, p. 7278.
29. Congressional Record, Senate, June, 1948, p. 7278.
30. Senator Gurney described Morse's amendment this way when arguing against its acceptance. Congressional Record, Senate, 1948, p. 7305.
31. Congressional Record, Senate, 1948, p. 7305.
32. Congressional Record, House, Eightieth Congress, Second Session, Vol. 94, Part 7, June 15, 1948 to June 19, 1948, p. 9267.
33. House Miscellaneous Reports, House of Representatives, Eightieth Congress, Second Session, Report No. 1881, p. 10.
34. NSBRO Consultative Council Minutes, June 29, 1948, p. 2. I am inferring this exchange took place in a closed session of the Armed Services Committee because there is no evidence of it in Secretary Forrestal's testimony in the hearings, nor in any records of the pacifists' meetings with Committee members. Yet Huston clearly indicated the conversation was held during a Committee meeting.

Since completing the major draft of this dissertation, I have learned that Betty Jacob was responsible for introducing the idea of deferment for conscientious objectors to the House Armed Services Committee. Professor Philip Jacob of the University of Hawaii, who is on my doctoral committee, has explained to me that while Mrs. Jacob was lobbying to end service assignments for World War II COs that had extended well beyond that war, she suggested deferment for future COs to one or more members of the Committee. I have not had a chance to learn the details of her role in the development of the draft legislation, but I will include the information in this discussion as soon as it is available to me.

35. House Miscellaneous Reports, Eightieth Congress, Second Session, Vol. 5, No. 2438, pp. 1, 10.
36. Congressional Record, Senate, 1948, p. 8996.
37. NSBRO Consultative Council Minutes, June 29, 1948, p. 2.
38. Congressional Record, House, 1948, p. 8379.
39. New York Times, June 20, 1948, p. 1. Langer's efforts on behalf of his constituents appears on pp. 8969-8982 of the Congressional Record, Senate, June 19, 1948.
40. Senator Chan Gurney, Congressional Record, Senate, 1948, p. 6998.
41. Report of the Director OSSR, p. 12.
42. Marmion, "Historical Background," p. 42.

## CHAPTER IV

## Defining "Conscientious Objection"

The 1948 Draft Act defined a conscientious objector in nearly the same terms as the 1940 Draft Act: a person who "by religious training and belief, is opposed to participation in war in any form." But the 1948 Act added an important qualification which considerably narrowed the grounds on which a CO claim could be based. It said that "religious training and belief" meant "belief in relation to a Supreme Being involving duties superior to those arising from any human relation." It specifically ruled out "essentially political, sociological, or philosophical views or a merely personal moral code."

During their lobbying efforts in the spring of 1948, pacifists had tried to convince the House and Senate Armed Services Committees to expand the definition to include "religious training and belief or humanitarian convictions."<sup>1</sup> Religious and non-religious pacifists alike were concerned about the number of deeply sincere people who were jailed in past World Wars because their objections did not meet the restrictive specifications of earlier draft laws. But instead of liberalizing the definition to help improve that situation, Congressmen constricted the terms even further.

In remaining firm, even regressing, on this issue, Congressmen were responding to two needs they felt were paramount. The first was simply to clarify the meaning of the phrase "religious training and belief." Divergent opinions

by Selective Service boards during and immediately after World War II made evident that the phrase was too vague and invited widely different treatment of individuals claiming conscientious scruples. In some instances, draft boards had generously ruled that any sincere belief was equivalent to religious belief, and sometimes classified atheists as COs. At the other extreme, some boards strictly argued that men with objections based on clearly theistical doctrines could not qualify for CO status if the church to which they belonged had not officially taken a pacifist stand.<sup>2</sup> A similar divergence appeared in court decisions. According to Prof. Paul Ramsey, some circuit courts interpreted religious training and belief "in an ordinary language sense of these expressions." But at least one circuit court "went beyond a cult-and-practices definition of religion to require showing of belief in a Supreme Being to warrant religious exemption."<sup>3</sup> The discrepancies in judgments were too widespread to be ignored.<sup>4</sup>

The second reason, at least from the pacifists' point of view, was the desire on the part of government officials to eliminate the politically oriented, or "liberal", objectors from the CO classification. Selective Service opposed the "liberals", pacifists believed, because they had caused more trouble in C.P.S. camps than the devoutly religious objectors.<sup>5</sup> Several Congressmen were hostile because they thought that "left-wingers" among CO applicants might be able to avoid military service. The NSBRO Reporter noted, for example, that during consideration of the draft bills, pacifists

learned that some of the [Armed Services] Committee members wanted the restricted definition because they feared that Communists or pro-Russia sympathizers would take advantage of this provision to escape military service in a possible war with Russia.<sup>6</sup>

Thus it was to end the past confusion and close the potential loopholes that Congress -- which apparently had help from the Justice Department with the wording -- established the additional qualification for COs.<sup>7</sup>

The new requirement for conscientious objector status, coupled with total deferment for all those who met it, left the pacifists highly ambivalent about the new draft law.

Prof. Wittner described their feelings:

The 1948 draft act represented, in pacifist eyes, an advance over the 1940 legislation because it granted C.O.'s complete exemption, and a regression for requiring a stricter religious test for C.O. status.<sup>8</sup>

In a prepared statement for a Consultative Council meeting,

A. J. Muste scored the new provision for

violat[ing] the American concept of freedom of religion by granting special consideration to those who profess belief in a Supreme Being and by the same token discriminating against those who do not profess such a belief. In the name of 'religion' it violates a fundamental religious principle by providing for recognition of conscience, the dignity and autonomy of the human spirit, in some cases and refusing to recognize it in others.<sup>9</sup>

He called on religious people to "repudiate utterly this injustice and refuse to take any action which may involve acquiescence in this provision and collaboration in its administration."<sup>10</sup> The CCCO was concerned about the provision's

effect on individual objectors. It complained that

In requiring allegiance to a definite conception of 'supreme being,' Congress has ruled out the conscientious scruples of many people to whom the voice of Conscience is a religious impulse.

The practical effect of this discriminatory definition is to present many conscientious objectors (who would have been so recognized during the last war), with the alternative of violating their consciences or violating the law.<sup>11</sup>

Both legal experts and scholars of American pacifism believe that the peace leaders were right about the unfairness of the new criterion, and that they were justified in challenging its legality. Said a recent author on the subject:

It should have been obvious from the start that this definition of religion would cause trouble. To regard only a belief in a Supreme Being as religious was to exclude many world views that think of themselves as fully convictional in character and hence also entitled to the provisions of the law. As written, the law made special provision for one form of religion to the exclusion of others and hence raised constitutional issues.<sup>12</sup>

But their complaints had no impact and a court test of the provision's constitutionality in 1952 was lost.<sup>13</sup> COs during the Korean War -- indeed, until the decision in Seeger v. United States in 1965 -- simply had to live with the consequences of the provision.<sup>14</sup>

Those consequences are difficult to measure. We have no way of knowing how many people during the Korean period who claimed religious objections to participation in war were denied CO status because they did not meet the new criterion for religious belief. There are no statistics on the subject.

We do have evidence from pacifists involved in CO activities at the time that the Supreme Being clause did result in rejections of CO claims. But their assessments of its impact differ.

Rejections occurred primarily because the wording of the clause did not clarify the grounds for conscientious objection, as the Congressmen intended, but further obfuscated them. What, exactly, was a Supreme Being? An anthropomorphic creature? A pantheistic spirit? An undefinable, extra-terrestrial force exerting its inexorable will in the world? And how could an individual's philosophical and political views, or personal morality, always be distinguished from his religious ideas? Selective Service and Justice Department officials struggled with the ambiguities and before long took refuge in a simple solution: they looked for membership in a pacifist or near-pacifist church as evidence of sincere conscientious objection. A recent author observed the cause and effect relationship. When the Congress demanded that an objector base his claim on belief in a Supreme Being, the government proceeded to insist upon a narrow, textbook definition of that Being, and "in effect, restricted the protections of the law to members of the historic peace churches."<sup>15</sup>

A. Stauffer Curry, Executive Secretary of the NSBRO, believed that the rejections which resulted from this situation were minimal. In March, 1952, he wrote to a Yale Law School student,

It is difficult to tell how many people

are excluded by the Supreme Being clause . . . but I do not think there are too many. I think there are many more who are excluded because of something in their files which looks like an inconsistency to the board, or by some prejudice of the board.<sup>16</sup>

Several months later he acknowledged to another correspondent that

there are some individual cases where draft board officials at one level or another seemed to discriminate slightly against young men who do not come from a so-called peace church. However, generally speaking, the principle is fairly well established that the particular background of a man's denominational affiliation should make no difference."<sup>17</sup>

Curry worked on nearly every phase of conscientious objection during the Korean War, so his judgment was surely an informed one. Certainly prejudice and sensitivity to "inconsistencies" played an important role in local board decisions on CO applicants. But other evidence suggests that the number of rejections that resulted from accommodation to the Supreme Being clause were greater than Curry recognized in those letters.

Sidney Aberman of the War Resisters League wrote to Curry in January, 1952, that the Metropolitan Board for Conscientious Objectors (a body of representatives from several groups interested in COs in the New York area) had devoted much of its last meeting to the problem of securing

improved recognition for the conscientious objector who bases his convictions on ethical or moral grounds, as well as . . . for the broadly religious CO who fails to get recognition because he is not a member of a peace church or an orthodox religious group. In some cases Catholic and other COs have been arbitrarily handled by the local boards and [Department of Justice officials].<sup>18</sup>

"Some cases" were apparently more than just a few because Aberman referred to them in a following paragraph as "a national problem" which might warrant a special protest to the legislators.<sup>19</sup>

That there was a national pattern of such discrimination can be seen in the number of incidences across the country reported in pacifist and conventional news journals. The Reporter cited cases in Michigan, California, and Minnesota, for example, where judges and Selective Service officers ruled against CO applicants because the church to which they belonged was not a traditional peace church. In Los Angeles, the father of one would-be CO was told by a Selective Service officer that

if his son had been a Quaker or a Brethren it (the trial) would have been different, but since the Methodist Church . . . did not teach that its members should hold the CO position, [the son] could not have gotten his ideas from the church and hence was not a sincere religious objector.<sup>20</sup>

A New York newspaper in 1951 described the case of an Army inductee at Ft. Leonard Wood, Missouri, who was turned down for transfer to a CO medical unit because his commanding officer held that his church "did not preach against the bearing of arms."<sup>21</sup>

Other pacifist documents confirm the prevalence of such difficulties. A memorandum in 1952 from the Metropolitan Board to Attorney General J. Howard McGrath complained that though the

Selective Service Act and Regulations does

not require specifically that a registrant claiming conscientious objection belongs to any recognized church group, . . . it is the lack of religious affiliation which has occasioned improper classification in many instances.<sup>22</sup>

In a report to the Consultative Council two months after he became Associate Secretary of the NSBRO in 1954, Edgar Metzler wrote,

A final problem which I have already encountered in work on cases is that of the conscientious objectors from so-called nonhistoric peace churches. While the National Service Board and others have expressed their concern to Selective Service officials at various times, there still remains some residue of prejudice in this area. The comment of a Selective Service official after reviewing the file of a CO who had a voluminous support for this claim as a conscientious objector was, 'The only thing he lacked is being from a peace church.'<sup>23</sup>

In addition, in 1950-51 the CCCO and the NSBRO urged in their newsletters that when filling out the Selective Service questionnaire, COs should interpret the Supreme Being clause broadly and quote liberally from statements of their church on war. Better yet, said the NSBRO, include a printed copy of the church's official stand in your file. "Statements of one's church," added the editors, "are helpful in convincing draft board."<sup>24</sup>

That pacifist organizations issued such a memorandum and report and published such instructions suggest that the Supreme Being clause did create serious, and probably frequent, difficulties for CO applicants. The fact that in 1952 Curry downgraded their significance as compared to other CO problems

whereas his assistant, Edgar Metzler, cited them as particularly notable in 1954 may indicate that their visibility, if not their numbers, increased as time passed. Moreover, since Curry dealt primarily with religious objectors, he may not have seen the results of the clause as quickly as other pacifists working with COs who could not easily meet the religious qualifications.

The actual number of people affected by the peculiar application of the Supreme Being clause is less significant, perhaps, than the fact that the tactic was based on a narrower notion of what constituted evidence for conscientious objection than either the 1948 or the 1940 Draft laws required. The provision on COs in the 1940 law had specifically been designed to eliminate the requirement of church membership which the earlier Draft law had included. Section 4 of the 1917 Act defined an objector as

a member of any well recognized religious sect or organization . . . whose existing creed or principles forbid its members to participate in war in any form . . . .<sup>25</sup>

The "well recognized religious sect or organization" was soon translated by those who had to implement the law as an "historic peace church," meaning primarily (even exclusively, in practice) the congregations of Friends, Brethren, and Mennonites. After the imprisonment and mistreatment in World War I of many dedicated pacifists who did not belong to these or any other churches, Congress was persuaded that "religious training and belief" was a more reasonable ground for conscientious

objection. Yet the inclusion of this phrase in the 1940 Act did not prevent some draft officials and judges from demanding church membership as evidence of sincere belief during World War II. Nor did its presence in the 1948 Act prevent the same results during the Korean period.

This persistent constriction of the law can be seen most readily in the behavior of Justice Department Hearing Officers. They were lawyers responsible for judging the claims of conscientious objectors who appealed the classification assigned them by their local boards. After interviewing the COs, Hearing Officers made recommendations through the Justice Department to the Appeal Boards as to whether the claims should be denied or upheld. While fulfilling these duties during the 1940s and 1950s, the officers became the best known of any agents of the draft system for their restrictive interpretation of the "religious training and belief" clause. Mulford Sibley and Philip Jacob cited Hearing Officers with a narrow outlook on CO claims as one of the objectors' biggest complaints in the Second World War.<sup>26</sup> Pacifist files during the Korean War contain repeated charges against the Justice officials for their limited vision.

It is interesting that Stauffer Curry, who had discounted the impact of decisions on church members, was one of the Officers' most frequent critics. In 1951, he reported to the Board of Directors of the NSBRO that he and his staff "felt that hearing officers have been particularly effective in obstructing the securing of a [CO] classification by numerous

men."<sup>27</sup> In his letter to the Yale Law student in 1952, he remarked upon the "many misclassifications" by officials that had resulted from their misinterpretation of pacifist beliefs, "particularly those [of men] from so called nonhistoric peace churches . . . . I have felt," he added, "that perhaps the Hearing Officer[s] were the greatest offenders on this point."<sup>28</sup> In 1953 he complained to T. Oscar Smith, Special Assistant to the U.S. Attorney General, about a particular Hearing Officer in Sioux Falls, South Dakota, who seemed to believe "that a man must be a member of a so-called historic peace church before he can be recognized as a conscientious objector."<sup>29</sup> Again, in 1952, he wrote to Smith urging the replacement of a Hearing Officer for the Chicago area who

has a rather mechanical concept of religion which seems to judge church activities and outward expressions of institutional loyalty to the church as being paramount in a religious objector's experience, rather than basing his judgment on an understanding of the man's actual religious beliefs.<sup>30</sup>

Others joined in the protest against Hearing Officers. The Metropolitan Board for Conscientious Objectors devoted a major portion of its memorandum to J. Howard McGrath (earlier cited) to an indictment of the Hearing Officers and a demand that they be more carefully chosen for their job. The Board said,

Hearing Officers should be apprised of the fact that lack of church affiliation is not a bar to a conscientious objector's claim for recognition, nor does the fact that a church has not taken an official position against military service bar the individual from a sincere personal position.<sup>31</sup>

Improvement in the Officers' judgments was vital, the Board added, because

it has become apparent [that] the Appeal Boards rarely go counter to a Hearing Officer's recommendation on a given case, although the Appeal Boards have the right to final classification.<sup>32</sup>

The Hearing Officers, to be sure, were scarcely the final authority on cases brought before them. They reported to the Justice Department, which might or might not accept their conclusions in the reports it submitted to state appeal boards. In May, 1953, News Notes quoted a government attorney's observation that the recommendations of Hearing Officers were not merely rubber-stamped, but were reviewed carefully and, in about 5% of all cases, were reversed.<sup>33</sup>

Moreover, the actions of Hearing Officers were sometimes at issue in the trials of conscientious objectors who refused induction. Occasionally, Hearing Officers' behavior furnished the grounds on which the objectors won their cases. Frieda Langer Lazarus of the Metropolitan Board for Conscientious Objectors cited the instance of a Hearing Officer named Gallagher, who had "two cases dismissed by the Courts, and two cases returned to Selective Service," as a result, according to Lazarus, of the Metropolitan Board's determination "to discredit this particular Hearing Officer to prevent innocent men from being sentenced."<sup>34</sup> She described in particular a 1952 case in which the lawyer for an accused objector switched his defense from one predicated on the accused's membership in Jehovah's Witnesses to one that challenged

Gallagher's fairness and understanding of the law -- and won a prompt acquittal. In an article published in 1955, Philip Jacob could write that arbitrary or capricious rulings -- rulings without basis in fact -- by a Hearing Officer were among the grounds "now" accepted by the courts for voiding inductions ordered by Selective Service.

Of course, the reversals of recommendations by Hearing Officers were not always to the advantage of the registrant. Stauffer Curry quoted an interview with T. Oscar Smith of the Department of Justice, in November, 1952, in which Smith said that although the Department, in a "close" case, would usually accept the determination of a Hearing Officer that the registrant should be classified I-O, the Department would contradict the Hearing Officer if it did not consider the case "close."

But, in spite of challenges to the behavior of some Officers and reversals of their findings, Hearing Officers evidently continued to use the same old criteria in assigning conscientious objector classification. As late as August, 1954, The Reporter described the case of a CO applicant whose appeal was denied by a Hearing Officer "because he belonged to the Methodist Church instead of a 'historic peace church.'"<sup>35</sup>

Department of Justice men in general behaved strictly, even severely, towards COs during the Korean War. Their readiness to employ such a restrictive notion of probative evidence is a clear sign of their suspicion and disdain for COs, an attitude clearly shared by many judges, Selective

Service officials, and laymen alike. Yet one can agree that interpreting and applying the terms "religious training and belief" and "belief in a Supreme Being" was not a simple task -- for them or for anyone else administering the Selective Service Act. It is understandable that they should seek their own remedies for the law's imprecision. Sibley and Jacob said that interpreting the religious training clause was "one of the Hearing Officers' greatest difficulties" in World War II.<sup>36</sup> The evidence suggests they had even more trouble with it during the Korean War, and that they looked for membership in an "historic peace church" with even greater diligence. It is distressing to observe that as the legal definition of conscientious objection became more complex and in some ways more liberal between 1917 and 1948, agents of the Selective Service System clung more tenaciously with each war to a simplistic application of it. Congress may have wanted to foil the machinations of political leftists, but what it did inadvertently was to cause unjust treatment of some deeply sincere pacifists.

## FOOTNOTES

1. The Reporter For Conscience' Sake, October, 1948, p. 2.
2. Peck, We Who Would Not Kill, p. 56.
3. Paul Ramsey, "Selective Conscientious Objection: Warrants and Reservations" in Finn, Conflict of Loyalties, pp. 45-46. The widely different interpretations could be seen in two notable decisions. Kauten v. U.S. provided the broadest definition of conscientious objection by any court, describing it as "a response of the individual mentor, call it conscience or God, that is for many persons at the present time the equivalent of what has always been thought of as a religious impulse." (133 F. 2nd 703 [1943]). Peter Brock observed that "this almost Gandhian identification of God with truth was the furthest point reached in liberalizing the law on the subject until the decision in the Seeger case in 1965 . . . ." (Twentieth Century Pacifism, p. 174.)  
 But in 1946, another circuit court took a much narrower view. In Berman v. U.S. the court held that "philosophy and morals and social policy without the concept of deity cannot be said to be religion." (156 F. 2nd 377 [1946]). For a discussion of this issue, see Conscientious Objectors Under Selective Service. (CCCO, 2nd Edition, The Larchwood Press, Philadelphia, 1951, pp. 4-5.) Although this decision directly conflicted with that in Kauten, the Supreme Court refused to review it. Thus the discrepancy in judgments about what constituted conscientious objection under the 1940 law remained unresolved.
4. That Congress wanted to clear up the confusion was also noted by Walter Goodman, writing in 1969:  
 "In 1948, when drawing up the Selective Service law . . . , Congress inserted an additional sentence in the conscientious-objector provision in order to make it absolutely clear to local draft boards that they need not credit the consciences of atheists or agnostics." (Goodman, "Choose Your War; Or, the Case of the Selective C.O.," New York Times Magazine, March 23, 1969. Reprinted by the American Civil Liberties Union, New York, p. 1.)  
 For an expanded discussion of this situation, see Sibley and Jacob, Conscription of Conscience, pp. 67-69.
5. News Notes, May, 1951, p. 2, and March, 1951, p. 3.

6. The Reporter, October, 1948, p. 2. The Annual Report for 1947-48 of the American Civil Liberties Union confirmed the pacifists' information. It stated:
- "Continued fear of Congressmen that some loophole might enable Communists to evade service prompted adherence to even narrower definitions of conscience than in the wartime act." (Annual Report: Our Uncertain Liberties, 1947-48 [American Civil Liberties Union, New York, August, 1948] Vol. 4, p. 61.)
- Edward LeRoy Long, Jr., also remarked upon the legislators' attitude. Congress became concerned, he said, about preventing exemption to those whose motivations stemmed from political convictions, and, as a result, included a specific definition of "religious training and belief in the 1948 draft legislation. (Long, War and Conscience in America [Philadelphia, The Westminster Press, 1968], p. 103.)
7. NSBRO Consultative Council Minutes for June 29, 1948, reported that General Hershey told a meeting of pacifists he believed that "the definition of conscientious objectors in the new draft came from some source within the Justice Department. . . ." (NSBRO files, SCPC, p. 3.)
8. Wittner, Rebels Against War, p. 186.
9. NSBRO Consultative Council Minutes, June 29, 1948, Addendum "a." Copy of the Five Point Statement of A. J. Muste. Presented At The June 29 Meeting Of The Consultative Council, NSBRO files, SCPC.
10. Muste, Five Point Statement. Muste continued to protest against the new religious requirement, and was dismayed when fellow pacifists seemed to give up the struggle by turning their attention elsewhere. In 1952, he lamented,
- "Nothing in [the] entire field of pacifist policy and behavior is, frankly, harder for me to understand than how religious COs and many of the leaders of the peace churches and of the Fellowship of Reconciliation, can acquiesce in this situation and accept what is regarded as an advantage, a preferred position, under it . . . for the religious man it would surely be a central and indispensable part of his faith that discrimination, most of all where two men acting in obedience to conscience are involved, is unthinkable and that if there is discrimination, he cannot be the beneficiary of it." (Muste, Of Holy Disobedience, pp. 21-22.)

11. "Conscience Behind Steel Bars," CCCO, N.D. but filed in 1948-1949 material of CCCO at SCPC.
12. Long, War and Conscience, p. 103.
13. In George v. United States the court saw no problem with Congress's definition of religion in the 1948 Act.

"It . . . comports with the spirit on which 'Religion' is understood generally, . . . It covers the case of most persons who derive inspiration from what has been called 'the Life of God in the Soul of Man.' (196 F. 2nd 445, cert. denied, 344 U.S. 843 [1952]). See also John C. Osberger, "Three Eras of the Conscientious Objector," University of Cincinnati Law Review, Vol. 34, [Fall, 1965], p. 497.)

Even if it had found fault with the wording, the court would not intervene because Congress had the right to make its own decisions about exemptions from military duty. They were the product of legislative grace, not constitutional mandate, so Congress could decide to whom it would or would not grant the privilege. The judges concluded:

". . . as the exemption for participation in war on the grounds of religious training and belief can be granted or withheld by the Congress, the Congress is free to determine the persons to whom it will grant it, and may deny it to those persons whose opinions the Congress does not class as 'religious' in the ordinary acceptance of the word."

In other words, observed the CCCO about this argument, "whatever the government may forbid altogether it may condition even unreasonably. . . ." (News Notes, May, 1952, p. 1.)

14. Daniel Seeger, an agnostic, claimed exemption on the grounds of broadly "religious belief" while refusing to affirm belief in a Supreme Being. His claim was denied at several levels. When it reached the Second Court of Appeals, the Court directly challenged the law's preference for one form of religious expression over another and ruled that it violated the Fifth Amendment and was therefore unconstitutional. Unfortunately, the Supreme Court evaded the constitutional question -- by intellectual gyrations that have since been condemned by a variety of legal and social commentators -- but it did define the phrase "religious training and belief" in such broad terms that belief in a "Supreme Being" could no longer be required. In fact, as a result of this ruling, the

reference to belief in a Supreme Being was removed from the 1967 Draft Act. (Long, War and Conscience, p. 103.)

In U.S. v. Seeger the Supreme Court said that within the phrase "religious training and belief"

"would come all sincere religious beliefs which are based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent. The test might be stated in these words: A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition." (380 U.S. 163 [1965]. For further discussion of the Seeger decision see Arlo Tatum and Joseph S. Tuchinsky, Guide to the Draft, Third Edition, Revised Boston, Beacon Press, 1970 , p. 180.)

This decision, said Tatum and Tuchinsky, "made it clear that any belief or value which you live by, which is so basic to your own thinking that it is your personal religion, can . . . meet the legal requirement for conscientious objection." (Guide to the Draft, p. 180.)

15. Michael Harrington, "Politics, Morality, and Selective Dissent," in Finn, A Conflict of Loyalties, p. 221.
16. A. Stauffer Curry to William Delano, March 19, 1952, NSBRO files, p. 2.
17. A. Stauffer Curry to Mrs. Mary Teal, December 22, 1952, NSBRO files.
18. Sidney Aberman to Mr. A. Stauffer Curry, Jan. 7, 1952, NSBRO files.
19. Aberman to Curry, Jan. 7, 1952, NSBRO files.
20. The Reporter, February, 1954, p. 3, March, 1954, p. 3, and May, 1954, p. 2.
21. The Daily Compass (New York), August 14, 1951, NSBRO files.
22. Memorandum On Conscientious Objectors submitted to Atty. Gen. J. Howard McGrath by the Metropolitan Board for Conscientious Objectors, attached to a letter from Frieda Langer Lazarus to McGrath, January 16, 1952, NSBRO files, p. 1.
23. NSBRO Board of Directors-Consultative Council Minutes,

- October 14, 1954, addendum d, NSBRO files, p. 3.
24. News Notes, May, 1951, p. 2, and The Reporter, November-December, 1950, p. 3.
  25. Quoted in Sibley and Jacob, Conscription of Conscience, p. 11.
  26. Sibley and Jacob, Conscription of Conscience, p. 81.
  27. Report of the Executive Secretary, NSBRO Board of Directors Minutes, May 19, 1951, addendum a, p. 1. NSBRO files.
  28. A. Stauffer Curry to William Delano, March 19, 1951, NSBRO files, p. 2.
  29. A. Stauffer Curry to T. Oscar Smith, March 9, 1953, NSBRO files.
  30. A. Stauffer Curry to Mr. T. Oscar Smith, October 7, 1952, NSBRO files, p. 1.
  31. Memorandum on Conscientious Objectors, Jan. 16, 1952. p. 3.  
Curry was also critical of the Hearing Officers' general ability to perform their work. He asked the Board of Directors in November, 1951, to  
  
"consider the appointment of a delegation to see the Attorney General about the appointment of Hearing Officers, inasmuch as many inequities arise in specific cases at the point of the judgment of Hearing Officers who are not trained for their work."  
(Directors Minutes, November 16, 1951, addendum a, Report of the Executive Secretary, NSBRO files, p. 2.)
  32. Memorandum on Conscientious Objectors, Jan. 16, 1952, p. 2.
  33. News Notes, May, 1953, p. 3.
  34. Frieda Langer Lazarus to A. Stauffer Curry, June 28, 1952, NSBRO files, SCPC, p. 2.
  35. The Reporter, August, 1954, p. 3.
  36. Sibley and Jacob, Conscription of Conscience, p. 73.

## CHAPTER V

## Prosecution of Nonregistrants

From June, 1948 to June, 1951, conscientious objectors, like good children, were hardly seen or heard of by the American public. Because the bulk of the CO population in any war comes from a religious background (a result of the law's definition as well as the character of American pacifism), most draft-age pacifists could meet the new qualifications for conscientious objector classification. They were exempted without unusual incident and remained relatively obscure within their own communities, the object of only scattered complaints until well after the Korean War began.

Selective Service records, quoted in The Reporter, showed 8,609 men so deferred in June, 1951.<sup>1</sup> But this figure reflected a change in Selective Service regulations, approved by the President in January, 1951. This ruling moved the IV-E (deferred as conscientious objector) from low to high in the order of classifications. (See Exhibit B.) Because Selective Service assigned people to the lowest classification for which they were eligible, with V-A (overage) at the bottom and I-A (available for military service) at the top, the new ruling opened several categories for which CO applicants could be considered before being placed in IV-E. Thus men who had been assigned directly to IV-E before January, 1951, were, for example, placed in II-C (agricultural deferment) or III-A (dependency deferment) after that date. Though still COs in

conscience and intent, they no longer appeared in the IV-E category. Because of this change, the number of objectors appeared steadily to decline after January, 1951.

For a more accurate picture of the number of COs during the period under discussion, we should look at the monthly figures for IV-Es before the new regulation had effect. From a low of 4,502 on December 31, 1948 (the earliest date for which I have statistics) the total number steadily increased to 6,439 by March of 1949, and to more than 8,000 by July, 1949. The number reached a peak in the fall of 1950 when the total reached 12,272 by September 30.<sup>2</sup> So the figure of 8,609 for June, 1951, gives little indication of how sizeable the CO population was during this period, or might have been if Selective Service had not issued new classification procedures.

Editors of The Reporter speculated that "the new regulation was probably put into effect in anticipation of a change in the draft law on conscientious objection."<sup>3</sup> Since a change did occur shortly, replacing deferment with an alternative service program, such a move by Selective Service would have been quite sensible. By reducing the number of conscientious objectors (in form if not in identity), Selective Service would have fewer people to administer in the program. Whatever the rationale for the ruling, it made official figures on the number of conscientious objectors highly unreliable as a measure of pacifist sentiment. When discussing the total CO population during the Korean War, we will have to keep this qualification in mind.

Deferment reduced the visibility of conscientious objectors and minimized the friction between them and the Selective Service System. With no alternative service program as in previous wars, Selective Service had fewer duties to impose on COs and they, in turn, had fewer occasions to object. With the exception of difficulties stemming from narrow interpretations of the Supreme Being clause, relations between Selective Service officials and conscientious objectors were relatively harmonious for these three years.

In contrast, relations between objectors and officials of the Department of Justice were hostile and contentious. The distrust of and rigidity towards CO applicants on the part of Hearing Officers was only one manifestation of the Justice Department's attitude toward those who questioned the government's right to make war. Toward those who refused to cooperate in any way with the draft system, Justice officials, and judges who tried the cases, were angry and vindictive. DOJ men were as a rule unsympathetic to pacifists, but they were obliged to recognize the legal right to classification as a conscientious objector. There was no such protection for those who rejected the system of conscription entirely. When they defied the law -- by refusing even to register -- Justice officials were free to vent their contempt for such social deviancy. Indeed, the vigor with which the DOJ initially prosecuted nonregistrants and the stiff sentences judges gave to resisters as compared to other criminals clearly suggest that these agents of the draft wanted to punish pacifists for

their heresy. The officials were not simply upholding the law, but engaging in political repression.

The confrontation between absolutists and the government was not confined to the period 1948 to 1951. But during this time, specifically January, 1949 to July, 1950, inductions into the Armed Forces were suspended because of an unexpected surplus of manpower.<sup>4</sup> Thus the prosecution of nonregistrants stood out in comparison with the lack of demands upon willing registrants. With no war and no inductions, it was certainly not the pressure of public opinion that prompted harsh treatment of draft refusers, it was the attitudes of law enforcers themselves.

The prosecution of draft refusers began slowly but soon picked up in speed and intensity. By October, 1948, nine resisters had been arrested, not a large number in comparison to what would come, yet enough to indicate to Caleb Foote, Executive Secretary of the Central Committee for Conscientious Objectors, that "full government prosecutions against non-registrants are now under way."<sup>5</sup> Three months later, the number had risen to fifty-five; in three more months, it reached seventy-eight. By that date, April, 1949, fifty-two of the cases had been disposed of, with all but twelve of the men being sent to prison.<sup>6</sup> Most of those arrested and imprisoned were religiously motivated and church affiliated, with Quakers constituting the bulk of the group.<sup>7</sup>

Pacifist spokesmen became angry and vocal. How could a country which claimed to be a democracy imprison men for their

religious beliefs? Didn't the First Amendment protect the "free exercise" of religion? How could the United States protest the violation of religious liberty behind the iron curtain while imprisoning conscientious objectors at home? More practically, what purpose was there for such treatment of thoughtful, decent people? Selective Service was not drafting anyone, hence imprisoning resisters was not necessary to insure compliance with the draft law. By incarcerating these men the government increased its expenses, deprived communities of their good services, and created hardship for their families. What reason could there be for such a policy, asked Caleb Foote, than "to coerce them into abandoning their conscientious convictions -- hardly a worthy motive,"<sup>8</sup>

The near-pacifist religious journal, Christian Century, implored the government to stop this "wastage of good young life." Why should

good men who are more sensitive than most to . . . the moral integrity of our society . . . be sent to prison because they start their objection to conscription before the law says they may. . . [?] We see neither sense nor justice in their incarceration. If the courts cannot find a way to make the right of conscientious objection to conscription apply to registration also, Congress should amend the draft law.<sup>9</sup>

Even people unsympathetic with the nonregistrant position believed that such vigorous prosecution during peacetime was unwarranted, and they chided the government for its unjust and unseemly behavior. Hubert Humphrey, newly elected Senator from Minnesota, respectfully suggested to Attorney General

Tom Clark that "our government should . . . not stigmatize [the conscientious objector] with the same treatment given to ordinary criminals" and that the Department of Justice might deal with CO cases in Washington where it "could call on religious leaders for occasional guidance," rather than leaving the cases to the discretion of U.S. Attorneys scattered across the country.<sup>10</sup> In January, 1949, thirty prominent writers, churchmen, and educators sent a letter to important newspaper editors calling for "a halt to the imprisonment of these young men of peace." Such behavior "does not become the government of a nation aspiring to the moral leadership of the world in opposing Russia and her satellites for their oppression of minorities today."<sup>11</sup> The message reached the editor of at least one major eastern newspaper who openly criticized the government's continued imprisonment of COs while far worse criminals went free. This "policy of petty spitefulness," complained The Hartford Courant, "ill becomes a powerful nation, the supposed citadel of religious freedom."<sup>12</sup>

The CCCO, which was especially concerned about nonregistrants, complained in January, 1949, that

the courts were showing a heavy hand to those whose principles compelled them not to register for the peacetime draft. With only one man given probation, prison sentences averaged more than two years apiece. This is greater than the average sentence for narcotic or liquor law violation, and only a few months less than the average for white slave law violation.<sup>13</sup>

By February, 1949, only one more nonregistrant had been given

probation out of the forty objectors sentenced as of that date. That rate (two out of forty, or five per cent) was nearly the same as during World War II, based on figures compiled by the Pacifist Research Bureau.<sup>14</sup>

The CCCO had compared that rate with the percentage of offenders given probation for serious crimes in twenty-four state courts in 1944-45. For auto theft, 38% were given probation, for embezzlement and fraud, 35%, for aggravated assault, 29%, and for rape, 26%. Though the types of offenses were not broken down, the probation figures compiled for serious crimes over a four-year period (1944-47) were even higher. Thus there was a striking discrepancy in the probation rate for conscientious law-breakers and the rates for other felons, and it promised to continue during the 1950s.<sup>15</sup> Wasn't it absurd, said the organization, that "a man convicted of rape has five times as good a chance for probation, and an auto thief seven times the chance, of a conscientious objector[?]"<sup>16</sup>

Judges did not have to impose prison sentences on objectors, observed the CCCO. U.S. Probation Law gives judges wide latitude to impose a variety of conditions or none at all, according to their assessment of the best interests of the public and the defendant. The courtroom claims (often couched in "regrets") that it was their "duty to impose sentence in accordance with the law" (translation: send the man to jail) was simply an excuse to justify their dislike of the objectors. Such assertions ignore the fact

that the probation law is specifically

designed to meet just such a situation as this, where there has been a violation of law but justice would seem to indicate that imprisonment was not in order.<sup>17</sup>

In addition, judges often took affront when objectors persisted in their "obviously mistaken" views, and gave them longer sentences than other criminals because of that obstinance.

The word "defiant," continued the CCCO

crops up with monotonous regularity in C.O. cases. As defined by the judges, defiance simply means that the defendant is unwilling to change his religious or moral convictions at the behest of the court. In this sense they are, of course, 'defiant,' just as everyone before them who has stood by his beliefs in the face of organized opposition, from Socrates to Mindszenty, has been defiant.<sup>18</sup>

But why should any condition be attached to a CO's sentence, such as disavowing their beliefs, when no requirements are imposed on other criminals as a condition of receiving probation. Nor of being eligible for parole, a situation where pacifists met the same impositions.

[T]here is nothing in the probation law to bar defendants who are 'defiant' . . . from probation. 'Penitence' is not a condition of parole when the interests of the general public and justice demand it.<sup>19</sup>

A visit by Caleb Foote with members of the United States Parole Board in March, 1949, convinced him that the Board was just as arbitrary as and angrier than most jurists in its decisions on draft resisters. The Board had already denied parole to the first two eligible nonregistrants and was likely to continue this policy with any objectors who were "unrepentant," since "most of the members are thoroughly military in their

thinking," reported Foote, "and regard C.O.'s as 'traitors' and 'worse than communists.'"<sup>20</sup> Foote's fears were not entirely borne out, for the Parole Board did eventually give paroles to all objectors imprisoned between June, 1949 and June, 1951. Because most of the imprisoning of resisters occurred within that time (for reasons that will be explained later in this chapter), the rate of paroles of nonregistrants during the Korean period was high.<sup>21</sup> But the Board vacillated in its policies towards objectors, now granting one or two applications for parole upon first consideration, then denying four or five first-time applications. The intensity of the wars -- cold and hot -- seemed to affect those fluctuations.<sup>22</sup>

If the record of paroles was not entirely unfavorable, surely the minimum use of probation was evidence that draft resisters were a special class of offenders in the eyes of most judges. The CCCO was certain that objectors were sent to prison because judges "want to punish conscience and 'deter' freedom of religion."<sup>23</sup> They saw plentiful evidence to support their critical view of judges and prosecutors.

For example, it looked like pure punishment to pacifists that a number of people prosecuted for nonregistration during the Korean period were veterans of Civilian Public Service or prison during World War II. Having declared their conscientious beliefs and served time for them, they were now expected to repeat the process simply because the draft law was a new one.<sup>24</sup> One man who was prosecuted in 1948 had been a smoke jumper -- a forest firefighter who parachuted into the midst

of the blazes -- one of the most dangerous jobs in Civilian Public Service. Another, Sander Katz, had served nineteen months in prison during the Second World War. In 1948, he was given a second prison sentence of one year and a day by Federal Judge Harold Medina.<sup>25</sup>

Robert Ruark, the well-known Scripps-Howard columnist, expressed some opinions about Medina's judgment that indicate the kind of emotional atmosphere in which judges were making their decisions about objectors. Ruark thought Medina had been much too soft on Katz. The judge "should have thrown the book" at him. He was "one of the long-hairs who stroll the Village streets, lost in reveries and a turtle-neck sweater" while other men were sweating their lives away on remote Pacific islands or lying forever on the beaches at Anzio and Tarawa. He concluded acidly,

I am sick of the dissenters who enjoy the benefits and refuse the penalties of living in this particular land. So long as we operate by duly-passed law, the punishment for nonconformation should be bitter and ample . . . . It has been doubly difficult to sell this current draft to the nation -- it will become more difficult if the wilful dodgers escape with a slap on the pinky.<sup>26</sup>

There were some judges more indulgent than Medina to be found. The CCCO cited one in North Carolina, for example, who actually commended an objector and his parents for the young man's stand. "I feel your son is making a very great sacrifice for conscience's sake," the judge said. "His conduct is in line with the great of the earth . . . ." <sup>27</sup> It called

attention to another, Judge Charles Wyzanski of Boston, who has since made important decisions favorable to conscientious objectors. Apparently impressed with the sincerity and conviction displayed by one "total non-cooperator" (the CCCO's description), Wyzanski sentenced the man to only ninety days in prison, a very light sentence at that time.<sup>28</sup> Moreover, though the average sentence was two years imprisonment for nonregistration, that figure was skewed by consistently longer sentences in some areas of the country than in others. Judges in Southern California frequently meted out three-year, and occasionally five-year, sentences to pacifist defendants. Resisters fortunate enough to live elsewhere were not regularly subjected to treatment that harsh.<sup>29</sup>

But Ruark need not have worried that judges had lost their senses over conscientious objectors. They were, after all, consistently harder on objectors than on other types of criminals, even if Ruark thought they ought to have been even harder. In addition, they often used their position to berate and condemn the conscientious law-breakers. The CCCO and the NSBRO regularly reported such incidents in their newsletters; a few examples may suffice. In December, 1949, four Quaker nonregistrants came before a judge in Mobile, Alabama. Their case followed that of several liquor law violation and car theft cases, for which the judge gave probation. To the Quakers, who carefully explained their conscientious motives, the judge gave one year and a day in prison and a stern lecture.

This pacifist crowd would turn this country over to some other government. I have no

patience with this sort of thing. If you don't like this country, you should get out and stay out.<sup>30</sup>

In November, 1948, J. Newton Garver, III, faced an impatient judge. Garver had spoken only a few sentences to explain his action when the judge intervened:

This is not a forum for you to give expression to any theory. You are charged with a serious crime. We are not going to tolerate any speeches. I suppose we are in for another epidemic of inflated egos . . . .<sup>31</sup>

Garver never did finish his testimony. The judge later accused him of seeking publicity and martyrdom by his stand, and sentenced him to one year and a day in prison.<sup>32</sup>

Had Garver been able to complete his statement, he might have angered the judge even more, if a previous public declaration gives an indication of what he might have said. In September, Garver wrote President Truman a clear exposition of the grounds for pacifist refusal to register for the draft. Relying on an historical rather than a religious perspective, Garver argued that war had never accomplished anything good, it simply slaughtered and destroyed. If man and his civilization were to survive, cooperation and peace would have to replace the cycle of preparations for war and then fighting. Since world leaders continued to wage wars, the only thing for a responsible citizen to do was to refuse to cooperate, much as he would decline to help anyone rob a bank. Gandhi proved the power of noncooperation in India. Judges at Nuremburg had assigned the responsibility for such noncooperation to the individual citizen.

Basic to the whole idea of non-cooperation is the acceptance of individual responsibility for all of our actions. No matter who tells us what to do -- our government, our church, our family, our boss, or anyone else -- we as individuals must decide whether what we do is right or wrong . . . . Justice Robert Jackson of the United States Supreme Court made this point very clear at the Nuremburg Trials . . . that individual German citizens were to blame for what the Nazi regime did, even though they were acting 'under orders.' Therefore, we cannot follow the state in blind obedience, but must ourselves decide what to do.<sup>33</sup>

Garver was not the only Korean period objector to cite the Nuremburg principles in defense of his position. A number of pacifists since World War II have realized that the American government's commitment to the notion of individual responsibility for war crimes of the German state could be used to support their resistance to what they believed were similar crimes by the United States.<sup>34</sup> If Garver's judge was typical of other federal judges, and his remarks suggest he was, he would have reacted quite angrily to this analogy. In the spring of 1951, the CCCO reported that "objectors attempting to use [Nuremburg] precedents to show that superior orders are not binding on one's conscience have met an extreme degree of hostility from Federal Judges."<sup>35</sup> For people who were defying the law to suggest that the government sanctioned their behavior was apparently too much for the judges to tolerate. For them to imply a similarity between American policies and Nazism was undoubtedly an even greater affront.

By the spring of 1951, jurists were still holding firm against nonregistrants. In Baltimore, the American Friends

Service Committee offered to accept a resister for charitable work in Mexico if the court would grant him probation. The court would not; it gave him four and one-half years in prison. The judge "bitterly reprimanded" the Service Committee for its willingness to employ such a person and for its implied willingness to condone nonregistration.<sup>36</sup> He also berated the defendant's father for encouraging his son's stand, suggesting that the father could be prosecuted for counseling and abetting evasion of the draft. No prosecution was ever initiated against this father nor, said the CCCO, against any parent of a nonregistrant as of that date.<sup>37</sup> But the Justice Department had, by this time, prosecuted a nonregistrant's college teacher for aiding and abetting evasion in one of the best known cases of judicial vindictiveness of the period.

In the case of Larry Gara, history professor at Bluffton College, Ohio, pacifists and other citizens saw clear evidence that government officials sought to punish those who conscientiously resisted the draft law. Section 12(a) of the law declared that anyone who

evades or refuses registration or service in the armed forces . . . or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces . . . or who conspires to commit any . . . such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment . . . .<sup>38</sup>

To prove that Larry Gara had "conspired, counseled, aided, and abetted" the Department of Justice stretched the evidence as far as it would go.

On September 10, 1948, Charles Rickert, a student at Bluffton, refused to register for the draft. Gara did not know Rickert and did not learn of his resistance until ten days after the violation occurred. After they met, Gara, a Quaker who had been imprisoned during World War II for non-registration, talked with Rickert about life behind bars, gave him some literature, and expressed support for his position. Gara and his wife also voiced that support in a letter to the U.S. Attorney in Toledo. In that letter, they also declared that they had "openly urged" young men to resist and would do "all in our power to further the cause of civil disobedience to conscription in this country."<sup>39</sup>

The Garas' behavior was apparently more circumspect than they claimed. They had not made any public statements about nonregistration since arriving in Bluffton, and whenever they had spoken on the subject, they had emphasized that young men must follow the dictates of their own consciences regarding the draft, whatever the decision that resulted. When an agent of the Federal Bureau of Investigation came to arrest Rickert, Gara (by his own account) said in the agent's presence nothing more dangerous than "Do not let them coerce you into changing your conscience."<sup>40</sup> However the Justice Department was provoked by the Garas' challenges and proceeded to prosecute -- but only Larry, not his wife.

He was indicted in Toledo in January, 1949, on two counts. The first was for counseling, aiding, and abetting individuals in general ("the names . . . are unknown to this grand jury") to refuse or evade registration or service in the Armed Forces. The second was for counseling, aiding, and abetting Charles Rickert in particular. "Using this sort of indictment, any active pacifist can be prosecuted," warned the CCCO ominously. "If Gara is convicted, it will be because of his record as a pacifist . . . ."41

He was convicted, on the second count (the government dropped the first count) and sentenced to eighteen months in jail. He was railroaded, charged the CCCO. The judge "virtually order[ed] a verdict of guilty."<sup>42</sup> Judge Frank Kloeb ruled that the duty to register was a continuing one. It made no difference that Rickert violated the law before Gara even knew him. If Gara's words could have influenced Rickert to continue his refusal, then Gara was guilty.<sup>43</sup> He also invoked the doctrine of "clear and present danger" to justify a decision of guilty. He instructed the jury that freedom of speech normally protected by the First Amendment,

may become subject to prohibition when of such a nature and used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent . . . .<sup>44</sup>

Since Congress had passed an act which specifically said that anyone who counsels, aids, or abets another to violate it should be punished, the right of free speech could not protect someone from such punishment. Free speech, Kloeb declared,

does not extend to such a point as to permit an individual to knowingly violate the law and then excuse the violation by alledging a reliance upon the First Amendment to the Constitution . . . ."45

The judge seemed more than just determined to see Gara convicted. He wanted thoroughly to discredit him. He observed that Larry "was obviously mentally unbalanced" and asked him "to submit to a psychiatric examination." When Gara refused, Kloeb "recommended the prison medical center upon commitment." He also denied bail, and Larry went immediately to prison.<sup>46</sup>

Pacifists exploded in protest. Not simply moral but constitutional issues were at stake. The CCCO distributed a flyer, "The Larry Gara Case -- Menace to Religious Liberty," declaring that by convicting Gara and sending him to prison "the government has thrown into doubt our whole heritage of religious freedom."<sup>47</sup> Thousands of religious leaders in America had counseled draft-age youths to follow their conscience in regard to the draft and expressed their support for those who refused to register. Should all these people be sent to jail?

[To] single [Gara] out for prosecution is a gross inequality in the administration of justice. But much more important is this interpretation of law which makes such a ministry to others a crime, which makes a man a felon for supporting another's obedience to conscience.<sup>48</sup>

Clergymen were not far behind the CCCO in condemning this infringement of constitutional rights. In a public statement addressed to President Truman, four hundred ministers and

other concerned citizens charged that the court's decision was a serious threat to this country's traditional religious freedom.<sup>49</sup>

Others boldly challenged the government's selection of Gara and not them for prosecution. Philadelphia Quakers sent to Truman a strong "statement on Religious Liberty and the Draft Law" in which they affirmed their support for "every man who, under a sense of religious compulsion, feels that he must refuse to comply with the Draft Law." They had committed the same act that Gara had been convicted for, they said, and would continue to do so regardless of the law.<sup>50</sup>

A. J. Muste declared that

conscience and common decency compel me to say . . . that if the federal authorities believe that Larry Gara . . . belongs in prison . . . then the authorities should promptly purge themselves of the guilt of administering the law in a grossly discriminatory fashion and should take steps to try to send me to prison also.

I have been much more active than Larry Gara and have gone farther in trying to promote civil disobedience to the draft act . . . . I have done and shall continue to do all in my power to increase the movement of civil disobedience to the draft among young and old, men and women.<sup>51</sup>

A number of sources scored Gara's conviction as a denial of free speech. An editorial in The Christian Century asked, with evident indignation, "Does the decision mean that such advice to follow one's conscientious conviction is now a crime in the United States?"<sup>52</sup> The American Civil Liberties Union, which regularly upheld the government's right to prosecute nonregistrants, took exception in this instance and

formally charged that Gara's freedom of speech was violated because "there was no clear and present danger of any evil resulting from his advice."<sup>53</sup> A few daring people -- at a time when public demonstrations were frowned upon even in the peace ranks -- picketed the White House with placards urging that Gara as well as other imprisoned draft resisters be released.<sup>54</sup>

But the protests had little measurable effect on the case. Judge Kloeb's decision was upheld in nearly every detail by the Sixth Circuit Court of Appeals in November, 1949, and finally confirmed by the Supreme Court in October, 1950, in a tie vote (without accompanying opinion) by the Justices.<sup>55</sup>

Justice officials did not pursue other cases as dramatic as Gara's during the Korean period. However, as in the case of the Chicago Seven during the Vietnam period, the government needs only one well-publicized, symbolic prosecution to produce a chilling effect on the behavior of countless others who engage in the same forbidden behavior or consider doing so. The CCCO said in late 1950 that those groups that regularly assisted nonregistrants such as the Friends, the Fellowship of Reconciliation, the War Resisters League, the Peacemakers (and presumably the CCCO itself) were not expected to change their policies in spite of the Supreme Court's decision.<sup>56</sup> The Quakers even reaffirmed publicly their Richmond Advices of 1948, drawn up at a Friends Conference in Indiana that year, which supported those who opposed conscription by

nonregistration and "warmly approved" civil disobedience that was prompted by "Divine Compulsion."<sup>57</sup> Yet Larry Gara's conviction surely indicated to the American public that the government would go to great lengths to restrict one's freedom to speak and act against the draft.

The argument from national security usually justifies such constraint during wartime. Yet the nation was not at war until Gara's case reached the Supreme Court. That he was so vigorously prosecuted and convicted for violating a peacetime draft is telling evidence of the tensions impinging upon the judgments of Americans during the late 1940s and early 1950s. These feelings existed, of course, because Americans did not believe they were at peace. The opinion of the Appellate Court suggests this prevailing national attitude. The judges refused to accept Gara's contention that there was no clear and present danger which would justify restriction of his freedom of speech. Congress, they asserted, was the judge of that question and it had decided that the country's security required a draft. "We take judicial notice," they said, "of the existence of the so-called 'cold war' which in the view of the Congress necessitated this peacetime draft."<sup>58</sup>

Had there been no cold war the final judgments in Gara's case might well have been different. The harmful effects of what he said were moot, as The Boston Herald pointed out, and in normal circumstances the benefit of the doubt probably would have gone to Gara. It is "far from certain," said the newspaper, "that counseling draft resistance in the peaceful

spring of 1949 raised the same perils as it would have done in the middle of actual war."<sup>59</sup> The courts, of course, thought otherwise. Larry Gara, then, was the object of something more than the customary judicial wrath. He was one obvious pacifist victim of attitudes generated by a "war" that was not a war, yet a conflict that made some Americans too frightened to permit their fellow citizens to exercise their normal Constitutional rights.

Pacifists' protests over the prosecution of nonregistrants were not entirely in vain, in spite of the public fear of and hostility toward political deviants. Those sympathetic to the resisters had made enough noise about the issue, and put forth sufficiently convincing arguments, that when the CCCO sent a delegation (including Caleb Foote and Norman Thomas) to the Justice Department in March, 1949, to complain about the prosecution and imprisonment of objectors, Assistant Attorney General Alex Campbell told them the Department was already "working on a plan for the automatic registration of nonregistrants . . . instead of their prosecution."<sup>60</sup> Campbell added that he, Attorney General Clark, and General Hershey agreed that conscientious objectors should not be put in prison. The delegation came away quite skeptical of the Department's good intentions, but within two months the promised plan did, in fact, emerge.

The new policy was announced on May 26 in a Departmental Circular, No. 4063, addressed to all United States Attorneys and signed by the Assistant to the Attorney General, Peyton

Ford. "It is believed," Ford stated, "that a substantial number of convictions for failure of conscientious and religious objectors to register would be obviated if the United States Attorneys were designated to register persons who had refused to submit themselves for registration." Section 642.31 of the Selective Service Regulations of 1948, he noted, provided sufficient authority for U.S. Attorneys to act as such special registrars.<sup>61</sup> Therefore, he ordered,

in any pending religious objector cases in which prosecution has been instituted the United States Attorneys and their assistants are hereby authorized and directed to register any and all such defendants at any time during the course of the prosecution when the registrant either agrees to register or to furnish the information necessary to complete such registration. If and when such registration is effected proper steps should then be taken to secure the dismissal of the action. Except in the most willful instances, indictments should not be brought in future cases of religious objectors who refuse to submit for registration . . . .<sup>62</sup>

Some pacifist spokesmen were hopeful about the ruling. The Christian Century predicted that "If this order is carried out, it will put an end to the disgraceful prosecution and imprisonment of religious objectors . . . ." <sup>63</sup> But others were suspicious from the start that the procedure would not be acceptable to nonregistrants. The CCCO delegation had warned Campbell that registration of nonconsenting objectors would have to be "completely automatic." If the government expected resisters to cooperate with the process in any way -- such as answering a questionnaire or having to carry a draft card -- the plan would fail.<sup>64</sup>

When nine more nonregistrants were jailed within seven weeks after the Attorney General's order, CCCO leaders wondered if their suspicions were being proved accurate. But they acknowledged that many of these men had been convicted (though not sentenced) before the directive was issued. In other cases, prosecuting attorneys said they were unaware of the order.<sup>65</sup> By August, the impact of the order was clearer, and the outlook for resisters was more favorable. "That the Attorney General's circular #4063 (May 26) has slowed down arrests and prosecutions is beyond doubt," said the CCCO. Their enthusiasm was qualified, however. That the circular "is not intended to end all prosecutions is also beyond doubt," they added.<sup>66</sup>

Another delegation had gone to Campbell in August to find out why some prosecutions were continuing. They reported that Campbell and "the Justice Department official who actually handles c.o. cases" gave them in part the following explanation. The regulation gave broad leeway to local District Attorneys to decide which objectors should be prosecuted as "willful" violators. By expecting objectors to give a minimum of assistance in the process of automatic registration -- "'even a nod of the head'" -- the Department was making it possible for many prosecutions to be dropped. Thus, in reality, the DOJ was doing objectors a favor. The Department did not want to see conscientious people imprisoned and was leaning over backwards to try to register the men.<sup>67</sup>

The CCCO still objected to the notion of "minimum

assistance" and argued that the same leeway which allowed a D. A. to accept a nod of the head also permitted him to require various acts of cooperation, even (what seems to have occurred in one case) expecting the resister to voluntarily go to the local U.S. Attorney's office as ask to be registered.<sup>68</sup>

Campbell apparently thought the pacifists were not properly appreciative of the Department's generosity because he became testy. If when a registrant is called in he "'acts like a mule, then he is going to the penitentiary,'" they quoted him as saying. "Life is 'a process of give and take'" and my office has "'given'" all it can. "'The non-registrant must now 'give a little' if he is to help himself.'"<sup>69</sup>

In light of this interpretation of the ruling by the Justice Department, the CCCO was convinced that prosecution of determined nonregistrants would still continue. Prosecution depended on what was considered "willful" objection and, from their experience, that usually meant anyone who stood by his convictions. Most registrants, the CCCO predicted, would not be any more willing to have the government register them than they were to register themselves.<sup>70</sup>

The pacifists were partially correct. Prosecutions of nonregistrants did not stop entirely. By the winter of 1950, the Justice Department had apparently relaxed -- but not relinquished -- its position on "mulish" behavior. According to the CCCO, the DOJ accepted two kinds of "automatic" registration: if the objector assisted in the process, he was "voluntarily" registered; if he refused to cooperate with

the procedures, he was "involuntarily" registered.<sup>71</sup> How uncooperative the nonregistrant could be before he was considered not to be registering and therefore eligible for prison is not clear. Since new prosecutions continued into 1953 (I have few statistics on nonregistrants beyond that year) the Department -- or individual District Attorneys -- obviously retained some notion of what was "involuntary" registration and what was refusal to register.

But the information available on those prosecutions suggests that Ford's Circular improved considerably the lot of draft resisters. For example, the CCCO interrupted publication of its Court Reporter (a record of dispositions of CO cases) in February, 1950, because prosecutions dropped "to almost nothing" in the first half of that year.<sup>72</sup> A compilation by the NSBRO of sentences received by all nonregistrants from 1948 to 1953 cited only three convictions in all of 1950. It showed approximately twelve in 1951, six in 1952, and only one by September, 1953 -- a striking difference from the numbers that accumulated so rapidly in late 1948 and 1949.<sup>73</sup> The NSBRO's record was sketchy. The organization did not have complete data on a number of cases, and it lacked any information about others. But because Selective Service does not differentiate in its records conscientious nonregistrants from other draft law violators (such as draft dodgers and casual delinquents), statistics from pacifist groups such as the NSBRO are the most reliable at hand.

Even though it is imprecise, the evidence suggests,

then, that the battle between pacifists and the Justice Department abated in at least one area during the course of the Korean War period. There is nothing to indicate, however, that the antagonism between the two sides diminished appreciably. The more militant pacifists believed that no one who refused to register for the draft should be charged with a crime, so they were not rejoicing over a mere reduction in the number of prosecutions. Justice officials did not accompany Circular #4063 with any apologies to the people they had pursued so vigorously in the past. The order did reflect some softening in the Department's policies towards nonregistrants, to which pacifists and their supporters responded by ceasing their loud complaints. But the two sides were inevitably at odds. When the imprisoned resisters began to be released, the battle erupted once again.

## FOOTNOTES

1. The Reporter, NSBRO, November-December, 1951, p. 7.
2. These figures were quoted in The Reporter, February, 1949, p. 1; May, 1949, p. 4; September, 1949, p. 2; and January, 1954, p. 5.
3. The Reporter, March 9, 1951, p. 3.
4. Hershey, Outline of Historical Background of Selective Service, p. 21.
5. Special Release #2, CCCO, October 27, 1948, SCPC, p. 1.
6. The January, 1949 figure came from the CCCO; it was cited in The Reporter, February, 1949, p. 1. The March, 1949 figure came from The Reporter, issued that month, p. 4. The April, 1949 figure came from News Notes, CCCO, issued that month, p. 2.
7. These conclusions were based on a profile taken in February, 1949, when the total number of nonregistrants arrested was seventy-three. Of these, thirty-six were Quakers and fifteen were members of other denominations. Fourteen were not church members but based their objections on religious views. The CCCO lacked information on eight of the men, so the actual number with religious views was not known. (News Notes, February, 1949, p. 1, and April, 1949, p. 2.)
8. These arguments were presented by Foote in a report to the CCCO after visiting two nonregistrants in prison in April, 1949. He was advising its readers to make these points when writing to various government officials to urge the release of imprisoned objectors. Though the arguments are Foote's, the identical views were expressed by other pacifists concerned about this problem. (Caleb Foote, Report on visit to Austin Regier and David Coffman at the Sandstone, Minn. prison, April 24, 1949, CCCO files, SCPC, p. 2.)
9. "Stop this Wastage of Good Men," The Christian Century (January 5, 1949), Vol. LXVI, No. 1, p. 5.
10. The Reporter, May, 1949, p. 1.
11. Quoted in News Notes, January, 1949, pp. 1, 4.
12. Quoted in News Notes, August, 1949, p. 4.
13. News Notes, January, 1949, p. 1.

14. The Bureau based that percentage on incomplete figures for World War II showing only 217 probations out of nearly 6,000 prosecutions of objectors. (CCCO, INFORMATION BULLETIN #2: PROBATION FOR CONSCIENTIOUS OBJECTORS, March 4, 1949, SCPC, p. 3.)
15. CCCO, INFORMATION BULLETIN #2, March 4, 1949, p. 3.  
I do not have comparable statistics for the Korean period. However, Selective Service figures (though they do not differentiate conscientious from other draft violators) confirm that probation was not often used in draft violation cases during that time. For example, from June 24, 1948 to June 30, 1951, Selective Service recorded 259 convictions for violation of the 1948 Draft Act, only 65 of which were followed by a probationary sentence. The great majority of those convicted, 194, were either confined (to a hospital, for example) or imprisoned. When probation was given, it usually was "during the period of 1949 and 1950 when there were no inductions. Since the start of the Korean hostilities," Selective Service noted, "most prosecutions have resulted in imprisonment." [Selective Service Under the 1948 Act Extended (Annual Report of the Selective Service, 1947/48-1950/51), pp. 70-71.]
16. CCCO, INFORMATION BULLETIN #2, March 4, 1949, p. 3.
17. CCCO, INFORMATION BULLETIN #2, March 4, 1949, p. 1.
18. CCCO, INFORMATION BULLETIN #2, March 4, 1949, p. 4.
19. CCCO, INFORMATION BULLETIN #2, March 4, 1949, p. 4.
20. CCCO, Meeting of Executive Committee held in New York March 18, 1949, SCPC, p. 2.
21. News Notes, December, 1951, p. 3. In September, 1952, News Notes reported that the Parole Board had been granting parole to most objectors. Those turned down in their first application frequently got it after reconsideration by the Board, usually three to six months later, when it took a "second look" at the objector's application. (p. 1.)
22. News Notes, January, 1951, p. 3; July-August, 1951, p. 1; and December, 1951, p. 3.
23. CCCO, INFORMATION BULLETIN #2, March 4, 1949, p. 4.
24. Of the seventy-eight nonregistrants arrested by April, 1949, the CCCO listed twenty-two as having served in Civilian Public Service and six having served time

in prison. (News Notes, April, 1949, p. 2.)

25. News Notes, January, 1949, p. 1.
26. Quoted in The Reporter, January, 1949, p. 4.
27. News Notes, February, 1951, p. 4.
28. News Notes, December, 1951, p. 3.
29. News Notes, October, 1949, p. 1. The differential sentences were still galling, both to the COs who had to serve them and to the peace agency staffs that regularly visited CO prisoners. Stauffer Curry was particularly struck by the disparity in the treatment of conscientious objectors and other lawbreakers during a visit to prison inmates at Milan, Michigan. In a report to the NSBRO in 1953, he said that while he was meeting with objectors, Frank Costello (who was also incarcerated at Milan) was conferring with his lawyer close by -- only ten feet away during the afternoon session. "It was disconcerting," Curry said, "to recall that Costello had been given 18 months for all his years of crime, while the boys I visited had 5 years for being conscientious objectors." (A. Stauffer Curry, NSBRO prison visitation report, February 9-16, 1953, p. 2.)
30. Quoted in News Notes, December, 1949, pp. 3, 4.
31. Quoted in Prison and Court Manual for Conscientious Objectors Facing Prosecution and Imprisonment, text prepared for the CCCO by Caleb Foote, (Libertarian Press, Glen Gardner, New Jersey, January, 1949), SCPC, p. 10.
32. Prison and Court Manual, p. 10, and The Reporter, September, 1953, p. 3.
33. J. Newton Garver, III, to Harry S. Truman, An Open Letter To The President, 19 September 1948, CCCO files, SCPC.
34. The War Resisters League responded to Robert Ruark, who complained about nonregistrant Sander Katz, with this argument. In a letter to the New York World-Telegram, Roy Kepler said,

"If Mr. Ruark will re-examine the action and motivation of those who openly refuse to comply with conscription (who do not dodge the issue, as Mr. Ruark implies with his term 'draft dodger'), he will find that they . . . agree with the principle (but not the way in which it was used) that the

United States, along with the Allied governments laid down at the Nuremburg and Tokyo war crimes trials; that men are morally responsible for their actions and that they should refuse to obey the orders of the state [when] those orders will lead to crime against humanity." (Quoted in The Reporter, January, 1949, p. 4.)

35. News Notes, March, 1951, p. 4.
36. News Notes, March, 1951, p. 4.
37. The CCCO's statement was not quite correct. The Justice Department did prosecute a stepfather for counseling draft evasion. Dr. Wirt Warren was arraigned in Wichita, Kansas in January, 1949, for urging his stepson not to register, even though the young man did not follow his advice and registered according to the law. The doctor was convicted and sentenced to two years in prison on grounds similar to those in Larry Gara's case. (CCCO, Special Release: Arrests for Counselling Non-Registration, January 6, 1949, SCPC, p. 1, and The Reporter, August 16, 1951, pp. 1-2.)
38. United States Statutes At Large, 80th Congress, 1948, Vol. 62, Part 1, U.S. Government Printing Office, 1949, p. 622.
39. Quoted in CCCO, Special Release, January 18, 1949, SCPC, p. 1.
40. "The Case of Larry Gara," letter to the editor by Lenna Mae Gara, The Nation, Vol. 168, No. 21 (May 21, 1949), pp. 596.
41. CCCO, Special Release, January 18, 1949, pp. 1-2.
42. News Notes, June, 1949, p. 5.
43. The CCCO quoted Kloeb's charge to the jury:

"It is the apparent contention of the defendant that he did not counsel, aid or abet Rickert in his refusal to register on September 10, 1948, but merely that he supported him in his attitude after he, Rickert, had decided in his own mind not to register because of his religious beliefs on the dictates of his own conscience. You are instructed that if what the defendant knowingly said to Rickert . . . was of such a nature that it had a tendency to encourage or cause Rickert to continue his refusal to register under the Selective Service Act of 1948, whether or not it actually had that effect, it did constitute

an offense within the meaning of this act, as charged in the second count of the indictment." (CCCO, THE LARRY GARA CASE: Report of the Decision of the U.S. Court of Appeals, December, 1949, SCPC, p. 1.)

44. News Notes, June, 1949, p. 5.
45. News Notes, June, 1949, p. 5.
46. CCCO, Special Release, May 11, 1949, SCPC, p. 1.
47. "THE LARRY GARA CASE - Menace to Religious Liberty," CCCO files, SCPC, p. 1.
48. "THE LARRY GARA CASE," p. 2.
49. J. Henry Carpenter, "Gara conviction Seen as 'Threat,'" The Christian Century, Vol. LXVI, No. 34 (August 24, 1949), p. 992.
50. News Notes, April, 1949, p. 3.
51. A. J. Muste, "If Gara, Why Not Me?" The Christian Century, Vol. LXVI, No. 26 (June, 1949), p. 791.
52. "Prison Sentence to Advisor of C.O.," The Christian Century, Vol. LXVI, No. 21 (May 25, 1949), p. 645.
53. Part of the ACLU's charge was included in an Appeal Court brief. Quoted in The Reporter, August 16, 1951, p. 1.
54. CCCO, Special Release, August 2, 1949, p. 2, SCPC. The small group was sponsored by several pacifist organizations including the Catholic Worker, the Fellowship of Reconciliation, the Peacemakers, the War Resisters League, and the Women's International League for Peace and Freedom.
55. CCCO, Report of the Decision of the U.S. Court of Appeals, December, 1949, SCPC, pp. 1-4, and The Reporter, November-December, 1950, p. 1. A petition for a rehearing by the Court was denied in November, 1950.
56. News Notes, November, 1950, p. 3.
57. Quoted in News Notes, November, 1950, pp. 3-4.
58. Report of the Decision of the U.S. Court of Appeals, p. 3.
59. The Boston Herald, October 28, 1950, quoted in News Notes, November, 1950, p. 3.

60. CCCO, Special Release: Delegation To Justice Department, Parole Board, March 25, 1949, SCPC, p. 2.
61. Section 642.31 of the Selective Service Regulations was quoted in Circular No. 4063:
- "If such a man is unable or refuses to fill out any form in the manner required by paragraph (a) of this section, such form shall be filled out by a member or clerk of a local board or superintendent, warden, or other law enforcement official, from information gained by interviewing the delinquent and from other sources." (Underscoring supplied) . . . ." DEPARTMENT OF JUSTICE: Circular No. 4063, Supplement No. 4, May 26, 1949, NSBRO files, SCPC.
62. DEPARTMENT OF JUSTICE: Circular No. 4063.
63. "Justice Department to Ease Up on C.O's," Christian Century, Vol. LXVI, No. 26 (June 29, 1949), p. 780.
64. CCCO, Special Release, March 29, 1949, SCPC, p. 2.
65. CCCO, Special Release, July 15, 1949, SCPC, p. 2.
66. CCCO, Special Release: PROSECUTION AND IMPRISONMENT OF CONSCIENTIOUS OBJECTORS - A No-Further-Progress Report, August 31, 1949, SCPC, p. 1.
67. CCCO, Special Release: PROSECUTION AND IMPRISONMENT OF CONSCIENTIOUS OBJECTORS, pp. 1-2.
68. CCCO, Special Release: PROSECUTION AND IMPRISONMENT OF CONSCIENTIOUS OBJECTORS, p. 2.
69. CCCO, Special Release: PROSECUTION AND IMPRISONMENT OF CONSCIENTIOUS OBJECTORS, p. 2.
70. News Notes, August, 1949, p. 1.
71. News Notes, February, 1950, p. 2.
72. News Notes, November, 1950, p. 4.
73. The Reporter, September, 1953, pp. 2-3. No Jehovah's Witnesses were included in the survey, but some black Muslims were.

## CHAPTER VI

## Conscientious Objectors in Prison

Nonregistrants made up only a portion of the conscientious objectors who went to prison for their beliefs. A larger share reached the same destination by refusing to be inducted into the Armed Forces, a stand they took when local or Appeal boards rejected their claims for IV-E (later I-O), or Conscientious Objector, classification. Rather than accept the status assigned to them, usually I-A (Available for military service) or I-A-O (Available for noncombatant service), the objectors refused to compromise their conscientious scruples and willingly violated the Selective Service Law.

There were not many induction refusals before 1951. As long as the draft was operating during peacetime, local boards did not feel compelled to assign everyone possible to combat available classifications. Thus it was easier, between June, 1948 and June, 1950, to secure CO status than it was after the war broke out. Moreover, since no one was being inducted between January, 1949 and July, 1950, pacifists who were willing to register for the draft had nothing to refuse during this period. After the war began, the situation changed.

Congress had begun talking about extending the draft in January, 1950 because of "worsening world conditions."<sup>1</sup> Tension between the United States and the Soviet Union had increased in late 1949 and early 1950 as the result of a series of diplomatic disputes between the United States and

several Communist-dominated countries in eastern Europe. The downing of an American plane over Latvia during this period, and the signing of a defense pact between China and the Soviet Union intensified the mutual suspicion and hostility between the two big powers. By the spring of 1950, Secretary of State Dean Acheson was accusing Russia of "saber rattling" and the Soviets were denouncing America's plans for "the creation of a world-wide American empire."<sup>2</sup>

Bills to extend the draft were introduced into the House and Senate in January. Hearings on them took place in the House at the end of the month. Hearings in the Senate occurred in June. Those who testified for and against the bills represented nearly the same groups with the same points of view that had been heard on the Selective Service bills in 1948.<sup>3</sup> After additional draft measures and several amendments were proposed, the package went to a conference committee which came out with a one-year extension that passed in June. On June 30th, six days after the Korean War began, President Truman signed the Selective Service Extension Act of 1950, extending the 1948 draft law to July 9, 1951. The Selective Service System, whose staff and operations had dwindled after December, 1948, was now revitalized and inductions resumed on July 10, 1950.<sup>4</sup>

As the induction process gained momentum, the number of induction refusals rose. In the same survey that the NSBRO conducted on nonregistrants from 1948 to 1953 (cited in the previous chapter) the organization recorded only three

convictions for refusing induction on conscientious grounds in 1950, but showed fifty-six such convictions in 1951, and forty-eight in 1952. The number dropped to sixteen for 1953, but the survey was taken while twenty-nine cases were still pending. The imprecision of these figures must again be emphasized. The NSBRO lacked the exact dates on eighteen convictions during this period, and the data was incomplete on forty-five more cases, almost all of them occurring between 1951 and 1953. Moreover, the figures do not include fifteen acquittals and eighteen cases dismissed.<sup>5</sup> If we include these additional numbers, it seems fair to estimate that there were well over fifty induction refusals every year between 1951 and 1953. Of those convicted, only about fifteen men were known to have been given probation.<sup>6</sup> If we put this figure together with what we know about nonregistrants (that they rarely received probation and that there were not many of them after 1949), it seems reasonable to conclude that most objectors convicted from 1951 to 1953 went to jail.

We have only a few and very cursory first-hand accounts of the experiences of pacifist prisoners during the Korean period. These captives produced nothing comparable, for example, to Ernest Myer's "HEY YELLOWBACKS!": The War Diary of a Conscientious Objector (1930) from World War I, or Alfred Hassler's Diary of a Self-Made Convict (1954) from World War II.<sup>7</sup> But by putting together the information we do have with sources from previous wars, we can perhaps gain some idea of what pacifist prisoners in the late 1940s and early 1950s

went through.

Life in prison was in most respects the same for COs, in some ways much better, during the Korean War than it had been in World War II. The government usually assigned them to federal institutions, as it had in the 1940s, where the buildings and equipment were well kept, the guards were trained with some care, and the food was at least palatable.<sup>8</sup> Among these institutions were the penitentiaries at Lewisburg, Pennsylvania, and Leavenworth, Kansas; the correctional institutions at Danbury, Connecticut, Ashland, Kentucky, Sandstone, Minnesota, and La Tuna, Texas; the prison camps at Mill Point, West Virginia, and McNeil Island, Washington; and the medical center at Springfield, Missouri. In spite of their assets (as compared with inferior conditions in state prisons and local jails), federal prisons were basically as unpleasant as other places of incarceration, and COs experienced the same frustrations as regular prisoners.

The CCCO warned young pacifists that as prison inmates they would be subjected to nearly total deprivation of human rights, endless monotony, and complete regimentation. To prepare them for these experiences, the CCCO published in January, 1949, a Prison and Court Manual for Conscientious Objectors Facing Prosecution and Imprisonment which made clear to its readers that in prison there are no such things as "rights."

Once inside, mail, visitors, exercise, food, human companionship, books, church, work, clothing, furniture, heat, even sleep, become

privileges, which may be withdrawn at will and without recourse.<sup>9</sup>

Daily life would be filled with regulations: the repeated head counts; the prescribed hours for eating, sleeping, and bathing and the exact amounts allowed for each; the limitations on what one could wear, say, read, and write. Prison was not just confinement to a small locked cell. It was an atmosphere of psychological repression common to any master-slave relationship. The need for efficiency and security against escape made some of this regimentation logical, said the CCCO; "But most of it serves the same purpose as the illogical code of Jim Crow -- to keep the subjugated class in its place."<sup>10</sup> Before he decided to break the law, the sheltered young idealist better realize that he would make himself a subject in a totalitarian state, from whose relentless pressures there was no relief.

The manual warned the men about the hostilities this situation created in the guards, their fellow prisoners, and themselves. They would have to face harassment, though probably not physical brutality, from some guards; suspicion and contempt from some prisoners, homosexual advances from others; and the possibility that they too would succumb to the bitter resentment and loss of self-worth that the prison environment fosters.

The CCCO was correct in predicting that objectors would not likely encounter the kind of physical violence from prison guards that their comrades had experienced in earlier wars. The brutality was severe and well-documented during World War I.<sup>11</sup>

A number of incidents were reported during World War II, though their authenticity was not easy to determine, according to Sibley and Jacob.

The probability is that all cases of physical violence against objectors [who charged that they were beaten, confined to "the hole" and given minimal food] cannot be untrue -- even prison authorities would sometimes admit that guards had been a little "rough."<sup>12</sup>

But physical mistreatment during the Korean War was rare, if the meager reports of it are an accurate indication. After engaging in a work strike at Springfield Medical Center, four Doty brothers, imprisoned for nonregistration, reported that they were placed in solitary confinement, first in "the hole" for a week or more, then in segregation cells which were nearly as isolated and barren as "the hole." In a letter to Senator Hubert Humphrey in 1955 protesting military conscription, Orin Doty said their confinement lasted for eighty-five days, until they were transferred to Ashland where they found conditions so much better than at Springfield that they returned to work.<sup>13</sup> A serious incident occurred in a military stockade where a noncombatant who had gone AWOL for conscientious reasons was held by the Army as a deserter. This case was officially confirmed in June, 1954, when a U.S. Judge ordered the objector released from the Presidio where he had been kept in solitary confinement and, the Judge said, he "was wantonly beaten . . . ." during his five months' imprisonment.<sup>14</sup>

There is evidence, though the record is uneven, that federal prison authorities had a generally more enlightened attitude towards pacifist inmates in the 1950s than they had

in previous wars. There was some contention between the Bureau of Prisons and pacifist agencies over the frequency of their visits to objectors, a task that the CCCO and the NSBRO performed regularly. In a letter to Ray Newton, Chairman of the CCCO, in February, 1949, James V. Bennett, Director of the Bureau of Prisons stated that, "We are going to have to find some way of limiting the number of visitors to these young men because we do not have the personnel to handle so many . . . ."15 Correspondence between the NSBRO staff and Bennett suggests that that agency's requests for permission to visit were frequently granted, but apparently the issue was not resolved during the war to the satisfaction of the CCCO whose members, at a meeting in September, 1954, expressed some irritation with the Bureau and asserted their belief in "unlimited prison visiting rights" for COs.<sup>16</sup> On the whole, however, the pacifist organizations met little interference with their efforts to see objectors. In fact, prison administrators were often helpful in facilitating those visits.

Their cooperation was more than perfunctory. Lyle Tatum was both pleased and

surprised upon my arrival [at Ashland] to be immediately ushered into the warden's office where I received a cordial welcome by the warden and [his] associate . . . . They seemed interested in the work of the CCCO and asked several questions about it.<sup>17</sup>

When Tatum visited the prison camp at Mill Point, Virginia two days later, he found the Superintendent and his staff "unhesitatingly helpful and cooperative."<sup>18</sup> At least one

unpleasant encounter marred the scene. In the spring of 1953, Elmer Neufeld, Associate Secretary of the NSBRO, reported on earlier visits to institutions at Petersburg, Virginia and Danbury, Connecticut. The warden at Petersburg federal reformatory, he said,

was very cold, questioned whether ours was not a communist organization and had resolved to refuse any visits -- until receiving a very appropriately timed telephone call from the Bureau of Prisons in Washington.<sup>19</sup>

But this experience was exceptional. Neufeld's meeting with the warden at Danbury was more typical of the receptions pacifist representatives received. That official, he said, was "genuinely interested in the individuals committed to him and made available a private office for my visits with the individual inmates."<sup>20</sup>

The absence of physical punishments was not simply fortuitous nor the superintendants' cooperativeness a mere improvement in their public relations skills. These developments were, I believe, the result of lessons learned during World War II about how to handle pacifist prisoners and their friends. In 1958, Ruth Rue Rittenhouse completed a study of the role of conscientious objectors in American prisons, in which she found that objectors (particularly those in the early 1940s) had been a source of great consternation to prison officials. Often better educated than their fellow prisoners and guards, COs were an articulate, as well as a morally sensitive group who did not respond normally to the usual prison discipline and who had a constituency outside the walls ready

to defend them upon any notice of mistreatment. Most disconcerting was their resort to organized nonviolent resistance to policies and practices -- such as war-related jobs and racial segregation of prisoners -- which they found objectionable. Random anger and violence prison officials understood and knew how to meet -- with more guards and more physical punishments. But they were thrown off balance by the quiet yet determined refusals to work, to eat, or to budge from their cells. Such "quiet rebellions . . . upset the delicate equilibrium of the prison system," Rittenhouse observed, and it took officials some time to devise effective responses. During World War II, the administrators gradually discovered, she said, that

discipline based on coercive authority was not effective with the c.o. . . . [He] responded better to a more relaxed discipline . . . .  
[Moreover,] unlike conventional prisoners, the c.o.'s were only stiffened in their resistance by the usual punishments.<sup>21</sup>

This new awareness may explain why the Justice Department began assigning objectors to prison camps in preference to penitentiaries during the Korean period. After a trip to several institutions, Lyle Tatum reported in July, 1951, that, "No C.O.'s have been sent to Ashland recently, and it appears that the Department of Justice policy is to send C.O.'s and J.W.'s [Jehovah's Witnesses] to Mill Point from a wide area."<sup>22</sup> Mill Point prison camp, said Tatum, "is very similar to a C.P.S. camp with much better physical facilities. It is not surrounded by walls or fences or any kind and is located in beautiful rough, wooded country . . . ."<sup>23</sup> Inmates were

allowed considerable freedom and offered a variety of useful work including lumbering, farming, shoe repair, and auto mechanics. The atmosphere was much better than at Ashland and Danbury correctional institutions, he believed.

The staff reflected the absence of tension as obviously as the inmates. The program is evidently successful from the Bureau of Prisons standpoint, since escapes are rare.<sup>24</sup>

The men did not even complain about the food, which was a compliment in itself, Tatum thought, considering the normal prison diet. In fact, the COs "were unanimous that you couldn't be in a better jail."<sup>25</sup>

The morale of the objectors at Mill Point was "excellent," said Tatum. In such a relatively relaxed situation, reasonably good spirits might be expected. Yet even at Ashland, Tatum found the "men's morale was good" and the warden there "reported that the C.O. inmates fitted well into the prison population."<sup>26</sup> Nearly two years later, the CCCO executive secretary could still report that relations between prison officials and CO inmates were amicable. In April, 1953, he observed that the objectors he had visited recently "seem to be getting along with the usual lack of friction which has characterized the imprisonment of C.O.'s since 1948."<sup>27</sup>

Clearly prison administrators had become more sophisticated in their dealings with pacifist prisoners. Being cooperative with their visitors, placing them in minimum security institutions, avoiding physical punishments and a contest of wills with them all suggest that penal officials, in contrast to many Congressmen, judges, prosecutors, and Hearing Officers,

had advanced since World War II in their understanding of how to treat those who conscientiously opposed war. Prison wardens were, of course, in a more vulnerable position than others with whom objectors came in contact. Any misstep on their part could result in dangerous disruption to a system for which they were immediately responsible. But at least they did respond constructively to their experiences with COs in the 1940s. Those pacifist felons can now reflect that their work strikes and other protests had a lasting impact which paved the way for better treatment of their comrades who would follow. The well-treated CO prisoners of the Korean period were indebted to the courageous stands of their predecessors.

The period was not without some of the old unpleasantness between COs and their keepers. The tension erupted over two unresolved problems -- racial segregation and censorship of mail. For example, objectors who were fairly content at Mill Point nevertheless urged the camp administration to break down the separation of races by allowing blacks and white to eat together and share the same dormitories. When Lyle Tatum discussed segregation with the warden in 1951, Tatum found he was aware of the COs' attitudes and prepared to accommodate them in time. But the warden

felt that nothing further could be done at this time although eventually voluntary inter-racial dorms and tables in the dining hall might be a possibility, especially if the percentage of C.O. inmates increased.<sup>28</sup>

COs apparently became impatient with this policy and, according to the CCCO, they challenged the administration by establishing

an interracial table themselves. The camp superintendant then agreed to meet with men interested in moving into a black dormitory. These incidents aroused considerable tension among other inmates, some of whom physically attacked the COs, knocking one out and throwing others out of their dorm. The warden settled the issue at least temporarily by transferring both the COs and the regular inmates involved to other institutions.<sup>29</sup>

This was the only serious confrontation over racial segregation recorded by the pacifist agencies, although objectors were always concerned about the problem. It may be that because they were such a small portion of the prison population during the 1950s, they knew they had little power to change prison policies.<sup>30</sup> Clustered in small groups of three here, five there -- in some institutions there might be only one at a particular time -- COs may have recognized that the odds were heavily against any effective action on their part.

Censorship of their mail and reading materials also galled the pacifist prisoners. They denied the right of prison authorities to put severe restrictions on whom they could write to, how often they could, and what either party could say, or to screen books and periodicals for unacceptable subjects or authors. Some were so incensed by these practices they refused to sign the required form giving officials the permission to inspect all mail and specifically to read incoming and outgoing letters. That refusal meant they could not send or receive any mail, a tough deprivation in an already isolated environment.

James Bolton, for example, imprisoned at Danbury in 1951, rejected the form, but luckily his family was able to visit him regularly.<sup>31</sup>

Pacifist groups organized Christmas card campaigns as one means of getting around the censorship rules. As long as there were no personal messages enclosed, COs could receive all the cards that were sent to them, though they were not allowed to reply. News Notes said that one objector got over 200 cards in the 1951 Christmas season.<sup>32</sup> Peace groups promoting these campaigns realized that they could get two messages across with the cards: one to the CO that he had not been forgotten nor his commitment unappreciated, and the other to prison administrators that CO inmates had many supporters on the outside.<sup>33</sup>

Yet censorship of reading materials did not seem to cause as much trouble in the Korean War as it had in World War II. Elmer Neufeld wrote to Lyle Tatum in the spring of 1954 about several books and periodicals "which would certainly seem legitimate" being denied inmates in some prisons, especially Danbury. He suggested that "these present restrictions may have been accentuated by the current McCarthy scare."<sup>34</sup> What had Tatum observed, he asked, about restrictions on reading materials in prisons in the past several years? Tatum both answered the general inquiry and clarified the reference to McCarthyism. Danbury, he said,

has apparently been suffering from an overdose of literature censorship recently. I believe it is the fault of the new education director

. . . . The matter of getting the McCarthy issue of the PROGRESSIVE into Danbury has now been straightened out. In general, there has been very little difficulty with the Bureau of Prisons on censorship of literature since World War II. I think we can hold the line by raising this issue as each specific book wanted is turned down. The Bureau of Prisons certainly is not ready to take a stand on refusing anti-McCarthy items entrance into their institutions.<sup>35</sup>

The relaxation of censorship in federal prisons again suggests how influential the activities of World War II conscientious objectors were on the treatment of succeeding pacifist prisoners. If the "McCarthy scare" was unable seriously to alter the prisons' censorship policies in the 1950s, it may be because authorities had still vivid memories of a prolonged and disruptive hunger strike at Lewisburg Penitentiary over censorship regulations. Too small in numbers to be very powerful, Korean War objectors, however, were fortunate that others had already fought and won some battles for them.

Though we lack many first-hand accounts by objectors of their life in prison during the Korean period, those we do have, together with material from and about earlier pacifist prisoners, indicate that in spite of improvements in the treatment of prisoners in general and of COs in particular since the 1940s, prison life was a uniquely difficult, though challenging, experience for conscientious objectors in the 1950s, just as it had been for their predecessors. Pacifists were automatically square pegs in a round hole in penal institutions. Often they came from sheltered religious (and rural) environments where clean thinking and clean living prevailed.

Yet prisons, as Rittenhouse politely put it, are "geared toward other kinds of prisoners."<sup>36</sup> The most routine procedures could be unnerving to the gentle and unsophisticated. One can imagine, for example, the feelings of the CO in the following World War II scene described by Rittenhouse -- which was undoubtedly replayed during the Korean War. It was all so incongruous, she said:

. . . the staid and sober Mennonite, who believes in complete nonresistance and who regards smoking as a sin, locked up for security, and questioned by prison administrators regarding alcoholism in the family, personal use of opium, and contact with venereal disease.<sup>37</sup>

The behavior of other prisoners was often startling and depressing. The "continuous obscenity, widespread homosexuality, and generally deviant moral standards" could shock COs, and they could easily be distressed by the instant hostility and frequent verbal abuse from a number of inmates who thought the pacifists must be fools for committing a crime openly or traitors for refusing to fight for their country. More than one observer of prisoner reactions to draft law violators has noted that murderers or rapists were very sensitive about patriotism. To them, cowardice was a greater sin than cruelty.<sup>38</sup>

Relations between objectors and other inmates was not always unfriendly. In time objectors might win respect for their gentle, if curious, ways and their willingness to share their time and talents with others. The religiously motivated sometimes started Bible discussions among prisoners, the more intellectually inclined taught basic writing and arithmetic

classes. Among the deeply religious objectors who accepted the rationale for imprisonment (Mennonites, in particular) was a readiness to be helpful and cooperative in any activities that did not violate their consciences. One former (nonpacifist) inmate was so impressed with two COs he met while they were in prison together during the Korean War that he wrote to the CCCO about them. They were "better Americans and Christians than a whole army put together," he claimed. They worked hard and regularly volunteered to be crew members on the fire truck, to teach Bible classes, to donate blood. "It would take me pages to list all they do," he said. They even made him a little glad to have gone to jail. Otherwise he "would never had met those two good guys."<sup>39</sup> If such enthusiasm from fellow prisoners was unusual, it at least indicates that despite the hostile atmosphere of prison and public panic over political deviants created by McCarthyism (prisons were not totally immune to its influence), the basic kindness and decency so often found among pacifists could make warm and constructive human relationships possible.

To forge such relationships, to find ways to improve their surroundings, and to retain their own sense of value and purpose amidst such "unhappiness on a grand scale," as Alfred Hassler described prison, was the greatest challenge for objectors. Hassler, a draft resister and long-time leader of the FOR, has argued that for pacifists to expect many benefits to flow from their presence in prison, or much strengthening of their own spiritual lives to occur, was unrealistic.

He was skeptical of those who have said that incarceration can be a very "creative" experience.

I know what they mean because I have had the same notion myself, but I have come to doubt it greatly. Instructive, yes; creative, no! I believe now that the experience of prison tends to be degrading and disintegrating, and if too prolonged will almost certainly result in serious psychic injury.<sup>40</sup>

Bradford Lyttle, who spent time soon after the Korean War in Chicago's Cook County Jail, was more optimistic than Hassler about the benefits of imprisonment. While Hassler merely acknowledged that prison life could be instructive, Lyttle extolled this possibility. A penal institution is full of so much human drama ("an endless series of Shakespearian tragedies and comedies") that even if pacifists are uncomfortable there, they need never be bored. He admitted that the inmate has to rise above the indignity, sterility, and futility of each day's existence, but if he could, and "lose himself in the rich variety of psychology, philosophy and politics which life in the institution contains" then prison can be "the most fruitful and interesting experience [a CO] have ever had . . . ."41

Arlo Tatum, who went to prison as a nonregistrant in 1941 and again in 1949, thought the place was interesting too, but he was less enthusiastic about the fact than Lyttle. Tatum stood somewhere between his two colleagues in emphasizing that a "prison experience is always difficult," while allowing that "it can be a source of growth and even satisfaction if it comes about as the result of doing what to you is the right

thing."<sup>42</sup>

Serving time for an act of conscience not only eased the mental burden of long-term incarceration, it positively liberated the spirits of some objectors who felt they could make their best witness for peace in a state that makes war by becoming its prisoners. One Korean War pacifist expressed such feelings about his confinement in Danbury in a letter to Albert Einstein on November 6, 1953. "'I have no regrets,' he said, 'and feel an inner freedom which comes from knowing that I have done that which is right.'"<sup>43</sup> After visiting some nonregistrants at Ashland in February, 1953, Stauffer Curry remarked upon how calm and poised the men were about their lives. "Prison seems to be part of the philosophy of the nonregistrant from the very beginning," he said, "and is therefore not as difficult as for others."<sup>44</sup> That same month, Elmer Neufeld saw an objector at Danbury from a conservative Mennonite background who felt something like Brad Lyttle did about his experience. Neufeld reported, "He feels that imprisonment has been a worthwhile experience and that he has now had a chance to see what the rest of the world is like."<sup>45</sup>

Thus for conscientious objectors, life behind bars was obviously enlightening. For some, perhaps many, of them, it was also a satisfying fulfillment of a moral commitment. Rittenhouse saw the analogy in this situation to Henry Thoreau's belief that prison is "'the only house in a slave State in which a free man can abide with honor.'" For the CO, she said, "prison is the only house in a warring State, or a State which

engages in war preparations, in which he can abide with a clear conscience."<sup>46</sup>

## FOOTNOTES

1. Selective Service under the 1948 Act, June 24, 1948-July 9, 1950 (Washington, D.C. Government Printing Office, 1951), p. 20.
2. Quoted in Selective Service under the 1948 Act, pp. 19-20.
3. According to Steve Cary of the American Friends Service Committee, members of the House Armed Services Committee were only slightly less impatient with the pacifists' testimony on the draft bill than they had been in 1948. This time, he said, the opponents were given enough time to present their full statements. However, the Committee gave them the "silent treatment," asking no questions during or after their testimonies. "Because of this, they ran the witnesses [in opposition] through pretty rapidly." (Stephen Cary to Lloyd Bailey, February 2, 1950, F.C.N.L. files, SCPC.)
4. Selective Service under the 1948 Act, pp. 16-22, and Lewis B. Hershey, Outline of Historical Background of Selective Service and Chronology (Revised, 1952 Edition, Washington, U.S. Government Printing Office, 1952), pp. 19-21.
5. The Reporter, September, 1953, p. 2. Once again I am relying on the NSBRO as the best source of statistics on conscientious violators of the draft law in the absence of any comparable records by the Selective Service System.
6. The number fifteen is probably a conservative estimate. In the October, 1954, Reporter, the NSBRO showed a total of eighteen men known to have received probation between 1951 and 1953. But this total included one or two COs convicted for failure to register a first or second time and one father convicted for counseling his son to evade the draft. To reach a reasonably accurate figure, I reduced the total number of men receiving probation during these three years to account for the nonregistrants and the father. (The survey appeared on pp. 1-2.)
7. Ernest L. Myer, "HEY! YELLOWBACKS!" The War Diary of a Conscientious Objector (New York, The John Day Company, 1930), and R. Alfred Hassler, Diary of a Self-Made Convict (Chicago, Henry Regnery Company, 1954).
8. Ruth Rue Rittenhouse, "The Role of Conscientious Objectors

in American Prisons," Unpublished M.A. Thesis, (University of Illinois, 1958), p. 13, and John Bartlow Martin, Break Down the Walls: American Prisons: Present, Past, and Future (New York, Ballantine Books, 1951), p. 150.

9. Caleb Foote, ed., Prison and Court Manual for Conscientious Objectors Facing Prosecution and Imprisonment (CCCO, Libertarian Press, Glen Gardner, New Jersey, January, 1949), p. 15.
10. Prison and Court Manual, p. 16.
11. See H. C. Peterson and Gilbert C. Fite, Opponents of War 1917-1918 (Madison, Wisconsin, The University of Wisconsin Press, 1957). Also, though less authoritative, Norman Thomas, The Conscientious Objector in America (New York, B. W. Huebsch, Incorporated, 1923).
12. Mulford Q. Sibley and Philip E. Jacob, Conscription of Conscience: The American State and the Conscientious Objector 1940-1947 (Ithaca, Cornell University Press, 1952), pp. 365-369.
13. News Notes, July-August, 1951, p. 1, and September, 1951, p. 1, and Orin D. Doty to Senator Hubert H. Humphrey, March 28, 1955, reprinted in Askov American, Thursday, April 7, 1955, NSBRO files, SCPC. Besides the work strike of the Dotys, I have found only two other recorded instances of noncooperation by objectors while in prison during the Korean period. News Notes stated that a CO had refused to work at Danbury in 1949, but did not elaborate on the incident. (July-August, 1951, p. 3.) The New York Times recently reported on the challenge to prison authorities some years ago by a well-known pacifist:

During his second prison term, in Springfield, Mo., Mr. Arlo Tatum was assigned to pick-axing frozen manure. Since he didn't like that, he handed in his resignation, giving two weeks' notice. Prison officials did not know what to make of his ploy, but they did give him another job. (June 14, 1971, p. 10.)

This was an example, perhaps, of prison officials' desire to avoid confrontations with conscientious objectors.

14. The Reporter, September, 1954, p. 3, and The San Francisco Examiner, June 17, 1955, newsclipping in NSBRO files, SCPC.

15. James V. Bennett to Ray Newton, February 20, 1949, AFSC files, Haverford College.
16. CCCO, Minutes, September 17, 1954, SCPC, p. 1.
17. CCCO, Prison Visitation Report, July 18, 1951, SCPC, p. 1.
18. CCCO, Prison Visitation Report, July 18, 1951, SCPC, p. 1.
19. NSBRO Board of Directors-Consultative Council Minutes, March 4, 1953, addendum b, SCPC, pp. 6-7. Elmer Neufeld provided a more detailed account of this meeting in a memorandum dated December 17, 1952. When he questioned the warden about his attitude towards visits to COs, the warden  

"indicated immediately that he would absolutely refuse to allow [them]. At about this point his phone rang and after the conversation was begun, [the warden] suggested that I wait outside his office.

After . . . perhaps ten or fifteen minutes [he] came out of his office, appeared remarkably helpful, and stated that it would now be all right to proceed with the visit. He had just received a call from [a Bureau of Prisons official] in Washington. From this point on [the warden] was very helpful and made arrangements to have the three individuals called to the visiting room. The timing of the telephone call had proved to be very revealing!" (NSBRO correspondence, NSBRO files, SCPC.)
20. NSBRO Board of Directors--Consultative Council Minutes, March 4, 1953, addendum b, SCPC, p. 7.
21. Rittenhouse, "The Role of Conscientious Objectors," pp. 30-32.
22. CCCO, Prison Visitation Report, July 18, 1951, SCPC, p. 1.
23. CCCO, Prison Visitation Report, July 18, 1951, SCPC, p. 2.
24. Ibid.
25. Ibid.
26. CCCO, Prison Visitation Report, July 18, 1951, p. 1.
27. CCCO, Minutes, April 17, 1953, SCPC, p. 2.
28. CCCO, Prison Visitation Report, July 18, 1951, SCPC, p. 2.

29. CCCO, Prison Visitation Report, July 18, 1951, SCPC, p. 2, and News Notes, September, 1951, p. 1.
30. During one of his visits to imprisoned COs in 1949 Caleb Foote discovered that the men at Springfield Prison "were concerned about prison segregation of Negroes, but did not feel they had found any satisfactory channel for their concern." (Caleb Foote to Dear Friends, n.d., but in 1949 folder in CCCO files, SCPC, p. 1.)
31. News Notes, October, 1951, p. 2.
32. News Notes, November, 1951, p. 3, and January, 1952, p. 4.
33. News Notes, January, 1952, p. 4.
34. Elmer Neufeld to Lyle Tatum, May 27, 1954, NSBRO files, SCPC.
35. Lyle Tatum to Elmer Neufeld, June 1, 1954, NSBRO files, SCPC. The issue of The Progressive that Lyle Tatum referred to was devoted entirely to the subject of Senator Joseph R. McCarthy and his public record. ("McCarthy: A Documented Record," The Progressive, Vol. 18, No. 4 (April, 1954).
36. Rittenhouse, "The Role of Conscientious Objectors," p. 1.
37. Rittenhouse, "The Role of Conscientious Objectors," pp. 1-2.
38. The quotation is from Rittenhouse, "The Role of Conscientious Objectors," pp. 17-20, and Leslie S. Rothenberg, The Draft and You: A Handbook on the Selective Service System (Garden City, New York, Doubleday & Company, Inc., 1968), p. 229.
39. News Notes, January, 1953, p. 4.
40. Hassler, Diary of a Self-Made Convict, p. 49.
41. Bradford Lyttle, Conscientious Objectors' Guide to Cook County Jail (Chicago Regional Office of the American Friends Service Committee, Chicago, Illinois, 1955), p. 18.
42. Arlo Tatum and Joseph S. Tuchinsky, Guide to the Draft (Boston, Beacon Press, 1969), p. 265. Although there are two authors of this book, I think it is fair to attribute the statements to Tatum, who not only served time himself but has worked closely with CO prisoners for many years through the CCCO.
43. Quoted in Otto Nathan and Heinz Norden, eds., Einstein on

Peace (New York, Simon and Schuster, 1960), p. 545. This man had been at Danbury for only six weeks and it is possible his good feelings could have diminished as his confinement lengthened. But the testimonies of other pacifists suggest that such feelings were a lasting phenomenon among a number of imprisoned COs.

44. A Stauffer Curry, NSBRO prison visitation file, February 9-16, 1953, SCPC, p. 1.
45. Elmer Neufeld, NSBRO prison visitation file, February 25, 1953, SCPC, p. 2.
46. Rittenhouse, "The Role of Conscientious Objectors," p. 19.

## CHAPTER VII

## The "Cat-and-Mouse" Game: Multiple Prosecutions

Whether their experiences behind bars were exhilarating, demoralizing, or something in between, conscientious objectors tended to come out of prison with nearly the same views that caused them to go in. Ms. Rittenhouse discovered that

prisons seem no more effective in 'rehabilitating' the political radical than in dealing with other types of prisoners . . . in no case [that she studied] was the individual's faith in pacifism at all affected.<sup>1</sup>

For those who needed to rationalize those unproductive years, some arguments perhaps sufficed. The judges could believe that sentences of as much as five years for these stubborn lawbreakers deterred others from such behavior. By instilling in these others fear of similar consequences, they (the judges) had surely helped preserve the country from anarchy. Objectors and their supporters could believe that they had made a vital witness for their beliefs. The war machine rolled on, but they had kept the faith; the resistance movement might falter, but they had not let it die. The public could be satisfied that shirkers, draft dodgers, and assorted "leftists" were not getting away with any favors while other young men did their duty in the Armed Forces.

But while a prison term could make sense to a lot of people, the continued penalties for and harassment of objectors after they had served their time had few defenders. The Prison and Court Manual, published by the CCCO, warned prospective

draft violators that

Conviction of a Selective Service violation is a federal felony (regardless of sentence imposed), and in many states a felon is deprived of his right to vote; in almost all states, he will find it impossible or very difficult to enter such professions as the law, medicine or government service, and to a lesser degree, teaching, where the professions are licensed by law.<sup>2</sup>

The restrictions varied from state to state, but the former prisoners would have to anticipate living with them unless the President issued pardons, which he had done on an individual basis after the last war, though his selections were "capricious and discriminatory."<sup>3</sup> There was no amnesty after the Korean War,<sup>4</sup> and objectors like Henry Koster, sentenced in 1951 to three years in prison, faced continued punishment for their convictions when six years later New York state denied him a license as an insurance broker because of his felony record.<sup>5</sup> The same reasoning presumably figured in the case of Amos Brokaw who was imprisoned for nonregistration in 1949. He wrote the CCCO in 1951 that Ball State Teachers College in Muncie, Indiana, "refused to permit him to take certain courses, because the courses were for teachers only and the college was not going to recommend him for an Indiana teacher's license."<sup>6</sup>

Even more disturbing was the repeated prosecution of objectors upon completion of their sentences. This was the old "cat-and-mouse" game, familiar to both American and British pacifists. It was played in two ways. Once a new draft law was passed, Selective Service expected everyone within the required age brackets to register. This meant that some men

imprisoned for nonregistration or induction refusal under the 1940 Draft Act faced another prison term if they refused to register for the 1948 Draft Act. That problem, which was discussed in the previous chapter, was most acute from 1948 to 1950. After that time, World War II veterans were usually too old to be drafted. (This situation might not seem unfair except that nonpacifist veterans were exempted from service under the 1948 law. Even when pacifist veterans were willing to register, they were not given credit for their time in Civilian Public Service until pressure from peace organizations finally moved Selective Service slightly to modify its regulations in January, 1953. The modification permitted release of former C.P.S. men from the alternative service program when the Director "deems such release advisable." After they had served several months in alternative service, Hershey might release the second-time COs [many of them doctors], and give them credit for having completed the required two years. But he would not accept their hitch in Civilian Public Service as grounds for total exemption from alternative service in the 1950s.<sup>7</sup> According to the NSBRO, by 1954 approximately fifty C.P.S. men had been redrafted under the civilian work program.)<sup>8</sup>

The other, and more significant, way to play "cat-and-mouse" was to prosecute objectors for different infractions of the same law. Within each Draft Act were many rules requiring that forms be filled out, physical examinations be performed, and draft cards be carried, for example. The Department of Justice considered violation of any one provision a separate

offense. Thus, after serving a prison sentence for refusing to register, objectors discovered upon release that they were then expected to fill out a draft questionnaire, to accept a classification assigned them by their local board, and, if that classification was I-A, to agree to induction. They could be caught in a relentless cycle of crime until they reached the upper age limit for draft liability, unless they happened to have a prosecutor in their locale who refused to press charges or a judge who declined to pass another sentence. By the Korean period, pacifists knew the problem well. Selective Service recorded 203 second prosecutions in World War II, of which two victims received still a third conviction.<sup>9</sup>

The issue reemerged in the fall of 1950. The Christian Century observed,

Is the government going back to cat-and-mouse tactics in dealing with conscientious objectors? It begins to look that way. Three young Quakers who have served terms in prison for refusing to register for the draft have been arrested again, after coming out of federal penitentiaries and . . . refusing to report for physical examinations . . . . If the government sticks to this procedure, c.o.'s can spend their entire young manhood serving a succession of prison terms. Church bodies had better look into this situation, and start to do something about it.<sup>10</sup>

Church bodies did investigate and, with pacifist agencies in the lead, they began a long series of efforts to meet with and dissuade Department of Justice officials from prosecuting objectors over and over again. At least once they got through to the Attorney General himself, but mostly they were shunted off to his assistants, all of whom either professed ignorance

of the problem or claimed they were helpless to correct it. For example, in September, 1951, J. Howard McGrath told a delegation from the American Friends Service Committee that "he knew nothing about these second prosecutions . . . ."11 Two and a half years later Norman Thomas wrote the CCCO that during a recent visit to the Attorney General's executive assistant, "he was informed that the Department of Justice 'doesn't like' second prosecutions 'but the Pentagon insists on it.'"12 By then, April, 1954, Thomas thought it was time to approach the President "with a strong delegation of church leaders on the question of second prosecutions."13 In May, 1955, the pacifists were still trying to get a hearing with Eisenhower.<sup>14</sup>

During these meetings, and in public forums, pacifists and their supporters continually asked why only conscientious objectors were subject to repeated service when no demands beyond registration were made on Armed Forces veterans. And why send resisters to prison again just because it was a new draft law? The provisions on registration were always the same and so was the absolutists' position on them. What public benefit accrued from jailing conscientious people more than once? Surely this was a situation where at least probation made sense (except to most prosecutors and some judges).

Moreover, pacifists believed that Selective Service and the Justice Department could stop the repeated prosecutions if the agencies wanted to. The usual response from Selective Service that it could do nothing about a man's classification

once the case had been turned over to the Department of Justice struck them as just a dodge. Its own rules, if enforced, made judicial action unnecessary. The CCCO noted that Selective Service Regulations (Par. 642.31) stated that every man confined to prison should be registered and have all necessary questionnaires and forms completed for him.

If such a man is unable or refuses to fill out any form . . . such form shall be filled out by . . . superintendent, warden, or other law enforcement official from information gained by interviewing the delinquent and from other sources.<sup>15</sup>

If he refused to sign the forms, the same officials were required to sign them. Why then should there be any opportunity for the Justice Department to become involved? Not only was the language of the ruling clear, a U.S. Court of Appeals had ruled that the Regulation must be applied (U.S. v. Norton, 179 F. 2nd [1950]), a decision which was made by a judge who was not sympathetic to pacifist views.<sup>16</sup>

Selective Service could also intercept prosecutors by instructing local boards to classify many pacifist prisoners IV-F upon their release, based on its own Regulation 1622.44:

In Class IV-F shall be placed any registrant . . . (c) who has been convicted of a criminal offense which may be punished by death or by imprisonment for a term exceeding one year . . . .<sup>17</sup>

The objector would then be in a deferred category and the Department of Justice would be relieved of any further responsibility. A IV-F classification could also be justified by Army regulation No. 615-180-1, updated by the Department of

the Army on April 10, 1953, which said,

A registrant who has been convicted by a civil court . . . for any offense punishable by death or imprisonment for a term exceeding one year is morally unacceptable [emphasis added by NSBRO counsel] for service in the Armed Forces unless such disqualification is waived by the respective department.<sup>18</sup>

On the basis of these rulings, it seemed clear to Robert Myers, the NSBRO's legal advisor, "that full authority exists for men who were sentenced to more than one year to be placed in the IV-F classification."<sup>19</sup> His pacifist clients agreed. Lyle Tatum was intrigued with the aptness of the Army regulation to CO felons. "Most of them would enjoy being considered morally unfit for army duty," he said. "I consider myself morally unfit for the army."<sup>20</sup>

Pacifists also pointed out that the Department of Justice was not bound to prosecute each infraction of the law, as it often claimed. The right of prosecutorial discretion allows the DOJ to choose which violators it will pursue and which it will ignore. The CCCO observed, for example, that when both state and federal laws are broken, the Department often does not prosecute if the state does. At that very time, it charged, the Department was disregarding flagrant violations of wire-tapping laws. If Justice officials could forego even first-time prosecutions of criminals like that, why could it not leave alone conscientious people who had already served time for their offense?<sup>21</sup>

Not only could they refrain from prosecuting, Justice

officials could themselves take steps to eliminate the crime. If judges were willing, they could assist in the process. The case of David Mott illustrated the pacifists' argument.

Mott, a Quaker farmer, was a good example of a Korean War draft objector. He had served in Civilian Public Service in a variety of jobs. First he was assigned to the U.S. Parks Service, then he volunteered to be a guinea pig for medical experiments with virus pneumonia, then he was transferred to reclamation and forestry camps in the northwest, and finally he served as an orderly in a state mental hospital. Disillusioned by the servile aspects of the work, he refused to register for the 1948 Draft and was sentenced in January, 1949, to eighteen months in prison. He was paroled after completing eight months at Springfield Medical Center, and shortly after, his draft board sent him a questionnaire which he refused to fill out. By November, 1950, he faced the possibility of fifteen years in prison on three counts (five years for each): failure to register, failure to report for a physical examination, and failure to report for induction.<sup>22</sup>

But Mott did not go to prison again, as did other CO felons. The judge interrupted his prosecution by ordering the District Attorney to fill out his Selective Service questionnaire.<sup>23</sup> When Mott's local board refused to reconsider his case, it went to an Appeal Board which gave him a deferred classification. Now that he was no longer eligible for military duty, the case against him was dropped, an illustration, said the CCCO, that "administrative procedures are available to eliminate second

prosecutions when public officials are willing to cooperate."<sup>24</sup>

But public officials were not willing to cooperate to end the repeated prosecutions. The number of objectors known to have been affected by this policy was nowhere near as large in the 1950s as it was during the 1940s. In a brief presented to General Hershey in April, 1954, Robert Myers cited eleven conscientious objectors who had been convicted for a second time under the 1948 Draft Act. He added, however, that,

No data are available to us [the NSBRO] as to how many conscientious objectors were prosecuted for a second time under these [the 1940 and 1948] acts. We know the number is fairly large and we know that even unsuccessful prosecution is frequently only slightly less oppressive than conviction in its practical effects on a sincere young person.<sup>25</sup>

The smaller number of convictions during the Korean War is partly a reflection of the fewer number of draftees and conscientious objectors in general. It may also reflect the impact of Circular #4063, which could have reduced the number of second as well as first prosecutions. It was also a result of a decision by at least one judge to give long sentences to begin with, rather than have the same objectors in his courtroom time and again. In the spring of 1951, Judge Robert Nevin of Dayton, Ohio deplored the reappearance of draft resisters in his court. He recalled with displeasure having to re-sentence a World War II resister, and was dismayed to be facing the same situation again. He feared the problem would continue "unless the sentence [was] long enough to cover the duration" of the war.<sup>26</sup> He made a practice, therefore,

of giving five-year terms to all objectors who came before him.

Other judges chose different alternatives to repeated prison terms. A Philadelphia judge gave two brothers who had served eighteen-month sentences for nonregistration a token one day's imprisonment for their continued resistance. A New Haven court gave a man who had completed an earlier sentence for induction refusal two years probation. A judge in Wichita also gave a man probation, but with the condition that he work during the three-year term with the Mennonite Church or in some social agency. Another Philadelphia judge gave nonregistrant T. Vail Palmer a second sentence of three years probation and a \$500 fine. The judge would not acquit Palmer, as his lawyer requested, because he had not "exhausted his administrative remedies" before challenging the legality of his I-A classification. While that is a sound legal precedent, it would have meant that Palmer had to go to the induction center, take all the tests, and finally refuse to step forward at the induction ceremony before his court challenge would be procedurally valid. For draft resisters that was entirely too much cooperation to be expected.<sup>27</sup>

While many jurists seemed reluctant to impose another prison sentence, few of them openly questioned the appropriateness of repeated prosecutions, except for one judge in Los Angeles who was vocally sympathetic with COs caught in the criminal merry-go-round. When nonregistrant Gilbert McFadden was arraigned a second time in 1953, the judge demanded to know why the U.S. Attorney's office was prosecuting him again

and expressed displeasure with draft boards that "kick COs around." He declared, "one bite of the apple is enough."<sup>28</sup> He still felt it necessary, however, to sentence McFadden to five years probation.

Other CO felons were not as fortunate when they came to court again. One of the most famous conscientious objector cases of the Korean War was that of Robert Michener, who had the distinction of receiving the harshest sentence of any Selective Service violator since the passage of the 1940 Draft law.<sup>29</sup> While he was still on parole from a sentence of one-year-and-a day for refusing to register, Michener, a young Quaker, was indicted in 1951 for the next sequence of crimes: failure to fill out the Selective Service questionnaire, failure to report for a physical examination, and refusal to report for induction. When he learned of his indictment, Michener did not wait to be arrested but returned home immediately to Kansas where he was quickly sentenced by Federal Judge Delmas Hill to five years imprisonment for each violation. Two terms were to run consecutively; the third, concurrently. Thus Michener was to serve ten years in jail.<sup>30</sup>

The defendant's lawyer, his pacifist friends, and apparently even the Justice Department were startled by the severity of the sentence. The U.S. Attorney had said in court that the Attorney General ordered him to proceed with the prosecution of Michener (who presumably fit the description of the "mulish," "willful" CO who was beyond the protection of Circular #4063). But when the sentence was handed down, the Justice Department

asked the District Attorney, Lester Luther, for a complete report on the case.<sup>31</sup> Mr. Luther was blatantly prejudiced against conscientious objectors. A Washington newspaper quoted him as complaining that "These boys will do absolutely nothing for their country." Michener's lawyer, Laurence Holmes, said Luther had told him that "conscientious objectors ought to be kept in jail until the draft act is abolished." Holmes observed, "He gets more bitter towards them each time he has to prosecute one and now he's prosecuted 400."<sup>32</sup> While a biased prosecutor and a stern judge could be expected in a CO case, what could account for such a long sentence? "I think this is the longest sentence he has given anybody for anything," said Holmes.<sup>33</sup>

Led by the CCCO and the AFSC, pacifists campaigned for a reduction in Michener's sentence. They produced hundreds of letters from all over the United States and some from foreign countries, addressed to the judge, the district attorney, and the Department of Justice. They were supported by articles in religious journals such as The Christian Century which called Hill's sentence "an outrage" and demanded that he be removed from the bench. The article pointed out that Michener's sentence was

longer than has been imposed on any outright draft dodger. It is more than twice as long as the sentence given Alger Hiss. And there is no assurance that when Michener finishes these ten added years in a cell the same cat-and-mouse process won't be repeated to send him back to prison again.<sup>34</sup>

They were assisted by the efforts of an embarrassed Kansas

Representative, who read the case into the Congressional Record, to absolve the state from any responsibility for the decision.<sup>35</sup> And they were aided by newspaper columnists, editors, and radio commentators, normally unsympathetic to objectors, who thought that in this instance perhaps some civil rights had been denied. According to the CCCO, Michener's case was the most widely publicized since Larry Gara's.<sup>36</sup>

The publicity paid off. Within the thirty days allowed for modifying a sentence, Judge Hill reduced the term to five years. The Justice Department did not protest. But the CCCO did. Reduction of the sentence did not change the basic injustice; Michener still went to prison a second time for his religious beliefs, and that was not just prosecution, it was persecution.<sup>37</sup>

The experiences of Amos Brokaw confirm once again that Selective Service and the Department of Justice were determined to punish some objectors, not just fulfill their legal responsibilities.<sup>38</sup> Brokaw was prosecuted and convicted not twice but three times for refusing to cooperate with draft regulations. He served his first term of six months in prison for refusing to remain in C.P.S. after he came to the conclusion that alternative service was nothing more than cheap, conscript labor. When he refused to register for the 1948 Act, he was fined \$100 and sent to Mill Point prison camp for one year. Upon his release after four months there, his draft board classified him I-A, even though he had been given a CO classification in World War II and had demonstrated his sincerity by serving

two prison terms for his beliefs. Naturally he would not fill out the questionnaire, nor complete the rest of the induction procedure. By early 1952, he was in prison again, this time at Ashland, Kentucky, serving a two-year sentence. And by that time he had a wife and four children to support. What legal imperative was there to imprison a man like that?<sup>39</sup> There was none, thought the CCCO. Federal authorities were "apparently determined to make Brokaw choose between abandoning his religious beliefs, or face the prospect of a continuing series of prison terms."<sup>40</sup>

Pacifists agreed that the authorities were technically safe in looking upon each violation of draft regulations as a new offense. But they argued that basically only one act of resistance was involved, and thus to repeatedly prosecute men for the several consequences of that one act was to violate the constitutional protection against double jeopardy. Second prosecutions, said Lyle Tatum, were the "moral equivalent of double jeopardy."<sup>41</sup> Harrop Freeman, frequent attorney for Quaker objectors, elaborated on this position in a letter of protest in September, 1953, to William Foley of the Justice Department's Criminal Prosecution Division.

It may be that when a man has said, "I cannot cooperate with war or Selective Service for religious reasons" he has come afoul of the law and must, regrettably, pay a criminal penalty. That, our young men have done; and they have suffered without complaint. But, when the law comes to the man a second time and says, "now report for a physical," "now fill out this form" and if you don't we will prosecute you again because these objections you have to these acts seem to us silly, you

exert coercion on a man's religious belief in the worst form possible . . . . That ought not to happen in America under the First Amendment . . . . Particularly ought this to be true when the whole matter could be cured by proper Draft Board action. Certainly the Attorney General ought not to attempt religious coercion. And multiple prosecutions can have no possible justification except to attempt to change the man's convictions or to act strictly punitively.<sup>42</sup>

Robert Myer's legal brief for General Hershey the following year expressed the same point of view. Repeated prosecution of young men who demonstrated the sincerity of their convictions was religious persecution and a violation of the spirit, if not the letter, of the Constitution.<sup>43</sup>

But their arguments fell on deaf ears. Neither Selective Service nor the Department of Justice thought it necessary, or proper, to modify their policies on multiple prosecutions during the Korean War. CO felons were at the mercy of individual prison wardens to complete the registration process for them, and of their local boards to give them a classification they could accept. If either refused, the Department of Justice was ready to pounce on them for violations of the law which it felt it could not ignore. Perhaps objectors could console themselves that their situation was not in some ways as bad as that of English CO felons who were prosecuted more than just two or three times. One obstinate Britisher held the record for cat-and-mouse treatment, having been prosecuted for his noncooperation nine times.<sup>44</sup>

## FOOTNOTES

1. Ruth Rue Rittenhouse, "The Role of Conscientious Objectors in American Prisons," p. 37.
2. Prison and Court Manual for Conscientious Objectors Facing Prosecution and Imprisonment, pp. 36-37.
3. Prison and Court Manual, p. 37.
4. Pacifists did try to gain amnesty for prisoners of the Korean period (1948-1954). Minutes of a CCCO meeting in October, 1953, indicate that a delegation including A. J. Muste had recently visited the Department of Justice to discuss amnesty and second prosecutions. They were met by underlings who declined to discuss amnesty on the grounds that it was not within their province. The committee decided to try to interview Attorney General Brownell directly or his deputy, Warren Olney, and to secure support from Republican members of Congress such as Senator William Langer and Representative Jacob Javits of New York.  
 At a meeting of the NSBRO Directors and Consultative Council on March 4, 1954, Robert Lyon of the AAFSC reported on an attempt to gain amnesty during the previous Christmas season. The group worked "'quietly'" through the White House staff, but the petition stopped somewhere in an agency. They hoped to locate the stopping point or points and work on those levels, if possible." (NSBRO Board of Directors-Consultative Council Minutes, March 4, 1954, SCPC, p. 7.)  
 I have no further material on this low-key campaign, but we know the ultimate result. The pacifists' efforts to secure an amnesty were as futile after the Korean War as they had been after World War II.
5. CCCO Minutes, March 8, 1957, SCPC, p. 1.
6. CCCO Minutes, November 16, 1951, SCPC, p. 2. I do not know how many ex-prisoners of the Korean War met the same difficulties that Koster and Brokaw did. It is a question that with more time and accessibility to the documents, I would like to examine.
7. News Notes, January, 1953, p. 1.
8. NSBRO Directors-Consultative Council Minutes, March 4, 1954, addendum d, SCPC, p. 4.
9. These statistics were quoted in News Notes, April, 1953, p. 3. The figures probably are not precise. Even the pacifists, who kept better track of such statistics

than Selective Service, did not know exactly how many second prosecutions there were in the 1940s.

10. "New Developments in C.O. Cases," The Christian Century, Vol. 67, No. 45 (November 8, 1950), p. 1315.
11. CCCO Minutes, September 14, 1951, SCPC, p. 2.
12. CCCO Minutes of Executive Committee Meeting, April 24, 1954, SCPC, p. 1.
13. Ibid.
14. On September 9, 1950, Steve Cary of the American Section of the Friends Service Committee wrote to its executive secretary, Lewis Hoskins:

"I believe we should make a prompt effort to send a Quaker delegation to Washington to protest the cat and mouse tactics which the Justice Department has adopted in connection with repeated prosecution of non-registrants." (FCNL files, SCPC)

The executive committee of the CCCO endorsed this plan at a meeting on September 25th. (Minutes of the Executive Committee meeting, CCCO files, SCPC, p. 2.) I do not know how far the plan got, but an AFSC delegation [which included Norman Thomas, Walter Van Kirk of the National Council of Churches, and A. Stauffer Curry] did meet with Attorney General J. Howard McGrath in September, 1951. In addition to professing ignorance about the problem at that meeting, McGrath suggested that he "would have all U.S. Attorneys clear such cases through his office." (CCCO Minutes, September 14, 1951, CCCO files, SCPC, p. 2.)

His suggestion, if it was carried out, did not have any visible effect on the situation. Two years later pacifist groups were still protesting vigorously over repeated prosecutions and their spokesmen were still trying to get through to whoever was responsible for them. A. J. Muste reported to a meeting of the CCCO on September 18, 1953 that he had not been able to get an appointment with the head of the criminal division of the Department of Justice. The only responses he had received were offers "to set up an appointment with officials of lesser rank in the Department." (CCCO Minutes, September 18, 1953, SCPC, p. 1.) Muste seems to have accepted, finally, in preference to no meeting at all, and he, Lyle Tatum of the CCCO, and Harrop Freeman, Professor of Law at Cornell and frequent defense attorney for COs, visited with Justice officials on September 28th. The DOJ

representatives told the delegation that they did not like second prosecutions and offered to send a report written by Freeman [at their request] to their superiors, but they foresaw no change in the government's policy. (CCCO Minutes, October 16, 1953, SCPC, p. 2, and News Notes, October, 1953, p. 3.)

By February, 1954, pacifists' attempts to see the Attorney General personally -- by now it was Herbert Brownell -- had been rebuffed again (the CCCO said the reasons Brownell's assistant gave for rejecting the request "indicated no understanding of the nature of the problem") and they were considering an approach to Selective Service officials concerning second prosecutions. (CCCO, Minutes of Executive Committee Meeting, February 19, 1954, SCPC, p. 1.) That tactic was equally fruitless. In May, 1955, members of the CCCO discussed the fact that neither they nor other interested organizations had been able to see Eisenhower about the problem and agreed to write the President requesting that an appointment be granted. (CCCO Minutes, May 20, 1955, p. 2.) My information on this long struggle ends at this point.

15. Quoted in Special Release, CCCO, July 28, 1950, SCPC.
16. Federal Reporter, Second Series, Volume 179 F. 2nd (1950), pp. 527-530. The judge was quoted as saying, "This trial cannot be a question of Quaker opposition to war. I will not have it." News Notes, February, 1950, pp. 1, 6.
17. Quoted by Robert B. Myers, Counsel for the NSBRO, in a Brief submitted to the NSBRO on Prosecution of Conscientious Objectors, April 6, 1954, SCPC, p. 3.
18. Quoted by Robert Myers in NSBRO Brief, p. 4.
19. Myers, NSBRO Brief, p. 4.
20. Lyle Tatum to A. Stauffer Curry, December 27, 1950, NSBRO files, SCPC, p. 1.
21. News Notes, April, 1953, p. 2.
22. This account of David Mott's experiences with conscription appeared in the Des Moines (Iowa) Register on or near November 5, 1950, dated by the NSBRO, NSBRO files, SCPC.
23. News Notes, April, 1951, p. 1.
24. News Notes, September, 1951, p. 2.
25. Myers, NSBRO Brief, p. 1.

26. News Notes, June, 1951, p. 4, and CCCO Minutes, June 29, 1951, SCPC, p. 2.
27. The brothers were twins, David and Paul Seaver, whom the NSBRO described as absolutists. (Consultative Council Minutes, October 22, 1953, addendum e, SCPC, p. 6.) The objector in New Haven was James Bolton. (CCCO Minutes, May 28, 1954, SCPC, p. 2.) Vail Palmer's first prosecution was described in newspaper articles in The Rochester (New York) Democrat & Chronicle, September 3, 1950, and The (Philadelphia) Inquirer, November 21, 1950 (dated by the NSBRO), NSBRO files, SCPC. His second prosecution was discussed in News Notes, January, 1953, p. 4, and October, 1953, p. 3, and in The Reporter, September, 1954, p. 3, and October, 1954, p. 3.
28. News Notes, February, 1953, p. 3, March, 1953, pp. 1, 2.
29. The CCCO claimed that record in a Special Release, February 27, 1951, SCPC.
30. Ibid.
31. News Notes, February, 1950, p. 1, and reprinted article from The Washington Daily News, March 6, 1951, AFSC files, Haverford College.
32. Washington Daily News, AFSC files, Haverford College. News Notes reported in June, 1952, that Luther had been fired under Attorney General McGranery's effort to "clean up" the Department of Justice, p. 1.
33. Washington Daily News, AFSC files, Haverford College.
34. "When the Law Turns Into Tyranny," The Christian Century, Vol. 68, No. 16 (April 18, 1951), p. 485.
35. News Notes, May, 1951, p. 1.
36. News Notes, May, 1951, p. 1.
37. News Notes, May, 1951, p. 1. The public protests may also have improved Michener's chances for parole. When his application was initially denied, the Board of Parole reviewed the case immediately and granted him parole. (News Notes, January, 1953, p. 3.)
38. There was some discussion between Stauffer Curry and Lyle Tatum about which agency was most responsible for the second prosecutions. Curry believed the Justice Department was "much more bitterly opposed against good treatment of COs than is Selective Service . .

. ." (A. Stauffer to Lyle Tatum, July 11, 1951, p. 1, NSBRO files, SCPC)

39. News Notes, February, 1950, p. 2; October, 1951, p. 1; and February, 1952, p. 3. Also The Nation, October 20, 1951, Inside Cover. The Nation described Brokaw's confrontation in 1951 with Judge William Steckler of the Federal District Court for Southern Indiana. Brokaw claimed

"no creed or church affiliation, he merely insisted that war was as impractical between nations as between members of a family. Implicit in his statement [to the court] was the conclusion that the citizen must compel his government to operate without a war machine by withdrawing the only strategic material he controls -- himself.

Brokaw tried in vain to convey to the court the difference between passive resistance or non-resistance and the Gandhian political tactic of coercion without violence. If he had made his religious training or beliefs his excuse he would have fared no better . . . .

As expected, Judge Steckler gave short shrift to the double-jeopardy claim, choosing to regard the offenses just as he would a succession of traffic violations by a driver." (The Nation, October 20, 1951, Inside Cover.)

40. CCCO, Special Release, April 20, 1950, SCPC.
41. News Notes, April, 1953, p. 2.
42. Harrop A. Freeman to William Foley, Esq., September 29, 1953, NSBRO files, SCPC, p. 2.
43. Myers, NSBRO Brief, pp. 2, 4. The American Civil Liberties Union said the same things to the Justice Department in 1955. In a letter (to be made public) to Mr. Brownell, Patrick Murphy Malin, ACLU executive director, acknowledged that while

"[multiple] prosecutions are technically feasible . . . [the ACLU] feel[s] that repeated application of the law to conscientious objectors who have already served prison terms for their beliefs smacks of harassment and vindictiveness, which I am sure you agree has no part in a government dedicated to democratic ideals. Technically, the conscientious objectors are violating the [Draft] Act again, but in reality their action is a continuing course of conduct based on their beliefs. As many cases have shown, such persons will not be coerced by repeated

prosecutions into complying with the Selective Service law, so the government does not accomplish its objective by prosecuting people again for what is in essence the same offense.

In addressing these comments to the Department of Justice, the Union wishes to note the steps taken by the government to recognize the rights of conscientious objectors. We request now that it make one more advance and refrain from further prosecutions growing out of the individual's conscientious beliefs, which are protected by the First Amendment." (NEWS RELEASE, American Civil Liberties Union, 170 Fifth Avenue, New York, August 19, 1955.)

44. The Nation, October 20, 1951, Inside Cover.

## CHAPTER VIII

From Deferment to Alternative Service:  
The Amendments of 1951

People who oppose war are very sincere, they are social "pioneers," said Eleanor Roosevelt. But when they refuse to register for the draft they are "very foolish" and "high-handed," and they have to be prepared to suffer for disobeying the law.<sup>1</sup> Caleb Foote, of the Central Committee for Conscientious Objectors, to whom Mrs. Roosevelt expressed these views, thought they represented a prevalent attitude in this country -- one that was difficult for pacifists to overcome. He told Clarence Pickett of the American Friends Service Committee,

I think our conversation indicated the difficulty of any reconciliation between the 'absolutist' objection to war, and the liberal attitude which is tolerant of conscientious objection because it wishes to achieve total utilization of manpower for war.<sup>2</sup>

The same liberal "tolerance" that sent resisters to jail was responsible for the deferment of law-abiding objectors. Deferment was not a benefit or a right, it was a convenience, designed to avoid a troublesome alternative service program for as long as possible so that government officials might concentrate on mobilization for war.

The replacing of deferment with an alternative service program was a major development in the treatment of conscientious objectors during the Korean War. It marked the change in atmosphere in the United States that came about when an uneasy peace turned into an active war. What had been a convenience

for the government became a liability as public criticism of the policy mounted. More and more Americans wanted to know how Congress could ask nothing of able bodied COs while demanding front-line duty for other young men.

The reversion to a service requirement meant the end of a period of freedom for conscientious objectors unparalleled in the history of American conscription. At the same time, the kind of service program that was established marked a further step toward a recognition of the COs' right during wartime to live their lives by their own standards of justice and humanity. It is important that we trace this transition from the freedom of deferment to the restriction of alternative service -- how it came about, what the pacifists thought about the change, and why the new demands on objectors represented vital progress in their treatment.

Selective Service never believed deferment would last very long. General Hershey told pacifist leaders in June, 1948, that deferment would increase the public's hostility toward COs. First, the public would resent such lenience for one class of citizens. Secondly, the public would not like the increase in the number of COs that would result, he thought, simply because deferment was permitted for that classification.<sup>3</sup>

His predictions were not wholly borne out. There is no evidence that deferment caused a measureable increase in the number of people seeking conscientious objector status. Nor is there any evidence that the American public resented the new lenient policy on COs when it was first established and

implemented. Rather, deferment was quietly accepted by most non-pacifist Americans, with only a few scattered complaints (from American Legion posts, for example) from the summer of 1948 until approximately the winter of 1950.

But Hershey's prediction that the public would react badly to differential treatment for pacifist draftees missed the mark only because there was no war for the first two years of the new draft law. Once the war began, and especially after the battles became intense, Americans began to react to COs as Hershey thought they would.

The nature and scope of U.S. military operations in Korea go well beyond the subject of this discussion and thus they will not be examined closely here. But a few details will indicate the connection between those activities and the disposition of conscientious objectors. By July, 1950, American troops had engaged the North Koreans; they participated in the Inchon invasion two months later. By November, U.S. divisions had suffered painful defeats at the hands of the Chinese. By January, 1951, when Congress first considered a new draft bill, it was clear the country was involved in a difficult and demanding war. The Army had kept pace with enlarging monthly draft calls. It began with a call for 20,000 inductees to be delivered in September, 1950. The call was shortly increased to 50,000. Another 50,000 was to be delivered in October, 70,000 in November, and 40,000 in December. The figures began to increase again for early 1951: 40,000 for January, 50,000 for February, and 80,000 each for March and April, at which

time the calls began to decrease for the remainder of 1951, except for an extra 5,300 Marines called in September. Selective Service recorded in March, 1951, a total of 590,000 men called since the outbreak of the Korean War. By September of that year the total call was 735,077.<sup>4</sup>

The expanding draft calls and increasing casualties as the war intensified in the fall and winter of 1950-51 set off audible complaints about the generous conditions for conscientious objectors. Some came from old enemies. In January, 1951, News Notes observed that that portion of the American people who are normally antagonistic to COs "grows more vocal."<sup>5</sup> One example was a national effort by the American Legion, revealed a few months earlier, to establish "equal service periods with draftees for conscientious objectors."<sup>6</sup> But the indignation was also widely felt. In December, 1950, The Reporter noted that "there seems to be an increase in public opinion against CO deferment."<sup>7</sup> Newsweek later observed that "since the outbreak of hostilities in Korea, many families with sons overseas have complained vociferously about the lenient treatment given to the objectors . . . ." <sup>8</sup> Selective Service reported receiving some mail from the general public in opposition to deferment, and hearing from state directors and local boards that the presence of deferred men in their home towns was causing friction. Officials told national headquarters that in some communities the antagonism was so great that pacifists had their barns painted yellow and were "treated shamefully in public places."<sup>9</sup>

The greatest hostility towards deferred objectors appeared in Montana where a sizeable community of Hutterites strained citizens' tolerance. The Hutterites' communal and ascetic way of life as well as their agricultural achievements were already sources of suspicion and some jealousy. When Hutterite young men were allowed to stay home and help with their families' farm work while the sons of other farmers were taken to war, Montanans' anger swelled.

Their feeling burst out publicly in January, 1951, when the entire Pondera County draft board resigned in protest over the deferment of Hutterites. Two years earlier the board had classified two Hutterites I-A-O, noncombatant status. The young pacifists, who had requested IV-E, refused to accept the classification and appealed the decision. Because Montana had no State Appeal Board at the time, their deferment continued by default. By early 1951, the draft board gave up in disgust over this case in particular and over the arrangement for conscientious objectors in general. The board members declared,

It is our considered judgment that no young man, regardless of his religious belief, should be relieved of serving in either combat or non-combatant units in defense of his country in which he makes his livelihood and by virtue of whose constitution he enjoys many freedoms . . . . We believe such service is the duty of every young man, regardless of color, race or creed.<sup>10</sup>

The draft board's defiance was soon followed by bills and a memorial in the state legislature designed to hobble the pacifists. One bill defined "military non-cooperation" as a crime and classed it as a felony. The other bill barred

anyone who had ever applied for conscientious objector status from holding public office. Though both bills had considerable support, neither was finally ratified. But the House-Senate memorial was. It asked that Congress eliminate the IV-E category from the draft law. The governor signed the measure and sent it to Washington.<sup>11</sup> A former C.P.S. man from Missoula who watched these developments wrote the NSBRO,

In talking with legislators and legislative committees, it was apparent that almost no one was able to understand why a CO should not accept non-combatant service. The liberal and tolerant viewpoint seemed to find expression in defense of non-combatant CO's, but still opposed the IV-D status. Although the legislature clearly desired the elimination of the IV-E classification, it seems likely that the introduction of alternative service for IV-e's would relieve the pressure somewhat . . . .<sup>12</sup>

If the Montana situation was unusual because of the concentration of Hutterites in the state, the behavior of the Pondera County draft board was only a little more extreme than the actions of numerous draft boards across the country that took advantage of the new Selective Service regulation on January 12, 1951, to reclassify all their conscientious objectors into combatant or noncombatant categories. That regulation, it may be recalled, raised the rank of IV-E in the order of classifications, permitting draft boards to assign pacifists to several lower, nonpacifist categories if they qualified for them. (See Chapter V.) But instead of placing COs in the lower classifications for which they could qualify, draft boards quickly dispatched their IV-Es into I-A or I-A-O.

Stauffer Curry was convinced that the war helped cause

this rush to reclassify COs. He wrote to Lyle Tatum,

Your observation . . . that local boards tend to take men out of IV-E and place them in I-A or I-A-O has been confirmed many times in our experience. I believe some of them did this sort of reclassification because of the intensified pressures upon them due to the Korean War, making the regulation of January 12 a sort of excuse for taking men out of the previous classification.<sup>13</sup>

Though members of Selective Service boards often took a harder line on draft issues than other citizens, it seems evident they were not merely revealing their customary hostility to COs but were responding to the rising number of complaints about deferment from the general public. Indeed, deferment for pacifists (referred to by some as plain and simple exemption, which it was) had become intolerable to many Americans when other young men had to fight and be killed. Now, it seemed, the least that should be expected of COs was some form of alternative service.

Pacifists saw the change in policy coming. In November, 1950, the CCCO predicted that because of the rising inductions, deferment was "apt to be eliminated and some form of civilian service demanded" of conscientious objectors.<sup>14</sup> The following month, Raymond Wilson asserted more positively that deferment was coming to an end and that Civilian Public Service would be resumed. He believed that Selective Service officials feared "Congressional criticism" if deferment continued. As a result, he said, "'even though General Hershey . . . has repeatedly said he doesn't want the headache the job involves,' the CPS program will be revived within the near future."<sup>15</sup>

The Religious News Service agreed with Wilson's observation and reported that Selective Service was already prepared for a new CO service program. It had quietly reconstituted its World War II staff that had handled the CPS camps, and had a specific plan for alternative service that it was ready to propose to Congress.<sup>16</sup>

The plan was not described in the news release, nor is there clear evidence it existed. Selective Service had recently made a public statement that there was "no immediate likelihood of re-establishing the camps set up in World War II for conscientious objectors."<sup>17</sup> It did not suggest it was considering any other form of alternative service either. But pacifists were convinced something was afoot. The NSBRO said in August, 1950:

we have direct information that some thought is being given within certain segments of the government to alternative civilian service for conscientious objectors. Nothing has developed in final form to date.<sup>18</sup>

The dilemma seems evident. Selective Service officials sensed the need for changing the arrangements for COs but were reluctant to accept responsibility for administering the camps a second time. (One official later told pacifists during private meetings that Selective Service was eagerly trying to get rid of the assignment while other government agencies were all trying to hang it on Selective Service again. "Nobody wants this hot potato," he was quoted as saying.)<sup>19</sup> The question in their minds was not when to establish a program but what kind of program it should be.

In September, The Christian Century urged its readers to begin thinking about alternative service. In particular, it said, "the churches should decide what their relationship is going to be to the types of civilian service their c. o. members may find themselves rendering."<sup>20</sup> The lessons of the previous decade should be remembered.

Church sponsorship of C.P.S. camps in World War II turned into a dubious and expensive headache. The element of compulsion which was inextricably involved defeated the best efforts of church leaders to develop work for social and civic betterment . . . . So the task which the churches now face will not be an easy one. But that is greater reason for getting on with it.<sup>21</sup>

Church leaders did deliberate on the issue. Among their consultations was a meeting of the NSBRO Consultative Council in Baltimore on January 29, 1951, at which representatives of seventeen church bodies were asked to state their own and their church's position on possible changes in CO draft provisions. The group -- forty people in all -- was nearly unanimous in wanting deferment continued. (The only dissenter wanted total exemption.) Should that prove impossible, the group agreed that an alternative service program would be acceptable only under the following conditions. Most importantly, it would have to be administered by civilians. It must offer more than government work assignments, it should include church or privately organized projects, or individual arrangements, and the men should be entitled to pay and dependency allowances for their work. The term of service should be no longer than that for soldiers, and anyone who

could not accept alternative service should be completely exempted.<sup>22</sup>

The American Friends Service Committee added another stipulation when they formulated some "Guiding Principles" for consideration in case new legislation on conscientious objectors passed. Any work to which COs were assigned, said the Committee, "should be of national importance," which would include "services of international significance in the United States and abroad."<sup>23</sup> The Friends specifically had in mind physical and mental health services, scientific experiments, and agricultural and technical assistance particularly to underdeveloped countries. There would be no more "leaf raking" if pacifists could help it; only activities that would benefit humanity and engage the best talents and interests of the COs themselves. Said a number of Friends groups in a joint statement, if COs are to be assigned to civilian service, "we shall urge the government to allow full use to be made of their abilities in vital public or private service for human good . . . ." <sup>24</sup>

When Congress first considered new draft legislation the growing public agitation over deferred COs had not affected the provisions for them. The bills in both houses were simply amendments to the Selective Service Act of 1948 and, in their original form, they made no change in the COs' status. The bills' emphases reflected the greater urgencies of the day. The first was the need for a rapid, massive increase in military forces for Korea. The second was the argument for

a program of universal military training and service, a plan which had long been advocated by military experts who believed that this country must not be caught unprepared for the next world war and which was now supported by more Americans who feared that war might be imminent.<sup>25</sup>

In such an atmosphere of world tension and military crisis, the Department of Defense (whose staff drafted the amendments) might understandably have overlooked the question of conscientious objection as they addressed more pressing problems; or they may have reasoned that leaving all the deferment provisions untouched might avoid time-consuming deliberation that would hold up passage of desperately needed legislation. If the Defense Department was prepared to let the issue slide by, pacifists were not. Their testimony was very similar in tone and content to that in 1948: a general indictment of peacetime -- and as now proposed, universal and permanent -- conscription. Moreover they touched directly on the CO issue in both sets of Congressional hearings. Harold S. Bender of the Mennonite Central Committee Peace Section told the Senators on the Preparedness Subcommittee he was assuming "that any proposal to extend or amend the present [draft] act will maintain the recognition given [to conscientious objectors] in previous acts."<sup>26</sup> Norman Thomas was more forceful with the House Committee on Armed Services, urging its members to "find some better way than we have found to deal with the problem of honest, conscientious objection." Thomas was most concerned at that point about the heavy jail sentences being given to

draft refusers, but both his and Bender's remarks seem to have reminded the legislators that the issue of CO deferment must be dealt with.<sup>27</sup>

The issue was taken up by the House Armed Services Committee before its hearings on the draft amendments were concluded. Pacifists lobbied among the committee members and were successful in persuading them to retain the deferment provision.<sup>28</sup> In the Senate, the issue was not closely examined until after the Subcommittee hearings were over, and there the outcome was what the pacifists had feared for some time -- a proposal for alternative service for conscientious objectors.<sup>29</sup>

The peace lobbyists worked hard to get that recommendation revised before it became part of the Senate's bill, but they were unsuccessful.<sup>30</sup> As in 1948, members of the Senate were determined to see that COs pay a price for their exemption from military service. After the bills passed the full Senate and House in March and April, 1951, Stauffer Curry explained the uncertain situation to everyone in contact with the NSBRO:

The language of Section 6(j) of the 1948 draft bill remains exactly the same [in the House version] . . . . This means that if the House language is retained, conscientious objectors will be deferred if found sincere by the local or appeal boards. However, the Senate version provides for 'work of national importance under civilian direction,' just as did the 1940 Act. If this version prevails in the final law, a program of alternative service will have to be put into operation.<sup>31</sup>

With the two houses at odds on this and numerous other provisions of the draft bills, pacifists now focussed their attention on members of the Conference Committee, particularly

those from the Senate. Representatives of the Friends Committee on National Legislation, the Brethren Service Commission, the National Service Board, the Mennonite Central Committee, and the Friends Service Committee worked closely together to "interpret [their] points of view" to the conferees, presenting each of them with a detailed memorandum setting forth those views and talking with as many individually as they could during the month of May.<sup>32</sup>

The memorandum reaffirmed their support for continued deferment. It had worked satisfactorily "from most points of view," they said, and it observed the principle of religious freedom. Furthermore, pacifists should be left alone to do their good work.

[The] so-called 'historic peace churches' and others have been developing during the past few years voluntary service programs for the betterment of humanity and have been active in urging their youth to participate in the sacrificial service. The provisions in the present [Draft] Act for conscientious objectors make possible the continuation of this form of humanitarian endeavor.<sup>33</sup>

They expected they would have to compromise, however, and were prepared with specific suggestions for an alternative service program.<sup>34</sup> Among them was a recommendation that the phrase "work of national importance under civilian direction" be changed to "work contributing to the national health, safety, or interest." This wording would more clearly permit COs to engage in a variety of social service activities, rather than limited assignments by the government implied in the Senate's wording. Another was a proposal that local

boards not be allowed to place COs directly into specific jobs (such as sweeping floors in a defense plant, which would offend their conscientious scruples) but only into broad categories of acceptable occupations that the President would define and regulate.

The Conference Report, #535, adopted on May 29, 1951, contained the final wording.

. . . Section 6(j) of [the Selective Service] Act [of 1948] is amended (1) by striking out in the third sentence thereof the words 'be deferred' and inserting in lieu thereof the following: 'in lieu of such induction, [the conscientious objector shall] be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period prescribed in section 4(b) [24 months] such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title' . . . .<sup>35</sup>

Naturally, the peace workers were disappointed that they had lost the battle for continued deferment. At the same time they were pleased that the conferees had accepted some of their suggestions.<sup>36</sup> They could also take comfort from the fact that though the new wording did not specifically rule out work camps, it was the final intention of the conferees not to revive them. House members had finally dissuaded the Senators who had pushed hard for the camps.<sup>37</sup> In fact, according to Styles Bridges (R - New Hampshire) some of the Senate managers -- "radicals," he called them -- wanted

to draft conscientious objectors.<sup>38</sup> Although Senators had taken a firm stance on COs before, calls for such drastic measures reflected the growing public demand that Congress get tough on conscientious objectors. Senator Bridges confirmed this pressure from constituents. "[P]ublic resentment against the Korean War," pacifists quoted him as saying, "made it necessary to do something about the COs."<sup>39</sup>

Thus the war cost COs their deferment. Their friends in the House could still curb the Senate's desire for work camps, but they could no longer hold out against some form of alternative service. It was clear that the country's experiment with the most liberal policy on conscientious objectors Congress had ever devised would soon be over.

The pacifists' strong lobbying against work camps and Selective Service's reluctance to administer them again surely helped to prevent their revival. But what seems to have been the most persuasive argument against them was that there were too few conscientious objectors during this war to make the camps very sensible. When the full Senate debated the compromise amendment in June, 1951, Richard Russell (D - Georgia), Chairman of the Senate Armed Services Committee, explained to colleagues who questioned the new arrangement that,

the position of the House conferees was that today approximately only 12,000 of the conscientious objectors have been deferred under existing law and that the number is entirely too small to warrant the creation of national work camps in which to place them  
 . . . .<sup>40</sup>

When the House debated the amendment the following week,

Representative Mike Mansfield (D - Montana) spoke as if it was common knowledge that the reason work camps were not being proposed for COs was that their numbers were so small.<sup>41</sup> It was circumstance, then, not enlightened judgment that prevented the return to a repressive policy towards COs. If the House conferees had not called attention to the small number of objectors in defending their preference for deferment, Civilian Public Service camps might well have been reestablished.

There is no evidence that McCarthyism had anything to do with the stiffening attitudes towards COs. The intolerance of different points of view that we associate with that phenomenon does not seem to have prompted the American public or Congress to feel that unusual steps should be taken at this time against these particular deviants. Rather, Americans seem to have been expressing a simple desire for fairness, a feeling that when some men must fight and die, others their age, who are physically able, must make some sacrifices, perform some service, too. If McCarthyism had any effect on the government's new policy towards COs, it was indirect. Possibly there probably would have been more objectors if the American people in general had felt freer to express nonconformist views. If McCarthyism helped to keep the number of COs down by discouraging dissent, it may have been partly responsible for the failure to revive the work camps. Pacifists who had some experience with C.P.S. knew that was a blessing for conscientious objectors.

If there were to be no work camps, what was there to be?

The phrase "work contributing to the maintenance of the national health, safety, or interest" had not been defined. What the peace lobbyists had in mind for most young pacifists was the kind of relief efforts abroad and social service activities at home that their churches were already performing -- the kind of work they had discussed at their Baltimore meeting and outlined for Congressmen in their memorandum. Work in mental hospitals and other health institutions had been the most successful of Civilian Public Service assignments in World War II. The churches had expanded these ministries since then both in size and variety. Why not simply give COs credit under the new draft law for such work? Many of them volunteered for it anyway. For those young men in rural pacifist communities, peace advocates believed the most reasonable course was to leave them on their farms and give them credit for alternative service after two years had elapsed. Agricultural production was certainly essential to the country's well-being; why not simply include farming within the definition of work "contributing to . . . the national health, safety, or interest"?

Whatever the arrangements to be devised, the churches were adamant that they would not serve as government agents again, administering prescribed assignments over which they had little control. The Friends were particularly wary of being drawn into a cooperative relationship with the government.<sup>41a</sup> But pacifist groups were willing to take young men into their own projects who were fulfilling their Selective Service

requirement and to at least assist Selective Service in developing new areas of relief and service where COs might be assigned.

At least one senior member of Hershey's staff, Deputy Director Louis H. Renfrow, was favorably disposed towards the pacifists' proposals, though he doubted that much farm work at home would be acceptable unless the CO qualified for a II-C deferment.<sup>42</sup> Other officials questioned whether work overseas would be possible. Indeed, there were numerous features of the new alternative service program to be defined and to be negotiated with the cooperating churches, government and private agencies.

Nevertheless, by the time the draft bill was enacted on June 19, 1951, Congressmen, Selective Service officials, and pacifists had agreed that while some COs might be allowed to remain on their farms, most objectors would now be assigned to some sort of social welfare work, most likely in American hospitals and other health care institutions. Exactly how the assignments would be made, what requirements COs would have to fulfill, and what rights they would have to appeal any local board decisions remained unclear. Pacifists were especially concerned that the new policy might not permit the range and quality of service they believed were necessary.<sup>43</sup> They had reason to believe, however, that this new alternative service program, in contrast to the old, was a major advance in the government's willingness to deal fairly with conscientious objectors. No longer bound by the conviction that objectors

must be confined and made to perform on command whatever important or trivial work the government saw fit, Congress was moving toward an arrangement that would utilize the talents and energies of COs in creative and socially beneficent ways, ways that were much closer to the ideals of peacemaking than of warmaking.

## FOOTNOTES

1. Quoted in a letter from Caleb Foote to Clarence Pickett, describing a personal visit with Mrs. Roosevelt in an attempt to gain relief for imprisoned resisters, September 29, 1949, CCCO files, SCPC, p. 1. Foote was disappointed in his efforts. "[S]he was not as understanding as I had expected," he wrote, p. 2.
2. Caleb Foote to Clarence Pickett, September 29, 1949, p. 1.
3. NSBRO Consultative Council Minutes, June 29, 1948, NSBRO files, SCPC, p. 3.
4. Lewis B. Hershey, Outline of Historical Background of Selective Service, Table 3, pp. 38-40.
5. News Notes, January, 1951, p. 4.
6. Cited in The Reporter, September 12, 1950, p. 4.
7. The Reporter, November-December, 1950, p. 1.
8. "Calling Up COs," Newsweek, Vol. XL, No. 5 (August 4, 1952), p. 77.
9. MEMORANDUM ON INFORMAL DISCUSSION WITH GENERAL RENFROW, COLONEL KOSCH AND COLONEL GRIFFING OF SELECTIVE SERVICE STAFF, NSBRO Directors Minutes, June 11, 1951, addendum a, SCPC, p. 5, and A. Stauffer Curry to Board of Directors, May 22, 1951, AFSC files, Haverford College, p. 2.
10. Quoted in Religious News Service, 1/2/51, NSBRO files, SCPC, p. 6. Apparently other Montana draft boards were equally impatient with Hutterites. Not only did they openly object to classifying the pacifists as IV-E, some automatically placed them in I-A or I-A-O. (As reported by Rebecca McNees Osborn and Jess Helburn of Bozeman, Montana, to Clarence Pickett, February 17, 1951, AFSC files, Haverford College, p. 1.) There were similar attacks against Hutterites in South Dakota where the state legislature considered several economic restrictions aimed at Hutterites and passed more than one resolution asking that all COs be drafted. (Fellowship, a magazine published by the Fellowship of Reconciliation, Vol. XVII, No. 4, April, 1951, p. 21.)  
Where other pacifist religious sects congregated, similar reactions occurred. In one county in Ohio, the State Selective Service Board defended the COs against citizens' complaints. When war veterans in

Holmes County protested the failure of its board to draft about nine hundred Amish young men, an executive of the State Board pointed out to them that the Amish had the right to deferment as conscientious objectors. Don't include the Amish in the county population figures, countered the veterans. Then non-Amish men who might not otherwise have been called for military duty would not have to fill their places. But the Amish must be considered part of the population, said the Selective Service official, "because they are actually that." ("Protest No Draft of Amish Youths," Cleveland Plain-Dealer, dated October 12, 1950 by the NSBRO, NSBRO files, SCPC.) The outcome of this exchange was not recorded, to my knowledge.

11. The Reporter, April 16, 1951, p. 5.
12. Quoted in The Reporter, April 16, 1951, p. 5.
13. A. Stauffer Curry to Mr. Lyle Tatum, Central Committee for Conscientious Objectors, July 11, 1951, NSBRO files, SCPC. Curry's discussion can be confusing because after January 25th local boards were required, by order of the national director of Selective Service, to re-open all IV-E cases. Local boards who reclassified between January 12th and 25th were responding hastily. But the injustice of their actions was not reclassification itself, but reclassification into combatant or noncombatant categories without any effort to determine whether the COs qualified for other classifications for which they could now be considered.
14. News Notes, November, 1950, p. 2.
15. Religious News Service, Friday, December 29, 1950, NSBRO files, SCPC, p. 2.
16. Religious News Service, Friday, December 29, 1950, NSBRO files, SCPC, p. 1. Some of these statements from the Religious News Service also appeared in Fellowship which alerted its readers that "Selective Service headquarters is preparing a plan for alternative service for COs . . . ." (February, 1951, p. 21.)
17. The same wording appeared in articles in both The New York World-Telegram & Sun and The New York Times on November 24, 1950, so it is fair to assume a direct quote. The headline in the World-Telegram said, "No Conchie Camps To Be Set Up Now," NSBRO files, SCPC.
18. NSBRO special typed document, "Dear Reporter Readers,"

August 10, 1950, p. 2, NSBRO files, SCPC, p. 2.

19. NSBRO Directors Minutes, May, 1951, addendum b, NSBRO files, SCPC, p. 5, and Report of Discussion of Brethren Seminar Group with Colonel Clark Of Selective Service, Church of the Brethren, May 9, 1951, NSBRO files, SCPC, p. 1. The pacifists quoted Col. Clark: "'Selective Service would like nothing better than to have some other agency do it'" [administer an alternative service program] and "other agencies would 'like nothing better than to have Selective Service do it.'"
20. There is conflicting information about whether Selective Service did or did not want to administer another Civilian Public Service Program. Hershey and other senior officials who had worked under him during World War II seem clearly to have been opposed to reestablishing the camps. But after the draft bill had passed, pacifists said they had information that Selective Service had lobbied for camps. In a memo of a meeting with Hershey in November, 1951, they recorded their belief that "Selective Service had drawn up procedures assuming the camp method, and had circulated government agencies asking where they could establish camps for COs." (RAW NOTES: Meeting with General Hershey, November 16, 1951, AFSC files, Haverford College, p. 1.) Perhaps this was "the plan" they had referred to earlier. Hershey told them at that meeting that he did "not know anybody who was over on the 'Hill' campaigning for CPS camps." If there was any such campaigning, it may have been done by "underlings" as some pacifists suggested. Hershey and his senior staff were determined to avoid the camps but did not know at first what to put in their place. Their position probably affected draft legislation more than the efforts of any subordinate officials.
21. "Enlarged Army Raises Issue of C.O.'s," Christian Century, Vol. LXVII, No. 38 (September 20, 1950), p. 1092.
22. "Enlarged Army," p. 1092.
23. NSBRO Consultative Council Minutes, January 29, 1951, NSBRO files, SCPC, p. 5.
24. GUIDING PRINCIPLES FOR CONSIDERATION IN THE EVENT OF PASSAGE OF LEGISLATION CALLING FOR SERVICE BY CONSCIENTIOUS OBJECTORS, American Friends Service Committee, 3/26/51, AFSC files, Haverford College, p. 1.

25. "Conscience and Conscription," a statement adopted by the Friends Coordinating Committee on Peace, March 11, 1951, AFSC files, Haverford College.
26. The sense of urgency that prevailed as Congress began to consider new draft legislation can be seen in the remarks of the heads of the Congressional committees as they opened hearings on the bills. Lyndon Johnson (D - Texas), Chairman of the Preparedness Subcommittee of the Senate Armed Services Committee, believed that this was a time of "national emergency" with the country "on the threshold of full mobilization . . . ." (Hearings Before The Preparedness Subcommittee Of The Committee On Armed Services, United States Senate, Eighty-Second Congress, First Session on S. 1, Universal Military Service and Training. . . , January 10 - February 2, 1951, p. 24.) Carl Vinson, (D - Georgia), Chairman of the House Committee on Armed Services, observed that since the Committee had first discussed draft legislation nine months ago, "from day to day world conditions have constantly grown worse." With some foreboding he concluded,

"No person can foresee whether the future will be only one of constant tension and restricted warfare or whether we will be in the most terrible global war in all recorded history.

However, there is one thing we do know; that as far as the future we can see now there will continue to be a need for maintaining the largest standing military force this country has ever had." (Hearings Before The Committee on Armed Services, United States House of Representatives, Eighty-Second Congress, First Session on H.B. 1752, on Universal Military Service and Training . . . , January 23 - March 8, 1951, p. 6.)

27. Hearings on S. 1, p. 979. Bender's testimony prompted an exchange between Senators Leverett Saltonstall (R - Mass.) and Lyndon Johnson over whether the Department of Defense had made any proposal to change the provision on COs. As far as he knew, Johnson said, no proposal had been made. (Hearings on S. 1, p. 982.)
28. Paul Shafer (R - Mich.) thanked Thomas for bringing up the subject of conscientious objectors and asked his opinion about the relative merits of putting them in jail. Thomas took the opportunity to urge the Congressmen to examine the British method of handling COs during the last war.

"By and large, I think the British did a better

job than we were doing with conscientious objectors. They gave pretty large license, freedom to the equivalent of their draft boards to decide that a man was thoroughly honest and would work perhaps in some industry or agriculture, intelligently and ably.

In that way, they got more and better work out of their conscientious objectors, although they were subject to greater danger than we . . . . I would urge you gentlemen to . . . look into the British law and British experience . . . ." (Hearings on H.B. 1752, p. 735.)

29. More than a week before the hearing ended, Chairman Carl Vinson (D - Georgia) told Raymond Wilson that "the Committee had decided to continue deferment . . . ." (Memo: Re- CO Amendments, To: Lewis Hoskins, George Loft, Lyle Tatum, Richard H. Rhoads from E. Raymond Wilson, March 14, 1951 [dictated March 9] AFSC files, Haverford College, p. 1.) Wilson reported that that memo that he and several pacifist colleagues had been lobbying for deferment among Committee members Paul Kilday (D - Texas), Dewey Short (R - Missouri), and Carl Durham (D - North Carolina), in addition to Chairman Vinson.
30. According to Raymond Wilson's memo of March 14, Senator Wayne Morse (R - Oregon) suggested to the pacifists that the change had been devised by the drafting committee after the hearings were closed, and submitted to the Senate Armed Services Committee in an executive session. Wilson reported that "Morse protested the change in language which had never been discussed in the hearings nor in the full committee up to that time." (Memo: Re- CO Amendments, March 14, 1951, p. 1.)
31. The pacifists looked to Senator Wayne Morse for help in revising the proposal on COs, but he told Stauffer Curry that he had had "such a fight on [student deferment] amendments . . . that he thought it was unwise for him to sponsor a revised CO amendment because he didn't think he had the support to get it through." (Memo: Re- CO Amendments, March 14, 1951, p. 1.) They asked Senator John Sparkman (D - Alabama) to consider their own proposal for an amendment to Section 6(j), which included not only the option of deferment but also called for a National Commission on Conscientious Objectors. This body would be composed of civilians, appointed by the President, who would determine the disposition of those claiming exemption from military training and service. Though Sparkman said he was in sympathy

with the proposal, he thought it would be "extremely difficult to get the amendment accepted on the floor." (Memo: Re- CO Amendments, March 14, 1951, p. 1.) But he agreed to talk to Senators Russell and Johnson about the proposal and to support the House version if its bill retained deferment.

32. A. Stauffer Curry to Reporter readers, editors, and Consultative Council members and friends, April 14, 1951. A special letter in place of the regular Reporter edition for that month.
33. Stauffer Curry said afterwards to the NSBRO Board, "Our experience was an interesting venture in inter-agency cooperation." (Curry to Orie O. Miller, E. LeRoy Daken, James A. Crain, W. Harold Row, and Heber F. Klemme, May 29, 1951, AFSC files, Haverford College, p. 2.)
34. MEMO ON CONSCIENTIOUS OBJECTOR PROVISIONS IN THE PROPOSED UMTS BILLS NOW BEING CONSIDERED BY THE HOUSE-SENATE CONFERENCE COMMITTEE, signed by E. Raymond Wilson, Friends Committee on National Legislation, and W. Harold Row, Representing Brethren Service Commission, May 24, 1951, AFSC files, Haverford College, p. 1.
35. The pacifists had, by this time, seen a draft of the wording on COs tentatively agreed upon by the Conference Committee. The language called for an alternative service program. The MEMO contains all their specific recommendations.
36. Conference Report (H. Rept. No. 535), Congressional Record, House, Eighty-Second Congress, First Session, Vol. 97, June 7, 1951, p. 6247.
37. Stauffer Curry wrote to the NSBRO Board members just after the Conference Report was adopted, "We feel very happy that the conferees accepted our suggestions." (May 29, 1951, AFSC files, Haverford College, p. 1.)
38. The conferees observed in their Report that,

"The Senate bill required [conscientious objectors] to be assigned to work of national importance under civilian direction.

The House managers objected to this portion of the Senate bill since it contemplated the establishment of national work camps. The language agreed to by the House and Senate conferees will permit the President to prescribe the types of employment to which conscientious objectors may be assigned, but such employment will not be per-

formed through the establishment of, or assignment to, national work camps." (Conference Report, [H. Rept. No. 535], Congressional Record, House, June 7, 1951, p. 6250.) In a discussion on the floor of the Senate regarding work camps, Richard Russel, Chairman of the Armed Services Committee, said he thought it was unlikely such camps could be reestablished, even though the language of the bill did not expressly prohibit them.

"I do not know that the language would specifically prevent [assignment of COs to camps]. However, I would be less than frank if I did not state . . . that it was the intention of the conferees not to have camps of that nature established on a national scale. The House conferees were very much opposed to the Senate provision, as were various organizations, such as the Society of Friends and others, who are interested in the question of conscientious objectors." (Congressional Record, Senate, Eighty-Second Congress, First Session, Vol. 97, Part 4, June 1, 1951, pp. 6026-6027.

39. Stauffer Curry reported this statement, made in a conversation with the peace lobbyists, in his letter to NSBRO Board members, May 29, 1951, p. 1.
40. The quote is a paraphrase of Bridges' statement, Report of Congressional Visits, May 25, 1951, AFSC files, Haverford College, p. 1.
41. Congressional Record, Senate, June 1, 1951, p. 6027.
42. Congressional Record, House, June 7, 1951, p. 6260. At this stage in the development of the amendment, it was presumed that local boards could continue to defer those COs who were already performing work that could be classed as "contributing to the maintenance of the national health, safety, or interest." Mansfield and other Congressmen feared that this meant that a Mennonite farmer, for example, might be allowed to stay on his, or his father's, farm to help with necessary food production. Mansfield spoke at length against such a privilege for COs while other young men were being taken from their jobs at great personal, especially economic, sacrifice. COs, he thought, should

"at least be required to do work that is definitely in the national interest and not work which merely improves their own pocketbooks . . . . These people, like the rest of the population, should expect that their normal activities would be sacrificed to some extent in the national interest so that they would

not be avoiding all national service." (Congressional Record, House, June 7, 1951, p. 6260.)

Although the bill passed despite objections such as Mansfield's, the arrangements for alternative service eventually devised for COs did not permit the kind of deferment he complained about.

43. Friends made clear from the outset that they were not accepting any deals with the government on the handling of conscientious objectors. In a letter to Arthur Flemming, head of the Manpower Policy Commission, the day after the draft bill became law, Lewis Hoskins, Executive Secretary of the AFSC, declared that his organization would "make no blanket agreement to execute or enforce regulations governing COs drawn up by outside agencies." Furthermore, he emphasized, "we stand ready to aid and counsel all who for conscientious reasons are opposed to conscription and war." (Lewis M. Hoskins to Dr. Arthur S. Flemming, June 20, 1951, AFSC files, Haverford College, p. 2.)
44. NSBRO Board of Directors Minutes, June 11, 1951, addendum a, a discussion on June 19, 1951 between General Renfrow and Harold Sherk, Albert Gaeddert, and A. S. Curry, NSBRO files, SCPC, p. 8.
45. Pacifists were lobbying on this issue right up to the passage of the draft bill. They wanted assurance that there would be broad categories of approved work. They also wanted permission for COs to volunteer for work with church, public, and private humanitarian and service agencies, and the right for COs to appeal if the work assigned to them was unacceptable. Their lobbying was so persistent it began to irk some of the conferees. George Loft of the AFSC described his last-minute meeting with Dewey Short:

"Short was very sharp in saying that proponents of the COs were asking too much and had pressed him too hard. He had had his 'ears pinned back' in the conference committee on the matter of occupational appeal, and was not at all inclined to mention it now. He described the possibility of allowing COs to volunteer with service agencies as giving them 'sanctuary'. . . . [I] tried to explain the . . . reasons for these suggestions, but the discussion was decidedly strained." (CO Services Historical Report #2: AFSC Activities Re CO Clause in 1951 Draft Act, prepared by George Loft, July, 1952, AFSC files, Haverford College, p. 6.)

## CHAPTER IX

## Responses of the Peace Agencies to Alternative Service

The passage of the Universal Military and Training and Service Act of 1951 was a landmark in legislation on conscientious objectors. It pointed the way toward an innovative program of alternative service. For several months after it was enacted, not much else could be said about it because the nature and scope of the innovations had not been precisely defined. Congress had left the situation vague, said General Lewis Hershey, probably because it "was not sure what it wanted to do to COs."<sup>1</sup>

By assigning the job of defining regulations to the President, Congress had satisfied the pacifists who were suspicious of Congressional plans for COs, and turned the hard work over to the executive branch. Though technically the President's responsibility, the new regulations would actually be drawn up by Selective Service and be submitted to the United States Manpower Commission for approval. The National Service Board for Religious Objectors warned its readers that the implementation of the rules would take a number of months. Even after they had been devised, the regulations would have to be reviewed

. . . by 10 or 16 governmental agencies before being issued by the President. This process will probably run through July. Printing and mailing to local boards may take most of August. In September reclassification of objectors, giving physical exams, sending notices of acceptability and the like may begin. Actual orders may not come until late September or early October.<sup>2</sup>

Until all those steps had been taken, deferment would remain in effect. The change in the legal provisions for conscientious objectors, therefore, had little immediate or practical impact.

In fact, devising and implementing the new rules for COs took far longer than pacifists predicted they would. Instead of several months, the government needed more than a year to complete its preparations. The history of conscientious objection from June, 1951, to July, 1952, was, therefore, a record of the government's struggle to formulate a policy and of the pacifists' efforts to define their own posture towards it. At times seeking information about what Selective Service officials had decided, at times trying to influence their decisions, at times struggling to determine their own responses to what had been established, pacifist leaders worked to protect individual COs as well as to define their conception of what conscientious objection in the 1950s ought to be.

Exchanges that had taken place in the spring of 1951 between pacifists and Congressmen over the wording of the CO provision in the law now shifted to negotiations between pacifists and Selective Service officials over the content of the regulations that would govern the alternative service program. Pacifists led the way in these meetings with proposals designed to maximize the objectors' opportunities to serve humanity and to minimize the government's ability to convert them into virtual slaves or tools of war.

Peace leaders were especially concerned that the law's vagueness about the types of service that would be permissible and about how job assignments would be made must be eliminated. Otherwise local boards would have far too much leeway to assign COs to possibly undesirable occupations. The Central Committee for Conscientious Objectors warned its members that,

The greatest danger in the new law is the phrase 'as the local board may deem appropriate.' This may be a loophole by which antagonistic local boards may penalize IV-E's by ordering them outside of their own communities into poorly paid work unsuitable to the registrant's personality and training.<sup>3</sup>

To help plug that loophole, pacifists began offering their recommendations on how the regulations should be written to Selective Service officials even before the law was passed. In a memorandum presented to General Louis H. Renfrow, Deputy Director of Selective Service, on June 11, the Consultative Council of the NSBRO outlined its concerns. Most importantly, the definition of the types of permissible service must be broadly formulated to include, though not be limited to, agricultural production and processing, education, social services, public health, foreign and domestic missionary work and technical assistance, general and mental hospital service, medical research and experimentation, essential civilian manufacturing, and reclamation and conservation of forests and wildlife. Moreover, the regulations should not require that a IV-E registrant be removed from whatever job he was in and be placed in another just to fulfill his alternative service. If his occupation

could be considered as "contributing to the . . . national health, safety, or interest" he should be allowed to remain in it. Furthermore, COs should be able to volunteer for service rather than be forced to wait for local boards to determine their assignments. These measures would help to assure that maximum use would be made of the objectors' "abilities, training and experience in harmony with their conscience . . . ."4

The Council proposed other regulations to help ease specific difficulties its members knew from experience would arise in administering such a program. For example, COs should be allowed to transfer from one approved job to another on grounds of conscience, hardship, or merely efficiency. The number of appeals and instances of non-compliance could thereby be minimized, the Council argued. Appeals would have to be anticipated though, and therefore procedures should be established to provide alternatives for those COs who were assigned by their local boards to war-related jobs. Equally essential, conscientious objectors should receive whatever pay was normal for the occupations in which they served -- probably a maintenance allowance for relief and welfare activities, but the going wage for regular jobs. If an arbitrary ceiling was placed on their compensation, it would stir discontent among both unions and the COs themselves, as had been discovered in World War II. Finally, the Council suggested that men who served in Civilian Public Service should be exempted from the new draft requirements just as

war veterans were. That seemed a matter of simple fairness.<sup>5</sup>

The Council was especially interested in having Selective Service recognize the overseas and domestic assistance programs of the churches and private agencies as acceptable alternative service for young pacifists. Ideally, the CO would volunteer for a program and the agency involved would have the right to determine whether he was qualified to do the particular work.<sup>6</sup> How far church groups would be willing to go to assist the government in placing other COs -- those who did not volunteer, those who were found unqualified for their programs -- was not explained. The Council was moving cautiously on that question until the structure of the new program became clearer. Yet the tone of their suggestions indicated a willingness to cooperate with Selective Service to establish the new program while looking out for the best interests of the COs.

In July, the American Friends Service Committee drafted a similar list of recommendations for inclusion in the Presidential regulations. Its members, too, were concerned about the right of objectors to work abroad, to appeal assignments, to transfer from undesirable jobs, to receive adequate compensation, and to gain credit for prior service. But the temper of their suggestions was noticeably firm and uncompromising. They placed great emphasis on the right of the COs to remain in or to enter jobs that were truly satisfying and worthwhile. They rejected the notion of an approved list of occupational categories. That "can result in waste of manpower

and efficiency," they said. They advocated instead a policy of "specific disapproval," a method used in the past to sort out non-essential work on a case-by-case basis when regular registrants applied for occupational deferments. In order that the alternative service program be sufficiently "flexible" and "broadly construed," the President, they asserted, should

prescribe that all the normal categories of private and public civilian employment both in the United States and abroad, which do not contribute directly to military activities or war . . . be deemed in the national health, safety or interest, except for such occupations as the President from time to time may specifically disapprove.<sup>7</sup>

In other words, unless the President singled out a particular job as unacceptable, any occupation one might engage in that did not promote war should be permissible alternative service work.

The Friends dismissed the problems of community relations that developed when COs were allowed to remain in jobs in their home towns. "We know that such instances arise," they acknowledged, "but we believe that the number is likely to be so small that such situations can be dealt with individually . . . ." <sup>8</sup> As far as the AFSC was concerned, "effective service by the CO should be the governing consideration" when any questions arose as to how the alternative service program should function. <sup>9</sup>

The NSBRO, led by the Brethren and the Mennonites, and the Friends Service Committee kept in close contact with Selective Service and the Manpower Commission as deliberations on the CO regulations continued through the summer, fall, and

winter of 1951. They urged individual pacifists to write to Washington to help convince government officials they should incorporate the peace agencies' proposals into the rules for conscientious objectors. But pacifist leaders had trouble during these months determining whether their efforts were having any positive effect. Dr. Arthur Flemming, head of the Manpower Commission, told representatives of the NSBRO in June that he would "work very hard for some sort of appeal procedures to be set up so as to prevent mistreatment of objectors by local boards."<sup>10</sup> But Hershey and his staff would not commit themselves on this issue. In fact, they openly disagreed with each other on whether any appeal procedures should be written into the regulations and if so, what they should contain.<sup>11</sup>

They also gave pacifists conflicting views on whether COs would be required to leave their home communities. Hershey said they would have to be removed. The "public relations problem" that occurred when objectors stayed home while other men went to war was just too great, in his estimation.<sup>12</sup> Yet Colonel Renfrow indicated in another interview with pacifists that if a local board did not wish to move a man, "that would be satisfactory."<sup>13</sup> Hershey went abroad in July to investigate possibilities for work overseas by conscientious objectors, particularly with displaced persons and with the Point Four Program. Yet there is nothing in the pacifists' records to indicate he came back with any firm plans for them. After months of discussion with government officials on a

variety of issues, pacifists still were not sure exactly what the alternative service program would look like.

By November the situation had apparently not improved much. After a meeting with General Hershey, one of the pacifists who attended (probably George Loft, Coordinator of CO Services for the AFSC) noted,

It must be stressed that during the interview, there was relatively little that one could pin down and say: 'this we can count on as a condition of service.' Hershey talked a great deal, covered a lot of ground, yet made no commitments.<sup>14</sup>

The AFSC was especially wary of the continuing uncertainty.

It is evident, Loft concluded in his notes, that we

must have something considerably more clear, specific and binding before [we] can make any assumptions about the conditions which will govern CO work and the relations of employing organizations to the draft program.<sup>15</sup>

Selective Service obviously was taking its time during these months developing the CO service program. This was not its only, or even its most important, task. For example, it was required by the UMTS law to draw up a new set of regulations for Armed Forces personnel. The staff submitted these regulations for the President's signature in September, 1951.<sup>16</sup> (These rules affected COs slightly by discarding the IV-E classification and replacing it with two categories: I-O [conscientious objector available for civilian work contributing to the maintenance of the national health, safety, or interest], and I-W [conscientious objector performing civilian work, etc.]) Moreover, Hershey sensed that public anger about COs had diminished and thus the need to alter

their status was less urgent than it had been several months earlier. He told the pacifist delegation in November that

pressure out in the country to do something has not been great. So long as we run along drafting 15-20,000 per month, there will not be much pressure.<sup>17</sup>

In addition, when so many agencies had to be consulted about the program, it could hardly develop with any speed.

That public attitudes towards COs had softened somewhat since the winter of 1950-51 can be explained by the course of the war at that time. American and Chinese forces were at a stalemate just above the 38th parallel through the summer and fall of 1951. Truce talks had begun, had been suspended, and had been resumed while the two sides fought for positions without significant exchange of territory. The inconclusive discussions, accompanied by seemingly useless warfare, had begun to discourage Americans and to turn the conflict into what one historian called "one of the most unpopular American wars."<sup>18</sup> Yet the major reason for the delay in establishing alternative service seems to have been the problems Selective Service encountered in trying to implement the program it had in mind. It had issued a tentative draft of CO regulations in September for examination within government circles. Since that time it had been searching for agencies where the objectors could be placed, but it had not been successful in finding any. Colonel Lewis F. Kosch and Victor Olsen, assistants to General Hershey, explained to NSBRO representatives who met with them in early February, 1952, that Selective Service initially planned to have a number of COs assigned to such

federal agencies as the Forestry Service, the National Park Service, and the Agriculture Department. But when it requested funds to support such assignments, the Bureau of the Budget turned it down. The national office had also contacted State Directors about employment of conscientious objectors and received favorable responses at first. After the officials had a chance to talk with governors and heads of various institutions in their states they were much less optimistic about being able to assign many COs.<sup>19</sup> Kosch and Olsen believed that job openings were scarcer during this war than during World War II because the country did not have the manpower shortage now that it did then. They also thought that institutions were more selective than they were in the 1940s about the kinds of employees they would accept. To complicate matters further, Civil Service requirements would keep COs out of numerous jobs, and unions would protest about others.<sup>20</sup>

Both Kosch and Olsen "seemed quite pessimistic about fin[d]ing enough suitable openings for conscientious objectors," pacifists reported. The two men were "keenly disappointed that the Bureau of the Budget had refused to ask [the Congress] for the necessary funds" and they suggested to their visitors that church agencies and the NSBRO try to convince the Bureau to change its mind.<sup>21</sup> They also welcomed an offer from William Snyder of the Mennonite Central Committee to have the MCC explore possible job opportunities. Tell the institutions that express any interest to the Committee to contact the state and national offices of Selective Service, they said.<sup>22</sup>

The peace group came away from the conference more aware than they had been of the reasons for the delay in issuing the CO regulations, and impressed with how worried government officials were about whether the service program could be set in motion. The discussion also led these particular pacifists to conclude that they would have to come more actively to the government's assistance. Elmer Neufeld, Associate Secretary of the NSBRO, concluded,

The inevitable impression received from this meeting was the fact that the problem of finding suitable openings for employment of I-O registrants is currently looming large in the minds of Selective Service officials, and that church agencies should take some initiative in exploring possible job opportunities.<sup>23</sup>

When the CO regulations were finally issued, the status of many of these problems remained the same. There were no more evident job possibilities at the end of February than there were at the beginning of the month when NSBRO representatives met with Kosch and Olsen. Moreover, Selective Service did not include in the new rules the answers to several questions pacifists had raised, such as whether COs would be allowed to transfer from one job to another, whether they could effectively appeal an undesirable assignment, and whether credit would be given for service in CPS. But after the "weary months of consultation" at least the terms for CO work were set forth and pacifists knew what they were confronted with.<sup>24</sup>

President Truman signed Executive Order No. 10238 on February 20, 1952, prescribing Part 1660 of Selective Service

Regulations as covering the work obligations of conscientious objectors under the Universal Military Training and Service Act of 1951. (The full text of the Order is contained in Exhibit C.) The regulations stipulated that objectors would be employed in government or nonprofit organizations that were primarily engaged in charitable, health, welfare, educational or scientific activities. They would not be allowed to work in profit-making businesses, nor could they remain in their own communities except in special instances when the local board decided that their present work served the national interest. They would be permitted to volunteer rather than having to wait for assignment by their local board. Even those who preferred to wait for a call from the draft board would be given some opportunity to choose the service they wished to perform. In most instances, the procedures for individual COs would be as follows. The objector would submit to his local board three types of work he was interested in. If the board found any one of these choices acceptable, it would assign him to it and place him in Class I-W. If the board found none of the CO's choices acceptable, it would propose three other types of work for his consideration. If the CO accepted one of them, the matter was settled. If he rejected the board's choices, the State Director would attempt to arbitrate the dispute. Should that effort fail, the National Director would be consulted before any work order could be issued. Finally, if a CO refused to obey a work order, or if he performed unsatisfactorily on the job, the

National Headquarters of Selective Service would study his file to determine whether he should be reported to the Department of Justice for prosecution.<sup>25</sup>

The program certainly was not all the pacifists had hoped for, especially since many questions were left unresolved. Yet it was such an improvement over the CO program during World War II that there was some satisfaction in peace circles with the outcome of their efforts. The Christian Century observed that the new provisions for handling COs,

seem much better than those in force during the previous war. They insure that the C.O.'s will do work of real national, international or social importance. They do not involve churches in the ambiguous responsibilities they assumed while conducting C.P.S. camps. They relieve individuals and churches from the financial burdens of supporting C.O.'s. The government deserves commendation for working out such a system, and the National Service Board for Religious Objectors for the patience and persuasiveness with which it has carried through the negotiations with Selective Service authorities.<sup>26</sup>

Stauffer Curry seemed almost triumphant when he addressed the NSBRO Board of Directors and Consultative Council in March, "We are met at what may prove to be the beginning of a new era in the history of conscientious objection to military training and service."<sup>27</sup> That statement would in time have more meaning than Curry had anticipated.

In spite of the job shortage it had discovered, Selective Service expected that most objectors would perform their service in this country, where State Directors would largely be responsible for their work. (National Headquarters planned to supervise the few COs abroad.) NSBRO spokesmen observed

that "State Directors will play a large part in the administration of the program," a part "which was unknown in World War II."<sup>28</sup> In addition, its operation would be far more decentralized, with each State Director making his own arrangements for employing COs. As a result, the arrangements would vary considerably from state to state, with some directors moving more quickly and imaginatively than others in finding places for COs. NSBRO leaders thought it would be wise, therefore, for their organization to contact every State Director and offer its assistance in discovering job possibilities. The Mennonites, they noted, had already established "an effective liaison" with Directors in states where they were heavily congregated; similar liaisons should be formed elsewhere.<sup>29</sup>

For the staff of the NSBRO and the leaders of its most influential bodies, the Brethren and the Mennonites, assisting Selective Service in finding jobs for conscientious objectors was unquestionably the right thing to do. If they did not try to help, the CO might be "reduced to carrying on work which is entirely out of keeping with his interest, training and background."<sup>30</sup> Selective Service had declared that approximately 5,000 jobs would be needed for COs.<sup>31</sup> To find that many openings in a relatively tight civilian labor market would require much effort. Their own contribution was vital. Stauffer Curry said to assembled colleagues in March, 1952,

It seems somewhat obvious that the success of the present CO program will depend to a considerable extent upon the resourcefulness of interested groups and persons in the

discovering of significant work opportunities.<sup>32</sup>

Curry urged every affiliated church and peace agency to outline for Selective Service their own projects where COs could be assigned, and to coordinate their search for other worthwhile projects. These tasks should be completed as rapidly as possible because no work orders could be issued to COs until the jobs were available. Curry knew the process would take considerable time. His agency, which had first thought the I-W program would start in the fall of 1951, now predicted that, "It may be a year or a year and a half [January or July, 1952] until the program gets into full swing."<sup>33</sup>

But that prediction would also prove too optimistic. To the bewilderment of the pacifists and the consternation of Selective Service officials, Congress refused to appropriate the funds to operate the alternative service program.<sup>34</sup> After working for several months on the assumption that the start of the program awaited only the location of job opportunities, pacifists now learned that there would not be any program even if the jobs were found. News Notes commented acidly, "The I-O program alternates between now you see it and now you don't."<sup>35</sup>

The problem first appeared in February when hearings were held in a subcommittee of the House Appropriations Committee on Selective Service's request for \$150,000 to operate the CO program. General Hershey and his staff were questioned closely about the uses to which the funds would

be put. They explained to the Congressmen the need for travel funds to get men to and from their assignments, the need to compensate COs if they were injured on the job, the expenses that would be incurred when National Headquarters had to mediate disputes between COs and their local boards. But Hershey had to admit that \$150,000 was a "purely conjectural" figure. In fact, he said,

the whole program is just that. We are tackling a pretty difficult proposition. Six months ago we had a lot more demand for these people, their endeavors, than we do now. We have seen the requests for them fade away during the last 6 months, and at the rate it is going, I am not sure what I am going to do, but I still have a congressional injunction that these people have to do something.<sup>36</sup>

The Congressmen apparently did not like what they heard, especially about the scarcity of jobs and the COs' scruples about the kinds of work they would do.<sup>37</sup> They slashed the appropriation to \$15,000. This sum was to cover administrative costs and to support "further study" of the program until June 30, 1952. The Senate concurred in this decision in April. The Reporter discounted serious hostility towards COs as a cause of this action. "Observers believe," it said, that the economy drive in Congress "was more responsible for the cut in funds than real opposition to conscientious objectors."<sup>38</sup> Whatever their motivation, the legislators had assured that the CO program would not even begin before July 1, 1952.

The denial of operating funds created more uncertainty for those involved in setting up the program, but it did not stop the momentum that was gradually developing as a result

of their efforts. In the spring of 1952, The Reporter declared that the NSBRO and agencies affiliated with it were receiving a "stream of requests" from I-O registrants for information on how to find jobs that were both suitable and available. The NSB and its Consultative Council had already established "Referral Services" to aid them in locating positions outside of religious agencies.<sup>39</sup> Information about potential positions was filtering in to NSBRO headquarters. The Reporter stated that,

A number of private non-profit agencies have already expressed interest in the employment of COs and are holding consultations of their leaders regarding final policy in the matter. Many denominational bodies are calling special conferences or are holding inter-staff consultations in the process of making their decisions . . . some non-denominational religious agencies are doing likewise. Several social service agencies have taken preliminary steps in this consideration. Some coordinating agencies for institutions such as old folks' homes, hospitals, and orphanages are giving consideration to the employment of COs.<sup>40</sup>

By June, the NSBRO could cite eighteen states that had indicated their willingness to employ conscientious objectors in their agencies. This hopeful prospect was diminished, however, by the number of remaining states that had so far refused to employ COs (twelve, including the Canal Zone and the Virgin Islands) or had not committed themselves either way (twenty-two).<sup>41</sup>

Yet the NSBRO leadership was not discouraged by the continuing uncertainty about the CO program. In fact, by now they had committed themselves firmly to its development. In the spring of 1952, Selective Service asked them to

coordinate all information about job opportunities in private, non-profit agencies at the NSB office. This task meant contacting organizations across the country, both formally and informally, about possible job openings and presenting Selective Service with their findings.<sup>42</sup> By agreeing to the assignment, the leaders did not make the NSBRO a servant of the government again, but they certainly established the organization as a cooperative partner in the government's Korean War program for COs.

The Central Committee for Conscientious Objectors remained vitally concerned about the fate of I-O registrants but less involved in the mechanics of job-hunting for them than the NSBRO. The CCCO's directors were, by conscious intent, more concerned about objectors who ran afoul of the law than about those who were eager to cooperate with it. They served as the pacifists' watchdog, alert to any effort by government officials to ignore or circumvent the law regarding conscientious objectors. Soon after the alternative service regulations were issued, for example, the CCCO warned fellow pacifists that they should expect Selective Service officials again to promote work camps for objectors if the new program did not function smoothly.<sup>43</sup> Two months later they alerted their colleagues that some state officers of Selective Service were sending forms to I-Os on which they were to declare their job preferences -- a step apparently designed to move COs in those officers' territory out of the deferred category as quickly as possible. Such action was

"entirely without authority," Selective Service headquarters told the CCCO when it complained, and the state officers were being advised to stop the practice.<sup>44</sup> I-O registrants should not indicate their work choices on anything but a form issued by the National Headquarters of Selective Service, counseled the CCCO, and such a form had not yet been printed.<sup>45</sup> Meanwhile the organization was busy helping the COs caught in legal tangles with Selective Service and the Justice Department, and those imprisoned for their lawbreaking.

For the American Friends Service Committee the way the alternative service program was taking shape (in spite of the delays in its implementation) raised issues that took the Friends months to resolve. Their final conclusion, not to participate in it, was an important development in the history of conscientious objection. The differences in attitudes among pacifists that surfaced particularly toward the end of Civilian Public Service, when a number of COs -- most of them Quakers -- refused to cooperate with the government any longer and walked out of the camps, now widened as the Friends parted company with their Brethren and Mennonite associates over the proper role for a pacifist agency in the new conscientious objector program.

AFSC leaders were careful not to portray their action in such terms. They reminded each other and explained to fellow Friends that their decision was not an implied criticism of the other peace agencies. For example, in an AFSC Board Meeting in September, 1952, Clarence Pickett observed

that,

The Mennonites have a different attitude toward government: the powers that be are ordained of God. It is the basic starting point of their relations with government. We don't expect God to step in that way. We ought not to feel that the Mennonites have violated a principle of their faith [by cooperating with Selective Service in the alternative service program].<sup>46</sup>

In a reply to a Quaker CO inquiring about the AFSC's decision, George Loft, Coordinator of CO Services, emphasized that "we do not criticize the position of other agencies which in good conscience have gone ahead with Hershey."<sup>47</sup> They tried directly to reassure NSBRO leaders that the AFSC was not being critical of their decision to cooperate but only reaching a conclusion about their own situation. In that September Board Meeting they agreed to contribute \$1,000 to the NSBRO for the work it was doing on behalf of all COs. "[I]n light of [our] decision," said one member, "it is clear that more than ever, we want to assure the Mennonites and Brethren that we are cooperating with them in this activity."<sup>48</sup>

If they succeeded in preventing some misunderstanding and hard feelings among pacifist colleagues, the AFSC could not minimize the impact of its pulling out of the CO service program. The Board was acutely aware of what that effect would be: on Selective Service which was once again depending on peace organizations to make the program work, on the other "historic peace churches" and their agencies that would now have to carry the burden by themselves, and especially on Quaker COs who would have to look elsewhere for meaningful

jobs. They also recognized that it was a significant turning point in their own thinking about the relationship between the government and conscientious objectors, that their attitude toward conscription had stiffened since World War II and their evaluation of CO service had enlarged. As some of the Board members observed, it was for the AFSC a "very momentous," "serious" decision which they came to only after long and thoughtful deliberation.<sup>49</sup>

The decision was all the more difficult because after months of maintaining its distance from the CO program (because it could not get satisfactory information from Selective Service), the AFSC had finally decided that it would participate. This conclusion was reached by the Board on April 9, 1952, following a meeting in Evanston, Illinois of representatives of over twenty Yearly Meetings, where guidelines for employment had been established, and a meeting with Hershey the same month during which the Board felt assured that "the AFSC could offer employment to drafted men while still retaining freedom and responsibility over our program."<sup>50</sup> George Loft had informed Stauffer Curry on April 15th that the AFSC was now prepared to expand its program of counseling, legal assistance, and financial help to COs, it would proceed to organize a job referral service for them, and it was ready to employ them in its own projects.<sup>51</sup>

The Board postponed a formal commitment to Selective Service at that time, however, because General Hershey had deferred the start of the CO program for lack of funds. The

Friends, ever cautious, wanted to be sure what the set-up would ultimately look like before they formally agreed to take part in it. When it became clear in the early summer of 1952 that the program would start on July 1,<sup>52</sup> the AFSC initiated several meetings with Selective Service to clarify the procedures for their participation. During those meetings -- particularly a long session with Hershey on July 29th -- Friends discovered that there would be more restrictions on their activities than they had earlier expected.<sup>53</sup> For example, instead of the AFSC submitting general information to Selective Service about projects where drafted COs would serve, Selective Service intended to have each unit investigated and approved by a State Director before assigning any COs to the project. (That was no idle threat, Friends learned. By July, both the Brethren Service Commission and the Mennonite Central Committee had submitted their proposals to Selective Service. Their foreign projects had been approved by National Headquarters, but so far Directors in two of the largest states [Texas and California] had rejected the BSC's domestic projects. The MCC was anticipating similar treatment for their domestic projects.)

Furthermore, Selective Service intended to retain ultimate control over I-Ws, reserving the right to transfer them whenever their presence created "public relations problems." (AFSC members, who placed a higher priority on creative social service than on public opinion, believed such confrontations offered opportunities for enlightenment

and reconciliation between pacifists and non-pacifists that should not necessarily be avoided, and that peremptory transfers indicated a lack of confidence in the AFSC's judgment in such cases.) Most importantly, Hershey made it plain that he considered any pacifist group participating in the CO service program to be an agent of Selective Service and subject to its direction. Lewis Hoskins summarized the Board's new understanding in a letter to the clerks of Friends Meetings and Quaker draft counsellors in September. The recent discussions with Selective Service, he said,

indicated that our original understanding would have to be changed. It is now clear that both our projects and the COs in them would be subject to such screening and control by Selective Service as to make us, in fact, an administrative part of the draft system rather than an independent religious agency.<sup>54</sup>

At its meeting on September 17, 1952, the AFSC Board reviewed its earlier decision to cooperate with the new alternative service program. After "long and prayerful searching," the Board

regretfully concluded that we could not function under Selective Service's present conditions without compromising our position as a religious agency, and that, therefore, we should not seek to employ COs under the draft.<sup>55</sup>

The AFSC would continue to assist COs by providing them with information on available jobs in approved institutions, by offering personal and legal counseling, and by interceding for them in dealings with Selective Service. Contributing these "independent services" would be "more significant for

the conscientious objector," the Board said, than acting as an employment agency.<sup>56</sup>

In a letter of explanation to Hershey about the Friends Service Committee's new decision, Lewis Hoskins cited the Friends' experience with alternative service in World War II as the source of their present refusal to cooperate with Selective Service.

Our experience in CPS showed us that it would be impossible to maintain our philosophy of service if we were again to assume an administrative position under a draft agency.<sup>57</sup>

The Friends, even more than their Mennonite and Brethren associates, had been disappointed by Civilian Public Service. Frustrated by the lack of "meaningful" jobs for COs, angry at the military control over essentially civilian functions, embittered by the lack of autonomy for the sponsoring church agencies and the semi-penal labor conditions, Quakers were the most vocal critics of the program. Toward the end of the war they resorted, in larger numbers than their pacifist colleagues, to the ultimate form of opposition to the arrangement -- they forthrightly walked out of the camps and accepted the jail sentences that followed.

Yet, the CPS experience had not been totally disillusioning for the Friends. There were Board members who still believed that alternative service could be a reasonable way for young Quakers to witness to their faith.<sup>58</sup> The difficulty at present was simply that the government was once again unwilling to give COs the freedom Friends thought they should have. But there was also an indication that some Board

members had developed a more uncompromising attitude towards alternative service in general. It was beginning to look to them, their statements suggest, that participating in a government-sponsored service program was cooperating with conscription, that helping the government regulate conscientious objectors was helping it also to make war. This view was not well-defined or elaborated at that meeting, but it is evident, for example, in Thomas Potts' comparison between the AFSC's position and that of their NSBRO colleagues:

The Mennonites and the Brethren attitude is different from that of the Friends. They are willing to work with any program that will allow them to keep control of their own COs, and they are willing to adhere to Selective Service regulations because of this. Our position is more of opposition to conscription for military purposes, and of unwillingness to be a party to the success of the conscription operation.<sup>59</sup> (The emphasis is mine.)

Actually the Brethren and Mennonites were giving up a certain kind of control over COs (the right of individual objectors to choose the work most meaningful to them and to perform it without interference) in exchange for retaining another kind of control -- spiritual control (the right of the churches to send their draftees into religious projects where the young men's faith could develop and the churches' missions could be advanced.) This assertion does not deny the fact that many COs might well find their most meaningful service in church-related work. Nor does it suggest that these churches were insensitive to their compromise with the government.<sup>60</sup> It simply highlights the fact that though all three peace churches believed that their most important work

during wartime (or in time of preparations for war) was opposition to conscription and protection of the conscientious objectors' right to significant social service, the Friends were coming to different conclusions than the Brethren and Mennonites about how that work should be carried out -- conclusions that differed more widely in the 1950s than they had in the 1940s. The Brethren and Mennonites, their attitude towards conscientious objection basically unchanged, remained optimistic about alternative service and ready (within some boundaries) to cooperate with the government in its plans for COs. The Friends, experiencing a profound change in attitude towards cooperating with the government, moved gradually from reluctance to resistance. By doing so, the Friends raised new questions in the pacifist community about whether alternative service could be an acceptable course for the dedicated conscientious objector.

## FOOTNOTES

1. RAW NOTES: Meeting with General Hershey, November 16, 1951, AFSC files, Haverford College, p. 1.
2. Dear Reporter Readers, a postcard sent by A. S. Curry from the NSBRO office in Washington, 6/19/51, kept with files of The Reporter.
3. Special Release from CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS: Changes in C.O. Provisions in the New UMTS Law, June 4, 1951, CCCO files, SCPC.
4. TENTATIVE PRELIMINARY DRAFT: MEMORANDUM REGARDING PRESIDENTIAL REGULATIONS FOR CONSCIENTIOUS OBJECTORS UNDER SECTION 6(j) OF THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT, NSBRO Directors Minutes, June 11, 1951, addendum a, NSBRO files, SCPC, p. 1.
5. TENTATIVE PRELIMINARY DRAFT, pp. 1-2.
6. TENTATIVE PRELIMINARY DRAFT, pp. 1-2.
7. DISCUSSION: SOME BASIC CONSIDERATIONS FOR EXECUTIVE ORDER IMPLEMENTING SECTION 6(j) OF THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT, July 26, 1951, AFSC files, Haverford College, p. 2.
8. DISCUSSION, p. 3.
9. DISCUSSION, p. 3. The AFSC also made one more effort to get the administration of the CO work program out of the hands of Selective Service. It was a thoroughly military organization, the Friends argued, and COs, engaged in civilian work, should not be "subject to policy formulation, administrative supervision or orders of military personnel." (DISCUSSION, p. 5.) Only a civilian government agency should assume the administration of the CO program.  
As a possible alternative, the Friends suggested the U.S. Department of Labor. It was concerned with civilian occupations, and it had state employment offices throughout the country that could supervise the job assignments. But the suggestion got nowhere. It was not even discussed, to my knowledge, in the meetings between pacifists and Selective Service officials. If the contents of the CO program were in doubt, there seemed to be no question that Selective Service would be in charge of it. No other agency was willing to take it on.
10. NSBRO Directors Minutes, June 11, 1951, addendum a, NSBRO files, SCPC, p. 7. The meeting with Flemming took

place on June 13, The Friends, Brethren, and Mennonites were represented there.

11. At a meeting on June 12, General Louis Renfrow told several pacifists that "he and General Hershey do not see quite eye to eye on the matter of having appeal procedures written into the regulations." (NSBRO Directors Minutes, June 11, 1951, addendum a, p. 6.) Pacifists got the impression Hershey was in favor of their being included in the regulations while Renfrow was not. However, several days later Hershey rejected a suggestion from the Mennonite Central Committee that a Review Board, composed of representatives from the Department of Labor, the Manpower Commission, and Selective Service be established to handle cases of appeal. (NSBRO Directors Minutes, June 11, 1951, addendum a, p. 8. This discussion took place on June 19.) Hershey may have believed that the draft law already provided COs with sufficient access to State and National Appeal Boards. If he believed that, he wasn't saying so to the pacifists. He simply moved on to other issues under debate.
12. Hershey's abhorrence of "public relations problems" apparently went quite deep. John Courtney Murray, a Catholic theologian, quoted him in the 1960s as having said at one time, "the conscientious objector by my theory is best handled if no one hears of him." (Finn, Conflict of Loyalties, p. 20.)
13. NSBRO Directors Minutes, June 11, 1951, addendum a, p. 8. The interview was on June 19.
14. RAW NOTES, p. 4.
15. RAW NOTES, p. 4.
16. The new regulations were contained in Executive Order #10292, signed by Truman on September 25, 1951.
17. Paraphrased in RAW NOTES, p. 2.
18. Alexander DeConde, A History of American Foreign Policy, New York: Charles Scribner's Sons, 1963, p. 710.
19. MEMO TO THE FILES RE: Interview with Colonel Lewis F. Kosch and Mr. Victor Olsen, February 25, 1952, NSBRO files, SCPC, p. 1.
20. MEMO TO THE FILES, p. 2.
21. MEMO TO THE FILES, pp. 1-2.
22. MEMO TO THE FILES, p. 2. Hershey had expressed similar

interest in help from peace groups in finding jobs when their representatives talked with him in November. The shortage of positions in state institutions was not known at that time, yet "Hershey said it would be good to have peace groups working on placement for COs as much as possible before the regulations go into effect." (RAW NOTES, p. 2.)

23. MEMO TO THE FILES, p. 3.
24. The Christian Century referred to the "weary months of consultation" during which the proposed rules "have been battling about . . . in the defense department, the justice department, Selective Service headquarters and in other Washington bureaus." (Christian Century, Vol. LXIX, No. 10 [March 5, 1952], p. 268.)
25. The Presidential Regulations were summarized in The Reporter, January-February, 1952, pp. 1-2. I have depended upon that summary for portions of this discussion.
26. The Christian Century, March 5, 1952, pp. 268-269.
27. NSBRO Directors-Consultative Council Minutes, March 5 & 6, 1952, addendum a, NSBRO files, SCPC, p. 1.
28. The Reporter, January-February, 1952, p. 7, and NSBRO Directors-Consultative Council Minutes, March 5 & 6, 1952, addendum a, p. 2.
29. NSBRO leaders concluded at their meeting,

"There would be a significant function for committees of leading persons concerned with the CO program to be formed in each state for the purpose of rendering advisory and counseling services in the classification, assignment and discovery of work project procedures." (NSBRO Directors-Consultative Council Minutes, March 5 & 6, 1952, addendum a, p. 2.)

The Mennonites may have established "effective liaisons" with many state directors but William Snyder of the MCC was not entirely satisfied with the contacts he had made. Early in February, 1952, he told George Loft he had been visiting directors in several midwestern states and found the directors "generally fair-minded, but military in their approach and not very creative about the possibilities of meaningful work by COs." Loft reported to the AFSC that Snyder was "not too happy about what he found . . . Bill feels we have a real job in educating state directors." (George Loft, CO Services Historical Report #3, part 2, Memo to the files from Loft on phone conver-

- sation with William Snyder, MCC, February 6, 1952, AFSC files, Haverford College, p. 1.)
30. NSBRO Directors-Consultative Council Minutes, March 5 & 6, 1952, addendum a, p. 3.
  31. According to the NSBRO, this figure was derived in the following way. There were about 8,000 men currently classified I-O. The Government estimated that 3,000 of these would be "screened out," that is, they would be placed in IV-F after taking the physical exam, or be reclassified into II-C, III-A, or other deferred categories. That would leave about 5,000 COs who would have to be placed in alternative service work. (The Reporter, January-February, 1952, p. 8.)
  32. NSBRO Directors-Consultative Council Minutes, March 5 & 6, 1952, addendum a, p. 3.
  33. The Reporter, January-February, 1952, p. 7.
  34. News Notes, March-April, 1952, p. 1.
  35. News Notes, May, 1952, p. 2.
  36. Hearings Before Subcommittees of the Committee on Appropriations, Subcommittee on Independent Offices, House of Representatives, Eighty-Second Congress, Second Session: Third Supplemental Appropriations Bill for 1952, February 25, 1952, p. 181.
  37. As the Congressmen probed (unsuccessfully) for areas of defense work where COs could be placed, Hershey explained to them, "you are dealing with a very special group of people, they have definite ideas about what they will do and what they will not do." (Hearings, Subcommittee on Independent Offices, 1952, p. 182.)
  38. The Reporter, May, 1952, p. 1.
  39. The Reporter, March-April, 1952, p. 5.
  40. The Reporter, March-April, 1952, p. 3.
  41. The eighteen states willing to employ COs included New York City and Washington, D.C. which were treated on the same level as states by the Selective Service System and had their own "State" Directors. (The Reporter, June, 1952, p. 2.)
  42. The Reporter, March-April, 1952, p. 3.
  43. News Notes, February, 1952, p. 1.

44. Quoted in News Notes, March-April, 1952, p. 3.
45. News Notes, March-April, 1952, p. 3.
46. AFSC Board Meeting, September 17, 1952, AFSC files, Haverford College, p. 2.
47. George Loft to James Relyea, December 19, 1952, AFSC files, Haverford College, p. 2.
48. AFSC Board Meeting, September 17, 1952, p. 3. The chronology of their decision-making can be found in a confidential memorandum from George Loft to "concerned individuals," October 2, 1952, AFSC files, Haverford College.
49. AFSC Board Meeting, September 17, 1952, pp. 2-3.
50. TO YEARLY AND MONTHLY MEETING CLERKS AND DRAFT COUNSELLORS, Lewis M. Hoskins to Dear Friends, September 18, 1952, AFSC files, Haverford College, p. 1. See the Memo-randum to the Subcommittee on conscientious objectors: Report on Evanston Conference on the CO Civilian Work Program from George Loft, April 2, 1952, AFSC files, Haverford College. The AFSC's understanding of the terms under which it could employ COs were set forth in a letter to General Hershey on March 10, 1952. (AFSC files, Haverford College.) Their meeting with him had taken place on March 5.
51. George Loft to A. Stauffer Curry, April 15, 1952, NSBRO files, SCPC.
52. On June 18, Selective Service Headquarters formally notified local boards that the I-W program would begin on July 1, 1952. (News Notes, June, 1952, p. 1.)
53. A confidential report on the meeting between AFSC representatives and General Hershey is in the AFSC files, Haverford College, entitled REPORT OF DISCUSSION WITH MAJ. GEN. LEWIS B. HERSHEY, July 29, 1952.
54. TO YEARLY AND MONTHLY MEETING CLERKS, p. 1. My discussion of this new understanding was also taken from an outline in a Memorandum: Meeting with General Hershey, July 29, 1952 by George Loft, July 30, 1952, AFSC files, Haverford College, pp. 1-2.
55. TO YEARLY AND MONTHLY MEETING CLERKS, p. 2.
56. AFSC Board minutes, contained in a letter from Lewis Hoskins to YEARLY AND MONTHLY MEETING CLERKS, p. 2. The AFSC Board reconsidered its decision in May, 1953, after Selective Service made a new proposal to the

agency. General Hershey suggested that if a conscientious objector employed in a Friends' project wanted credit with the draft for his work, the Committee could notify Selective Service when the CO's term began and ended. The Committee would merely confirm those dates; it would not have to carry out any instructions from the government. The AFSC's name still would not appear on the government's list of approved employers, and the individual CO, not the agency, would be responsible for fulfilling Selective Service requirements.

Selective Service would, however, retain the right to disapprove of CO assignments under Friends' auspices and could force a CO to terminate his work with them. This power still troubled the Board but it seemed ready to accept that risk now in exchange for an implied willingness by Selective Service to take a hands-off attitude towards CO employment in AFSC projects. Perhaps the great need for jobs for objectors prompted both sides to compromise on their earlier positions.

The AFSC had not capitulated. It initiated new efforts to determine if its programs could be enlarged to accommodate more young men seeking to fulfill their alternative service obligation. But it did not become enmeshed, as did the NSBRO, in finding jobs for the entire CO population. The line it drew about cooperating with Selective Service was moved back a little, but was not erased. (The notice of and explanation for this decision was sent by Lewis M. Hoskins, Executive Secretary, to Friends, Clerks, Pastors and Draft Counsellors on May 20, 1953, AFSC files, Haverford College.)

57. Lewis M. Hoskins to Maj. Gen. Lewis B. Hershey, September 18, 1952, AFSC files, Haverford College, p. 1.

58. For example, Norman J. Whitney stated,

"Those of you who know my thinking and my participation in the CPS program well know that I would not share this recommendation [not to participate in the alternative service program] and do not support it now because of any condemnation of the principle of alternative service as such. A man's witness can be his service . . . ." (AFSC Board Meeting, September 17, 1952, p. 2.)

59. AFSC Board Meeting, September 17, 1952, p. 1. Commenting upon the AFSC's decision the following month, the Fellowship of Reconciliation also suggested that a number of Friends had moved to a more resisting stance towards the draft system. As if welcoming new comrades, the FOR observed,

"About seven years ago the National Council of FOR took the stand that the Fellowship should not have anything to do with the administration of conscription and that thus it would be freer to maintain an intransigent witness against conscription for war, and to counsel and assist individual COs. Many Friends, since the war experience with CPS, have moved to the same position." (Fellowship, November, 1952, pp. 20-21.)

60. In explaining the AFSC's decision not to participate in the CO service program to a young Quaker, George Loft told him that "the head of one of the [other peace] agencies came to me and said he recognized that his group was acting as agents of Selective Service." Loft continued, "I said: 'As long as you are in this program with your eyes open, and we are out of the program with our eyes open, that's all we can ask of each other', and he agreed." (George Loft to James Relyea, December 19, 1952, pp. 1-2.)

The person to whom George Loft referred must have someone other than Stauffer Curry, unless Curry later changed his mind. In October, 1952, he defended the peace agencies' independence, arguing in a letter to The Christian Century (which had applauded the AFSC's decision not to cooperate with the government) that there was an entirely new, and less coercive relationship between Selective Service and the peace groups than there had been in World War II. He declared,

"I have been in many conferences with General Hershey in the past few years and one fact he has repeated many times is that the churches shall not be an administering agent for the civilian work program . . . .

The churches are not expected by the government to provide employment for their men, but are given the opportunity to do so if they desire . . . . The relationship of the churches to Selective Service and to conscientious objectors is entirely different from Civilian Public Service days . . . ." (To The Editors, The Christian Century, from A. Stauffer Curry, October 23, 1952, NSBRO files, SCPC, pp. 1-2.)

Curry was, I believe, understating the churches' involvement with Selective Service in making the alternative service program work. While the government did not expect them to provide employment for COs, the churches and their agencies (the NSBRO, the BSC, and the MCC) were well aware there might not be any decent jobs for objectors if they did not volunteer to place as many as they could in their own projects and to find positions for others in non-religious institutions.

Certainly the churches did not have the administrative and disciplinary responsibilities that they did in World War II. They supervised only those objectors who worked in religious projects. The staffs of hospitals and other secular institutions had the primary administrative responsibilities for COs during the Korean War.

Yet the churches and their agencies found most of the jobs for COs and continued to negotiate with employers, Selective Service, and conscientious objectors to promote their satisfactory employment. It surely was a different relationship than the churches had had with the government before, but it was a closer partnership than Curry seemed willing to acknowledge.

## CHAPTER X

## I-Ws in Alternative Service

"I am thankful that our government has made it possible for us to do some form of civilian work as alternative service," said a conscientious objector during the Korean War. "This [experience] gives us [an] opportunity to witness for Christ and His kingdom and tell [people] of the way of love."<sup>1</sup> For objectors such as this one, alternative service proved to be a great spiritual adventure. Of course, not all COs felt as grateful to the government for offering the program. But the large majority of young pacifists, including Friends (despite the official change in Quaker policy), accepted alternative service in preference to war or jail as they had done in World War II.<sup>2</sup> Moreover, the service program proved more successful from the point of view of both pacifists and Selective Service officials than either side had anticipated in the early years of its development.

When the program began operating officially on July 1, 1952, it was still in the process of formation. Only the question of financing had been settled. After its request for additional operating funds was rebuffed by the House Appropriations Committee, Selective Service discovered that it could use its general funds for the program instead.<sup>3</sup> It set the program in motion, therefore, and worked out most of the details as it went along. As a result, the period from July, 1952, to July, 1953, when the armistice was signed, was an extremely active one in the history of conscientious

objection, including the first functioning of the alternative service program, its expansion and refinement, and finally, its acceptance by pacifists and government officials as an effective and constructive program for the country's "cooperative" COs.

Alternative service embraced different classes of conscientious objectors performing a variety of work. COs classified I-A-O performed noncombatant service in the armed forces, usually in the Army Medical Corps. COs classified I-O did strictly civilian work in numerous occupations. Since there was a pattern of dissatisfaction with noncombatant duty, I am deferring discussion of I-A-Os until the following chapter where we will consider adverse reactions to alternative service. We will focus in this chapter on the experiences of I-Os, a much larger group than the noncombatants, whose assignments were both more varied and rewarding.

A small percentage of I-Os had unique opportunities particularly suited to their talents and interests. For example, a small number of farmers were assigned to agricultural work with the United States Department of Agriculture, with the American Dairy Herd Improvement Association, and on domestic and foreign experimental farms. A small contingent of doctors was allowed to practice in public and private hospitals. A few adventurous young pacifists were sent abroad to work in poor and war-ravaged countries.<sup>4</sup> Their assignments took them around the globe: Brethren Volunteers cared for hospital patients while Mennonite I-Ws built homes for refugees

in Europe;<sup>5</sup> PAX\* men improved farming techniques and built sanitation systems in the Middle East and Latin America;<sup>6</sup> Friends performed similar relief and rehabilitation in the Near and Far East.<sup>7</sup> Finally, a few incredibly dedicated COs were permitted to serve their draft time as "guinea pigs" for medical research. Their story merits some elaboration.

Under arrangements made by the Brethren Service Commission and the Mennonite Central Committee, about a dozen young men were assigned to the National Institutes of Health at Bethesda, Maryland, where they took part in studies of hormones and body metabolism. Among their unique assignments was to eat nothing but rice enriched with amino acids for six weeks, an experiment designed to improve the nutritional value of restricted diets for heart patients.<sup>8</sup> Another dozen COs served at Fitzsimmons Army Hospital in Denver, Colorado, where they ate food that had been exposed to atomic radiation in tests to determine what effect the exposure had on both the food and the human beings who consumed it.<sup>9</sup> Because of the great potential danger of such experiments to the men involved, The Christian Century declared that the COs justly deserved "to be ranked with Walter Reed and his little band who exposed themselves to . . . yellow fever."<sup>10</sup>

The great majority of I-Ws did not seek or receive such special assignments. They accepted the low-level positions that became available to COs in American health care institutions. Because such a large proportion of them were assigned

\*The overseas service branch of the Mennonite Central Committee was called PAX.

to these institutions, hospital work became nearly synonymous with the term "I-W program." An examination of the "program" in that sense reveals not quite so much drama and danger as in special assignments, but a good deal of satisfaction and challenge for Korean conscientious objectors.

The development of the program moved in "spurts and lags" as the NSBRO predicted it would.<sup>11</sup> Objectors were given work orders as jobs became available, and when the program first began, the job market did not look favorable. Moreover, there were a number of State Selective Service Directors who were indifferent or openly hostile to finding employment for COs.<sup>12</sup> Additional obstacles appeared as job-hunting intensified in the spring and summer of 1952. For example, what had been initiated as an improvement for COs -- the promise of regular wages -- became something of a handicap when a number of state institutions with small budgets discovered they could not afford to hire them. Jobs at other state institutions were eliminated when COs discovered they would have to sign loyalty oaths, which many of them conscientiously refused to do. Still other opportunities were lost when State Directors who accepted the idea of CO employment turned down specific projects because of adverse reactions from certain community groups.<sup>13</sup>

None of these complications made any difference to Newsweek magazine which had a simple explanation for the lack of jobs for Korean conscientious objectors. According to the magazine, the behavior of "conchies" during World War II was responsible for a present reluctance by employers to hire

them. COs, it said, had engaged in "work slow downs," "obstructionism," and "vandalism" in CPS camps. "No one could believe that such people could exist outside of an insane asylum," it quoted one camp commander.<sup>14</sup> These "dismal episodes" had not been forgotten, it declared, implying that they were the reason Selective Service was now "having trouble getting local and Federal government agencies to offer jobs to the conchies."<sup>15</sup>

It is impossible to tell how many, if any, Korean COs were denied jobs because some of their predecessors had been "unruly." Newsweek was obviously hostile towards conscientious objectors, emphasizing the behavior of obstreperous and selfish people in Civilian Public Service while giving only a passing glance at the "great number [of men in C.P.S. who] cooperated peacefully, doing everything from fixing roads to volunteering as human guinea pigs for medical experiments . . . ." <sup>16</sup> With a different attitude towards its subject, Newsweek might have discovered, as Selective Service and the peace agencies had, that the preponderance of judgments about C.P.S. men was not only favorable but laudatory. Both public institutions and private employers requested more of the men for their jobs.<sup>17</sup> Newsweek certainly overlooked all those employers who had happy recollections of CO workers. Or had the happy employers forgotten and only the unhappy ones remembered?

Newsweek was also oblivious to the administrative complexities of establishing a civilian work program. At least the magazine was correct, however, in observing that many

objectors would continue to stay at home as they had during the period of deferment, a situation that made both pacifists and Selective Service uneasy.

Yet at the very time Newsweek was reporting a shortage of jobs, the employment picture for COs began to change dramatically.<sup>18</sup> In the late summer and early fall of 1952, pacifist sources began reporting a sudden increase in job opportunities for COs. In September, the NSBRO reported that thirty states (including New York City, the District of Columbia, and Puerto Rico) were now prepared to employ objectors. Selective Service had approved approximately 150 state institutions for CO assignments, primarily tuberculosis sanitoriums, mental institutions, and general hospitals, but also schools, reformatories, and homes for the aged. It had also approved three federal agencies -- the Public Health Service, the Veteran's Administration, and the Indian Service. Moreover, in contrast to their earlier reception, the Brethren Service Commission and the Mennonite Central Committee now had about fifty approved projects both in the United States and in foreign countries. The number of openings for COs, said the NSBRO, was "increasing almost daily."<sup>19</sup>

That increase continued through the fall, winter, and spring of 1952-53. In October, the NSBRO anticipated the imminent approval of several agencies affiliated with the Methodist, Baptist, and Presbyterian Churches.<sup>20</sup> In November, the NSBRO reported receiving a "wealth of details on job openings and plans for civilian service" from "practically

all state directors and from many institutions employing objectors."<sup>21</sup> In January, the organization declared that Selective Service had approved over 473 projects for employment of COs and that a new list that would soon be issued would "swell the number to nearly 600."<sup>22</sup> In March, the CCCO reported that the number of projects approved by Selective Service had been "growing rapidly" and that during recent weeks I-O registrants were being assigned to civilian work at an equally "rapid pace."<sup>23</sup>

The burgeoning of the civilian work program was clearly visible in the increasing number of COs converted from the I-O to the I-W classification. Official figures for August, 1952, reported by the NSBRO, showed 6,975 men in the I-O category, about one-third of whom had been examined and found acceptable for civilian work but who had not been given assignments. According to the same record, there were 58 men already in the I-W program. Actually, there were "several hundred men" in I-W by this time, said the NSB, which published these figures in October. The official records did not reflect a number of volunteer placements within the last two months and the assignment of a large group of COs to a Kansas hospital.<sup>24</sup> In January, 1953, the NSBRO said the latest Selective Service figures showed a total of 5,882 in the I-O category, with more than half already examined and accepted for I-W work. They also showed 385 men in the I-W program. Again, the NSB knew of "at least 50 more in I-W," probably a total of "about 500."<sup>25</sup> At the end of February,

1953, there were 4,612 in I-O and 1,627 in I-W.<sup>26</sup> The ratio between the unassigned and assigned had decreased so rapidly Selective Service officials could not keep up with the changes. They could only estimate that from December, 1952 through February, 1953, more than 1,000 conscientious objectors received their work orders and entered civilian service.<sup>27</sup>

Well into the spring of 1953 the number of I-Ws continued to increase as did the job openings for them. In March, General Hershey told members of the NSBRO Board of Directors that approximately 1,800 were now assigned to jobs. At the end of April, Selective Service reported 2,145 at work. In early May, pacifists estimated there were 2,500 I-Ws, possibly even 2,800. By that time, they added, at least 1,200 institutions and agencies had been approved for CO employment.<sup>28</sup> But after that point the rapid increase in I-Ws began to diminish. A substantial and sustained increase occurred after the Korean War was over, but for the remainder of 1953 the number of I-Os and I-Ws remained about the same: approximately half, or 3,000, of the registered conscientious objectors were in the civilian work program and half were waiting to be assigned.<sup>29</sup>

According to General Hershey, the slowdown in the conversion of I-Os to I-Ws occurred because Selective Service did not have enough funds to cover the cost of assigning more men to civilian work.<sup>30</sup> One pacifist source suggested that conversions declined because the surge of job openings had

come to an end. There will not be "too many more build-ups" of I-W men, said the I-W Mirror in May, 1953, because "many institutions are pretty well filled up."<sup>31</sup> Yet the same publication implied the following month that, in fact, there was no shortage of jobs. Selective Service, the Mirror said, was no longer interested in approving places for CO assignments because "there are not enough I-O men to supply the needs of approved institutions."<sup>32</sup> Thus there were more job openings than there were COs to fill them. Whether there was or was not an absolute shortage of jobs is difficult to determine. Hershey's plea of no money could account for a marked decline in assignments in spite of an abundance of positions. Other evidence suggests that there was, indeed, a shortage of jobs -- the kind that could explain the conflicting accounts in the I-W Mirror.

While it was true there were numerous opportunities for objectors in some states, it was also true that there were little or none in others. The problem was regional, not strictly (if at all) numerical. For example, in December, 1952, The Reporter noted that Ohio, with "one of the highest I-O populations in the country," had "not been too creative" in developing a work program for COs.<sup>33</sup> Some work in private hospitals was available but none in state institutions. The peculiarities of Ohio's Civil Service law were evidently responsible for the situation, though The Reporter obviously thought the state could do more to get around that obstacle. Oklahoma was more than just "uncreative." It claimed that

its laws prohibited any employment of conscientious objectors.<sup>34</sup> As of January, 1953, Idaho, Nevada, Montana, South Carolina, South Dakota, and Tennessee had no work programs at all for COs and no explanations for their absence. Florida, Georgia, and Minnesota had made little effort and found places for only a few I-Os.<sup>35</sup>

The lack of work for COs in these states might have been nothing more than inconvenient if other states that did have alternative service jobs had been willing to employ out-of-state objectors. But most Directors of Selective Service in states that had CO work programs refused to accept outsiders. They did not want men from other states taking jobs they (the Directors) might need for their own I-Os. This policy left states that had large concentrations of pacifists with a heavy burden of job-hunting. It also left stranded the COs in states that had virtually no civilian work program unless, of course, they could find positions in the few states where outsiders were welcome. Because work opportunities were so uneven from state to state it is understandable why pacifists could speak simultaneously of an abundance and a shortage of jobs. More essential than the absolute number of jobs available was the COs' access to them.

It is possible that anti-communist attitudes of the period were partly responsible for the initial lack of jobs for COs. The fact that the uncooperative State Directors tended to come from southern and western states that are

known for conservative political attitudes suggests that fear of communist influence was part of their feelings towards the young pacifists. Moreover, a little over a year after the war ended, Newsweek, which had found COs such undesirable employees in 1952, had to admit that by then (the summer of 1954) "hundreds of nonprofit agencies in 46 states were clamoring [to hire] them."<sup>36</sup> Thus opposition to CO employment faded as the phenomenon of McCarthyism disappeared. Without the political atmosphere of the time, then, the program for conscientious objectors might have been implemented more quickly and efficiently.

Although the inability to place more than one half of the CO population in alternative service work was a serious inadequacy in the program during the war years, the placement of as many as 3,000 COs was a considerable accomplishment after the gloomy employment scene fifteen months earlier. What prompted the sudden appearance of so many jobs?

Apparently Selective Service had underestimated the opportunities for COs in service institutions. Perhaps it had not asked enough people the right questions, depending too heavily at first on the government to provide most of the jobs and then expecting State Directors (who usually were not very interested in conscientious objectors) to conduct thorough investigations of job possibilities in their areas. Once peace agencies began an organized search, for jobs, using sympathetic local groups to talk with State Directors about hiring COs, alerting numerous church-related organizations

to the availability of CO employees, jobs began to materialize.<sup>37</sup> The early 1950s was not a difficult time for most Americans to find jobs. Employment levels were high and the economy was booming. In fact, "the whole United States was one big boom" during the Korean War, said the historian, Eric Goldman.<sup>38</sup> Hershey's assistants, Colonel Kosch and Victor Olsen, may have been correct about the relatively abundant manpower at the time, but they apparently did not have much insight into the particular job market that pacifists were interested in. By plumbing that market, discovering so many positions for COs, peace agencies made it possible for the I-W program to function. Just as in World War II, Congress and Selective Service were indebted to pacifists whose hard and dedicated work made the program the government established for conscientious objectors work.

The great majority of COs who found jobs found them in hospitals in the United States. The Mennonite Central Committee declared in 1954 that 82½ percent of Brethren and Mennonite I-Ws were employed in general hospitals, mental hospitals, and sanatoria.<sup>39</sup> (Members of these two religious groups comprised about two-thirds of the I-W population.)<sup>40</sup> Though a number of I-Ws were clustered in small groups of three to ten in institutions across the country, many others were concentrated in certain locations where COs were welcome as employees. For example, in April, 1953, there were over 150 I-Ws in several Denver, Colorado hospitals. About the same number were employed in two Kansas hospitals, one of

which, Topeka State had 100 COs employed. Another 150 served in Cleveland, Ohio and about 125 in Indianapolis, Indiana. About 30 to 50 I-Ws (in each location) were working in hospitals in Ypsilanti, Michigan, Norristown, Pennsylvania, Newtown, Connecticut, and Roseburg, Oregon.<sup>41</sup>

The men served primarily as attendants, nurses aides, and orderlies. Some had fairly routine work as drivers and mechanics, elevator and switchboard operators, laundrymen and kitchen workers, while others had more specialized positions as medical records keepers, dietary aides, and operating room technicians. A typical group of I-Ws were those described by a fellow CO at Staten Island General Hospital in New York.

Bud . . . and Roy are technicians in the operating room. Their main job is 'scrubbing' or passing instruments, setting up operations, sterilizing instruments, etc. Danny, Clair, Clyde, and Johnny are attendants. They attend the ambulance calls and assist the emergency room doctor and nurse wherever and whenever needed. Amos works on the men's ward and has more direct contact with patients than any of us. Vernon is an operating room attendant and brings the patients to and from surgery. He is also an expert linen folder and is our ace 'Mr. Fixit.'<sup>42</sup>

Duties for men at mental hospitals tended to be less varied, requiring more patience than technical skill. Though not confined to such chores, COs there spent hours coaxing patients to eat, getting them dressed and undressed, and changing soiled bed linen.

It was not exactly the kind of service program some pacifist leaders hoped for -- a careful matching of CO skills

and interests with human welfare needs. Many COs were thrust into entirely new vocations and environments, plucked from farms and rural communities and sent into health care institutions that were often large, located in urban settings, and that dealt with human problems COs never knew existed.

Said the CO at Staten Island Hospital,

. . . most of us I-Ws have made or are making the greatest and most radical occupational change of our lives . . . .

Nearly all of us here . . . are farm boys who suddenly, and almost unexpectedly were ushered into an entirely new way of livelihood.<sup>43</sup>

Said another I-W,

Working in a mental hospital has been a new experience to all of us and it has opened our eyes to the needs of the mentally ill and to the sinful and lost condition of the world.<sup>44</sup>

Yet the abrupt and substantial change was not entirely unwelcome. Some hospital assignees were so stimulated by their experiences they decided to make a career in medicine.<sup>45</sup> Some became so committed to their work and particularly to the patients they cared for that they stayed at their posts for weeks and months after their terms were over, waiting until the hospitals found replacements for them, or until they were ready to enter a profession or to enroll in school.<sup>46</sup> A few liked the work so much they remained indefinitely.<sup>47</sup> Others came away with a new sense of spiritual awareness and commitment. A CO in Cleveland said that I-W service "has given me a richer experience with my Lord. It has been a rich experience to learn to live in fellowship with other

people . . . ."48 Another said, "I have appreciated my two years here [in a mental hospital] and have come to a new realization of God's grace and the gifts of sound body and mind . . . ."49 Still another declared,

Living in the city has shown me anew the depths of sin which man revels in. This presents a challenge to strive to show them the better way. I shall leave this battlefield, as it were, with many scars showing the conflict of the soul . . . .<sup>50</sup>

After their terms at a mental hospital were completed, yet another I-W reported that a few men

are planning to become Bible Institute students that they may better meet the spiritual needs of the lost. After having served in I-W service, we all have a greater obligation to the physically, mentally, and spiritually ill. May God help us not to allow our service to stop on R [release]-Day, but to continue throughout the remainder of our lives.<sup>51</sup>

For some deeply religious men not as close to release as those making plans for the future, the spiritual challenge was the job they were immediately engaged in. It was an "opportunity to show the world the love of Christ," to "spread the gospel in word and deed," to "witness" to their faith among the helpless and the heathen.<sup>52</sup> To one such man alternative service was an occasion for good and evil to struggle for men's souls. He warned his colleagues,

We as I-Ws ought to be careful that we do not allow Satan to use the I-W program as another of his tricks to mislead us -- and even to take away from us those spiritual things we had gained in years previous to our I-W service. The I-W program was designed for the purpose of glorifying our father in heaven.<sup>53</sup>

Not all COs had such favorable and intense reactions. Some I-Ws were bored by the work itself and uninspired by the spiritual challenge of it. An editor of The I-W Mirror reported that,

Apparently a few I-Ws are rather indifferent toward their work and the consequent witness growing out of it. In one Midwestern mental hospital a few of the fellows have been caught sleeping on the job . . . . One man has been warned five or six times . . . . This fellow has been given one more chance, and if caught [once more], he goes . . . . [A] I-W in another mental hospital was dismissed on the same charge.<sup>54</sup>

Some I-Ws counted the days until their release just as prisoners do. They "can't wait to leave," said the reporter from Staten Island.<sup>55</sup> A few did leave in the midst of their terms, and were promptly reclassified I-A by their draft boards.<sup>56</sup> Evidently some grumbled a good deal about their work, prompting a special commentary in a CO newsletter about griping among mid-term I-Ws. The writer exhorted his colleagues to be more constructive.

Constantly complaining about our jobs . . . will not make for a healthier attitude toward us. How many fellows in the Army get to choose their place of service, their type of employment, and their place to live? . . . we have a great deal more freedom also during our off hours. I don't think we need to complain.<sup>57</sup>

I-Ws did have a lot of freedom off the job. Unlike most of their predecessors in the 1940s who were restricted to their camps except for occasional furloughs, Korean COs were on their own at the end of the working day and week. Usually they relaxed with their families. (Not only were wives

allowed to join their husbands at their assigned locations, some of them worked alongside their spouses in the hospitals.)<sup>58</sup> But some I-Ws "moonlighted," making extra money at odd jobs. For example, an Old Order Amish youth lived in an active I-W group:

There are twelve of us here at this address. Four married couples and four single boys. We have rented a three-story house in town about two miles from the hospital. We have [several woodworking tools]. One of the boys has made seven lawn chairs to sell. Others have made inside window cornices, night stands, and desks. My brother and I have jobs as lawn caretakers. Two of the ladies do the housekeeping. The other two have been doing [paid] housework. They might work at the hospital in the near future.<sup>59</sup>

Some of the most devout I-Ws used their free time to proselytize. One group in Vermont was quite active.

Every Friday night three to four of the fellows hand out tracts in Brattleboro and usually in one or two of the neighboring communities. Approximately six hundred tracts are handed out every Friday night.<sup>60</sup>

Whether or not they were ambitious for spiritual or financial gain, many I-Ws sought each other's company in their leisure time, forming religious and recreational groups that helped to create a sense of solidarity in a strange new world. Group functions were particularly well organized in areas with large concentrations of I-Ws, such as Denver, Topeka, and Cleveland where newsletters circulated among I-Ws to keep them in touch with each other and informed about their unit's activities.

The activities were as varied as the interests of the I-Ws. There were usually Sunday schools and regular prayer

meetings, often men's choruses and hobby groups.<sup>61</sup> There were retreats, picnics, and informal get-togethers among pacifist families. Sports were the most popular, especially baseball and basketball, and the competition was not casual. Hospital teams were formed, leagues were established, and tournaments held. Pacifist teams competed with each other and with local teams in a round of games that occupied several evenings a week during the spring and summer months.<sup>62</sup> The amount of time spent on athletics disturbed some I-Ws who felt that their colleagues were neglecting their religious commitments. The problem was apparent in Denver, where one CO wrote,

I have noticed . . . that our recreational program has received primary emphasis even above our obligations to our Church and our government . . . . To some, even Christians, the first and main purpose in life is to have a good time.<sup>63</sup>

Another scolded his fellow I-Ws for such a misplacement of priorities.

Recreation definitely has its place. What is really shocking is when basketball and sports is landsliding the Christian's activity. Even to the extent of taking the mid-week night from the church . . . . who would have ever thought that a Christian group would publicly put God second?<sup>64</sup>

While some earnest I-Ws openly worried over their associates' spiritual state, others complained about the lack of participation by some of their colleagues in any unit activities. These men did not contribute any of their pay to the unit's fund, they ignored many of the recreational opportunities, and never showed up at religious meetings.

These disagreements were minor, however, and tangential to the service program itself. The evidence is that the great majority of I-W were satisfied with their jobs and content -- even happy -- with the entire alternative service arrangement program. I-W spokesmen described their colleagues' attitudes. "I think I can speak for the majority of the fellows when I say we enjoy our work," said a reporter from the Cleveland area. "Everyone seems well satisfied with assigned work," said a member of the I-W unit at Dixon, Illinois State Hospital. The "morale of the fellows is high," said a CO about his associates (over 100 of them) in Indianapolis.<sup>65</sup> Other I-Ws expressed their own feelings. "I am so glad that I had the opportunity and privilege to be a part of the I-W unit in Cleveland . . .," declared one young pacifist. Said another Cleveland man,

I feel that these two years . . . will be long remembered by me as one of my most profitable experience[s]. Praise be to God for the opportunities of I-W service that we have today.<sup>66</sup>

I-Ws abroad echoed the same sentiments. "We are all enjoying the work very much," said a CO in Panayitsa, Greece.<sup>67</sup> Statements such as these far outweighed the criticisms of the program in I-W newsletters.

There was more than personal testimonies to demonstrate the COs' favorable attitudes. There was a strong record of loyal performance of their duties. After the war was over, Victor Olsen of Selective Service told the NSBRO Consultative Council that out of a total of nearly 10,000 I-Ws from 1951 to 1955 only about twenty-five men were delinquent in their

duties, that is, left their jobs without authorization.<sup>68</sup> Of that small number, twenty were Jehovah's Witnesses who had special difficulties with conscription that other religious objectors did not.<sup>69</sup> About 85% of the I-Os had volunteered for assignments, he added, and the remaining 15% had accepted whatever work their local boards had chosen for them. That was "a marvelous record," Olsen was quoted as saying.<sup>70</sup> Surely it could not have been accomplished if the COs had been unhappy with their lot. Their satisfaction brought dividends that Olsen could appreciate. It saved local draft boards time and effort in making assignments and spared Selective Service headquarters annoying disciplinary problems.

The percentage of volunteers seems especially significant. I-Ws might well have stayed with assignments they did not like for the prescribed period in preference to going to jail. Many COs did in World War II and some did in the Korean War. But for so many men to volunteer during the Korean period indicates that they were not just accepting the program because they felt they had to, but actively, even eagerly, participating in it.

Their positive response is not surprising. Many of the jobs were interesting and/or challenging. A number of the I-Ws were able to learn valuable technical skills and to participate in sophisticated medical procedures. One fellow, for example, was considered particularly accomplished for having assisted in a four and one half hour brain operation.<sup>71</sup> Others were able to work closely with people who greatly

needed their support and attention, a delicate, sometimes difficult, but often rewarding situation -- something only a few CPS men experienced in their work. Moreover, in contrast to Civilian Public Service, the program for Korean COs took place in a more normal human setting. The objectors were not confined to spartan barracks in isolated rural areas performing work that hardly anyone else knew or cared about. They worked alongside other civilians in valuable and relatively visible occupations, went home at night to their families and friends, and generally moved about their new communities with the same freedom that other non-military people did.<sup>72</sup> They were sufficiently indistinguishable from other people that neighbors, fellow workers, and hospital patients often did not know (or did not discover for several months) that the men were pacifists fulfilling their alternative service requirement.

Paul Tschetter, assistant administrator of St. Luke's Hospital in Denver, who had earlier directed a CPS camp, commented upon these differences between the Korean and the World War II settings for conscientious objectors. In the Korean program, he said,

[t]he men have a normal home life and after the usually brief getting settled period, they seem to swing into the routine of the hospital very readily. When I compare this fact with the very unsettled and unnatural conditions which existed in the average C.P.S. camp, I realize that the uprooting processes which the I-W men undergo are comparatively small.<sup>73</sup>

The presence of I-W wives seemed particularly beneficial to

him -- a great contrast to the "lack of the feminine touch" in isolated CPS camps. Because of them, he said, "the I-W program is a more natural situation and a more happy arrangement."<sup>74</sup>

Women may have been helpful antidotes for CO discontent, but probably a more important reason for the I-Ws' satisfaction with the service program was the fact that they received wages for their work. In most cases, the pay was not very high because the majority of jobs available to COs -- as hospital attendants -- did not normally pay very well. According to Stauffer Curry hospital attendants received about \$100 to \$125 a month. "This is much below the pay of an army private," he reminded General Hershey when corresponding with him about CO wages.<sup>75</sup> Moreover, some states initiated a special pay category for CO workers that reduced their salaries even further. We will examine in the following chapter the problems COs encountered over differential wages. What was most significant was that I-Ws were remunerated for their service. That eliminated the "slave labor" aspect of previous CO work. It conferred a certain dignity upon the jobs they held and allowed the men a measure of self-respect. More important to many COs, it relieved them of anxiety about their families' economic welfare. Unlike those in World War II, young men who felt compelled to reject military service during the Korean War did not have to watch helplessly while their families struggled, often desperately, to make ends meet. Thus whether they really enjoyed their work or not,

whether their wives accompanied them to their assignments or not, Korean COs were more contented with their alternative service duties than their World War II predecessors simply because they could take care of those they loved just as other draftees could.

For most Korean I-Ws, then, alternative service was not just a tolerable but even a satisfying experience. It met their basic needs and inspired their best efforts. It allowed them to do what most of them wanted to do: serve God through humanitarian acts. This opportunity had been made available only grudgingly to a few in Civilian Public Service who were assigned to what was then called "detached service." It is a measure of the progress made in the treatment of conscientious objectors that what had been available as "detached service" to only a handful in World War II was in the Korean War open to all classified conscientious objectors.

## FOOTNOTES

1. The I-W Mirror: Published bi-weekly to Reflect the Thinking and Witness of I-W men (Mennonite Central Committee, Akron, Ohio), June 3, 1953, p. 4.
2. Wittner, Rebels Against War, p. 225.
3. Several pacifist publications referred to Selective Service's turn to its general funds for the I-W program when its special request was denied. One was Fellowship, July, 1952, p. 24.
4. Cos working in foreign countries were assigned either to service projects of their own churches or to relief and development projects sponsored by the federal government, particularly Point Four programs, which the churches had contracted with the government to help staff. It was the first time that COs had been allowed to do their alternative service abroad. They had been denied the option in World War II because Congress, according to Peter Brock, was afraid that "these activities might help to glamorize the conscientious objector." (Brock, Twentieth-Century Pacifism, p. 188.) There is not evidence from the Korean War period of any such result. Rather, sending COs abroad helped reduce their visibility to the American public. Selective Service officials were well aware of this advantage, Stauffer Curry believed. "I think in their minds," he said in 1952, "this [overseas work for I-Ws] solves the problem of local public relations . . . . The further the conscientious objector is away from home the better the situation from their point of view." (A. Stauffer Curry to Rev. Robert Tobias, December 11, 1952, NSBRO files, SCPC, p. 1.)
5. The Brethren had an Evangelical Hospital at Bremen and a relief center at Kassel, Germany. The Mennonites' most substantial reconstruction was at Backnang, Germany, where, in the fall of 1953, a group of twenty-four men had nearly completed ten houses and were soon to begin work on a church. (Among several articles on the work at Backnang were those in the I-W Mirror, February 25, 1953, p. 1, and October 7, 1953, p. 3.) A I-W in Brethren Volunteer Service described his hospital work in From Pillar to Post [Elgin, Illinois, Brethren Service Commission], March, 1954, p. 5. Work at Kassel was briefly described in an article on the actor, Don ["Bus Stop"] Murray, who served as a I-W there in 1953. [Reprint from Redbook Magazine, April, 1957, NSBRO files, SCPC.]

There may have been other European projects staffed by I-Ws during the Korean War but I have little information about them. There were such several such projects in the late 1950s and 1960s.

6. Mennonites worked in connection with the International Voluntary Service in Egypt, Iraq, Jordan, and Paraguay. (I-W Mirror, August 12, 1953, and July, 1954, p. 2.)
7. Memorandum to Executive Board, CO Committee, From George Willoughby & Robert Lyon, June, 1954, AFSC files, Haverford College. I do not have much information about the AFSC's overseas projects. I believe that I-Ws attached to the AFSC served in Korea, Mexico, and El Salvador during the Korean War. I do not know whether their service in India, Japan, Jordan, and Israel began during or just after the armistice, but from the date of the memorandum it could not have begun too long afterwards. For that reason I have included that service in my discussion.
8. Articles on the work of conscientious objector "guinea pigs" appeared in The Reporter, June, 1954, pp. 1-2, and September, 1954, pp. 1-2, and in Time, Vol. LXIV, No. 13 (September 27, 1954), p. 57. The September issue of The Reporter included a report from the Des Moines (Iowa) Tribune on one CO who "'permitted a scientist to slice a 4-inch strip of muscle from his thigh to aid the study of muscular dystrophy.'" (p. 2.) A doctor who had used COs in his research at NIH was quoted in the Time article, "Things are a lot tougher for these boys than for many in the Army. Considering the kinds of things they go through, they really have to be conscientious objectors to take it." ("Conscientious Guinea Pigs," p. 57.)
9. The Reporter, September, 1954, p. 2. Although the reports on these CO guinea pigs appeared well after the war was over, they are part of the story of conscientious objection during the Korean period. The BSC and the MCC had to get Selective Service approval (as they did with their other projects) for the Army and NIH to serve as employers of COs under the new alternative service program. They also had to work out satisfactory contracts with the two employers. The first indication that the necessary arrangements had been completed came in February, 1954, when Stauffer Curry informed several associates that some of the six men and women "who have now been placed by the Brethren Service Commission with the National Institutes of Health for experimental purposes" were I-Ws. (A. Stauffer Curry to O. Huston, Daniel Graber [MCC],

Irving Ladimer [NIH], and Victor Olsen, February 26, 1954, NSBRO files, SCPC.) Thus though COs may not actually have been assigned to "guinea pig" duty until after the hostilities ended, the project was initiated during the war and was another extension of the kind of work performed under the Korean service program. As in World War II, it was the CO work most readily accepted, even admired, by Selective Service and the public. Time, for example, did not call these men "conchies." Victor Olsen said, "this was one of the best programs in the entire field [of I-W service]." (Curry to O. Huston, et. al., February 26, 1954.)

10. "C.O.'s Offer Selves for Atomic Experiments," The Christian Century, Vol. LXXI, No. 42 (October 20, 1954), p. 1261.
11. The Reporter, July, 1952, p. 3.
12. In the early spring of 1952 The Reporter published the findings of peace church officials, led by members of the Mennonite Central Committee, who had made contact with State Directors of Selective Service throughout the country to discuss the CO work program. While they found "several Directors" who had laid "very articulate plans for helping the conscientious objector to find work in significant vocations," they discovered other Directors who "did not show any interest in the problem of conscience" or who exhibited a "punitive attitude towards conscientious objectors." Some Directors "flatly stated that they will not have COs render service in their state." (The Reporter, March-April, 1952, p. 6.)
13. The problem occurred during the process of approval that Selective Service required for all I-W positions. When the national office of Selective Service received a list of projects open for CO employment with national (often religious) agencies, it immediately notified the state directors, asked them to investigate at the local level, and to indicate whether they would approve the proposals. If they would not, Selective Service usually followed their advice. Stauffer Curry explained to one correspondent what sometimes happened.

"Both the Brethren and Baptists had a few experiences in which the state director went into a local project, discussed the matter of the employment of objectors . . . and discovered to [his] amazement . . . that the local director of the project had no knowledge of the submitting of the project to the

National Selective Service Director for approval, and was . . . not in favor of the employment of conscientious objectors." (A. Stauffer Curry to Dr. Clifford Earle, December 9, 1952, NSBRO files, SCPC, p. 1.)

Naturally the state directors were not persuaded to endorse those projects.

Curry emphasized to national agencies the importance of "immediate follow through with the directors of your local projects so that they can be prepared to 'defend' or 'sell' these projects to the state [Selective Service] director . . . ." (Curry to Earle, p. 1.) Equally important, he argued, was working with state directors of Selective Service to inform them about the nature and purpose of the I-W program in general. He told a worker for the National Council of Churches,

"Agencies such as the MCC and BSC have discovered the importance of laying the groundwork with state directors out of sad experience . . . . Before BSC, in particular, had a chance to do orientation work with the state director, the state director visited the [proposed] projects quite 'cold' to the entire meaning of the CO program. In a number of cases he turned down a project after such persons as the chiefs of the local veterans' organizations, the heads of local service clubs, the chairmen of the draft board and others told him that they do not want COs in the community." (A. Stauffer Curry to Miss Edith E. Lowry, Executive Secretary, Division of Home Missions, September 24, 1952, NSBRO files, SCPC, p. 2.)

In contrast, the MCC was able to visit many state directors prior to their investigations, and got valuable results. "Instead of being 'sold' a point of view [about the projects] by the local community, the state director himself 'sold' to the community the projects." (Curry to Edith Lowry, p. 2.) Pacifists had learned a lesson in "community relations," Curry suggested.

If the lesson was hard won it was not because peace workers were obtuse in their relationships with Selective Service officials or with local employers. On the contrary, the NSBRO staff and leaders of its constituent bodies appear to have been scrupulously polite and generously understanding of others' points of view. It just took pacifist leaders time to adjust to the particular features of a new alternative service program. It was no longer sufficient, as it had been in World War II,

to make accommodation with a few men in Washington. The Korean program was so decentralized, pacifists had to work with "a great host of officials," as Stauffer Curry put it, "to say nothing of community persons they contact . . . ." All of them had to be "oriented on some of the fundamentals of the meaning of conscientious objection" in order to gain their cooperation in employing COs. (A. Stauffer Curry to Julian Griggs, November 10, 1952, NSBRO files, SCPC.) State Selective Service Directors were the prime target of pacifist persuasion. Working through them, Curry said, "is quite firmly established for the current program." (A. Stauffer Curry to Ora Huston, W. Harold Row, and William Snyder, August 1, 1952, NSBRO files, SCPC, p. 2.)

14. "Calling Up COs," Newsweek, Vol. XL, No. 5 (August 4, 1952), p. 78.
15. "Calling Up COs," p. 78.
16. "Calling Up COs," p. 78.
17. For a discussion of the responses of employers to the work of C.P.S. men, see Sibley and Jacob, Conscription of Conscience, Chapter VII, especially pp. 149-151.
18. In its effort to explain how bad matters were for COs, Newsweek stated that Selective Service had "scraped together" only 2,500 jobs, not nearly enough to go around. While it is true that number could not accommodate more than one half of the waiting COs, it constituted a striking improvement in CO employment opportunities. Pacifist sources suggest the 2,500 figure was not reached until later in the war, thus Newsweek was probably overestimating the "few" jobs available. That the magazine thought its figure was discouraging is further evidence that it was out of touch with what was really happening to Korean conscientious objectors.
19. The Reporter, September, 1952, pp. 1-2, and News Notes, September, 1952, p. 4.
20. The Reporter, October, 1952, p. 1. The approval was forthcoming.
21. The Reporter, November, 1952, p. 1. The NSBRO Board of Directors Minutes of December 3 referred to "An avalanche of over 200 communications from states, institutions, and private agencies within the last several weeks" regarding job openings for conscientious objectors. (p. 3.)

22. The Reporter, January, 1953, p. 3.
23. News Notes, March, 1953, p. 3.
24. The Reporter, October, 1952, p. 4.
25. The Reporter, January, 1953, p. 3.
26. The Reporter, April, 1953, p. 4.
27. News Notes, March, 1953, p. 3.
28. NSBRO Board of Directors-Consultative Council Minutes, March 4, 1953, addendum e, SCPC, p. 2, and The I-W Mirror, May 6, 1953, SCPC, p. 3. The Mirror observed that the "Washington figure [the number of I-Ws] never represents a final one as it takes some time before all [I-W] records reach Washington headquarters." (p. 3.)
29. For example, in September, 1953, Selective Service reported approximately 3,000 COs at work in the I-W program and almost the same number eligible for assignment. (News Notes, September, 1953, p. 3.)
30. NSBRO Directors-Consultative Council Minutes, March 4, 1953, addendum e, Notes on Board of Directors Meeting with General Hershey, SCPC, p. 2.
31. I-W Mirror, May 6, 1953, SCPC, p. 3.
32. I-W Mirror, July 17, 1953, SCPC, p. 6.
33. The Reporter, December, 1952, p. 4.
34. The Reporter, December, 1952, p. 4. The editors added that even if Oklahoma did permit COs to work in state agencies, objectors would not be able to accept the offer because the state also had a loyalty oath attached to all public positions that included a pledge to bear arms.  
 There is no telling how many jobs COs were denied because loyalty oaths were required. Some objectors encountered them after they were already on the job, when the institutions for which they worked suddenly decided such pledges were necessary. Some oaths used the general phrase "defend" the United States rather than the more specific language, "bear arms" on its behalf. Because COs were uncertain whether they could, in good conscience, sign the more general pledges, the Peace Section of the Mennonite Central Committee did some research and determined that the term "defend" did not legally

imply the use of weapons or acceptance of military service. (The I-W Mirror, July 29, 1953, p. 1.) Once informed of that interpretation, COs readily agreed to sign the more general oaths. In those instances, of course, they did not lose out on any jobs.

The COs' reluctance to sign loyalty oaths may have caused more concern among government officials than among pacifists trying to find them employment. In January, 1953, Stauffer Curry had to explain in detail to Victor Olsen of Selective Service why COs balked at such oaths and to assure him that,

"conscientious objectors are 100% loyal to the government of the United States and in no sense of the word are subversive nor are they Communist or any way Communist-minded." (A. Stauffer Curry to Victor Olsen, January 15, 1953, NSBRO files, SCPC.)

35. The information on job opportunities in Florida, Georgia, and Idaho appeared in The Reporter, December, 1952. The information on Minnesota, Montana, and Nevada appeared in The Reporter, December, 1952. The issue of January, 1953, completed the NSBRO's survey of state programs. Since no changes were noted in states earlier cited as having few or no job openings, it seemed safe to assert that the information was valid for all states as of January, 1953.
36. "Conchies' Reform," Newsweek, Vol. XLIV, No. 5 (August 2, 1954), p. 74.
37. About those discussions the NSBRO reported:
 

"Because state directors are largely responsible for administration of the CO program, many counsellors and delegations of church officials have visited state directors across the country. Over half the states have been visited, some of them several times, to interpret the beliefs and attitudes of COs to them." (The Reporter, March, 1953, p. 2.)
38. Eric F. Goldman, The Crucial Decade - And After: America, 1945-1960 (New York, Vintage Books, 1960), p. 182.
39. Published in The I-W Mirror, July 28, 1954, NSBRO files, SCPC, p. 2. Although the MCC's statistics were completed more than a year after the end of the war I have included them in the interest of greater precision. The I-W program did not stop when the fighting stopped, and significant evaluations of it were made in 1954 and 1955. I will include these

evaluations when they are helpful in illuminating patterns that were established well before the armistice.

40. In the January, 1954, issue of The Reporter, the NSBRO provided a breakdown of the religious affiliations of I-W men. Out of a total of 3,028 whose affiliations were known, Mennonite (including Amish) and Church of the Brethren comprised 2,336. Smaller Brethren sects added another 140 to that total. The only other groups with 100 or more I-Ws were the Friends (101) and the Jehovah's Witnesses (100). Most of the religious groups had ten or fewer representatives.
41. These figures were published in The Reporter, April, 1953, p. 4, with the exception of the figures for Cleveland, Ohio and Indianapolis, Indiana. The Reporter stated there were "25 or more I-Ws" in Cleveland; three months later the I-W Mirror reported that there were approximately 150 I-Ws. The numerous activities described in a I-W newsletter (The Cleveland Chimes) suggest that the larger figure is the more accurate one. The Mirror also provided the figure for Indianapolis.
42. The Coastal Compass, published in Middletown, Connecticut, for I-Ws in New York, Connecticut, and Pennsylvania, NSBRO files, SCPC, June, 1955, p. 1.
43. The Coastal Compass, June, 1955, p. 1.
44. Letter from Merrill Detweiler to The Coastal Compass, July, 1955, p. 2.
45. Ray Horst said two of his colleagues had "chosen medicine as [their] life's profession" as a result of their I-W experience. A letter to The Coastal Compass the following month from a I-W serving in a mental hospital told of one colleague who "is planning to begin pre-medical studies in September." (Merrill Detweiler to The Coastal Compass, July, 1955, p. 2.)
46. A report on COs in Cleveland hospitals, for example, state that "quite a few stayed several months longer than they were required to stay. That is an indication that their jobs were well liked." (The Cleveland Chimes, NSBRO files, SCPC, June, 1955, p. 2.)
47. One who apparently remained was Norman Nisly. His I-W term ended in November, said a Cleveland reporter, "but Norm stayed on to become deeply engrossed in X-Ray Technology." (Cleveland Chimes, March, 1955, p. 4.)

48. Cleveland Chimes, November, 1954, p. 3.
49. Cleveland Chimes, October, 1954, p. 4.
50. Cleveland Chimes, November, 1954, p. 3.
51. Merrill Detweiler to The Coastal Compass, July, 1955, p. 2.
52. The I-W Mirror, June 3, 1953, p. 4, and July 1, 1953, p. 4.
53. The Coastal Compass, September, 1955, p. 1.
54. The I-W Mirror, July 1, 1953, p. 6.
55. Roy Horst to The Coastal Compass, June, 1955, p. 1.
56. For example, The Reporter described the case of six men assigned to a state hospital in East Moline, Illinois, who resigned

"because of tensions within their job assignments. All have been placed into I-A by their local boards. Appeals have been taken, with two of the men being retained in I-A and denied Presidential Appeal. Two other men have again had hearings but as yet the appeal boards' determinations have not been made. Status of the last two men is presently unknown." (November, 1953, p. 3.)

The I-W Mirror indicated that the "tensions" included "Several incidents of open violence between I-W men and regular employees." (March 25, 1953, p. 5.) Without elaborating, the Mirror suggested that some of the COs involved were not typical religious objectors and "contributed to the tensions." It was not strictly an anti-CO incident. Four other I-Ws remained on their jobs at the hospital. They completely satisfied hospital authorities with their work and felt they were well accepted by most of the other employees. (p. 5.)

57. The Denver Post-Mortem: To Dissect And Diagnose The Denver I-W Unit, published by the Mennonite I-W Unit, May 3, 1955, p. 2. In apparent reference to the problem of griping, another CO saw the alternatives very simply. Every CO "can be made more aware of how 'well off' we are," he said, "when we consider that if we hadn't [claimed religious scruples against war] we would all be in the armed services of this country." (Cleveland Chimes, November, 1954, p. 3.)
58. The I-W Mirror, December 16, 1953, p. 2.
59. The Reporter, August, 1953, p. 4. There was no indication what hospital this group was assigned to.

60. The Lantern, published by the Mennonite Board of Missions and Charities, Elkhart, Indiana, September 16, 1954, p. 4.
61. A men's chorus was established in Cleveland, for example. "This chorus is open to all I-W men in the city," said the reporter. "While the men sing, those wives who come converse in an adjoining room." (I-W Mirror, July 1, 1953, p. 2.)
62. For example, a report from the I-W unit in Cleveland stated,
- "With the coming of spring, softball has occupied the evenings to a large degree. Several hospitals have organized teams -- partly for competition and mainly for the fellowship and recreation." (I-W Mirror, July 1, 1953, p. 2.)
- At the Topeka State Hospital I-Ws with some sense of humor about their work with mental patients organized four basketball teams: the Catatonics, Schizos, Alcoholics, and Paranoids. (I-W Mirror, January 28, 1953, p. 1.)
63. Denver Post-Mortem, February 9, 1954, p. 4.
64. Denver Post-Mortem, February 9, 1954, p. 6. Evidence in the newsletter suggests that the Denver I-W unit was composed largely of Mennonites.
65. I-W Mirror, July 1, 1953, pp. 3, 4, March 25, 1953, pp. 1, 4.
66. Cleveland Chimes, November, 1954, p. 3, and May, 1954, p. 3.
67. I-W Mirror, June 17, 1953, p. 5.
68. A written report by Victor Olsen says there were "less than 25" desertions since the inception of the conscientious objector work program. (Conscientious Objector Work Program, by Victor Olsen, n.d., NSBRO files, SCPC, p. 2.)
69. Jehovah's Witnesses occupy a unique position in the history of conscientious objection to war. They "can hardly be classified as pacifists in the usual sense of the term . . . ," A. J. Muste once said. (Of Holy Disobedience, p. 11.) Yet they have proclaimed conscientious scruples against war by the state and, in their determined effort to gain recognition through the courts for their particular form of resistance to war, they have advanced the interests of traditional pacifists as well.
- The Witnesses have refused to fight in secular conflicts between nations but have reserved the right

to fight in God's eventual holy war. As a result, draft boards have had to decide whether men who would fight at Armageddon but not in Germany or Korea were legitimate conscientious objectors. In many instances, boards could avoid the issue because the majority of Witnesses have claimed the IV-D, or ministerial classification, on the grounds that every member of their church was a minister and spent a portion of his time proselytizing. Because the young Witnesses were not formally ordained and did not practice the ministry as a full-time profession, draft boards have taken the position that they were not, in fact, ministers and have denied the witnesses' claims. As a result, Jehovah's Witnesses, more often than other conscientious objectors to war, they have ended up in jail. Near the Korean armistice, there were 99 JWs in prison -- nearly half again as many as other conscientious objectors imprisoned at one time during the Korean period -- and approximately 100 Witnesses facing prosecution for draft violations. (These figures were reported by the Witnesses' general counsel, Hayden Covington, in News Notes, May, 1953, p. 2.)

Some JWs have claimed the regular conscientious objector classification, have been accepted as COs by draft boards, and have performed alternative service. About 130 served in the I-W program during the Korean War. (The Reporter, May, 1954, p. 4.)

In the interests of completing what is already a lengthy discussion of conscientious objectors under the Selective Service Act of 1948, I have chosen to omit further examination of Jehovah's Witnesses on the grounds that they are not part of the pacifist community as it is usually defined, while recognizing that a complete discussion of conscientious objection during the Korean War would include the Witnesses. Lest anyone underestimate the pertinence of their long legal struggle to the larger causes of pacifism and civil rights, Lyle Tatum reminded his colleagues in 1951, "Most of the legal work on the problems of conscience has been done by the Jehovah's Witnesses, and results obtained by them have been of tremendous benefit to all COs." (Tatum to Lewis Hoskins, May 23, 1951, AFSC files, Haverford College, p. 1.)

70. Mr. Olsen reported these figures to the Consultative Council at a luncheon in the spring of 1955 which was attended by other Selective Service officials including General Hershey. (NSBRO Consultative Council Minutes, March 31, 1955, addendum h, NSBRO files, SCPC, p. 2.)
71. I-W Mirror, April 8, 1953, p. 4.

72. Some COs were assigned to jobs within driving distance of their families' homes and farms. They made regular visits there on weekends, sometimes simply for companionship but often to help with harvesting and other farm chores. They went home so frequently, in fact, that Selective Service -- both State Directors' offices and National Headquarters -- received some complaints about the trips. (Reports about these complaints appeared in the Cleveland Chimes, June, 1954, p. 3.) Apparently these COs returned to their hospital assignments too tired to perform them adequately, and hospital administrators thought Selective Service should take steps to restrict their traveling. It was not a large problem in the I-W program, but it was further evidence of the considerable freedom Korean COs had to do what they wanted to with their free time -- a luxury denied their predecessors in C.P.S.
73. Paul G. Tschetter, "C.P.S. And I-W -- Are They Twins?" I-W Mirror, April 8, 1953, p. 1.
74. Paul Tschetter, I-W Mirror, April 8, 1953, pp. 1, 4.
75. A. Stauffer Curry to Major General Lewis B. Hershey, December 18, 1952, NSBRO files, SCPC. Curry apparently based his calculation not only on direct wages but on additional benefits as well. "According to the estimates of many military men," he said to Hershey, an army private receives "the equivalent of 2800 to 3000 dollars per month."

## CHAPTER XI

## Problems in the Administration of Alternative Service

If alternative service was a happier experience for more conscientious objectors than in any previous war, it had its limitations and frustrations. Some of these difficulties occurred in the process of assignment, when draft boards responded arbitrarily, even illegally, to applications for CO status and to requests for alternative service placements. Others occurred after assignments had been made and COs discovered that what they expected to happen in alternative service did not. Noncombatant work, for example, turned out to be not very noncombatant. Fair wages, now permitted for COs, sometimes were not paid. In this chapter we will examine these problems and the efforts made to resolve them.

The tendency of draft boards to make unjust and illegal decisions about young draftees is long-standing and well documented.<sup>1</sup> We have seen something of this phenomenon in the 1940s and early 1950s in the boards' dependence upon membership in an "historic peace church" as proof of sincerity, though such membership was not required by law. It was also evident in other decisions made about young pacifists during the Korean period.

For example, many local boards (and some F.B.I. Hearing Officers and a few judges) took the position that applicants for CO status were insincere about their rejection of war if they did not reject all kinds of "immoral" behavior. News Notes reported in June, 1952, that some CO applicants

were being ruled insincere because of their "worldly" habits.<sup>2</sup> These included smoking, drinking, gambling, and driving too fast. That such indulgence could be viewed as evidence of insincerity was partly the result of the boards' original misconception that sincere conscientious objection should be measured by membership in an "historic peace church." Since (board members thought) the "peace churches" did not permit such behavior, any young member who engaged in it was obviously not a true pacifist. Yet that conclusion involved still another misconception about the "peace churches" -- that all of them had special strictures against "worldly" habits. But they did not, explained the NSBRO. The problem was so prevalent, the agency reported in October, 1953, that the Mennonite Central Committee had recently found it necessary to defend the Amish (who were particularly victimized by the double misapprehensions of draft officials) by presenting General Hershey with a memorandum about the sect's varied, sometimes liberal, practices regarding liquor and tobacco and "interpreting" that memo to him in person.<sup>3</sup>

The Committee could only hope, of course, that the information it gave Hershey would eventually reach local draft boards and improve their decision-making about young pacifists. The decentralization of the Selective Service System was so great and the lines of communication between the various levels of officials were so tenuous, peace agencies were under no illusions about the likely impact of their efforts.<sup>4</sup> But they never gave up in their attempts to educate

others about the meaning and purpose of conscientious objection to war.

Pacifists also had to contend with the draft boards' use of incorrect criteria for determining a man's aversion to violence. According to many local draft officials, a man was insincere about his rejection of war if he did not also reject all forms of coercive force. For example, he could not support the use of force by civilian police, nor agree that it might be necessary to protect his family (especially his wife, mother, sister from rape) or himself in case of self-defense, and still be a consistent pacifist. A would-be CO challenged the latter point in court and in 1953 judges of the 10th Circuit Court of Appeals declared in his favor. The fact that he would fight to defend his own life, said the court, "does not mean that he did not have good faith religious scruples based upon the teachings of his church against the command of his country to go to war and kill therein."<sup>5</sup> Yet fifteen years later an observer of pacifist struggles with conscription stated that draft boards still "tended to suppose that opposition to all uses of force is a prerequisite for sincerity as a conscientious objector."<sup>6</sup>

Pacifists also needed the courts' help to see that Selective Service boards followed specific procedures required by the Draft Act and by Selective Service regulations because it was not uncommon for the boards to ignore certain steps in the processing of CO applications. For example, in 1951 a Montana judge acquitted a Hutterite for refusing induction

on the grounds that his local board had classified him before sending him any classification forms. A "flagrant case of injustice," said the CCCO.<sup>7</sup> The same year a California objector was acquitted of refusing to be inducted on the grounds that the local board failed to reclassify him after a personal appearance before the Board. Selective Service regulations prescribed reclassification under such circumstances, the judge reminded the government prosecutors.<sup>8</sup> In 1952, a Pennsylvania objector was acquitted of the same charge because his local board had not processed his appeal of its decision not to reopen the case. The plaintiff was clearly entitled to such an appeal, the judge held.<sup>9</sup> In the summer of 1953, the conviction of another pacifist was overturned by a Circuit Court in part because his local board had used information not contained in his file as the basis for denying him the CO classification. Another violation of required procedures, said the Court.<sup>10</sup>

The frequency with which peace agencies heard reports from young pacifists who were never sent the proper forms on which to register their objections to war, whose completed forms were misplaced, who were dispatched into the I-A classification without the barest of formalities reveals a pattern of carelessness and hostility towards CO claims.<sup>11</sup> Perhaps the most telling evidence of this attitude towards conscientious objectors was the refusal of some boards to grant conscientious objector status to anyone. On their own initiative they just removed that classification from their consider-

ation. The CCCO reported in February, 1951, that local boards in Oklahoma, Indiana, and Montana were refusing to classify anyone IV-E and had publically admitted their policy.<sup>12</sup> Some officials resisted the use of the IV-E category particularly because it had no service obligation attached. When new regulations on conscientious objectors were promulgated and the I-O category included alternative service, this kind of resistance should have disappeared. But the practice of excluding the conscientious objector class apparently continued. Edgar Metzler, Associate Secretary of the NSBRO, complained in 1954, that, "Despite the clear-cut provisions of the law, there are still some local boards which adamantly refuse to grant the I-O classification."<sup>13</sup>

Some local boards were equally ready to ignore the provisions of the law regarding choices of service assignments. Instead of allowing I-Os to submit three job preferences and negotiating with them if the boards disapproved of the selections, boards would cut the process short at various points and hustle the objectors off to spots the boards preferred, like I-A. For example, one man reported to the NSBRO that his board put him into I-A "after he did not immediately accept their suggestion for a job."<sup>14</sup> Another reported that his board insisted he work for a specific agency although that agency had refused to employ him. Still another said that his board had rejected his three choices for assignment though all were on the approved list.<sup>15</sup> A local board in Kansas did not wait to receive any job requests from the

first group of I-Os it processed. It dispatched them immediately to Topeka State Hospital. After a complaint to Hershey's office, the Kansas COs were allowed to submit assignments of their own choosing.<sup>16</sup>

Perhaps a few of these errors could be attributed to unfamiliarity with all the requirements of a new program. Everyone involved -- Congressmen, Selective Service officials, and pacifists -- were feeling their way as the I-W program was developed and implemented. But the majority occurred because draft boards did not like conscientious objectors and wanted either to get rid of them as quickly as possible or to punish them for their "mistaken" beliefs. Many other, including non-pacifist, observers of the Selective Service System have commented on the generally unfriendly attitude of local draft boards towards COs.<sup>17</sup> Two of the most recent scholars of the System's operations, James Davis, Jr., and Kenneth Dolbeare, said in their study, Little Groups of Neighbors, that members of draft boards

do not look with favor on the objector  
deferments from military service, and  
their distaste is fed by the inordinate  
amount of time each individual case consumes  
in personal appearance and appeals.<sup>18</sup>

While we can understand the problems that draft boards faced in judging people's sincerity on the basis of an imprecise law and often vague regulations, we can also appreciate the exasperation of a peace worker who said soon after the Korean War,

One might think that after fifteen  
consecutive years of compulsory conscription

in the United States the CO position and CO regulations might be understood to the extent that registrants would have little difficulty securing the desired classification. Such is clearly not the case. A host of problems still arise at all levels of proceedings.<sup>19</sup>

One of the most persistent problems in classification occurred with those conscientious objectors assigned to I-A-O, or noncombatant, status. For some, their presence there was the result of a procedural error by local boards. Those boards that were unwilling to accept the IV-E or I-O classification would often place obviously sincere pacifists into the I-A-O category as a kind of accommodation between their views towards military service and the COs' views. The board members, said Edgar Metzler, took the position that "I-A-O is some sort of compromise between I-A and I-O." Thus, he explained,

if a local board has strong feelings against conscientious objectors but has no derogatory information against a registrant claiming objection . . . , the local board will give him the I-A-O classification which recognizes his conscientious objection while at the same time getting him into the armed forces.<sup>20</sup>

This practice denied pacifist registrants their legal right -- once they had been judged sincere -- to the CO classification of their choice. General Hershey agreed with peace agency representatives that it was wrong. Draft boards, he told them, should determine only a man's sincerity. Once that had been established, "a man should be given what he requested, be it I-O or I-A-O."<sup>21</sup> But individual boards continued to make erroneous assignments and unless the incidents

came to the attention of peace agencies in time for them to get reversals from national headquarters of Selective Service, young men went into noncombatant service against their wills. There they either succumbed, in varying degrees, to military orders at great psychological cost to themselves, or they steadfastly refused to perform the duties that violated their consciences and became general nuisances to the officers in charge. This reaction was also present among objectors who had willingly accepted the I-A-O classification but discovered that noncombatant service was not what they had expected it to be. We should examine briefly what that service entailed.

Men assigned to noncombatant status were considered members of the Armed Forces and usually served in the Medical Corps. The majority were sent to the Medical Replacement Training Center, first located at Fort Meade, Maryland, and then after mid-1952, at Camp Pickett, Virginia, for their training as medical corpsmen. The rest were initially sent to Fort Knox, Kentucky, Fort Ord, California, or Fort Riley, Kansas -- whichever was nearest to their homes -- and then to the Training Center at Brooke Army Medical Center, Fort Sam Houston, Texas, for the completion of their training.<sup>22</sup> From these Centers they went to the front lines in Korea.

According to regulations issued by the Department of Defense on June 18, 1951, noncombatant training meant "any training which is not concerned with the study, use, or handling of arms or weapons." Noncombatant service was service "which is unarmed at all times . . . in the medical

department of any of the armed forces," or any assignment that "does not require the use of arms in combat."<sup>23</sup> The staffs of the peace agencies believed there was a wide discrepancy between those regulations and what was actually practiced. Stauffer Curry wrote to Harold Row in the spring of 1951,

we have had numerous reports of men in Korea who repeatedly made claims that their conscientious objector position as non-combatants has not been recognized. It is . . . very difficult for a non-combatant conscientious objector to persuade a tough sergeant or corporal that his claims must be recognized, even though there are regulations to cover that situation.<sup>24</sup>

The CCCO and the AFSC had also heard frequent rumors about violations of the rights of I-A-Os and decided to investigate. In the fall of 1951, Lyle Tatum of the Central Committee and George Loft of the Friends Service Committee went twice to Fort Meade to inspect the conditions for COs there. Between their visits they talked with an official in the Department of Defense. In their report on those meetings, they confirmed that violations had occurred, mostly during basic training. During that period, they found, COs were instructed in how to use and deploy weapons, how to lay mines and rig booby traps, and how to infiltrate enemy lines. They were required to watch movies on how to be an aggressive, effective killer, to serve as telephone relayers at the rifle range, and in one instance, to clean the guns of the regular trainees.<sup>25</sup>

Protests against these practices were to little avail.

According to Tatum and Stauffer Curry, officers on the scene frequently did not know about the special regulations covering conscientious objectors.<sup>26</sup> Even if the officers knew, they usually could ignore the regulations with impunity because COs in the Armed Forces did not receive the amount of attention and support from peace and church agencies that men in civilian service did.<sup>27</sup> I-A-Os were largely on their own in confrontations with military commanders, many of whom "are completely unsympathetic with this degree of objection."<sup>28</sup> If they pressed their objections too far, I-A-Os risked the probability of imprisonment and the possibility of a court-martial.

When peace agencies did protest, they found that the Defense Department did not deny that its directives were being violated. But it felt there were adequate military channels for objectors to make their complaints (the risk of doing so did not, apparently, strike the Department as excessive),<sup>29</sup> and it believed it was responding fairly, for the most part, to the wide range of objectors' feelings. Both sides agreed that it was difficult to know in advance where a particular I-A-O would draw the line at participation in military activities. One would be willing to learn how to handle weapons and would use them in self-defense. Another would not touch a weapon under any circumstances nor assist in the training of anyone who did. The Army's position, as described to Tatum and Loft, was "to let the men go as far as they wish in the matter of training with weapons."<sup>30</sup> At a later meeting

between pacifists and Army representatives, two high-ranking officers wondered if I-A-Os really needed protection against weapons training. It was their experience that COs wanted arms as soon as they saw what real fighting was like, and that to send them into battle unprepared was to send them to their deaths. "COs on the Korean front want arms after five days of combat," said the Army Major.<sup>31</sup>

The Army men were not altogether wrong. Some noncombatants did change their minds about killing others when faced with being killed themselves. Moreover, discontent among I-A-Os was not a large problem for the officers. The great majority of noncombatants were content with their assignments and performed their duties well.<sup>32</sup> The largest number of I-A-Os (seventy-five per cent, according to figures given to the NSBRO by the Defense Department)<sup>33</sup> were Seventh Day Adventists who eagerly accepted all aspects of noncombatant duty. "Conscientious cooperators," they described themselves.<sup>34</sup> For them, noncombatant status was a fine accommodation between their two essential tenets -- that they must be loyal to the state and that they must not kill. They were not as reluctant as other conscientious objectors to participate in a system that promoted and conducted warfare. As long as they themselves did not take a life, they could perform in good conscience any task assigned them by their government. Indeed, they served in the armed forces with enthusiasm and dedication. First they attended training camps set up by their church where they were drilled in military procedures

and taught basic medical skills. Then they went directly into the Medical Corps where, according to Newsweek magazine, they were accepted without question and performed their service admirably. Newsweek said that Army doctors had nothing but praise for the Adventist I-A-Os. "'They are decidedly superior to the average draftee we get,'" one doctor was quoted. "'We could use more.'"<sup>35</sup>

But peace agencies were disturbed over the number of letters they received from noncombatants who were acutely unhappy. These letters, said the NSBRO, "reveal some of the intense conflicts experienced by Christian youth in the Armed Services."<sup>36</sup> For example, one noncombatant wrote,

I don't belong in the army. As a Christian I cannot continue [as a medic], and I shall not continue no matter what the cost . . . . I don't believe that if [a man] puts himself in the position where he must patch the [soldier] up should he get hurt, he is any less guilty than the man who does the actual killing . . . . I'm passing neither the ammunition nor the health to any man so he may kill. May God help me.<sup>37</sup>

Another, who had relented under pressure after refusing to wear a military uniform, wrote,

As soon as I compromised I was informed that on Monday . . . I would begin Basic Training. This was more than I could bear. I had already been in such a nervous state that my weight reduced [over twenty pounds] in 3 weeks so I nervously collapsed and was admitted to the hospital ward.<sup>38</sup>

Still another viewed his situation more calmly but with the same awareness that his position was morally untenable. He would soon be sent on patrols, he said.

I will go but expect to do so unarmed.  
 I will do so realizing fully how I am  
 compromising the Peace Testimony. These  
 are difficult problems and they lead me  
 to say that a pacifist who comes into this  
 is making a grave error. He becomes part  
 of the conflict which he hopes to reconcile.  
 He enters full force into the mainstream of  
 a process that his religious convictions have  
 led him to oppose. I see this more clearly  
 than ever up here.<sup>39</sup>

Lyle Tatum and George Loft saw this man's plight as typical of that of other non-Adventist I-A-Os. They did not know what noncombatant service was like until they experienced it, and then it was often too late to escape the situation. After visiting Fort Meade Tatum concluded that, "Except for the Seventh Day Adventists, most of the I-A-Os . . . had little idea of what they were getting into."<sup>40</sup> Ignorance was mixed with naiveté. The two investigators observed,

Some men are actually inducted into the Medical Corps thinking that the medics are instruments of mercy apart from the army and its primary objectives.<sup>41</sup>

But saving lives and easing suffering have nothing to do with a medic's duties, they pointed out. The Army Field Manual stated clearly that the mission of the medical service was to contribute to the success of the military effort -- in other words, to win battles. "Not humanitarian concern," said Loft and Tatum, "but the goal of quick recovery to fight again motivates the treatment of injured soldiers."<sup>42</sup>

Once these I-A-Os discovered that fact they had few alternatives. They could only hope that their requests to be discharged from the armed forces would be granted, or that their commanding officers would be willing to accommodate

their views. Their chances with either possibility were slim. There were no regulations providing for discharge on grounds of conscience. Sometimes the discontented I-A-Os could find other grounds that were acceptable to the Army and be discharged on them. Otherwise the men had to fight their cases through the military courts, which were not likely to respond favorably to their appeals. Elmer Neufeld reported in October, 1953, that

the difficulty of securing discharge from the armed forces on the general ground of conscientious objection is becoming increasingly difficult. The last inductee with whom we were in contact who received discharge from the Army because of his religious convictions was granted such discharge only after three court martials. Others are experiencing similar difficulties.<sup>43</sup>

Some fortunate men had commanders who took a pragmatic attitude towards their resistant behavior. Rather than generate a contest of wills, the commander would try to find work the objector could accept. Tatum and Curry explained why that tactic often worked:

. . . the armed forces would obviously rather have an effective noncombatant rather than an ineffective man classified as a combatant. Because of this the objector and his commander can frequently work out a satisfactory solution to the man's duties without an official change being made in the records.<sup>44</sup>

When neither of these possibilities worked out, the I-A-O had to relax his principles or go to prison. To help young men avoid those painful choices, peace organizations must do more to inform them what to expect as noncombatants, said Lyle Tatum. Persuading the Army to follow its own

regulations was not enough because some men "would find the I-A-O position unsatisfactory even if the directives were explicitly followed."<sup>45</sup> The only solution was the education of pacifists.

As the peace agencies considered how to improve their own information services to young COs, they also pondered what to do about the fact that a number of I-Ws were not receiving the fair wages they had been promised. What peace leaders thought had been resolved when alternative service arrangements were made turned out to be the most serious problem of the Korean CO program. It troubled some church leaders and some deeply committed I-Ws that the amount of pay COs received concerned the men so much. One I-W suggested that "All of us should feel that it is in giving of our time and effort in the spirit of Christ that we receive most, rather than whether or not we receive prevailing wages."<sup>46</sup> Another I-W agreed that their service "cannot and should not be measured on a monetary scale," but he was sensitive to the practical difficulties other men faced. "If I and my family were in want because of receiving a cut in salary, it would undoubtedly have a bearing on my attitude."<sup>47</sup> Inadequate wages were, in part, responsible for the active "moonlighting" among Korean I-Ws.<sup>48</sup> They were also the source of the most persistent and vocal complaints.

Peace agencies received those complaints from various parts of the country. In December, 1952, the NSBRO cited six states where conscientious objectors were being denied

equal pay with other workers: Alabama, Delaware, Illinois, Iowa, Kansas, and Utah. In most cases, the NSBRO discovered, it was State Selective Service Directors, rather than the employing institutions, that were responsible for the wage differentials. For example, in Illinois, the State Selective Service office had reached an agreement with the Department of Public Welfare and the State Civil Service Commission whereby COs would be classified as "welfare trainees" and paid much less than regular beginning employees.<sup>49</sup> The NSBRO Directors resolved at that time to confront government officials with these inequities and to work on employing institutions and agencies at the local level to persuade them that equal pay for conscientious objectors was the only fair procedure. Without it, they argued, the Korean service program would reintroduce a punitive feature of Civilian Public Service.

The Directors drew up a memorandum on the wage situation which it "interpreted" to the Manpower Policy Commission.<sup>50</sup> In conjunction with the AFSC, the Board urged General Hershey to use his influence with State Selective Service Directors to correct the inequities. But the issue was not quickly resolved. The draft law was silent on the question of wages for conscientious objectors. Pacifists had nothing more than verbal support for the idea of equal pay from Selective Service officials and from Congressmen at the beginning of the service program. Though the promise was being fulfilled in most CO jobs, pacifists were uncertain how far Hershey was prepared to go to assure that it was universally carried

out. While reaffirming to them his own belief that objectors should receive the prevailing wages, he argued that in some cases what appeared to be unequal wages was simply "a differential resulting from board and room charges."<sup>51</sup> He also claimed that he had no authority to tell state governments and agencies what to do.<sup>52</sup> Pacifists noted that Hershey could withhold or withdraw his approval from specific jobs or entire states where COs were discriminated against. But there is no evidence that he ever exercised that right on those grounds. Moreover, one pacifist leader implied that Hershey never leaned on State Directors as hard as he could. Stauffer Curry observed, "I have always felt, and still do, that the state directors of Kansas and Illinois could change the wage system whenever they want to."<sup>53</sup> A year after the war was over pacifists were still complaining about unequal wages, particularly in Illinois, Idaho, and Kansas, and still getting the same response from Selective Service.<sup>54</sup>

The pacifists' concern for equal wages for COs was not simply a desire to assure their economic well-being, though that was certainly uppermost in their minds. They also feared that unequal wages would arouse labor unions to oppose the employment of COs on the grounds of unfair competition. The issue would be especially troublesome if jobs were scarce in any areas. Fortunately, during the Korean War, they were not. (Even when some unemployment appeared a year after the war, openings for I-Ws were not affected because few people in the work force were interested in the kinds of jobs COs

accepted.)<sup>55</sup> But some hostility from unions did surface during the war, prompted by fears that I-Ws would displace other workers.

The hostility was directed at both the employers and the employees that were being discriminated against. For example, in the fall of 1952, several affiliates of the CIO passed resolutions protesting the low pay for conscientious objectors. One union declared,

The CO will be expected to do the same work as the regular employee [but at a lower salary]. It doesn't require much imagination to picture the wholesale demotions or discharges of regular employees to benefit by that differential . . . .<sup>56</sup>

Another union asserted,

This situation is a serious threat to our fellow unionists. It is a weapon against unions being applied with the approval of the government. It reflects no credit on our democracy when we tell conscientious objectors that we recognize their freedom of conscience and then force them to serve as bludgeons against other citizens.<sup>57</sup>

In the winter of 1953, a Kansas union protested to Selective Service that the low wages were "unfair competition" but went on to castigate the I-Ws for the inequity.

These men, if they do not want to fight for their country, should be placed in a concentration camp . . . .<sup>58</sup>

It was feelings such as these that pacifists hoped to contain.<sup>59</sup>

Luckily for the COs and for the success of the alternative service program, discriminatory wage policies operated only in a few areas. Most Korean I-Ws received equal pay for their labor. For that reason, the wage inequities never caused the

kind of wholesale resentment among COs that poisoned the atmosphere of Civilian Public Service. Though they constituted the major problem of the Korean I-W program, they did not seriously diminish the program's overall success. Alternative service during the Korean War was such a substantial and satisfactory improvement over the service program in World War II (not only from the COs point of view, as we shall see in the following chapter) that in spite of all the difficulties conscientious objectors encountered, they raised comparatively few complaints about their lot.

## FOOTNOTES

1. Among the authors who have discussed this problem in their studies of the Selective Service System are Bruce K. Chapman, The Wrong Man in Uniform: Our Unfair and Obsolete Draft - and How We Can Replace It (New York, Trident Press, 1967), James W. Davis, Jr., and Kenneth M. Dolbeare, Little Groups of Neighbors: The Selective Service System (Chicago, Markham Publishing Company, 1968), George E. Reedy, Who Will Do Our Fighting For Us? (New York, World Publishing Company, 1969), Devi Prasad and Tony Smythe, eds., Conscription: A World Survey (London, War Resisters International, 1968), Jacquin Sanders, The Draft and the Vietnam War (New York, Walker and Company, 1966), Arlo Tatum and Joseph S. Tuchinsky, Guide to the Draft (Boston, Beacon Press, 1969), and Gary L. Wamsley, Selective Service and a Changing America: A Study of Organizational-Environmental Relationships (Columbus, Ohio, Charles E. Merrill Publishing Company, 1969).
2. News Notes, June, 1952, p. 2.
3. These misconceptions by draft officials and the MCC's memorandum were discussed in The Reporter, October, 1953, p. 4. The memorandum itself, written by Harold Bender, March 30, 1953, can be found in the NSBRO files, SCPC.
4. Davis and Dolbeare, in their study of the Selective Service System, Little Groups of Neighbors, discussed at some length the decentralization of its operations and the consequences of that arrangement. The System is characterized, they said, by "structural decentralization and legal autonomy . . . ." As a result, "only the most general instructions [about applying the draft law and regulations] are given to subordinate elements, and this in turn fosters independent and idiosyncratic definitions and applications by state and local units." (p. 39.) In some cases, they noted, local officials were simply uninformed. Mailings from national headquarters did not always reach the boards, many of which were in rural, isolated areas, in a timely or regular manner. But in many cases, the authors suggested, the directions were deliberately imprecise because national headquarters wanted to give leeway to local authorities to make their own interpretations. Although this procedure led to "substantial variation in performance" it enabled that kind of organization to function. "When boards can read what they want to into a directive they may be more agreeable and less likely

to resist it." (pp. 41-42.)

According to this view, therefore, the lack of uniformity in local board decisions may have deprived certain individuals, even groups, of their legal rights, but it made possible the funneling of great masses of people into military service. That, of course, was what Congress and the Armed Services really cared about.

General Hershey may have been inclined to exaggerate the ability of local boards to make accurate assessments of the men who came before them. But he rarely overestimated his own ability to influence or control those boards' decisions. He was once quoted, "local boards don't have to pay any attention to my guidelines . . . ." (Sanders, The Draft and the Vietnam War, p. 99.)

5. Annett v. U.S. 205, f 2nd, 689 (10th Circuit, 1953).
6. Long, War and Conscience, p. 105.
7. The case of Andrew Wurtz was described in News Notes, May, 1951, p. 3.
8. The case of John Fugitt was described in News Notes, September, 1951, p. 2.
9. The case of Merle Clark was described in News Notes, July-August, 1952, p. 3.
10. News Notes, July-August, 1953, p. 1. The other reason for overturning the judgment was because the Court found the Hearing Officer's report defective.
11. These cases were reported regularly in News Notes and The Reporter.
12. News Notes, February, 1951, p. 3.
13. REPORT OF ASSOCIATE SECRETARY, NSBRO Board of Directors-Consultative Council Minutes, October 14, 1954, addendum d, NSBRO files, SCPC, p. 1. Metzler reported that one registrant who challenged the automatic denial of CO applications was told by a State Director of Selective Service that the reason his local board rejected CO claims was in order to secure more information about him through the F.B.I. investigation and the Justice Department recommendation. Pacifists evidently did not need the courts to remedy such simple, though profound, errors. Said Metzler, "often a simple quotation from the Selective Service regulations can remedy such situations." (REPORT OF ASSOCIATE SECRETARY, p. 2.)

14. The Reporter, January, 1953, p. 3.
15. The Reporter, January, 1953, p. 3.
16. CURRENT STATUS OF THE CO WORK PROGRAM, 9/16/52, AFSC files, Haverford College, p. 2.
17. Among them are authors listed in footnote #1 in this chapter.
18. Davis and Dolbeare, Little Groups of Neighbors, p. 108. Edward L. Long, Jr., points out that in some cases the extra time spent on CO cases is the boards' own fault because they "try to cajole and persuade a young [pacifist] to see 'the futility and error' of his ways." (War and Conscience, pp. 100-101.)
19. Edgar Metzler, Associate Secretary of the NSBRO, in REPORT OF ASSOCIATE SECRETARY, NSBRO Consultative Council Minutes, March 31, 1955, addendum d, NSBRO files, SCPC, p. 1.
20. REPORT OF EXECUTIVE SECRETARY, NSBRO Board of Directors-Consultative Council Minutes, October 14, 1954, addendum d, NSBRO files, SCPC, p. 2. Although Metzler commented on this problem after the war was over, the NSBRO staff had met with Hershey to discuss it while the war was in progress. See the NSBRO Directors Minutes, December 3, 1952, addendum a, p. 1.
21. From a meeting with General Hershey recorded by A. Stauffer Curry in NSBRO Consultative Council Minutes, October 22, 1953, NSBRO files, SCPC, p. 3.
22. The Reporter, July 25, 1951, p. 2, and May, 1952, p. 2.
23. Department of Defense, Directive Number 110. 06-1, "Disposition of Conscientious Objectors," described in the Reporter, July 25, 1951, p. 2.
24. Memo To: W. Harold Row, From: A. Stauffer Curry, Re: Non-combatant service by conscientious objectors in the Armed Forces, April 9, 1951, NSBRO files, SCPC, p. 2. It was difficult to get even a chaplain to defend their rights. One pacifist leader was told by an Army chaplain that "'Communists don't recognize the non-combatant position and neither do we -- medics are armed and fighting alongside soldiers. The non-combatant position is purely an academic one.'" (News Notes, February, 1951, p. 2.)
25. Central Committee For Conscientious Objectors: Report on I-A-O Training Program, by Lyle Tatum, November 20, 1951, CCCO files, SCPC, pp. 1-4.

26. NSBRO Consultative Council Minutes: PROPOSED DRAFT OF A BROCHURE FOR USE BY CHAPLAINS, Prepared by Lyle Tatum and A. Stauffer Curry, March 31, 1955, addendum g, NSBRO files, SCPC, p. 1. Tatum and Curry asserted that not only were the regulations that existed "unknown to officers and enlisted personnel," but "many problems of conscientious objectors in the Armed Forces are not covered by the formal regulations."
27. PROPOSED DRAFT OF A BROCHURE FOR USE BY CHAPLAINS, p. 1.
28. PROPOSED DRAFT OF A BROCHURE FOR USE BY CHAPLAINS, p. 7.
29. Report on I-A-O Training Program, p. 4. Tatum described one Colonel as saying that nothing really bad happened to men who disobeyed Army orders. They got a "nice, warm, dry jail." (Quoted in the Report, p. 3.)
30. Report on I-A-O Training Program, p. 1. In its official reply to letters of complaint from peace organizations about the treatment of I-A-Os, the Department of Defense (through Assistant Secretary Anna Rosenberg) said,
- "It does not appear that the receipt of such information [how to use weapons] weighs on the conscience of all the men who are classified as I-A-O and the Department of Defense is reluctant to deny it to all because it is objectionable to some." (Quoted in Report on I-A-O Training Program, p. 4.)
31. MEMO To Elmer Neufeld, Robert Myers, A. Stauffer Curry, re CO Data - I-A-O Service, From: A. Stauffer, NSBRO Files, SCPC, n.d. (The MEMO discusses a meeting with Army officials on December 4. Since the earliest meeting between government officials and pacifists to discuss the I-A-O problem seems to have taken place in November, 1951, I am assuming the December meeting occurred the following month, or perhaps a year or more later.)
32. COS IN THE ARMED FORCES, by Lyle Tatum and George Loft, August, 1952, CCCO files, SCPC, p. 1. The authors reported,
- "Many COs in the armed forces get along as well as the men on combatant duty. Some have been decorated for heroism, and Army Medical Corps officers have expressed general satisfaction with I-A-Os."
33. NSBRO Board of Directors -- Consultative Council Minutes, October 14, 1954, addendum g, Interview with Defense Department Officials, Karl E. Yount, Jr., reporting,

p. 4. Yount recorded the following statements of DOD representatives:

"One percent of all men in the service are I-A-Os. Seventy-five percent of all I-A-Os are Seventh Day Adventists."

Peter Brock claimed a smaller proportion during World War II. During that war, he said, somewhere between a quarter and a half of I-A-Os were Seventh Day Adventists." (Brock, Twentieth Century Pacifism, p. 177.)

34. As described in "Conscientious Cooperators," Newsweek, Vol. XXXVIII, No. 1 (July 2, 1951), p. 52.
35. "Conscientious Cooperators," p. 52.
36. NSBRO Directors Minutes, June 4, 1952, addendum d, FROM THE FILES, NSBRO files, SCPC, p. 1.
37. Quoted in NSBRO Directors Minutes, June 4, 1952, addendum d, p. 2.
38. Quoted in NSBRO Directors Minutes, June 4, 1952, addendum d, p. 2.
39. Letter to the NSBRO from CO Services, American Friends Service Committee, May 27, 1953, NSBRO files, SCPC, p. 2. This letter also appeared in Fellowship, October, 1953, pp. 21-23.
40. Report on I-A-O Training Program, p. 5.
41. COS IN THE ARMED FORCES, p. 2.
42. COS IN THE ARMED FORCES, p. 2.
43. NSBRO Consultative Council Minutes, October 22, 1953, addendum e, NSBRO files, SCPC, p. 6.
44. PROPOSED DRAFT OF A BROCHURE FOR USE BY CHAPLAINS, p. 7.
45. Report on I-A-O Training Program, p. 5. For help in getting information about noncombatant service to young pacifists, Stauffer Curry wrote to Robert A. Lovett, Secretary of Defense. After asking for an outline of noncombat duties required in each branch of the Armed Forces, Curry said,

"I believe you can readily understand our feeling that it would be to the advantage of the men, the church groups, and the Armed Forces themselves if men had the clearest concept possible

of the meaning of non-combatant service before entering the Armed Forces. Such an understanding would avoid difficulties and disillusionments later . . . ." (Curry to Lovett, May 1, 1952, NSBRO files, SCPC.)

Since peace agencies were still wrestling with the I-A-O problem in 1955, Mr. Lovett's reply (if he made one) did not provide much assistance.

46. Capital Highlights, February 12, 1954, p. 3.
47. Capital Highlights, February 12, 1954, p. 3.
48. For example, the pastor for I-Ws in Oregon wrote, "since most of the men are working at a much lower salary than they received previously, I find them supplementing their income during their off hours elsewhere." He was quite concerned about the effect of this extra work on the young men. Most of them, he said, were  
  
"working seven days a week with no time off for rest and worship or some religious fellowship. I have been encouraging them to take time off every week to be with each other in fellowship and with their wives who are also working." (I-W Mirror, Wednesday, September 23, 1953, p. 2.)
49. Memorandum: Wages of I-W Men in Civilian Service Under the Selective Service Law, NSBRO Directors Minutes, December 3, 1952, addendum e, NSBRO files, SCPC, p. 2. The problem of low wages was especially noticeable in Kansas where there was a large concentration of I-Ws in state hospitals such as Topeka State and the Menninger Clinic. An AFSC report on the I-W program in September, 1952, noted that young pacifists already working at Topeka State when alternative service began had their wages cut nearly \$50 a month when they became part of the CO work program. (CURRENT STATUS OF CO WORK PROGRAM, 9/16/52, AFSC files, Haverford, p. 3.)
50. A. Stauffer Curry to "Dear Friend," special issue to Reporter readers, January 6, 1952, p. 1. The memorandum was composed in December, 1952, and since several other documents indicate that it was presented to government officials in January, 1953, the date of the special issue was apparently misprinted. See The Reporter, January, 1953, p. 1, and NSBRO Directors-Consultative Council Minutes, March 4, 1953, addendum e, NSBRO files, SCPC, p. 3.
51. MEMO TO THE FILES: Notes on Board of Directors Meeting

with General Hershey, March 4, 1953, NSBRO files, SCPC, p. 1.

52. CURRENT STATUS OF CO WORK PROGRAM, pp. 2-3. The AFSC described the pacifists' concerns. "It is not certain," the agency reported, "how solicitous Hershey will be on the CO's behalf: it is clear that the individual CO himself is in a very poor position to press for relief on his own initiative." (pp. 1-2.)
53. A. Stauffer Curry to George Willoughby, November 29, 1954, NSBRO files, SCPC, p. 1.
54. Col. Kosch told pacifist leaders in the spring of 1954 that Selective Service had accepted the wage differentials in order to get the I-W program going, and that since state control boards appointed by the governor set the wage scales in certain states, Selective Service had no control over those arrangements. (NSBRO Directors-Consultative Council Minutes, March 4, 1954, NSBRO files, SCPC, p. 8.)
55. I-W Mirror, March 10, 1954, p. 3.
56. Quoted from a statement by the CIO Government and Civil Employees Organizing Committee in Fellowship, December, 1952, p. 21.
57. Quoted from a resolution by the Marine and Shipbuilding Workers in Fellowship, December, 1952, p. 21.
58. I-W Mirror, February 11, 1953, p. 1.
59. Another potential source of friction between COs and unions that pacifists hoped to minimize was the issue of membership. Some objectors would not join unions on grounds of conscience, which put them in an untenable position. When they were assigned to jobs that were covered by union contracts, compromise agreements between union and pacifist leaders seem to have avoided the problem during the Korean War.
- For example, an article in the Detroit Free Press, excerpted in The Reporter, described an arrangement between about twenty Mennonites and the labor union at Dow Chemical Company at Midland, Michigan. The Mennonite Church paid two dollar monthly dues for its members which went into a "flower fund." The fund was for emergency use only by union members. At another location in Michigan, dues from COs were paid into the union's welfare fund. In both cases the membership requirement was waived in return for payment of the dues. Apparently similar agree-

ments were negotiated by the Mennonites and Brethren with the United Auto Workers. (The Reporter, August, 1953, p. 2.)

## CHAPTER XII

## The Impact of the Alternative Service Program

"'Why do you do so much for me?'" an old man asked a CO who was caring for him in a hospital in Bremen, Germany. "'I have nothing and will never be well again . . . . You are an American, but here you are doing the unpleasante<sup>st</sup> of unpleasant work for the smallest amount of money. Why are you doing it?'"<sup>1</sup> The young man was doing it because he cared about human life, because his church had established relief missions to help the victims of the Second World War, and because his government had permitted him to go abroad to help save people rather than to kill them. We know that the great majority of Korean COs were more than satisfied with the civilian work program. Gratitude was the response most often heard from young pacifists; they were very grateful that the government had given them the opportunity to perform constructive service in keeping with their religious faith. But the benefits of the I-W program went well beyond the COs involved to the patients they cared for, to the churches many of them represented, and to the government that reluctantly accommodated them.

We have examined at some length the effect on COs themselves of the government's responses to their objections to conscription and the Korean War. We will now look briefly at the impact COs had on the people and institutions the I-W program brought them into contact with. We will also examine overall assessments of the I-W program by persons

other than COs who were in a position at the time to make observations and judgments about it.

Next to the objectors themselves, no group of people was more directly affected by the civilian work program than the people I-Ws were assigned to serve. The record of their interaction is sparse and the evidence is, for the most part, filtered through pacifist perceptions. Yet it is possible to conclude that more than a few COs made a profound impression upon those they cared for.

To European refugees, young Americans who built and staffed hospitals, and who rebuilt homes and churches, were like saviors. The old man in Bremen was not the only one to wonder at such selfless workers, but the Europeans showed their appreciation by inviting COs to share their family and community life with them. An interpreter for the PAX program in Greece reminisced years later about the improvements that I-Ws had made in several Greek towns and villages: "'They were fine boys,' he said . . . . We are glad they came. We wished they could have stayed.'"<sup>2</sup>

To hospital patients, conscientious objectors were unusual people, sometimes merely idiosyncratic (when they did not smoke or swear) but often generously kind and helpful. One patient said he had been frightened about entering a mental hospital because he had read "lurid exposes" about the treatment people received in mental institutions. "[T]o say that I entered a mental hospital with a feeling of horror is to state it mildly," he explained. But to his surprise,

he was treated "with courtesy, tolerance and consideration at all times."<sup>3</sup> He attributed this fact to the predominance of I-Ws on the staff, and considered himself fortunate that they were there when he had to be hospitalized. "Thank God," he said, "that since I have to be here it is while [these] boys are doing so much to raise institutional standards to such a high level."<sup>4</sup>

A young woman confined to an iron lung wrote to the NSBRO about a I-W who had taken it upon himself to give her special concern and attention.

Without his care and assistance, I know I would be cast again into the losing battle with death and hopelessness . . . . Only the person who has been imprisoned in an iron lung and completely dependent for survival upon the dedicated hands of someone who cares will be able to fully appreciate and comprehend the length and breadth and height and depth of the beliefs and convictions of [her I-W aide].<sup>5</sup>

COs tended to treat everyone gently and thoughtfully and were often able to handle difficult situations. As a result, they stood out in comparison with other hospital attendants. One I-W reported that a patient had approached him one day and tearfully apologized for his former unpleasantness toward him. "'I'm sorry,'" he quoted the man, "'I thought you were just like the rest of the aides, but you're different.'"<sup>6</sup> The leader of the I-W unit in Denver described how the good relations COs had established with mental patients at a Colorado hospital had enabled them to quell a serious disturbance. Patients there especially disliked a particular attendant, he said, and they decided one day

"to do away with him."<sup>7</sup> The incident developed into a riot in the ward. Two I-Ws, bravely entering the brawl,

dragging out the wounded attendant and warding off with chairs the blows of bottles and clubs, succeeded in talking the patients into terms of peace. This was accomplished only by having earlier established a friendly relationship with the patients.<sup>8</sup>

Hospital authorities credited the I-Ws, -- the only staff allowed into the ward during the riot -- with saving one life and preventing injury to others.

To those who supervised their work, COs were unique employees who performed their assigned tasks skillfully and reliably. Employers across the country sent a "steady stream of letters" to the NSBRO praising the I-Ws' performance.<sup>9</sup> In December, 1953, the agency published excerpts from these letters. For example, a representative of a hospital with three I-W employees wrote that their work was highly satisfactory.

They are conscientious in the fulfillment of their respective duties and anxious to please those with whom they work and are supervised by. We plan on hiring [conscientious objectors] as often as we have positions available.<sup>10</sup>

The superintendant of another hospital said simply but emphatically, "'We now have five boys (I-Ws) working for us who are splendid . . . I can't say enough for them.'"<sup>11</sup> The personnel director of a hospital with nine I-Ws on its staff state more formally,

". . . I am very happy to report that their services are very effective and we feel that the program of employment of

conscientious objectors is a benefit to this hospital.<sup>12</sup>

To some extent the observers were commenting on the I-Ws' technical proficiency. Like the man who became skilled enough to assist in brain operations, other COs displayed an aptitude for learning and achievement in their various assignments. Two farm boys so impressed a specialist with the Dairy Herd Improvement Association in Ohio that he asked the I-W office in Akron if "10 to 12 boys of the same calibre" could be assigned to his project.<sup>13</sup> The personnel director of a Denver hospital suggested that the I-Ws there developed so much medical expertise they became nearly indistinguishable from new doctors. "Before these men came I had difficulty distinguishing the orderlies from the patients," the director said. "Now I have difficulty distinguishing these men from our interns."<sup>14</sup> Supervisors of a Kansas hospital were so pleased with the performance of one of their I-Ws they promoted him to increasingly responsible positions. The local newspaper described the man's professional progress: "'With no previous medical training [he] joined the hospital staff in January as a ward attendant. Now [July] he is second in charge of the entire men's senile division.'"<sup>15</sup>

In many instances, however, observers were talking about qualities of temperament and behavior that caused COs to stand out even from other good employees. One hospital spokesman touched on these qualities when he or she said that I-Ws "'make a contribution to the patient care.'"<sup>16</sup> A Kansas newspaper editor described that contribution more

precisely. Mennonite youths, he said, "seem to possess to an unusual degree the patience, gentleness, and devotion so necessary in nursing the mentally ill."<sup>17</sup> A nurse believed that I-Ws had "'changed the atmosphere of the hospital'" where she worked. "'Before COs came,'" she stated, "'some of the orderlies used to come to work half drunk and on the job they would sometimes be dishonest.'"<sup>18</sup> The decent, clean-living COs had had a salutary impact on everyone around them, she implied. Thus supervisors also noticed what the patients had discovered: that conscientious objectors were special people with a philosophy and lifestyle that smoothed and warmed human relationships.

They even got along with most of their fellow employees. Since COs often made other employees look inferior or at the very least, they formed a small, separate, and curious band of their own, it is significant that here, too, they could establish cordial relations. The befriending process usually took time. A I-W reporting on conditions at various institutions in Indianapolis said fellow workers "have accepted us very well though they ask many questions because many of them have never met C.O.'s before."<sup>19</sup> Another I-W at a Pennsylvania state hospital explained that "fellow employees find it difficult to understand and appreciate our moral standards which differ considerably from theirs."<sup>20</sup> But COs were often able to deflect potential antagonism by patient explanation of their views. The Indianapolis CO said that I-Ws and regular employees in his area reached an accord

through "many friendly discussions."<sup>21</sup> We know that "friendly discussions" did not always work. Talk could not cure "the backbiting of the fellow dairy worker whose record suddenly looks poor beside the diligent work of the conscientious objector."<sup>22</sup> Nor could it help the particular CO who was confronted by a fellow employee threatening to pull out his (the CO's) beard with a pair of pliers.<sup>23</sup> But the relatively few instances of such unpleasantness, and assertions by religious leaders that the I-W program was a great opportunity for spreading their faith (we will examine those statements later in the chapter), suggest that discussions between I-Ws and their fellow workers did enable the pacifists to win tolerance, and even respect, from the majority of their associates.

The fact that I-Ws and the people they worked for were mutually satisfied with the alternative service arrangement helped to assure that government officials would be happy with it too. Selective Service heads worried about the mechanics of it -- whether there would continue to be enough jobs, whether disputes with unions could be amicably resolved, for example -- but by 1953 they were beginning to conclude that the program was a success. At a conference with I-W leaders in Washington, D.C. in early February, Col. Kosch was quoted as saying that "'the program is working reasonably well -- a lot better than we thought it would.'"<sup>24</sup> Victor Olsen expressed similar satisfaction at the same meeting.<sup>25</sup> A month later, General Hershey expressed less sanguine views

than his colleagues. He told a meeting of pacifist representatives that he was "not satisfied but not hopeless about the work program."<sup>26</sup> His restrained endorsement can be explained by his concern at the time that only a small proportion of objectors had been assigned to civilian work. He had recently testified about this problem before the House Appropriations Committee, partly blaming lack of funds -- funds the Committee had earlier denied him -- for the situation.<sup>27</sup> But the Committee was not especially troubled about Hershey's information,<sup>28</sup> and the rapid increase in job openings over the succeeding months alleviated Hershey's concern. By October of that year Hershey told pacifist leaders that though he felt the program had been implemented too late, it was "'going well under the circumstances.'"<sup>29</sup> Eventually (1955) he expressed an opinion quite similar to Kosch's -- that his office was "satisfied that more has been accomplished with the I-W program than had been anticipated."<sup>30</sup>

If Congressmen did not become alarmed over Hershey's testimony it was because they too had reason to believe that the I-W program was operating reasonably well so far. Representatives of peace agencies had already told key legislators, among them Senator John Sparkman (D - Ala.), Representatives Paul Kilday (D - Tex.) and Dewey Short (D - Mo.), and "others with whom we have maintained constant contact," that the civilian work program was "working out quite satisfactorily."<sup>31</sup> More importantly, Congress had not heard many serious complaints about it from the public.<sup>32</sup> As long as the public did not

put heavy pressure on them to alter the arrangement, Congressmen were content to leave it alone, or, perhaps more precisely, to ignore it.

The absence of many serious complaints (those that might force Congress to take action) did not mean there was no public criticism of the program at all. The American Legion never did accept the idea of civilian work for COs and passed resolutions condemning the arrangement. For example, at its national convention in August, 1952, the Legion resolved that the civilian work program be ended and that all objectors be required to perform noncombatant service in the armed forces.<sup>33</sup> Similar statements were made by local chapters, especially in areas with concentrations of pacifists.<sup>34</sup> In addition, Selective Service received complaints from individual citizens who thought the I-W program was too liberal, too "soft" on COs. Victor Olsen told pacifists that his office had "many letters" complaining that "C.O's are being treated too generously."<sup>35</sup> Some writers thought that COs should be in work camps serving the government without pay. Some were especially annoyed to see COs home on the weekends, assisting with family chores, while they (the non-pacifist families) coped as best they could without the help of a distant son who might be killed in combat at any time.

The issue of COs going home a great deal was just the sort of public relations problem Hershey wanted to avoid by sending I-Ws far from their own communities for alternative service work. But the great need to get jobs for COs took

precedence over the desire to place them far away, and the refusal of some state Selective Service Directors to accept outsiders forced local boards to assign a fair number of I-Ws to work within driving distance of their homes. Naturally, I-Ws took advantage of the proximity, making "frequent trips home," as a I-W remarked, "to check the wheat crop."<sup>36</sup>

When pacifists learned about the public criticism of their "homing instinct" as one CO put it, the most devout ones began some soul-searching on the subject. A I-W said he had heard that a weekly visit home was not unusual. "Anyone can realize that for the good of the home community, the church and other I-W workers, that is too often."<sup>37</sup> Once every four to six weeks would be sufficient, he thought. Another took a similar view and chastised his colleagues. "Where is the backbone, stamina and faith of the Mennonite church, if our young men must go home one day a week to cry on mother's shoulder . . . ?"<sup>38</sup> Twice a year would be plenty, in his opinion. At least one disagreed. He did not see "any harmful effects for the I-W program" of going home often.<sup>39</sup> But he was outnumbered by those I-Ws who were sensitive to the repercussions their behavior might have. The twice-a-year man warned, "The same congressmen who voted us this lenient program can also repeal or change it, and they are liable to do just that if actions and attitudes of some C.O.'s aren't changed."<sup>40</sup>

Perhaps conscientious objectors did cut down on their travels home and thereby helped to reduce the possibility

of Congressional intervention. But the evidence indicates that some unfavorable reactions from the public were far less significant in determining Congressional attitudes than general public indifference toward the program. The very nature of I-W work and the objectors' satisfaction with it made them obscure and, as a result, few people (outside of other pacifists and Selective Service officials) paid much attention to them. There was some favorable public comment about the program just as there was some criticism. For example, local newspapers and national magazines carried complimentary stories about guinea pig work and the overseas projects.<sup>41</sup> But for the most part, I-W work was routine, unspectacular, and invisible. COs were but a small portion of any hospital staff. They moved quietly into, and out of, the institutions where they were assigned. They gave few people any cause for complaint and voiced few complaints of their own. As Stauffer Curry recently observed, the alternative service program "made COs inconspicuous" and consequently the public raised few objections to it.<sup>42</sup> Paul Tschetter, who worked with COs both in World War II and Korea, commented on the public's more favorable reaction in the 1950s. I-Ws, he said, "are having less difficulty in being accepted by the community than men in C.P.S."<sup>43</sup> Perhaps that was because a good share of "the community" in the 1950s did not know the COs were there.

Yet the Korean COs' obscurity did not result simply from the location of their work. In theory, men confined to rustic and remote CPS camps should have been less noticeable than

I-Ws who moved freely about in cities and towns. A more significant reason for the invisibility of COs during the Korean War was the stricter religious requirement of the 1948 Draft Act. That requirement screened out quasi- and non-religious objectors who received the CO classification under the 1940 law. As a result, the proportion of classified conscientious objectors from historic peace churches was much greater during the Korean War than during World War II. Selective Service called attention to this phenomenon. In his report on the CO work program which covered the period June, 1951, to January, 1955, Victor Olsen said,

it has been definitely confirmed that practically all [I-O] registrants came from the farming areas and not from the manufacturing centers. The terminology used during World War II, that these registrants came from the 'historic peace church bible belt' can, with more certainty, be used in the present operation because of the fact that only those with sincere religious convictions can be considered in this operation.<sup>44</sup>

Olsen saw a direct correlation between the high proportion of formally religious objectors and the low number of job desertions during the Korean service program. It confirmed an earlier impression Selective Service had that disciplinary problems in Civilian Public Service had been caused by a distinct element within the CO population. "In comparing this [the Korean] situation with that of the World War II operation," Olsen said, "there is no doubt now that all of our disciplinary problems of the World War II period were caused by the political objectors."<sup>45</sup> But his conclusion missed the mark. There was no absolute distinction, as he suggested, between a "political"

objector who caused trouble and an objector from an "historic peace church" who did not. After all, some of the COs who engaged in protests -- from work strikes to leaving the camps -- and thus surely qualified as "troublemakers" were Friends and Brethren, members of two of the historically pacifist churches.

But he was correct in describing the distinctive features of Korean COs when he pointed to their rural, "bible belt" backgrounds. Not only were they more religious as a group than their predecessors, they came from the more conservative religious communities. That was because such a large proportion of them were Mennonites. The NSBRO reported in 1947 that 40% of the men in Civilian Public Service were Mennonites.<sup>46</sup> Olsen's figures showed that 67% of the men in I-W service were Mennonites. The only other group to register more than 4% of the total were members of the Church of the Brethren (at 9%), many of whom were also from farming backgrounds.<sup>47</sup> At the same time there was a decrease in the proportion of Friends, a number of whom belong to eastern communities that are urban and intellectual in their orientation. The drop from 7% in CPS to 4% in the I-W program probably reflects the impact of the decision in Philadelphia not to participate in alternative service.<sup>48</sup> Thus the stricter provisions of the 1948 Draft Act, accompanied by the withdrawal of support from the Quakers, combined during the Korean War to produce a population of classified conscientious objectors who were more heavily rural and conservatively religious than they had been

in previous wars.

It was this fact that accounted for the invisibility of Korean War COs. Because they were largely from simple, unsophisticated religious backgrounds, I-W participants tended to be dutiful, dedicated people who accepted the rationale for the work they were required to do. Mennonites, especially, viewed their service as a just exchange with the government for recognition of their religious beliefs, a kind of quid pro quo arrangement in which the government suspended its power to order its subjects to war, in return for obedient performance of other national tasks.<sup>49</sup> They were the "non-verbal types" of the pacifist community, as Stauffer Curry described them, the kind who never challenged or upset government policies.<sup>50</sup>

Thus Korean I-Ws were predisposed to cooperate with alternative service, an inclination that was enhanced by the greater opportunities in this war for humane and socially constructive work. Once these particular pacifists got into the work program they did what they were asked to do (and more, as we have seen), they made relatively few and certainly not very loud complaints about their situation, and they stayed loyally with their jobs until the end of the prescribed period. Because so few were delinquent in their duties, Selective Service had few disciplinary problems. Without disciplinary problems among COs to draw the attention of the press, the reading public did not gain as unfavorable impressions of COs as they did during World War II. That is the primary reason

why Korean COs were hidden from public view. They did their work quietly and they did it well. It was a nearly perfect formula for obscurity.

Similarly, the virtual absence of disciplinary problems with COs in the prisons can be traced to the predominance of deeply religious men among draft law violators. In October, 1953, Elmer Neufeld related the observation of the Superintendent of Classification at Springfield (Missouri) Medical Center that "they have fewer 'intellectuals' [among pacifist prisoners] and more conservative religious objectors than during World War II."<sup>51</sup> Six months earlier Stauffer Curry reported after visiting several institutions in the east that the majority of objectors then in prison had not resisted the draft but had been denied the I-O classification they sought. "Most of the men are deeply religious," he added, "and seem to be adjusting to prison quite well."<sup>52</sup>

In an earlier chapter (VI), it was argued that the unusually amicable relations between pacifist prisoners and their keepers during the Korean period resulted from lessons learned from dealing with objectors during World War II. Those relations may also have been due to the greater tendency among Korean CO prisoners toward obedience and submission to established authority. Prison officials may, to some extent, have simply been lucky. As they had become more sophisticated in handling conscientious objectors, the objectors themselves had become a less fractious and independent group of people. Once again, conditions favored quiescence and obscurity in

the life of Korean objectors to war.

If the alternative service program was uncontroversial and nearly invisible to the general public, it was a source of great interest to and activity within the pacifist community. The amount of time and energy put forth on the COs' behalf cannot, of course, compare with what peace agencies expended when they were responsible for administering CPS camps. But their efforts were ultimately more rewarding and more productive. The I-W program was successful from their point of view too, and it stimulated a budding movement within pacifist ranks toward new and creative applications of religious faith.

The satisfaction that peace leaders expressed to Congressmen in March, 1953, was confirmed in other discussions they had about the alternative service program. Their words reveal both gratification and relief, feelings that are understandable when we consider that some pacifists had been greatly fearful just two years earlier that the next service program would be so unpalatable that conscientious objectors "might look back on 'the golden age of CPS.'"<sup>53</sup> But there was no nostalgia for CPS in 1953. At a meeting of the NSBRO Consultative Council in October of that year, Stauffer Curry declared, "Generally speaking, the civilian work program can be regarded successful, and most observers agree it is a great improvement over the CPS program of World War II. For this we can be duly grateful."<sup>54</sup>

Naturally, NSBRO Council members were most satisfied that

the COs had been permitted to do meaningful work. But they were also pleased to have avoided the onerous burden of administering the program which had brought church and peace agency leaders into conflict with the government, unhappy COs, and each other. Curry commented on the different atmosphere in pacifist ranks during the early 1950s:

One observes the disappearance, to some extent at least, of tensions between various church and peace agency groups which seemed to exist during the latter part of, and following, World War II. The fact that the churches were not called upon to administer a CPS program, and the fact that the churches serve purely in an advisory capacity at the present time, seem to have removed the source of possible tensions.<sup>55</sup>

A good example of Curry's statement was the relationship between the Friends Service Committee and the NSBRO. Although their philosophical differences carried over into the Korean period, the two agencies developed much friendlier relations because they were no longer in direct conflict over policies and problems pertaining to COs. It also appears that the AFSC began to soften its view toward the I-W program after the Committee saw it in operation for awhile. In January, 1953, George Loft told Roger Jones of the United States Bureau of the Budget that "the current program represents considerable improvement over CPS. We are hopeful that the good aspects may be confirmed and some weaknesses be corrected."<sup>56</sup>

The enthusiasm that the Mennonite Central Committee and the Brethren Service Commission felt for the program was tempered somewhat by their concern for the spiritual condition

of I-W men. At the same time that he praised the program, Stauffer Curry observed that "the dispersal of men to isolated corners of the country and even to isolated spots within areas where there are concentrations of I-W men" made it difficult for "spiritual leaders . . . to keep in touch with the men."<sup>57</sup> With COs scattered in many places, it was "a real problem . . . to render an effective ministry to them."<sup>58</sup> In this respect alone, he suggested, the I-W program was less desirable than Civilian Public Service. "No longer can a visiting pastor go into a camp and see all the men in a unit in a short time."<sup>59</sup>

This was a significant handicap in light of the I-Ws' greater exposure in this war to secular thoughts and sinful behavior. Even when they were confined to CPS camps, conservative religious leaders worried that their young men were being influenced by less devout COs to neglect the rituals of their faith and to question its premises. Now that I-Ws were thrust into the midst of cosmopolitan life where temptations to stray were far greater, it was still more difficult, even impossible, to reach them all with spiritual reinforcement. Paul Tschetter, whose comparisons of the two service programs are particularly useful, expressed this new concern. There was a great need, he thought, for "spiritual guidance" among Korean COs.

The very fact that not all men have Sunday as their day off could easily become an excuse for avoiding public worship . . . [In addition,] men coming into non-Mennonite communities

may find themselves lured to situations which would not be too conducive to a positive Christian witness.<sup>60</sup>

The church, he concluded, would have to make a larger effort to keep in constant touch with its members in order to offset the secular influences.

Yet Mennonite and Brethren leaders began to realize that the very features of the alternative service program that threatened the solidarity of their religious community also offered them an unprecedented opportunity to advance its aims. If their young men were being challenged by worldly exposure, they were simultaneously rubbing shoulders with people who had not heard their message of peace and love, or had not seen it in practice, but who might, by good example, be persuaded of its truth. Boyd Nelson of the Mennonite Board of Missions observed,

I-W men have suddenly become our front-line soldiers in the battle for the faith. They have become, so to speak, frontier outposts of the geographical concentrations of our church. [Thus we] find ourselves with an organized witness in many locations where we had none before.<sup>61</sup>

It was an opportunity, Tschetter added, that our young people "have never had in the history of our Church."<sup>62</sup>

Religious leaders, therefore, exhorted I-Ws to seize the occasion to set that good example. One laid a heavy burden on them. Remember, he admonished, that "You are under constant scrutiny. There is never a minute when you are not being watched . . . . Your service is a 'living sacrifice;' make it such."<sup>63</sup> Others stressed the adventurous aspect of the work,

portraying COs as pioneers of the faith. I-Ws were "missionaries in new areas," suggested Boyd Nelson. Rev. Albert Gaeddert agreed.

You are the extension of the church into Norristown, Cleveland, East Moline, Ypsilanti, Pueblo, Newton, and out into Jordan, Greece, and Germany! You represent the church wherever your work takes you.<sup>64</sup>

Gaeddert saw even further implications for the I-Ws' missionary role. Not only could COs be the "eyes and ears" for their home church, they could "help the home church see its 'mission' right in its own locale."<sup>65</sup>

I-Ws picked up the message and began describing their work in similar terms. Sometimes they referred to having been "called" into alternative service as a pastor is "called" to a new church.<sup>66</sup> Sometimes they, too, talked about their work as a "missionary out-reach in our own land . . . ."<sup>67</sup> Often they spoke enthusiastically about this "great opportunity to spread the gospel in word and deed,"<sup>68</sup> about civilian service as "one of the greatest opportunities in Mennonite history to accomplish our Christian task as we stress it."<sup>69</sup> The evangelical purpose of the I-W program was felt so strongly among some Mennonite COs that they acted as if they had not fulfilled their proper duties in the I-W program unless they had converted others to their faith. A Denver I-W, examining the value and purpose of the program, asked his colleagues,

Can we say that we are more like Christ than we were a year or two ago? Has our Christian life been strengthened by our stay here? Most of all, how many souls have we led to Christ during the last year?<sup>70</sup>

To some extent, these expressions, especially those by Mennonite leaders, were probably designed to impress COs with the seriousness of their alternative service work, to persuade them to share the writers' sense of its glorious purpose, and to enlist them in the holy cause. Two years of required sacrificial labor provided as many occasions to press home the Christian pacifist message to young church members as it did to proselytize for new ones. Col. Kosch, who had helped to supervise the civilian work program in two wars, believed this kind of persuasion was going on within the pacifist community. The NSBRO staff quoted him as asserting that "Mennonites sometimes tend to use Selective Service as a means of converting their young men."<sup>71</sup>

Thus the concerns of the agencies involved in the I-W program differed widely. While General Hershey was fretting over the impact that sending COs out into American communities would have -- his "public relations problems" -- the churches, especially the Mennonite Church, were preoccupied with the impact of the service program on their members and their faith. A Mennonite publication urgently inquired in 1953,

Will some of the positive results come from this [service program] as came out of C.P.S.? Will we develop church leadership for the future as the C.P.S. program helped to do? Will we give a forward thrust to awaken interest in Biblical nonresistance as C.P.S. helped to do?<sup>72</sup>

Yet civilian service for conscientious objectors was far from a mere church membership drive. When religious leaders talked about the valuable opportunity to "witness for peace,"

or about the importance of the "peace witness," they were not talking about proselytizing as much as they were talking about social revolution -- about setting an example for others of how life could be lived with love and harmony, instead of hatred and war. When they referred to themselves as "missionaries" they were not so much talking about purveyors of a theological doctrine as they were about messengers of a different lifestyle, in which reverence for human life, kindness, and humble service were the primary motivations.

There was a feeling among religious pacifists in the 1950s that never before had they been able to exhibit so widely the positive side of their beliefs. One pacifist observed that to average Americans a conscientious objector was someone,

who because of ignorance, radical religious beliefs, selfishness or cowardice refuses to fight for his country. Too few persons even in the church are acquainted with the positive, dynamic aspects of pacifism.<sup>73</sup>

Another commentator noted that most people during wartime are "inclined to agree with the anonymous wit who said that he didn't know much about C.O.s' will power, 'but they certainly have an awful lot of won't power!'"<sup>74</sup> The Korean alternative service program made it possible for pacifists to counteract that impression by showing that nonviolence was not negation, not passivism, but dynamic social concern. It was the pacifist community's best opportunity yet to demonstrate what love in action could accomplish in human relations.

In some measure, the Mennonites' talk about witnessing

for peace through acts of social service was an expression of new perceptions on their own part. They were conversing with themselves, as it were, sharing new insights into the performance of good deeds, as opposed to simply holding their faith, as the most important way to carry out their Christian commitment. Urie Bender, in his history of the Mennonites in PAX service, Soldiers of Compassion (1969), explained that these new perceptions originated in COs' experiences in "extension service" during the 1940s. For many, he said, "the years of voluntary servitude in CPS opened up new vocational horizons and service opportunities."<sup>75</sup> Mennonite young men, particularly those who worked in mental hospitals, discovered people who desperately needed their kind and selfless aid. MCC leaders who administered the program "became acutely aware of both great human needs and untapped resources [to meet them] hidden in the church."<sup>76</sup> The necessities of relief and rehabilitation after the World War stimulated the Mennonite community to think further about voluntary social service as an expression of their faith. Bender observed,

Not only CPS men but an entire church began to see this kind of positive action as a truer reflection of Christian love than dogmatic doctrinal position on the passive holding of policies so representative of much peace church response in previous periods of conflict.<sup>77</sup>

By 1952, when the I-W program began, the Mennonite Church had established PAX, and a number of its young members were already at work on various projects overseas. With this

new and venturesome experiment going, it is understandable that the Mennonites would strongly urge Selective Service to give Mennonite COs alternative service credit for their work abroad. The church did not want to lose its most dedicated young men to some other kind of conscripted service just when they were needed in this important church program. PAX did seem uniquely suited to attract the most committed in their following. Bender quoted a typical PAX man:

I thought of alternative service at home. But nothing appealed to me. I wondered if there was any sacrifice required if one just stayed around home or at least in familiar surroundings, with a job, reasonably good pay, a car and all that.

I decided I really wanted to help people -- somebody needy. I wanted to sacrifice something.<sup>78</sup>

For those with such a profound desire to serve others, PAX was more than just a tour of duty during wartime. "In PAX," said Bender, "men found a structure within which they could escape the negativism of refusal and contribute positively to reconciliation and peace."<sup>79</sup>

According to Bender, PAX and its forerunner, CPS, revolutionized the church's attitude toward the world. They brought Mennonites out of centuries of ethnic isolation into concerned involvement in human affairs. PAX grew quickly into an organization with volunteers in countries all over the globe. Looking back to its small beginnings in April, 1951, when the first PAX Unit arrived in Europe, Bender marvelled, "As they stepped ashore, unknown to them, the first PAXmen carried with them the seed of a flower that has bloomed around the

world."<sup>80</sup>

Bender's assessment of PAX, and indirectly of the Mennonites' social service work in the entire I-W program, suggests that Paul Tschetter was correct when he predicted that the Mennonite Church would "profit from this experience" just as it had gained from its experience with Civilian Public Service.<sup>81</sup> Having for years pressed their demands on the government for better treatment of conscientious objectors, the Mennonites found the government's cooperation making it possible for them to reach levels of spiritual understanding and involvement with the world that they had never anticipated. It was a mutually rewarding, if mutually reluctant, partnership.

So indeed had been the CO program during the Korean War -- a reluctant partnership between the government and religious groups that turned out happily for both sides. Whereas CPS had spawned bitterness and recriminations between pacifists and Selective Service, and among pacifists themselves, the I-W program created a sense of satisfaction and accommodation among its participants. It was not the solution for the absolutist on the one hand, nor the American Legionnaire on the other. But it was an arrangement that a democratic government and religious dissidents could live with comfortably during wartime.

## FOOTNOTES

1. Quoted by the CO in From Pillar to Post, March, 1954, p. 5.
2. Urie A. Bender, Soldiers of Compassion (Scottsdale, Pennsylvania, Herald Press, 1969), p. 4.
3. I-W Mirror, May 5, 1954, p. 1.
4. I-W Mirror, May 5, 1954, p. 1. The mental patient added,
 

"I have been raised in a different faith and cannot say I would necessarily share all your views. However, I believe that [conscientious objectors] are doing far greater work for their government here than they could ever be expected to do if forced to serve in a situation which their code of ethics finds intolerable." (p. 1.)
5. The Reporter, November, 1953, p. 3.
6. I-W Mirror, April 21, 1954, p. 2.
7. I-W Mirror, Wednesday, May 20, 1953, p. 1.
8. I-W Mirror, Wednesday, May 20, 1953, p. 1.
9. The Reporter, December, 1953, p. 1.
10. The Reporter, December, 1953, p. 1.
11. The Reporter, December, 1953, p. 1.
12. The Reporter, December, 1953, p. 1. The Reporter was only one of several sources where praise of CO workers can be found. I-W newsletters, particularly during and after 1953, often included remarks from employers about their satisfaction with pacifist employees. It would be impossible, and unnecessary, to include them all in this discussion. But their frequency suggests that the satisfaction was genuine and widespread. Pacifists could not have reported so many favorable responses if they had not received them.
13. I-W Mirror, January 28, 1953, p. 3.
14. I-W Mirror, January 28, 1953, p. 3.
15. I-W Mirror, July 1, 1953, p. 6. The newspaper, The Hutchinson News-Herald, went on to observe that this I-W who was doing such a good job was still being

paid inferior wages because he was a CO. The paper obviously thought the situation was unfair. "[H]e is making the same \$130 a month at which he started, and no matter what they think of [him] at Larned [State Hospital], they won't give him a raise.'" (p. 6.)

16. The Reporter, December, 1953, p. 1.
17. Quoted in The I-W Mirror, Wednesday, May 6, 1953, p. 2. The occasion for the editorial was the passage of a resolution by the Chamber of Commerce in Larned, Kansas, protesting the employment of conscientious objectors in private industries or state institutions. The Chamber thought COs should all be used in non-combat positions in the armed forces. More than one newspaper responded by suggesting that the Chamber, which was expected to take practical, business-like views on issues, should re-examine the good work the I-Ws were doing. The author of the resolution responded in turn that the Chamber was concerned that the presence of COs was preventing other workers from getting higher pay and better living conditions. (I-W Mirror, May 6, 1953, pp. 1, 4.) This reply was further evidence of the effect that differential wages had on the I-W program. No matter how helpful and hardworking COs were, if they were paid less than regular workers their presence was objectionable to significant segments of the public.
18. Cleveland Chimes, April, 1955, p. 2.
19. I-W Mirror, July 1, 1953, p. 3.
20. I-W Mirror, March 25, 1953, p. 5.
21. I-W Mirror, July 1, 1953, p. 3.
22. I-W Mirror, Wednesday, June 30, 1954, p. 1. Elmer Neufeld was referring to relations between workers on prison farms when he made this observation, but the quotation is relevant to I-Ws' relations with co-workers on the outside as well.
23. I-W Mirror, July 28, 1954, p. 4. The CO saved himself from attack, the Mirror stated, by offering no resistance to the threat. The newsletter suggested that the fellow employee was so impressed by this act of sincerity by the CO that he changed his mind about attacking him. Whether that was, in fact, the reason for his retreat, the CO's sincere beliefs (which had prompted him to grow the beard) failed

to impress his employer who dismissed the CO because of the beard. (p. 4.)

24. I-W Mirror, Wednesday, February 25, 1953, p. 1.
25. I-W Mirror, Wednesday, February 25, 1953, p. 3.
26. NSBRO Directors-Consultative Council Minutes, March 4, 1953, addendum e, NSBRO files, SCPC, p. 2.
27. Hershey said he told the Committee that Selective Service records showed 1,800 men in civilian work and 4,800 waiting to be processed and/or assigned. (NSBRO Directors-Consultative Council Minutes, March 4, 1953, addendum e, p. 2.)
28. Hershey reported to pacifists that he had received little reaction to the CO work program from the Appropriations Committee. (MEMO TO THE FILES, Notes on Board of Directors Meeting with General Hershey, March 4, 1953, by Elmer Neufeld, NSBRO files, SCPC, p. 2.)
29. NSBRO Consultative Council Minutes: Meeting with General Hershey, October 22, 1953, NSBRO files, SCPC, p. 3.
30. His remarks were paraphrased by Edgar Metzler in his Report of Selective Service Interviews, NSBRO Consultative Council Minutes, March 31, 1955, addendum h, NSBRO files, SCPC, p. 1.
31. NSBRO Directors-Consultative Council Minutes: Staff Report and Agenda Annotations, March 4, 1953, addendum a, NSBRO files, SCPC, p. 5.
32. Several months before the armistice, Stauffer Curry reported that the Senate Armed Services Committee had informed the NSBRO by letter that it had "no substantial complaint about the current CO work program" and was not contemplating any changes in the CO provision in the Draft law. (NSBRO Board of Directors-Consultative Council Minutes, March 4, 1953, NSBRO files, SCPC, p. 7.)
33. The NSBRO reprinted Resolution No. 414 in The Reporter, October, 1952, p. 2. The Legion was especially incensed at the wage differential between COs and GIs, only they had quite a different notion than the pacifists about who benefited from the unequal pay. The Resolution complained that conscientious objectors were "'being placed in federal civilian employment with salaries at least three times greater than that of the military forces.'" (p. 2.) Obviously

the Legion was also mistaken about where COs were being employed.

34. One such chapter was in LaGrange County, Indiana where a local draft board's difficulties with young Amishmen angered the nonpacifist community. (The Reporter, December, 1953, p. 4.)
35. I-W Mirror, February 25, 1953, p. 3.
36. I-W Mirror, May 20, 1953, p. 3.
37. Cleveland Chimes, June, 1953, p. 3.
38. I-W Mirror, June 17, 1953, p. 3.
39. I-W Mirror, June 17, 1953, pp. 3-4.
40. I-W Mirror, June 17, 1953, p. 3.
41. Some of the local stories appeared in The Denver Post and The Rocky Mountain News, both of which gave front-page coverage and editorial comment to the experiments on COs with irradiated food at Fitzsimons Army Hospital. (The articles were described in The I-W Mirror, August, 1954, p. 2.) We have already discussed articles on CO guinea pigs in Time and The Christian Century in Chapter X. Selective Service was pleased with this publicity. Victor Olsen "referred favorably" to it, and to publicity about the overseas projects, in an interview with pacifists that was described in NSBRO Consultative Council Minutes, September 22, 1955, p. 5.)
42. A. Stauffer Curry to Zelle Larson, June 8, 1974.
43. I-W Mirror, April 8, 1953, p. 1.
44. Victor A. Olsen, CONSCIENTIOUS OBJECTOR WORK PROGRAM, n.d., NSBRO files, SCPC, p. 2. (Although there is no date attached to this report, it includes data from as late as April, 1955. I am assuming, therefore, that it was published in 1955 or soon thereafter.) Olsen included a breakdown of I-W registrants by religious denomination. It showed that Mennonites and Church of the Brethren constituted over 75% of all CO registrants, with Mennonites comprising a striking 67% of that figure. No other denomination represented more than 4% of the total. (CONSCIENTIOUS OBJECTOR WORK PROGRAM: BREAKDOWN OF CLASS I-W REGISTRANTS BY DENOMINATION.) In Civilian Public Service, these two religious groups also had the largest number of participants, but they represented

only about 51% of the total. (According to Sibley and Jacob, about 40% of that total were Mennonites and 11% were Brethren. These figures were taken from the Directory of Civilian Public Service [NSBRO, Washington, D.C., 1947], pp. xvii ff. They were cited in Conscription of Conscience, pp. 167-168.)

45. CONSCIENTIOUS OBJECTOR WORK PROGRAM, p. 2.
46. Sibley and Jacob, Conscription of Conscience, pp. 167-168.
47. CONSCIENTIOUS OBJECTOR WORK PROGRAM: BREAKDOWN OF CLASS I-W REGISTRANTS BY DENOMINATION. The NSBRO regularly provided data on the religious affiliations of I-W men. For an example of the number and variety of religious sects represented in alternative service, see The Reporter, July, 1953, pp. 1-3. The breakdown provides a picture of the religious make-up of I-Ws at the time of the Korean armistice.
48. Sibley and Jacob, Conscription of Conscience, p. 167, and CONSCIENTIOUS OBJECTOR WORK PROGRAM: BREAKDOWN BY DENOMINATION.
49. This attitude was evident in articles such as the following in The I-W Mirror, the Mennonite I-W newsletter:
 

"Every conscientious objector should be deeply grateful for the provisions which the government has made for him. All of the peace-loving churches should be profoundly grateful for the co-operation of the government in providing opportunity for the expression of service to the nation through some type of ministry which is constructive and not destructive . . . since the C.O. has been rightfully recognized, and Congressional legislation provided which, through the President, defines the type of services which are acceptable to the government, it becomes the responsibility of the conscientious objector to serve faithfully." (An article by C. F. Yake in the January 18, 1953 issue of The Youth's Christian Companion, reprinted in The I-W Mirror, January 28, 1953, p. 3.)
50. A. Stauffer Curry to Zelle Larson, June 8, 1974.
51. NSBRO Consultative Council Minutes, October 22, 1953, addendum e, NSBRO files, SCPC, p. 7.
52. NSBRO Directors-Consultative Council Minutes: Staff Report and Agenda Notations, March 4, 1953, addendum a, NSBRO files, SCPC, p. 4.

53. NSBRO Directors Minutes, May 19, 1951, addendum b, NSBRO files, SCPC, p. 5.
54. NSBRO Consultative Council Minutes: Report of Executive Secretary, October 22, 1953, addendum d, NSBRO files, SCPC, p. 1.
55. NSBRO Consultative Council Minutes, October 22, 1953, addendum d, p. 1.
56. George Loft to Roger Jones, January 9, 1953, CO Services Historical Report #8: AFSC Evaluation of CO Draft Prepared For Bureau of the Budget, AFSC files, Haverford College.
57. NSBRO Consultative Council Minutes: Report of Executive Secretary, October 22, 1953, addendum d, NSBRO files, SCPC, p. 1.
58. NSBRO Consultative Council Minutes: Report of Executive Secretary, October 22, 1953, addendum d, p. 4.
59. NSBRO Consultative Council Minutes: Report of Executive Secretary, October 22, 1953, addendum d, p. 4.
60. I-W Mirror, April 8, 1953, p. 4.
61. Boyd Nelson, Acting Secretary for service and relief, Mennonite Board of Missions and Charities, in The I-W Mirror, March 11, 1953, p. 4.
62. I-W Mirror, April 8, 1953, p. 4.
63. C. F. Yake, in The I-W Mirror, January 28, 1953, p. 3.
64. Gaeddert's views were taken from a talk he presented to a I-W unit meeting in Denver. I-W Mirror, June 3, 1953, p. 1.
65. I-W Mirror, June 3, 1953, p. 5.
66. A I-W in Michigan spoke in 1953 of "the I-W call. . . ." It was more than just for work itself, he said. "As Christian men we are working for Christ toward the growth of his Kingdom." (Boyd Kauffman in The I-W Mirror, June 3, 1953, p. 4.) Another extolled his colleagues on the east coast to "remember that it is God who calls us to these two years of service for Him." (Daniel Stoltzfus in The Coastal Compass, September, 1955, p. 1.)
67. Daniel Stoltzfus, Coastal Compass, September, 1955, p. 1.

68. Raymond Kauffman in The I-W Mirror, June 3, 1953, p. 4.
69. I-W Mirror, April 21, 1954, p. 2.
70. The Denver Post-Mortem, July 31, 1954, p. 2.
71. NSBRO Board of Directors-Consultative Council Minutes, March 4, 1953, addendum b, NSBRO files, SCPC, p. 3.
72. Quoted from THE MENNONITE in The I-W Mirror, September 9, 1953, p. 2.
73. Howard E. Royer in From Pillar to Post, May, 1954, p. 2.
74. Wallace Hamilton, Clash By Night, Pendle Hill Pamphlet, Number 23 (Lebanon, Pennsylvania, Sowers Printing Company, 1945), p. 52.
75. Bender, Soldiers of Compassion, p. 267.
76. Bender, Soldiers of Compassion, p. 269.
77. Bender, Soldiers of Compassion, p. 268.
78. Bender, Soldiers of Compassion, p. 174.
79. Bender, Soldiers of Compassion, pp. 274-275.
80. Bender, Soldiers of Compassion, p. 16.
81. I-W Mirror, April 8, 1953, p. 4.

## CHAPTER XIII

The Treatment of Conscientious Objectors, 1948-1953:  
Long-Range Implications

Now that we have examined the treatment of those opposed to war from 1948 to 1953, we need to look briefly at the overall significance of it, particularly in comparison with the handling of conscientious objectors in World War II. In some areas, such as the practices of local draft boards and the disposition of war resisters, we see little change from one period to the next. In another area, the alternative service program, we see major innovations in the Korean War period. We need to examine the importance of these policies, old and new, in the history of objection to war and, more generally, in the history of civil liberties in this country. In addition, we should look briefly at changes in the thinking of some pacifists about their relationship with a state that makes war. Those changes from the 1940s to the 1950s may suggest some implications for this country's most active period of resistance to war in the 1960s.

The continuation of discriminatory treatment of CO applicants by local draft boards meant that yet another generation of pacifists had to fight for their legal rights and sometimes lost. The mistreatment of young pacifists, however, was one aspect of a much larger problem of inconsistency and disregard for individual rights practiced by a widely decentralized bureaucracy. The decentralization of the Selective Service System was "an expression of grass

roots democracy," one author observed, the product of a political notion that is highly prized in this country. But it resulted, he argued, in "grass roots bumbling, prejudice, and confusion . . . ,"<sup>1</sup> and these conditions affected every draftee. Every eligible draftee in this country was reviewed by a group of people, according to another critic of Selective Service, who looked upon military service as a "rite de passage," as a "manhood ritual all should go through," as a source of "valuable training," and, most importantly, as a "service one owed his country."<sup>2</sup> With that kind of intellectual and emotional investment in a system, it is understandable that those who operated it would tend to be contemptuous of anyone who questioned their policies.

It is also understandable that Americans in general would be reluctant to examine the system's faults. It is only since the 1960s that Selective Service has been subject to searching critical analyses. Those analyses, and examinations of COs in wartime such as Sibley's and Jacob's and this one, suggest that we have accepted for too long an unduly narrow perception of who are the violators of U.S. Selective Service laws. They have not only been the young men who were subject to the draft, they have been the old men who administered it. In the judgment of one critic, those old men continued their violations into the present decade. After citing a variety of legal errors in the procedures of local draft boards in the 1960s and early 1970s, the late Marvin M. Karpatkin, general counsel of the American Civil Liberties Union, con-

cluded:

A huge amount of draft-law evasion and violation was committed by the draft boards and the administrators of the Selective Service System.<sup>3</sup>

Thus the story of how conscientious objectors were treated by local draft boards in the Korean War period is but one chapter in a larger history of how certain agents of the United States Government have consistently and with virtual impunity violated the laws of this country. In assessing the amount of crime in America, future investigators might consider that a good source of information in addition to police files is the records of Selective Service boards.

If the handling of COs by draft boards involved a good deal of bureaucratic incompetence that could have been corrected, the treatment of war resisters involved fundamental philosophical differences that no administrative remedies could resolve. Some improvements could and did occur in the Korean period in relations between the resisters and law enforcement officials, such as the Justice Department's efforts at automatic registration and the wardens' practical accommodations with pacifist prisoners. But basically the conflict between the two sides was inevitable and irreconcilable.

Absolutists were bound to anger law enforcement officials because they not only broke the law, they defied it. Indeed, Ruth Rue Rittenhouse argued that it was their defiance that most irritated other people. The gravity of the resisters' crime, she asserted,

lies not so much in their failure to conform to a particular law, but rather in their questioning the social decision. Draft dodgers commit the same crime but are not really challenging the basic rules of the game. They just do not personally want any part of it . . . . The shirker in our society is reproved; the protester is detested.<sup>4</sup>

By opposing the conscription law, therefore, radical pacifists appeared to be a more serious social threat than those who casually violated it. Thus it was inevitable that they would provoke those responsible for upholding the law, indeed for defending the social order, to apply the legal penalties more severely against them than against other kinds of draft offenders.

Moreover, there was no way that law enforcers and war resisters could be reconciled on the issue of the draft. Government officials, judges especially, had to demand adherence to the law and absolutists would accept nothing less than its termination. E. Raymond Wilson wrote in 1948, "I have always said, and believe it just as strongly, that there is no real solution for the problem of conscience other than the abolition of conscription."<sup>5</sup> He was right. The confrontation between resisters and justice officials never ended; it was simply renewed with each new draft act. Judges gave lectures to draft refusers in the 1950s that were almost verbatim versions of those judges delivered in the 1940s (and 1960s?). But neither talk nor lengthy prison terms had any effect on the objectors' position, unless perhaps to strengthen it. Nor did the pacifists' arguments usually change the minds of

judges or Hearing Officers. In at least this area of government-pacifist relations there was little progress that could be made. Only an end to the draft, and perhaps war itself, would end the confrontation.

In contrast to its rather disappointing record in classifying and prosecuting war objectors, the government scored a major victory in the Korean War period with its alternative service program. To a large extent that was because it bowed to the pacifists' demands for meaningful work and allowed peace agencies and employers a fairly free hand to work out a mutually satisfactory arrangement. But factors other than the service arrangement itself helped to make the program a success. For example, the men who were drafted during the Korean War were younger on the whole than World War II draftees. (The age limit for induction in the Korean period was 26; in World War II it was 45.) As a result, the I-W program was not burdened as heavily as CPS was with chronic medical cases who could not perform the required work and whose problems dampened the morale of entire camp units. Nor was it burdened with as many men whose careers were disrupted by wartime service. Most I-Ws went into civilian work before having settled into a permanent profession. Therefore they were less apt to view civilian service as an untimely interruption in their lives. Thus Korean COs were to begin with a generally healthier and happier lot than their World War II counterparts.

Moreover, once in alternative service Korean COs had to

serve only two years, whereas CPS men were enrolled "for the duration" of the war. Actually, the last camp was not closed until March, 1947.<sup>6</sup> Thus most CPS men served much longer than two years. Surely the I-W program benefited from the biennial turnover of its participants. No one, no matter how satisfied with his work, had to stay very long. In World War II, everyone, including the seriously malcontent, were trapped in Civilian Public Service indefinitely.

The I-W program, then, was the result of good planning and good luck. It gave classified conscientious objectors wider latitude to follow their convictions than they had had in any previous war. It answered the public's demand that COs perform some service during wartime while avoiding a costly and unwieldy government operation.<sup>7</sup> In fact, the I-W program so aptly met the desires of religious pacifists on the one hand, and the public and government officials on the other, that the basic structure of the program remained in effect until the draft system was abolished in 1973. Thus what the peace agencies, Selective Service, and Congress created in the 1950s turned out to be the most successful service program for conscientious objectors in the country's history.

It is interesting that such an innovative program for a group of political dissidents could develop and prosper during the early 1950s when the political climate in the United States was so hostile to deviant ideas and behavior. In spite of the baneful influence of militant anti-communism

on so many areas of American public life, there is no direct evidence that this prevalent attitude had a measurable effect on the treatment of conscientious objectors. Here again, the small number of COs and their inconspicuousness at the time were probably responsible. Their exclusively religious character in this war may also have been important, for militant anti-communism was certainly not at odds with the notion of religious freedom on which these pacifists based their conscientious claims.

Moreover, in spite of its experimental nature, alternative service during the Korean War was an outgrowth of earlier experiences in the history of American pacifism and of national emergencies. The I-W program developed most immediately out of Civilian Public Service. But CPS, Sibley and Jacob have argued, evolved historically out of the Mennonites' service under Russian conscription in the 19th and early 20th centuries, the modest program of alternative service for American COs during World War I, the voluntary work camps to aid in the reconstruction of Europe between the World Wars, and finally, the Civilian Conservation Corps established during the Depression.<sup>8</sup> Thus the idea of national social service for war objectors was well established by the 1950s. There was little public debate on the subject and no reason to associate the idea with a foreign, godless ideology. Although many citizens were on the lookout then for communist infiltration and influence, they apparently did not expect to find them among a small band of religious

groups doing good deeds for the old and the sick. Perhaps this was an indication that Americans had matured since the early decade of the twentieth century when pacifists, no matter what the source of their convictions, were viewed by many people as dangerous traitors and subversives.

If Americans had lost some of their old fears about pacifists, they had not necessarily given up their desire to confine the philosophy to a small percentage of the population. Those who vigorously disagreed with it have long been fearful that if the qualifications for conscientious objector status were too broad, and if the alternative service requirement was too lenient, the ranks of COs would swell with men who were more lazy and cowardly than they were opposed to war. They have also worried that if conscientious objectors were allowed much leeway to interact with civilians during wartime, they would infect others with their "strange notions." Therefore, as the treatment of COs has been liberalized during each war, anti-pacifists have been as interested as pacifists in determining whether the number of conscientious objectors has increased. It is important to try to answer that question. The conclusion may not enable us to measure the impact of more liberal laws -- other conditions do persuade people to develop conscientious scruples against war -- but it will give us some impression of the extent of pacifist commitment in this country.

Information about the number of conscientious objectors comes from Selective Service records and the comments of

Selective Service officials on the one hand, and the notes, comments, and published reports from the pacifist community on the other. Both sources operate from different premises and use different figures in compiling their statistics. Therefore, we must interpret this material cautiously, recognizing that both sides had an interest in reaching conclusions congenial with their own positions on the conduct of war.

In 1955, Victor Olsen responded to frequent questions about whether conscientious objection had increased during the Korean "operation." Noting that "we have approximately 8,500 conscientious objectors who are either at work or will be assigned, out of a total of 16,153,861 living registrants," he concluded that the percentage of classified COs, which he expressed in decimal terms as .0005, was the same as in World War II.<sup>9</sup> "[P]ercentage-wise," he said, "we have about the same number of conscientious objectors in comparison with the total registration."<sup>10</sup> Elsewhere in the same report, however, Olsen said that "Between June, 1951, and January 1, 1955, there was a total of 9,740 Class I-O, I-W, and I-W Rel. registrants."<sup>11</sup> (I-W Rel. refers to COs who had completed two years of civilian work and had been released from alternative service.) Had he used that total when comparing figures for the 1940s and 1950s, he would have come out with a decimal figure of .0006. Evidently he left out the COs who had been released when reaching his conclusion about the total number of classified conscientious objectors. In fact,

official figures from Selective Service show that the number of classified COs had already reached the .0006 point in 1954 before any I-Ws had been released.<sup>12</sup> Thus we begin with the assumption that Olsen's conclusion about the number of COs in Korea and World War II was incorrect. The number of classified conscientious objectors from 1951 to 1955 was a slightly larger percentage of living registrants than from 1941 to 1945. This conclusion supports at least for the Korean period Arlo Tatum's assertion in 1967 that "the known percentage of CO's has steadily risen during each of the drafts since 1940."<sup>13</sup>

But for a more complete picture of conscientious objection during the Korean War period (1948-1953), we need to look not only at the number of classified objectors under alternative service but also at the total number of persons in that period whom we can determine with reasonable accuracy, or, where accuracy is impossible, estimate declared conscientious scruples against war when they confronted the Selective Service System.

We have a reasonably reliable figure provided by the NSBRO for the number of IV-Es from June, 1948 to September, 1950: 12,272.<sup>14</sup> The NSBRO also reported that the total number of men possessing conscientious scruples against war, including I-Os, I-Ws, and pacifists placed in lower classifications, on June 30, 1952, was 13,948.<sup>15</sup> If we assume that this rate of increase in the number of people with conscientious objections (1,700 additions to this group in

twenty-one months) was reasonably constant, and that this rate continued from June, 1952 through June, 1953, we can estimate that there was a total of about 15,000 classified COs (excluding noncombatants) and objectors in non-pacifist classifications in the Korean War period.

The number of noncombatants is harder to determine. The NSBRO had no figures on this group and Selective Service records lump together those in I-A and those in I-A-O. To estimate the number of persons in I-A-O, then, we have to use various pieces of indirect evidence. (Not all of these pieces of evidence refer to the same time, but they appear to be the best pieces of evidence available.) The first is the Minutes of the NSBRO Directors-Consultative Council for October 14, 1954, which tell us that 75% of all I-A-O's at that time were Seventh Day Adventists.<sup>16</sup> Much earlier, Newsweek for July 2, 1951, in its story on Seventh Day Adventists, reported that some 3,000 Adventists were at the time studying the work of the Medical Corps -- the principal duty performed by I-A-Os when they entered military service.<sup>17</sup> These two figures would put the number of noncombatants in 1951 at about 4,000. If we assume that this figure was more or less constant until mid-1953, we can estimate that some 6,000 persons held the classification I-A-O during the Korean War period. (If it took two years to reach 4,000, then we assume another two thousand were added to the next year's total.)<sup>18</sup>

We have relatively exact counts of the number of persons who went to prison rather than participate in conscription.

Reports from the Bureau of Prisons show that 33 persons were "received from the courts" by prisons (i.e., went to prison) in the year ended June, 1949; 13 in the year ended June, 1950; 38 in the year ended June, 1951; 65 in the year ended June, 1952; and 57 in the year ended June, 1953; for a total of 206 pacifists sent to prison in the Korean period.<sup>19</sup>

Totaling the four groups of objectors: IV-Es; I-Os, I-Ws, and pacifists in lower classifications; I-A-Os; and persons who went to prison; we can say that between June, 1948, and June, 1953, there were about 21,000 draft-age young men with conscientious scruples against war. This represents about .009 or 9/10 of 1 percent of the persons in military service at that time, and .001, or 1/10 of 1 percent of the number of living registrants at that time.<sup>20</sup>

It is interesting that during a period when pacifist organizations lost many of their members, the peace movement was moribund, and the definition of conscientious objection was more restrictive than it had been in the last war, there should be this evidence of increased strength in the ranks of pacifists. Perhaps the appearance of decline in American pacifism between 1948 and 1953 was just that -- an appearance that was as deceptive on its surface as the small number of conscientious objectors. Stauffer Curry believes that "no pacifist ceased to be a pacifist" during the McCarthy era.<sup>21</sup> Were peace people really holding their own during these difficult years, or possibly increasing in number? Perhaps

another investigator can resolve the question.

It is also interesting that at a time when the great majority of pacifists were happily cooperating with government policies on conscientious objectors there was a growing attitude of resistance among pacifists to the entire system of conscription. In a period of general quiescence and accommodation, more pacifists were turning toward the very unaccommodating, absolutist position. There is no statistical evidence readily available to support this contention. The number of objectors who went to prison -- a figure that should reflect the increase in absolutist sentiment -- is a smaller percentage of the total CO population in Korea than it was in World War II. Our comparison must be based on projected figures, but if we use the Selective Service System's estimate of the number of registrants claiming conscientious objection between 1940 and 1947, 72, 354, and the total number of conscientious objectors received from the courts into Federal Institutions from 1941 to 1947, 1, 216, we find that about 1.6% of the objectors in World War II went to prison.<sup>22</sup> In contrast, 206 prisoners out of an estimated 21,000 conscientious objectors during the Korean War period means that only 1% of the COs were incarcerated during the later period.<sup>23</sup> But despite the fewer prisoners in the late 1940s and early 1950s, there is evidence, though it is imprecise, that attitudes towards conscription among pacifists were hardening.

The formation of the Central Committee for Conscientious Objectors is one such piece of evidence. It was established

in 1948 expressly to meet the needs of what its founders believed was a growing number of young men who would not cooperate with the draft. The phenomenon of former CPS men refusing to register for the 1948 Draft is another. Whereas they had registered and performed alternative service in the early 1940s, they refused even to register in the late 1940s. We do not know how many World War II veterans experienced such a stiffening in their position, but we did see some of its impact in our discussion of the cat-and-mouse treatment by the Justice Department.<sup>24</sup> Obviously the decision of the Friends not to participate in the I-W program was still another expression of the growing spirit of noncooperation.

In addition, we have statements by observers on the scene that this transformation was taking place. Ora Huston of the NSBRO was quoted in 1948 as saying that pacifist elements within larger religious denominations, such as the Episcopal and the Lutheran, "have moved farther toward the absolutist position in conscientious objection than previously."<sup>25</sup> Caleb Foote of the CCCO told the Christian Science Monitor in the spring of 1950 that "the proportion of 'absolutists' among COs appears to be increasing" in the United States.<sup>26</sup>

I do not have further evidence on this development during the Korean War period. It probably was occurring most noticeably among pacifists who had experience with conscription in earlier wars. Most of them were too old for the 1948 Draft and those who were still eligible were among the resisters we discussed in Chapter VI. It may be recalled

that Department of Justice Circular #4063 significantly reduced the number of people prosecuted for nonregistration. The increase in absolutist sentiment we might have measured in such prosecutions may be buried somewhere in that reduction. Meanwhile the number of young converts to absolutism may have been too small between the spring of 1950 (when the Circular was issued) and the summer of 1953 to make much of an impression.

The growth of absolutist sentiment among pacifists in the late 1940s and early 1950s undoubtedly bears upon the tremendous increase in acts of protest and defiance against conscription that we saw in the 1960s. The amount of resistance to the Vietnam War and the open, social-action type of protest against it were not just responses to that particular war, I believe, but further progress along the road that American pacifism took, beginning in the mid-1940s. CPS and the I-W program taught a number of pacifists that it was impossible to cooperate with conscription without fatally compromising their convictions. They discovered that pacifists were being co-opted by alternative service programs which, while bowing to the American principle of religious freedom, neatly tucked dissidents into an obscure corner, leaving the government to conduct its war-making unobstructed by determined and morally inspired opponents. If the Korean period is notable for its creative and successful civilian work program for conscientious objectors, it should also be remembered for encouraging more pacifists to say 'No' to conscription.<sup>27</sup>

For these reasons, the Korean War period is far more significant in the history of American pacifism than has previously been appreciated. In yet another time of international tension and war, conscientious objectors faithfully carried on the historic witness for peace. In a period when Americans were embittered and distrustful toward each other, COs developed new and more humane methods of serving their country in place of killing or imprisonment. In addition, pacifists established new relationships between peace churches and the government, extending the notion of religious freedom further than it had ever gone during wartime. And some among them pointed the way toward a future when accommodation between warmakers and pacifists would not be possible. Thus the experience of pacifists from 1948 to 1953 is of incalculable importance in understanding the development of war resistance and civil liberties in this country.

Finally, what does this analysis of the role of conscientious objectors in the Korean period say about Americans' response to dissent in time of war? Not much that is encouraging. Despite the success of the alternative service program, and despite evidence that those objectors who participated in the program won the praise of those for whom they worked, we have little evidence, though there is some, to suggest that the ability of Americans to tolerate and respect disagreement in time of crisis had improved. Audible criticism of conscientious objectors was less noticeable during this period, and the pressures on Congress to restrict their

opportunities for alternative service were less severe than in the earlier World Wars. But these changes accompanied, and may have resulted from, the brevity of intense warfare and the smaller number of both draftees and casualties during the period, and, in addition, from the diminished visibility of objectors to the American public.

What we miss in this study, then, is positive evidence that the positions of the COs were more widely understood and tolerated than they had been before. The history of conscientious objection from 1948 to 1953 reveals some improvement in the treatment of dissenters in this country. But serious public consideration of their rights in time of war would have to wait until a later decade.

## FOOTNOTES

1. Chapman, The Wrong Man in Uniform, p. 49.
2. Wamsley, Selective Service and a Changing America, p. 129.
3. Marvin Karparkin, "A Safe Return," New York Times, September 18, 1974, p. 41.
4. Rittenhouse, "The Role of Conscientious Objectors," pp. 85-86.
5. E. Raymond Wilson to Archer Taylor, May 19, 1948, FCNL files, SCPC, p. 1.
6. Sibley and Jacob, Conscription of Conscience, p. 118.
7. According to The New York Times, the administration of Civilian Public Service cost the United States Government "about \$4,700,000 . . . ." That expense, the newspaper said in 1952, "is being almost entirely eliminated under the present set up [for COs]." ("473 Projects Set For Non-Fighters," The New York Times, December 26, 1952, p. 13.)
8. Sibley and Jacob, Conscription of Conscience, pp. 112-113.
9. CONSCIENTIOUS OBJECTOR WORK PROGRAM, p. 1.
10. CONSCIENTIOUS OBJECTOR WORK PROGRAM, p. 1.
11. CONSCIENTIOUS OBJECTOR WORK PROGRAM: DATA, p. 1.
12. Table 5: Selective Service registrants by classification status, June 30, 1952-53-54, Annual Report of the Director of Selective Service for the Fiscal Year 1954, p. 14. As of June 30, 1954, there were 9,000 I-Os and I-Ws, and 14.4 million living registrants. (I-A-Os are not included because Selective Service does not separate them from I-As.)
13. Finn, Protest, p. 386. Tatum was using figures on the number of classified COs, excluding I-A-Os.
14. The Reporter, January, 1954, p. 5. See also the discussion of this figure in Chapter V. I am using the NSBRO figure because it more closely approximates the total number of men placed in IV-E than Selective Service figures, which do not include those classified IV-E after June 30, 1950.
15. The Reporter, June, 1952, p. 1. This figure was composed

of 7,793 I-Os and I-Ws, and 6,155 persons with conscientious scruples placed in lower classifications (as a result of the change in rank of the CO category in Selective Service's list of classifications that took place in January, 1951).

16. NSBRO Board of Directors-Consultative Council Minutes, October 14, 1954, addendum g, NSBRO files, SCPC, p. 4.
17. "Conscientious Cooperators," p. 52.
18. The same minutes that tell how many Seventh-Day Adventists were classified I-A-O also say that "one percent of all the men in the service are I-A-O's." But since there were more than two million men in the service (2.4 million on June 30, 1953 [Table 5, Selective Service Annual Report for 1954, p. 14]), the total number of registrants in I-A-O by this account would be more than 20,000. This is slightly less than the total number of persons we can identify as having conscientious scruples against war at that time, and thus the statement is highly implausible. The statement is flatly contradicted, moreover, by the estimate that three-fourths of those in I-A-O were Seventh Day Adventists, since, as cited earlier in the discussion, the number of Seventh Day Adventists training for the medical corps was only 3,000. Thus the assertion that one percent of those in the service were in I-A-O must be rejected as a guide to the number of noncombatants. It may have been a stenographic error. It perhaps should have been written "one tenth of one percent."
19. Federal Prisons: Report of the Work of the Federal Bureau of Prisons for 1949, 1950, 1951, 1952 and 1953. For all years except 1949 figures were taken from TABLE 9: FEDERAL SENTENCED PRISONERS RECEIVED FROM THE COURTS BY OFFENSE AND CLASS OF INSTITUTION, FISCAL YEAR ENDED JUNE 30 . . . . There was no equivalent table for 1949. The closest compilation was TABLE 21, but that did not differentiate conscientious from casual violators of the Selective Service Act of 1948. Therefore, I have used TABLE 10: FEDERAL PRISONERS UNDER SENTENCE AND NOT UNDER SENTENCE BY OFFENSE AND CLASS OF INSTITUTION, for 1949. That table does distinguish between conscientious and other draft violators, and should give figures on CO prisoners that are comparable to those cited for the remaining years.
20. The number of men in the Armed Forces was 2.4 million on June 30, 1953, and the number of living registrants was 14.4 million as of that date. (Selective

Service Annual Report for 1954, Table 5, p. 14.)

21. A. Stauffer Curry to Zelle Larson, 8 June, 1974.
22. The figures on the number of CO registrants and the number of CO prisoners during World War II appear in Sibley and Jacob, Conscription of Conscience, pp. 83 and 498, respectively. The first figure was taken from Selective Service System, Conscientious Objection, Special Monograph No. 11, 2 Vol., (Washington, 1950). Vol. 1, p. 315. The second figure was taken from Federal Prisons, 1947, p. 19.
23. The figures given in Conscription of Conscience for World War II may not be altogether reliable bases for comparison with the figures from the Korean period, since the number of persons "convicted for failing to report to camp" (1,624) that is included in the total, 72,354, is larger than the number of objectors shown as received into federal institutions (1,216). But if the number of imprisoned COs was higher than 1,216, then the percentage in World War II is even larger than the 1.6% cited.
24. We also have an example in the case of two Iowa Quakers who refused to register in 1949 although they had done so in the early 1940s and one had served in CPS (the other was too young to be classified at the time). Donald Mott and Roy Knight were facing a second prosecution in 1950 when the Des Moines (Iowa) Register described their position. "Both Mott and Knight have embraced a stronger pacifistic viewpoint since World War II . . . ." the newspaper said. Mott had been disillusioned by Civilian Public Service.
 

"It was this experience which had a good deal to do with my change of opinion . . . I saw men go in as conscientious objectors filled with high hopes of doing good. And then I saw some of the deterioration. Those who had started out to do good work ended up feeling sorry for themselves. It was bad, because it [CPS] forced men to do these things." (Des Moines Register, stamped November 5, 1950, by the NSBRO, NSBRO files, SCPC.)
25. Barbara Grant to Rev. Stanley Skinner, August 16, 1948, FCNL files, SCPC. Rev. Skinner had apparently asked the FCNL for information about the current attitudes of various religious denominations towards COs. Ms. Grant had sought information from Ora Huston in order to answer the inquiry.

26. "Conscientious Objectors Work to Increase Peacetime Ranks," The Christian Science Monitor, stamped March 8, 1950, by the NSBRO, NSBRO files, SCPC.
27. By the late 1950s, this growing defiance was expressed in new and broader areas of pacifist concern. Minutes of a CCCO meeting in 1956, for example, show members of the organization moving into tax refusal, resistance to civil defense procedures such as air-raid drills, and refusal to sign loyalty oaths. (CCCO Minutes, May 18, 1956, CCCO files, SCPC, p. 1.) Joseph Conlin, tracing the pacifists' activities after World War II, also noticed the new trend. "By the late fifties," he said, "pacifist groups had almost uniformly turned to direct confrontation and defiance once preached only by Elihu Burritt's off-shoot of the American Peace Society." (Conlin, Anti-War Movements, p. 11.)

## EXHIBIT A

## Selective Service Act of 1948

## Deferment and Exemptions

## Section 6(j):

Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, be deferred. Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the armed forces under this title, he shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall be deferred. If after such hearing the Department of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on

appeal from the local board. Each person whose claim for exemption from combatant training and service because of conscientious objections if sustained shall be listed by the local board on a register of conscientious objectors.

## EXHIBIT B

EXECUTIVE ORDER  
10202PRESCRIBING OR AMENDING PORTIONS OF THE  
SELECTIVE SERVICE REGULATIONS

The order of classifications was changed in an Executive Order signed January 12, 1951, Part 1623, (d) (1) Section 1623.2, Classification Procedure:

". . . the registrant shall be classified in the lowest class for which he is determined to be eligible with Class I-A considered the highest class and Class V-A considered the lowest class according to the following table: (Order of classifications is the same as in the 'new order' column [below].)"

<u>New Order</u>	<u>Former Order</u>
I-A	I-A (Available for military service)
I-A-O	I-A-O (CO available for noncombatant service)
IV-E	I-D (Reserve/or military student)
I-D	II-A (Civilian employment deferment)
II-A	II-C (Agricultural deferment)
II-C	III-A (Dependency deferment)
III-A	IV-A (Completed service; sole surviving son)
IV-A	IV-B (Official)
IV-B	IV-C (Alien)
IV-C	IV-D (Ministerial deferment)
IV-D	IV-E (Conscientious objector)
IV-F	IV-F (Physically, mentally, morally unfit)
V-A	V-A (Overage)

Code of Federal Regulations, Title 3--The President, 1949-1953  
Compilation. Washington: U.S. Government Printing Office,  
1958, pp. 381-386.

## EXHIBIT C

EXECUTIVE ORDER  
10328PRESCRIBING A PORTION OF THE  
SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title 1 of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following portion of the regulations governing the administration of Title I of said Act, as amended, which shall constitute a portion of Part 1660 of Chapter XVI of Title 32 of the Code of Federal Regulations, and a portion of the Selective Service Regulations:

## PART 1660 -- CIVILIAN WORK IN LIEU OF INDUCTION

## Sec.

- 1660.1 Definition of appropriate civilian work.
- 1660.10 Volunteering for civilian work.
- 1660.20 Determination of type of civilian work to be performed and order by the local board to perform such work.
- 1660.21 General provisions relating to orders by the local board to perform civilian work and performance of civilian work.
- 1660.30 Failure or neglect to obey order to perform civilian work.
- 1660.31 Administration of registrants while performing civilian work.

1660.1 Definition of appropriate civilian work. (a) The types of employment which may be considered under the provisions of section 6(j) of title I of the Universal Military Training and Service Act, as amended, to be civilian work contributing to the maintenance of the national health, safety, or interest, and appropriate to be performed in lieu of induction into the armed forces by registrants who have been classified in Class I-O shall be limited to the following:

(1) Employment by the United States Government, or by a State, Territory, or possession of the United States or by a political subdivision thereof, or by the District of Columbia.

(2) Employment by a nonprofit organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof,

when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof.

(b) Except as provided in subparagraph (2) of paragraph (a) of this section, work in private employment shall not be considered to be appropriate civilian work to be performed in lieu of induction into the armed forces by registrants who have been classified in Class I-O.

1660.10 Volunteering for civilian work. Any registrant who is between the ages of 18 and 26 and who has been classified in Class I-O, or who claims eligibility for classification in Class I-O, may volunteer at his local board for civilian work contributing to the maintenance of the national health, safety, or interest in lieu of induction. The local board shall promptly classify any such volunteer who claims eligibility for Class I-O. Each such volunteer who is in Class I-O and who has been found acceptable for service after his armed forces physical examination shall be processed in the same manner as a volunteer for induction except that, in lieu of induction, he shall be ordered by the local board to perform civilian work contributing to the maintenance of the national health, safety, or interest as defined in section 1660.1.

1660.20 Determination of type of civilian work to be performed and order by the local board to perform such work. (a) When a registrant in Class I-O is found acceptable for service after his armed forces physical examination or when such a registrant has failed to report for or to submit to armed forces physical examination, he shall, within ten days after notice of acceptability is mailed to him by the local board or within ten days after he has failed to report for or submit to armed forces physical examination, submit to the local board three types of civilian work contributing to the maintenance of the national health, safety, or interest as defined in section 1660.1, which he is qualified to do and which he offers to perform in lieu of induction into the armed forces. If the local board deems any one of these types of work to be appropriate, it will order the registrant to perform such work, but such order shall not be issued prior to the time that the registrant would have been ordered to report for induction if he had not been classified in Class I-O, unless he has volunteered for such work.

(b) If the registrant fails to submit to the local board types of work which he offers to perform, or if the local board finds that none of the types of work submitted by the registrant is appropriate, the local board shall submit to the registrant by letter three types of civilian work contributing to the maintenance of the national health, safety, or

interest as defined in section 1660.1 which it deems appropriate for the registrant to perform in lieu of induction. The registrant, within ten days after such letter is mailed to him by the local board, shall file with the board a statement that he either offers to perform one of the types of work submitted by the board, or that he does not offer to perform any of such types of work. If the registrant offers to perform any one of the three types of work, he shall be ordered by the local board to perform such work in lieu of induction, but such order shall not be issued prior to the time that the registrant would have been ordered to report for induction if he had not been classified in Class I-O, unless he has volunteered for such work.

(c) If the local board and the registrant are unable to agree upon a type of civilian work which should be performed by the registrant in lieu of induction, the State Director of Selective Service for the State in which the local board is located, or the representative of such State Director, appointed by him for the purpose, shall meet with the local board and the registrant and offer his assistance in reaching an agreement. The local board shall mail to the registrant a notice of the time and place of this meeting at least 10 days before the date of the meeting. If agreement is reached at this meeting, the registrant shall be ordered by the local board to perform work in lieu of induction in accordance with such agreement, but such order shall not be issued prior to the time that the registrant would have been ordered to report for induction if he had not been classified in Class I-O, unless he has volunteered for such work.

(d) If, after the meeting referred to in paragraph (c) of this section, the local board and the registrant are still unable to agree upon a type of civilian work which should be performed by the registrant in lieu of induction, the local board, with the approval of the Director of Selective Service, shall order the registrant to report for civilian work contributing to the maintenance of the national health, safety, or interest as defined in section 1660.1 which it deems appropriate, but such order shall not be issued prior to the time that the registrant would have been ordered to report for induction if he had not been classified in Class I-O, unless he has volunteered for such work.

1660.21 General provisions relating to orders by the local board to perform civilian work and performance of civilian work. (a) No registrant shall be ordered by the local board to perform civilian work in lieu of induction in the community in which he resides unless in a particular case the local board deems the performance by the registrant of such work in the registrant's home community to be desirable in the national interest.

(b) Whenever necessary, travel tickets or transportation requests and meal and lodging requests shall be issued to the registrant in the manner prescribed by the Director of Selective Service for the travel of the registrant from the office of the local board to the place of performance of the work to which he is ordered, for his return travel from such place to the office of the local board upon his satisfactorily completing his period of work, and for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) of this section.

(c) Whenever at any time before the registrant has performed for a period of twenty-four consecutive months the work to which he has been ordered by the local board such work ceases to be available for performance by the registrant for any reason not due to the fault of the registrant such as, but not limited to, the cessation of the work or the termination of his employment by his employer, the registrant shall be ordered to perform the same type of work with another employer. If the registrant complies with this order, such transfer of employment shall not constitute a break in his required period of twenty-four consecutive months of performance of work.

(d) The Director of Selective Service is authorized to release, or to provide for the release of, any registrant from civilian work in lieu of induction at any time before the registrant has performed such work for a period of twenty-four consecutive months, whenever the Director of Selective Service deems such release to be necessary by reason of the physical or mental incapacity of the registrant or by reason of undue hardship to a person dependent upon the registrant.

1660.30 Failure or neglect to obey order to perform civilian work. Any registrant who knowingly fails or neglects to obey an order from his local board to perform civilian work contributing to the maintenance of the national health, safety, or interest in lieu of induction shall be deemed to have knowingly failed or neglected to perform a duty required of him under title I of the Universal Military Training and Service Act, as amended. When any registrant fails or neglects to obey any such order, his Cover Sheet (SSS Form No. 101) and contents shall be forwarded to the Director of Selective Service for a determination as to whether or not the registrant shall be reported to the Department of Justice for prosecution.

1660.31 Administration of registrants while performing civilian work. (a) After a registrant who has been classified in Class I-O reports in response to an order from his local board for civilian work in lieu of induction and he has been

classified in Class I-W, his Cover Sheet (SSS Form No. 101) and contents shall be forwarded to the State Director of Selective Service for the State in which the work is being performed. It shall be the responsibility of such State Director of Selective Service to see that the registrant performs the work to which he has been ordered by the local board for a period of twenty-four consecutive months, unless sooner released under the provisions of section 1660.21. When the registrant has satisfactorily completed this work, the State Director of Selective Service shall return the registrant's cover sheet to the local board together with a letter stating that the registrant has satisfactorily completed his work. If the registrant should fail to perform such work, or should otherwise fail to perform his duties under title I of the Universal Military Training and Service Act, as amended, during the time that his cover sheet is in the custody of the State Director of Selective Service, the State Director of Selective Service shall forward the cover sheet to the Director of Selective Service for a determination as to whether or not the registrant shall be reported to the Department of Justice for prosecution.

(b) When the civilian work to which a registrant is ordered by the local board in lieu of induction is to be performed at any place outside of the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone, and the registrant has reported for such work, the local board, after classifying the registrant in Class I-W, shall forward the registrant's Cover Sheet (SSS Form No. 101) and contents to the Director of Selective Service. It shall be the responsibility of the Director of Selective Service to see that the registrant performs the work to which he has been ordered by the local board for a period of twenty-four consecutive months, unless sooner released under the provisions of section 1660.21. When the registrant has satisfactorily completed this work, the Director of Selective Service shall return the registrant's cover sheet to the local board together with a letter stating that the registrant has satisfactorily completed his work. If the registrant should fail to perform such work, or should otherwise fail to perform his duties under title I of the Universal Military Training and Service Act, as amended, during the time that his cover sheet is in the custody of the Director of Selective Service, the Director of Selective Service shall determine whether or not the registrant shall be reported to the Department of Justice for prosecution.

(c) When the local board receives the cover sheet of the registrant together with the letter stating that he has satisfactorily completed his period of civilian work from the Director of Selective Service or the State Director of Selective Service, the local board shall mail the registrant a certificate

evidencing his satisfactory completion of and release from civilian work and shall retain him in Class I-W and identify him on all records by following his classification with the abbreviation "R" until such time as he attains an age beyond the maximum age of liability for military service.

THE WHITE HOUSE

February 20, 1952

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