

Conscientious Objection: A Conservative View

CHARLES E. RICE

ON OCTOBER 27, 1967, a Roman Catholic priest, Rev. Philip Berrigan, and two companions entered the Baltimore office of the Selective Service system and asked to examine their own records, which they were legally entitled to do. They were directed to films containing the records. Suddenly, they removed bottles of blood from their briefcases and poured the blood into sixteen drawers in four file cabinets. The women clerks in the office vainly tried to stop them. One "tugged at the coat of Father Berrigan, who went along the files staining them with the blood." Before and after the blood-spilling, the demonstrators passed out prepared statements which said:

We shed our blood willingly and gratefully in what we hope is a sacrificial and constructive act. We pour it upon these files to illustrate that with them and with these offices begins the pitiful waste of American and Vietnamese blood, 10,000 miles away.

We charge that America would rather protect its empire of overseas profits than welcome its black people, rebuild its slums, and cleanse its air and water.

The demonstrators were arrested and later convicted of mutilating and destroying government records and interfering with the Selective Service program. In their prepared statement they urged others "to con-

tinue moving with us from dissent to resistance.”¹

The demonstrators, however, apparently believed there is a limit even to the sacrifice one makes in protest against the Vietnam war. Only a small part of the blood was “our blood.” Most of it was duck’s blood bought from a Polish market where it is used to make sausage. In any event, the affair does more than call into question the emotional sobriety of the blood pourers. It shows, in an extreme example, the intensity and imbalance of the resistance to military service in the Vietnam war. Those who oppose the war by resisting conscription avow their concern for innocent human lives. On the other hand, the refusal to serve can involve a selfish disregard for one’s duty to others. There are basic distinctions that must be made.

The speaker—Pope Paul VI. The place—the rostrum of the United Nations, October 4, 1965. In this message, the Pontiff echoed the hopes of all men of good will:

It suffices to remember that the blood of millions of men, that numberless and unheard of sufferings, useless slaughter and frightful ruin, are the sanction of the pact which unites you, with an oath which must change the future history of the world: *No more war, war never again!* Peace, it is peace which must guide the destinies of peoples and of all mankind.²

The first road to peace, as the Pope pointed out, is disarmament: “If you wish to be brothers, let the arms fall from your hands. One cannot love while holding offensive arms.”

In a concession to the weakness of human nature, however, the Pope accepted the necessity of defensive, as opposed to offensive armaments: “As long as man remains the weak, changeable and even wicked being that he often shows himself to be, defensive arms will, unfortunately,

be necessary.”

The lofty goal of peace stands in contrast to the insistent reality of a world in which not all men are lovers of peace or of their fellow men. It is a contrast between respect for life and murderous aggression. In capital punishment we take life to promote respect for life. We wage war, and conscript men to fight it, for the same reason. War can be justified only by the concept of self-defense. Whether the defender is a nation or a person, the concept affirms the primacy of an innocent life over that of an aggressor. But the issue of military service in war is much more complicated. When we assert a duty of citizens to submit to conscription we affirm their duty to accept the decision of lawful authority as to the justice and necessity of the war in question. Often, however, those decisions are not clear cut and the citizen who profoundly disagrees is faced with a crisis of conscience. We may safely generalize that, in a free and civilized society, those who object in conscience to military service ought to be exempted from service or at least from combat to the fullest extent compatible with the security of the state. But the application of this generalization is more difficult.

It would be interesting to trace the history of pacifism and examine its implications. However, we are concerned here with the effect of pacifist doctrine and practice in promoting or retarding personal responsibility and respect for innocent life. Our inquiry, therefore, is limited and cannot pretend to be a complete analysis. A few basic concepts, however, are necessary to the discussion. There are two types of pacifism—absolute and selective. The absolute pacifist denies that any war can be legitimate and therefore objects to all wars. The enrollment pledge of the War Resisters’ League declares:

War is a crime against humanity. I therefore am determined not to support

any kind of war, international or civil, and to strive for the removal of all causes of war.

The selective pacifist, on the other hand, does not condemn war entirely and objects only to certain wars, such as that in Vietnam. Dr. Benjamin Spock, after he was indicted for conspiring to counsel young men to violate the draft laws, described the Vietnam war as "illegal," "detrimental," and "disastrous," and said, "I am not a pacifist. I was very much for the war against Hitler and I also supported the intervention in Korea, but in this war we went in there to steal Vietnam."³ The doctor is a selective pacifist.

There are critical distinctions, in practice and in intellectual legitimacy, between the absolute and selective brands of pacifism. And in passing judgment upon them here, no disparagement is intended of those who hold those beliefs in good faith. But there are grave weaknesses in pacifist theory. Absolute pacifism is grounded in absurdities. It is premised, for one, on the illusion that aggressors can always be persuaded to desist. It implies further that, if persuasion fails, the free man must yield and the aggressor must prevail even at the cost of extinguishing life as well as liberty. More basically, it involves the notion that nothing is worth dying for, that biological life is more important than the reason for life. One need not be a warmonger to condemn the blind doctrine of absolute pacifism. The critical distinction here is Pope Paul's, between offensive and defensive arms. Mankind longs for the creation of a peaceful community among nations and the abolition of war. But submission is not the way to this goal and those who counsel it, through absolute pacifism, play into the hands of those who pursue the single-minded aim of world conquest.

Selective or relative pacifism is based on an ad hoc political or moral condemnation

of a particular war. Intellectually at least it is superior to the unbending doctrines of the absolutist variety. But to recognize it in the law would lead to predictable chaos. The selective pacifist denies the right of the public authority to make a determination, binding upon the people, that military action is necessary in a particular setting. The selective pacifist brings to this delicate and critical area the corrosive doctrine of selective obedience to law. If one person can decide, for whatever reason may suit his conscience, that a particular war is unjust or illegal, so can others. And if an ad hoc objection to an entire war qualifies one for exemption, why not an objection to a particular campaign, or a particular patrol, or a particular order to advance on an enemy position? If we give effect to an ad hoc objection to a war, we should similarly allow an objection to an order, indeed to any order. Also, once we premise the exemption on the existence of an actual, good faith, conscientious objection to a war or an order, we rule out any inquiry into the objective justice of the war or the order. Today, one who is inducted into the military service is not obliged to obey an order to murder a civilian in cold blood. He is allowed to disobey, not because he has an internal scruple which could conceivably warrant him in defying all sorts of orders, but because the order itself would be unlawful under the Uniform Code of Military Justice. The soldier is thereby protected from having to obey orders which, according to objective criteria, are unlawful. But he does not have the right to disobey an order which is lawful. Even if selective pacifism were recognized only as a ground of exemption from the draft itself and not from the duty to obey subsequent orders, the results would be unacceptably chaotic. If every man were free to refuse to serve in any war with which he disagreed, the responsible authorities would be unable to plan and

pursue any coherent program of legitimate military defense. Selective pacifism, too, is more conducive to fraud than is its absolute counterpart. It can serve as a cloak for those who shirk their civic duty, not from honorable motives of conscience, but merely to avoid an inconvenient interruption, and indeed a possible termination, of their tranquil and self-centered lives. On the whole, therefore, a recognition in the law of selective pacifism as a ground for exemption from military service would be socially intolerable.

Pacifists of both varieties commonly claim that they object to military service because they reverence life and humanity. But in fact they imperil the security of innocent citizens. Pacifism in practice would deprive innocent life of the ultimate armed security against aggression and destruction. Pacifism, too, involves a denial of responsibility for others. As General Douglas MacArthur put it in 1935:

Even though a man be not inclined to guard his own interests, common decency requires him to furnish reasonable oversight and care to others who are weak and helpless. As a rule, they who preach by word or deed "peace at any price" are not possessed of anything worth having, and are oblivious to the interest of others including their own dependents.⁴

In place of the reliable shield of armed defense, the pacifist offers to the helpless the illusory assumption that aggressors always can be persuaded to desist. In practical terms, the pacifist who avoids military service asks his innocent fellow citizens to forego the protection to which they are entitled, so that the pacifist can indulge his personal convictions. The remedy for this presumption is a strong measure of common sense and an appreciation for the proper role of military forces in preserving peace and freedom.

Those pacifists who base their position on a refusal to hurt innocent non-combatants in war are more appealing in the seeming humanity of their stand. But they, too, evidence a disregard for the sanctity of innocent life. If war can ever be just, as it obviously can be in legitimate self-defense, it cannot be rendered unjust merely because innocent non-combatants are killed. For the death of some innocent non-combatants is inevitable in war. Therefore, if we deny the justice of the war merely because innocent non-combatants are killed, we actually deny the possibility of a just war, since the death of some non-combatants in war is unavoidable. The intentional and deliberate killing of innocent non-combatants, of course, is wrong. But such occurrences cannot vitiate the basic justice of the war itself unless they assume such a proportion and pervasive character that they color the whole operation and the war itself becomes indefensible on that account. Pacifists who use the tragic but unavoidable deaths of non-combatants as a reason to deny the validity of war in general or of a particular war, implicitly deny the very possibility of a just war. To be consistent with their creed they would ultimately have to avow an absolute pacifism and counsel submission to aggression.

It is true that nuclear weapons have made total war useless as a mode of settling international disputes. Also, the possibility of escalation to a nuclear level requires great caution even in defensive actions. But it is an oversimplification to say that nuclear weapons rule out the possibility of a just war of defense or that those weapons themselves are inherently immoral. Indeed, their existence offers an unprecedented opportunity to deter wars of aggression and to save lives if war should come.

When Doctor Spock was indicted for conspiring to counsel men to evade the draft, he justified his actions by the "high-

er law” established in the Nuremberg trials of the Nazi leaders after World War II. That higher law, he claimed, makes it necessary to disobey the law “when your government is up to crimes against humanity.”⁵ Another declaration purportedly signed by 50,000 persons appeared in the New York Times on November 8, 1967. It proclaimed:

At Nuremberg, after World War II, we tried, convicted and executed men for the crime of OBEYING their government, when the government demanded of them crimes against humanity. Millions more, who were not tried, were still guilty of THE CRIME OF SILENCE.

We have a commitment to the laws and principles we carefully forged in the AMERICAN CONSTITUTION, at the NUREMBERG TRIALS, and in the UNITED NATIONS CHARTER. And our own deep democratic traditions and our dedication to the ideal of human decency among men demand that we speak out.

We therefore wish to declare our names to the office of the Secretary General of the United Nations, both as permanent witness to our opposition to the war in Vietnam and as a demonstration that the conscience of America is not dead. (Emphasis in original.)

The Nuremberg trials do raise a critical issue. Obviously, there is a moral right and even a moral duty to disobey the law under some circumstances. And to a limited extent the law recognizes this right in military situations. A soldier who is ordered by his superior officer to commit an atrocity, such as the deliberate killing of children in order to terrorize the population, would have a right to refuse the order, and he would not be punished for refusing to obey. His immunity to punishment would be founded, not on his internal scruples, but

on the objective illegality of the order itself. But the issue is different when it is removed from the combat zone and the objector is told not to kill an innocent civilian but merely to accept induction into and armed forces. The Nuremberg precedent is confined strictly to the commission of actual atrocities, deeds recognized by all men as crimes against humanity. No defendant at Nuremberg was punished merely because he submitted to induction into the German armed forces. The only way in which a draft objector can rely upon the Nuremberg principles is to say that his induction is equivalent to the commission by himself of a crime against humanity. Obviously, however, he cannot maintain that if he is inducted he will certainly be ordered to commit an atrocity and will be punishable by court-martial if he refuses to obey or will be punishable by an international tribunal if he does obey. The most he can say—even assuming that American forces perpetrate calculated atrocities, which is not at all a proven assumption—is that if he is inducted there is a chance that he personally will be ultimately ordered to commit an atrocity. Not only is this a tenuous and remote hypothesis, but under the Uniform Code of Military Justice he would be fully protected in his refusal to obey such an order.

Undoubtedly, there are many objectors whose reliance upon the Nuremberg precedent is sincere and worthy of respect if not of recognition in the law. However, when the Nuremberg objection is raised by those who vilify, sight unseen, American fighting men in the field and almost totally ignore the enormous and calculated campaign of systematic terror waged by the Communists in Vietnam and elsewhere, we are hardly bound to honor their protests. The Nuremberg theory sometimes is advanced strenuously by those who weep only for the enemy and who appear to have an axe to

grind against their own country. We may fairly question, with some of them, whose side they are on.

To accept the Nuremberg precedent as an excuse for avoiding the draft would sanctify private judgment over valid law, open the door to wholesale evasions of the civic duty to serve and introduce an element of predictable chaos into the defense of the nation. It is true that only a "just" war is a legitimate war. But the theory of the just war affords no shelter to those who would use it to justify a simplistic refusal to serve, in Vietnam for example. For the just war theory properly envisions that the lawfully constituted authorities shall exercise the power of decision. It does not confer upon each inductee a legal license to count himself out whenever he disagrees with the governmental decision. It does not even confer a moral right to do so, where that decision, as with regard to Vietnam, is not clearly and unambiguously immoral. And it surely does not obligate Congress to sanction the vagrant and varied opinions of private individuals by giving them the operative effect of a draft exemption. The just war theory, as advocated by those who resist the war in Vietnam, is nothing more than selective pacifism.

These conclusions assume the validity of the Nuremberg trials themselves. Even assuming their validity, they offer no shelter to those who would avoid the draft. The Nuremberg trials, however, were not solidly grounded in law or even in morality. They were alien to the spirit of the United States Constitution, for they legalized *ex post facto* punishment for acts which, when committed, were not punishable by the positive law of any authority under which the Nuremberg courts operated. Senator Robert A. Taft, in his courageous address at Kenyon College in 1946, pointed to their basic flaw:

The trial of the vanquished by the vic-

tors cannot be impartial no matter how it is hedged about with the forms of justice. I question whether the hanging of those, who, however despicable, were the leaders of the German people, will ever discourage the making of aggressive war, for no one makes aggressive war unless he expects to win. About this whole judgment there is the spirit of vengeance, and vengeance is seldom justice.⁶

"We cannot teach liberty and justice in Germany by suppressing liberty and justice," concluded Senator Taft. His objections have been supported by others, including Justice William O. Douglas of the Supreme Court, who wrote:

No matter how many books are written or briefs filed, no matter how finely the lawyers analyzed it, the crime for which the Nazis were tried had never been formalized as a crime with the definiteness required by our legal standards, nor outlawed with a death penalty by the international community. By our standards that crime arose under an *ex post facto* law. Goering *et al* deserved severe punishment. But their guilt did not justify us in substituting power for principle.⁷

It is fair to say that the Nuremberg prosecutions were essentially an exercise in victors' justice, with Nazi defendants, concededly in many cases guilty of monstrous acts, tried by officers of the Soviet government which, among other things, engineered the Katyn Forest massacre of thousands of the Polish Officer corps and by the Americans and British who were responsible for the massive fire-bombing of the open city of Dresden.

It would be interesting to examine at length the theories underlying the Nuremberg trials.⁸ However, it would be peripheral to our main concern, which is the effect of pacifism and of resistance to the draft in promoting disrespect for innocent life. Conversely, the increasing resistance

to the draft is a symptom of the underlying abdication of personal responsibility.

Although absolute pacifism is blindly absurd and selective pacifism is unacceptable, the humane society should nevertheless make some concession to those who object in conscience to military service. But this recognition should be strictly limited to prevent an impairment of the capacity of the state to defend itself and to prevent deception and fraud.

The power of Congress to create and maintain the armed forces includes the power to compel military service, both in war and peacetime. Nor is Congress constitutionally required to exempt those who entertain conscientious objections. However, absolute pacifists have been given limited exemptions since before the Civil War, although selective pacifists have not. The federal statute, as amended in 1948, exempted those who, by "religious training and belief" are opposed to war in any form. It was unnecessary for the individual to belong to a pacifist religious denomination. The statute defined "religious training and belief" as "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."

In 1965, the Supreme Court, in *United States v Seeger*, extended the exemption to persons whose beliefs were "religious" only in a remote and tenuous way. The Court ruled:

We have concluded that Congress, in using the expression "Supreme Being" rather than the designation "God," was merely clarifying the meaning of religious training and belief so as to embrace all religions and to exclude essentially political, sociological or philosophical views. We believe that under this construction, the test of belief "in a re-

lation to a Supreme Being" is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is "in a relation to a 'Supreme Being' and the other is not."⁹

The Civilian Advisory Panel on Military Manpower procurement, headed by General Mark W. Clark, reported to the House of Representatives in 1967 that the Seeger decision "will, for practical purposes, permit individual registrants the right to determine for themselves whether or not they wish to bear arms in support of their country."¹⁰ The Military Selective Service Act of 1967¹¹ tailored the statute to fit the Seeger decision. The 1967 Act eliminated the reference to a Supreme Being and instead provided merely that "the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code." The exemption is therefore granted to all who object on "religious" grounds, whether the religion is based on a belief in God or not. It thus conforms to the 1961 decision of the Supreme Court in *Torcaso v Watkins*, where the Court ruled for the first time that belief in God is not essential to a religion. In that case, the Court invalidated a Maryland requirement that state employees declare their belief in God.¹² The requirement was invalid because "The power and authority of the State of Maryland is thus put on the side of one particular set of believers—those who are willing to say they believe in 'the existence of God.'" The Court declared that neither the states nor the federal government "can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs." Thus, reli-

gions can be theistic, which profess a belief in God, or non-theistic. In the *Torcaso* case the Supreme Court noted, "Among religions in this country which do not teach what would commonly be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others." Non-theistic religions would seem to include atheistic professions, which deny the existence of God, and agnostic ones which assert that the existence or non-existence of God is unknowable.

A conscientious objector, therefore, can now claim exemption if his religious belief is atheistic, or agnostic, so long as it is "religious" and is not "essentially political, sociological, or philosophical." The difficulty of measuring claims under this standard is manifest. It is hard to conceive of the Supreme Court today ruling that any strongly held and avowedly "religious" view is not "religious" within the meaning of the statute.

In *United States v Ballard*,¹³ the defendant was prosecuted for fraudulently using the mails to solicit funds for his "I Am" religious movement. The Supreme Court held that the courts could not examine into the truth or falsity of defendant's religious beliefs. They could inquire only into his good faith, that is, whether he actually and sincerely entertained the beliefs he proposed. Any inquiry into the truth or falsity of Ballard's beliefs would be a violation of his free exercise of religion. Apparently, therefore, when a claimant to a draft exemption says his objection is founded on a "religious" belief, the only practical inquiry will be into his good faith. Once it has been determined that a claimant holds his belief in good faith, it is unlikely that any claim will be rejected because it is not "religious." It is predictable instead that the Supreme Court, which so broadened the former statute in the *Seeger* case, will interpret the 1967 law so as to include what are

essentially philosophical, sociological, and perhaps political objections to war in any form, so long as the claimants are astute enough to present them as "religious" beliefs.

It is fair to ask why a religious objection to war should be preferred and exemption denied to those whose reasons are not religious. The answer is to be found in the practical necessity to limit conscientious objections to military service. Although the exemption should be allowed to the maximum practicable extent, it is still a privilege and not a right. It should be so defined as to minimize fraud and to prevent an undue drain on the manpower pool. The statutory limitation of the exemption to absolute pacifists who object on religious grounds is theoretically sound. The religious limitation is designed to cover with reasonable inclusiveness the most genuine and strongly held claims. Nor should the exemption be limited to those whose religion is theistic. This involves essentially the free exercise of religion, which is protected by the First Amendment to the United States Constitution. For free-exercise purposes, Ethical Culture and Secular Humanism, for example, as well as generalized atheism and agnosticism, ought to be considered religions. An atheist or agnostic is entitled in freedom to exercise his beliefs, provided, of course, that the rights of others are not infringed. In practical effect, however, the limitation to religious objections is of little effect. In the *Seeger* case, the Supreme Court virtually extended it to include merely philosophical beliefs, despite the court's feeble protest that it was not doing so.

Once we accept non-theistic beliefs as religions, as we ought to for this limited purpose, it is impossible to distinguish effectively between the religious and the philosophical or political. For we are not dealing here with objections to particular wars, which may be seen more readily to spring

from political or other non-religious motivations. Rather, the exemption is allowed only for objections to war in general. These are commonly couched in such vague and sweeping terms that it is futile to try to cull out some as less than religious. The better course would be to give up the ghost and frankly permit exemptions for those who, for whatever reason, conscientiously object to war in general. One protection against abuse might be to impose rigid standards for determining good faith. Unless the claimant could clearly prove that he had openly held his pacifist belief a substantial length of time before he got his induction notice, he should be compelled to serve. Perhaps the most effective deterrent against fraudulent claims would be a rigorous and uniform enforcement of the statutory requirement that those who object even to non-combatant service in the armed forces shall be ordered to perform for a comparable period "such civilian work contributing to the maintenance of the national health, safety, or interest" as the draft authorities pursuant to Presidential regulation may deem appropriate.¹⁴ The conscientious objector should reap no advantage, whether in time of public service, in convenience, or in the pay he receives, over his fellow citizen who answers the call to arms.

Congress has never extended the right of conscientious exemption to the selective pacifist. Strong voices, though, have been heard in favor of such exemption. The late Jesuit theologian, Father John Courtney Murray, for example, stated:

Strictly on the grounds of moral argument, the right conscientiously to object to participation in a particular war is incontestable. . . . The practical question before all of us is how to get the moral validity of this right understood, and how to get the right itself legally recognized and declared in statutory law.¹⁵

Of course, the moral right to object sin-

cerely to participation in a particular war is incontestable. The real question, however, is to what extent should the law recognize the objection. It is reasonable and just for the state to institute compulsory military service when the national interest so requires. And the state need not recognize moral claims to exemption to such an extent as would tend to stultify the draft system and frustrate the public defense. We should respect the integrity of sincere pacifists, whether they object to war in general or only to a particular war. But they are entitled to claim exemption from their civic duty to defend the state only to the extent that their exemption does not significantly injure the common good. In this case the common good centers upon the defense of the state against a threat which those in lawful authority believe to be aggressive and dangerous enough to require conscription.

It is feasible and fair for Congress to confine exemption to a limited class of absolute pacifists. As the Civilian Advisory Panel said, "this country has a tradition of respecting the conscience of the individual. Many people came to this country seeking freedom to employ this principle, and others came because they wished to avoid military service in their homelands."¹⁶ It is also reasonable, however, for Congress to reject selective pacifism as a ground for exemption. While selective pacifists have an absolute right to maintain their belief, as do holders of other creeds, there is no reason why the state must allow them to put that belief into practice when by so doing they endanger the civic order itself. The same principle sanctions the restrictions on the practice of their religions by persons who believe in snake-handling or polygamy. The state can validly forbid the handling of poisonous snakes as part of a religious service, just as it can forbid the practice of polygamy by Mormons and others

who hold that religious belief. Similarly, while the state cannot interfere with the beliefs of pacifists, it can restrict the practice of those beliefs where such is required by the common good, that is, where the conduct or actions regulated pose "some substantial threat to public safety, peace or order."¹⁷ Selective pacifism, if approved in principle or practice would subject the judgments of duly constituted authorities, in the grave matter of defense, to the hazard of nullification by all who sincerely or otherwise profess disagreement, for any reason, with the decisions of those authorities.

The new pacifism rampant today is a form of isolationism. Opponents of conscription too readily forget that love of our fellow men can oblige us to defend them against attack. The duty to fight to prevent aggression and preserve the peace is too readily ignored and an uneasy semblance of peace is sought for its own sake. Nor is there any nobility in this type of pacifism. It was not peace at any price, but peace with justice that was advocated by Pope John XXIII in *Pacem in Terris*. It was Pope Paul VI who, in proclaiming January 1, 1968, as a World Day of Peace, emphasized the selfishness of those who refuse to serve:

Accordingly, and in conclusion, it is to be hoped that the exaltation of the idea of peace may not favor the cowardice of those who fear it may be their duty to give their lives for the service of their own country and of their own brothers, when these are engaged in the defense of justice and liberty, and to take only a flight from their responsibility, from the risks that are necessarily involved in the accomplishment of great duties and generous exploits. Peace is not pacifism; it does not mask a base and slothful concept of life, but it proclaims the highest and most universal values of life: truth, justice, freedom, love.¹⁸

"Peace is not blind pacifism," said the Pontiff on another occasion, "nor indulgent egoism, nor indifference, nor disinterest in another's needs."¹⁹

In our nation, a selfish brand of pacifism is gaining, nurtured by the blindness of those who concede to it a respectability it does not deserve. Clergy and intellectuals openly pledge to violate the law by counseling young men to resist the draft. Blood is poured on draft board files by hot-eyed clerics. The faking of conscientious objections is nearly a perfected science. Draft boards are invaded and induction centers besieged by unruly protestors. And the main ingredient in the success of these and other disruptive efforts is a lingering public condescension toward those who proclaim their resistance in the name of peace, religion, and a higher law. The remedy is a shift in the public attitude. The organized promotion of conscientious objection should be visited with a withering public contempt. Society should abominate the fraudulent pretense of pacifism instead of exalting or even tolerating it. And of course the engines of lawful punishment should be brought to bear upon those who violate the law in their pacifistic crusade. Individual pacifists may be noble men. But pacifism is a base creed, unless it is coupled with an affirmative willingness to perform whatever non-military or non-combatant service is required in the national interest. Today, unfortunately, the pacifist creed is being used as a shield for treason. As one Quaker complained:

Speaking as a conscientious objector who was drafted in World War II; speaking as one who still holds the same views; and speaking as a member of the Society of Friends, I would call upon Friends across Quakerdom to influence everyone we can to stamp out this scourge that is sweeping our land—the use of conscientious objection as a draft-

dodge and a screen behind which to hide while pointing the finger of guilt at others.²⁰

"Pacifists" today use the pretext of Nuremberg, or a non-existent discrimination against Negro servicemen in Vietnam, or an alleged primacy of the war on poverty over the war in Vietnam, or any of a variety of excuses. But with some, at least, their insincerity is transparent. General Wallace M. Greene, then Commandant of the Marine Corps, challenged certain demonstrators against the war in Vietnam to "prove their sincerity" by volunteering for civilian humanitarian programs in Southeast Asia. "Let them do this first," he said, "rather than pass by on the other side of the street, with a placard on their shoulders, a song on their lips and hypocrisy in their hearts."²¹ Unfortunately, service to others is not a hallmark of the current breed of pacifists. A pointed commentary on this was offered by Bishop John M. Fearn of New York at the consecration of Bishop William J. Moran of the Military Ordinariate. Bishop Moran's "diocese" is composed of the members of our armed forces. Their function as protectors of innocent lives was emphasized by Bishop Fearn:

In a previous generation, and in this, we have known conscientious objectors who were prepared to offer themselves for dangerous action with the medical corps, and we respected their tenets. But there has arisen of late a new and different type of conscientious objector, unaware apparently that our Defense Department is our Peace Department. A commentator on the American scene at the turn

of the century said: "any sensible man is a pacifist. But the true definition of a pacifist is one who never STARTS a fight." Bishop Moran's flock is made up of those who are willing to turn the other cheek but not the other cheek of their parents and sisters and wives and children.²²

Apart from the basic hypocrisy of encouraging others to "become" conscientious objectors, some of the most militant "pacifists" have actively and openly aided the Communist enemy in the Vietnam war. Apparently their concern for life does not extend to the lives of American fighting men, whom they jeopardize by their conduct which solidifies the enemy's belief that the American people will soon demand a withdrawal of American troops. It was not without reason that the North Vietnamese government declared in October, 1967, that "the American people's growing movement against the U.S. ruling circles' aggression in Vietnam constitutes a valuable support for the Vietnamese people. We warmly hail the struggle."²³ Wars have been caused in this generation by the miscalculations of aggressors who mistakenly assumed that their advances would not be resisted. It was this reality that prompted General Lewis B. Hershey, the Director of Selective Service, to observe, "The pacifists make the wars and the freedom lovers give their lives trying to regain the peace."²⁴

To restore the sense of personal accountability and responsibility for others, we must reassert the duty to serve our fellow citizens and sometimes other free nations in their defense.

²⁰*New York Times*, Oct. 28, 1967, p. 5, col. 3;
New York Times, Apr. 17, 1968, p. 3, col. 6.

²¹*Long Island Catholic*, Oct. 7, 1965, p. 4-A, col. 1 (emphasis added).

²²*New York Times*, Jan. 6, 1968, p. 2, col. 3.

²³MacArthur, *A Soldier Speaks* (1965) p. 71.

²⁴*New York Times*, Jan. 6, 1968, p. 2, col. 3.

²⁵Kirk and McClellan, *The Political Principles of Robert A. Taft* (1967) p. 101.

²⁶See Kirk & McClellan, pp. 104-05; see also

Kennedy, *Profiles in Courage* (1964) p. 237.

⁸See generally, Davidson, *The Trial of Germans* (1966).

⁹*U. S. v Seeger*, 380 U. S. 163, 165-66 (1965).

¹⁰Report, Civilian Advisory Panel on Military Manpower Procurement, Feb. 28, 1967 (U.S. Government Printing Office) p. 14.

¹¹P. L. 90-40, U.S. Code, Title 50 App., § 456(j).

¹²*Torcaso v Watkins*, 367 U. S. 488 (1961).

¹³322 U. S. 78 (1944).

¹⁴United States Code, Title 50 App., § 456(j).

¹⁵*Our Sunday Visitor*, Nov. 19, 1967.

¹⁶Report, Civilian Advisory Panel on Military

Manpower Procurement, Feb. 28, 1967 (U.S. Government Printing Office) p. 14.

¹⁷*Sherbert v Verner*, 374 U.S. 398, 403 (1963).

¹⁸See *Twin Circle*, Dec. 24, 1967, p. 3.

¹⁹Conversations with Pope Paul VI, *McCall's*, Oct. 1967, p. 137.

²⁰Eugene Fisher, in *Quaker Life*, Dec. 1965; see *American Opinion*, Feb. 1966.

²¹*New York Times*, Oct. 21, 1965.

²²*The Wanderer*, Jan. 13, 1966 (emphasis in original).

²³*New York Times*, Oct. 26, 1967, p. 6, col. 1.

²⁴*New York News*, Sept. 18, 1966, p. 48, col. 1.