CONSCIENTIOUS

OBSECTORS

FOR

HANDBOOK

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Conscientious Objectors
Under Selective Service

1. Introduction

This section is a guide for men seeking classification as conscientious objectors under Selective Service. Conscientious objectors fall into three general groups:

(1) Those who object only to combatant military service and are willing to serve in Army units defined as “noncombatant.” Under the present law, such men, if their claims are sustained and they have no other grounds for deferment, will be classified I-A-O, and will be inducted in the same order and manner as men classified I-A, but will be assigned only to noncombatant duty. Training and assignment of I-A-O’s is reported in Part 3 of the Handbook.

(2) Those opposed to all military service, both combatant and noncombatant. If their claims are sustained, they will be classified I-O and assigned to “civilian work contributing to the maintenance of the national health, safety, or interest.”

(3) Those who will accept neither military service of any kind nor any alternative service under conscription. These so-called “absolutists” frequently refuse to register, or to fill out questionnaires, or to report for service, and, as a result, are almost certain to be subjected to criminal prosecution and imprisonment. This section will therefore be of limited value for them, and they are referred to Part 2.

Men seeking either I-O or I-A-O classifications follow the same procedure of registration, filling out the Classification Questionnaire and the Special Form for Conscientious Objector, and they have the same rights of appeal.

The reader should bear in mind that draft regulations, particularly relating to deferments, are subject to change. Important changes will be reported in the Central Committee for Conscientious Objectors’
Help is available for all conscientious objectors requesting it. There are two national agencies that are active, both of which will advise any conscientious objector without charge.** In some communities, local or regional committees to assist conscientious objectors are functioning, and competent individual counselors are available for consultation in most parts of the country. Any conscientious objector desiring such counsel should write CCCO for the name and address of the person or agency nearest him. Do not wait until the last minute to get such assistance. Any C.O. who has received an unsatisfactory classification should be in touch with a competent local adviser and one of the national agencies so that there will be no delay in taking the necessary action in case the appeal is lost. In your first letter to a national agency requesting this assistance include full information about yourself, including date of birth; a complete chronological record of all dealings with Selective Service, such as dates of any classifications received; and a copy of the registrant’s answers to the questions on the Special Form for Conscientious Objector.

Conscientious objectors and their advisers should make themselves thoroughly familiar with the material in this Handbook. In compiling it, we have drawn on the experience of C.O.'s under the 1940 draft law and the more than 17 years of operation of the present law. A registrant who knows what he is doing and how to do it will avoid many serious pitfalls. Hundreds of sincere conscientious objectors have gone to prison since 1940 because of their ignorance or carelessness.

*News Notes will be sent to those requesting it; there is no subscription price, as CCCO is supported by voluntary contributions.

II. Protect Yourself — Follow These Suggested Rules

Those seeking I-O or I-A-O classifications should make themselves thoroughly familiar with the material in the Handbook, and should follow these rules:

1. Keep copies of everything sent to your local board; keep everything received from the local board.

2. Make all requests, appeals, etc., in writing. Protect yourself further by mailing them by registered or certified letter, return receipt requested. Keep receipts.

3. Accept no oral promises from draft board clerks or members which seem to conflict with Selective Service Regulations. Follow the printed instructions on forms and notices explicitly; or secure competent counsel if you do not understand the instructions, or if you cannot conscientiously follow them.

4. Present as full a case as possible to your draft board, even if you think it is hopelessly hostile to you and intends to disregard whatever you or your witnesses may say. Do not omit any relevant points in hearings or correspondence with your board. They may later prove to be the basis for setting aside an action of the board.

5. Observe deadlines, especially on appeals which must be delivered to the local board office within ten days of the date on which Notice of Classification was mailed to you (not received by you). Report changes of address, lest you otherwise miss a notice which may have to be appealed within ten days. Appeal everything you find unacceptable, even if you do not seem to have anything at that time to appeal for. Appeal whenever in doubt. It is sufficient if you merely write the date on a piece of paper or a postcard, and the words “I appeal,” and sign your name. Let the draft board puzzle over what you are appealing for or about, if an ambiguity exists. Such evidence of an appeal may mean the difference between losing and winning a case.

6. If away from home (as on vacation), arrange either to have your mail forwarded promptly or opened for you. More
appeals and hearings are forfeited through delayed forwarding or opening of mail than for any other reason.

(7) Know what you believe. Practice expressing your beliefs both orally and in writing. If a church member, know what your church says about war and conscientious objection. Study Part 4 of this Handbook. Consult the brief bibliography in Part 5 for reading suggestions in many fields of conscientious objection; it will give you ideas for further reading and study.

(8) If in doubt, get help—see Introduction.

Following these suggestions will improve a registrant's chances of obtaining the classification he wishes, and will help him in the event that Selective Service denies his claim and orders him inducted. A complete record with no procedural errors by the registrant is almost a necessity if a subsequent criminal prosecution is to be successfully contested. Do not act as if criminal prosecution can never happen to you.
III. Procedure for C.O. Classification

Selective Service is operating under Title I of the Universal Military Training and Service Act, as Amended. The Act was approved by Congress, June 19, 1951 as an amendment to and extension of the Selective Service Act of 1948. In 1963 the Act was extended four years, ending July 1, 1967. The 1951 amendment provided for a program of civilian service for those conscientious objectors opposed to all military duty.

Provision for C.O.'s— "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, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board may deem appropriate...." [Act, sec. 6 (j)]

Criminal Penalties— "... any person ... who evades or refuses registration or service in the armed forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title ... or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title ... shall, upon conviction in any district court
of the United States . . . 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 . . . "* [Act, sec. 12 (a)]

REGISTRATION

All male citizens and all male resident aliens** born between October 1, 1922 and September 18, 1930 were required to register during the original registrations in August-September, 1948. Any man subsequently becoming 18 years of age must "present himself for and submit to registration" within five days of his 18th birthday. Any C.O. who becomes 18 while out of the country registers with "(1) any diplomatic or consular officer of the United States who is a citizen of the United States, or (2) any duly appointed registration official." (President's Proclamation 2972). All U.S. citizens from the age of 18 to 26 who had not previously registered were required to do so following the issuance of the above-mentioned proclamation April 19, 1952. Anyone required to register who has not complied is subject to a continuing duty to register. [Sec. 1611.7 (c)]

The law requiring the special registration of medical, dental, and allied specialist categories (the so-called doctors draft, approved September 9, 1950, as an amendment to the Selective Service Act) was allowed to expire on June 30, 1957. However, an amendment to the draft act (passed June 27, 1957) empowers the President to issue special draft calls for needed medical personnel from those liable to military duty under the regular draft law. Liability to age 35 is actual; dependents do not constitute grounds for deferment, and the physical standards set for regular draftees do not apply.

Registration Card—The registration card is filled out by the registrar. The 15 questions on it pertain to identification, occupation, marital status, and World War II

*All persons convicted of violating the Selective Service Act, no matter what sentence, if any, is actually imposed, are felons: "(1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony." (F.C.A. 18 Sec. 1) Persons convicted of felonies under federal law lose voting and other civil rights in some states, and may suffer serious economic disabilities, particularly in the professions. Such civil rights can be restored by a pardon from the President.

**Non-resident aliens who are not required to register must have in their possession "an official document . . . which identifies him as a person not required to" register. Sec. 1611.2 (b) defines non-resident aliens not required to register.

***This reference, and all subsequent references cited in this manner, refer to the Selective Service Regulations, which have the force of law and which may be consulted at local draft board offices, C.O. counseling agencies, or ordered from the Superintendent of Documents, Washington, D.C. ($3.50). Citations such as [Act, Sec. 12 (a)] refer to the UMTS Act.
status. The registrant shall then sign the card; if he refuses to sign it, the registrar shall sign the card for him, “and such registrant shall thereby be registered.” [Sec. 1613.13 (c) ] * The registrant does not state his C.O. claim on the registration card. (The first opportunity to do so will be on the Classification Questionnaire, which is filed later.)

“If a registrant refuses to cooperate or is inclined to evade, refuses to answer, or answers falsely,” he shall be warned, and “if he is still refractory,” criminal action is possible. (Sec. 1613.16) An inmate of a prison or other institution will be registered by institution officials on the day he leaves the institution. (Sec. 1611.6, 1613.41) Each registrant is given a registration certificate, which he always must have in his personal possession. (Sec. 1617.1)

Transfer of Registration—

If a registrant is not within the area of his residence at the time he registers, his registration will be sent to the proper local board. (Sec. 1613.43) If a registrant is “so far from his local board as to make complying with notices a hardship,” and has never been classified, his registration may be transferred to a board closer to him for classification. (Sec. 1623.9) Irrespective of changes of residence after registration, a registrant is always under the same local board, and his case cannot be transferred from one local board to another except for physical examination or induction. However, the State Director of Selective Service may transfer a registrant to another local board for classification when a local board member is disqualified from acting on the registrant’s case, or to assure “equitable administration” of the law. [Sec. 1604.52a, 1604.55, 1623.9 (c) ]

CLASSIFICATION

General Classification Questionnaire—

Local boards mail the Classification Questionnaire (SSS Form No. 100) to each registrant in order of age beginning with the oldest.

The questionnaire must be completed and mailed within ten days of the date on which it was mailed, unless the local board has granted an extension of time for “valid reason.” (Sec. 1621.10) Failure

*See Norton v. U.S. 179 F.2d 527 (2 Cir.) 1950, for ruling that refusal to sign the registration card is not a crime, but refusing to answer the questions necessary for registration probably is. “The regulations having provided a substitute for the registrant’s signature, we believe that the substitute was meant to serve for all purposes, including the condoning of the refusal. Criminal statutes must be strictly construed. If the substantive duty of furnishing all requested information is performed by a registrant, we think he does ‘submit to registration’ . . . ”
to return the questionnaire is a violation of the Selective Service Act; and it shall subject the registrant to summary classification in I-A.*

The Classification Questionnaire is divided into 13 series of questions as follows: identification; military record; marital status and dependents; registrant's family; occupation; agricultural occupation; minister or student preparing for the ministry; conscientious objector; education; statement of alien; physical condition; court record; sole surviving son.

C.O.'s with a basis for deferment for reasons such as dependents, occupation, etc., should furnish full information regarding such claims, attaching extra sheets to the questionnaire where necessary.

Series VIII on page 4 entitled, "Conscientious Objection to Participation in War in Any Form" provides the registrant with the first opportunity to officially indicate that he is a C.O. Series VIII must be signed by every registrant who claims exemption as a conscientious objector. It reads:

"By reason of religious training and belief I am conscientiously opposed to participation in war in any form and for this reason hereby request that the local board furnish me a Special Form for Conscientious Objector (SSS Form No. 150)."

C.O.'s who are doubtful about whether or not their beliefs are "religious," or who have doubts about belief in a "Supreme Being," should sign this statement and then explain the nature of their belief on the special C.O. form. Failure to sign this statement means that the local board will not consider the registrant's C.O. beliefs.

Doctors, and other allied medical categories also fill out a supplemental questionnaire, "Initial Data for Classification and Commissioning in Medical Services for Medical, Dental and Veterinary Groups" (Form DD No. 390). On the last question (Series 32) of this form every registrant checks "I am ( ) am not ( ) nor have I been a conscientious objector . . ." It is not compulsory for special registrants seeking I-O classification to fill out this form.

Late Request for Conscientious Objector Status—

Persons who file their Classification Questionnaire without making claim as a conscientious objector may request the special C.O. form

*"The mailing by the local board of a Classification Questionnaire . . . to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify a deferred classification, the registrant will be classified in Class I-A," [Sec. 1622.1 (c)]
at any date. If a C.O. claim is made before an induction order is issued the local board will reopen classification and consider the registrant’s claim. If the board refuses the desired C.O. classification the registrant has the right of appeal. However, if a C.O. claim is made after an induction order has been issued, the local board in all probability will refuse to reopen classification. Nevertheless, the C.O. form should be filled out and returned, accompanied by a letter requesting that the board reopen the registrant’s classification to consider his conscientious objection and grant him a personal hearing. If the board refuses to reopen the classification or grant the hearing, he should immediately appeal the refusal by filing a written appeal with his local board and sending a copy thereof to his State Director. This course of action may preserve a legal defense for refusing to submit to induction. No matter how late it may be, never fail to request and file the special C.O. form.

Late claims naturally will be more difficult to establish; the board will want to know “what suddenly made you change your mind?”

**Special Form for Conscientious Objectors—** This special form (SSS Form No. 150) will be mailed to all registrants who sign Series VIII of the Classification Questionnaire and to those who make a late request for it. If it is not received and the registrant is classified without having been given the opportunity to file it, he should immediately point out this error to the local board and demand that the special form he sent him and that he be classified again. Form 150 should be completed and returned within ten days of the date it was mailed to the registrant, although filing the form late does not

**"The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of such Special Form for Conscientious Objector . . ." (Sec. 1621.11) Sample copies of Form 150 are available from CCCO upon request.**

**"... the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Induction . . . unless the local board first specifically finds there has been a change in the registrant’s status resulting from circumstances over which the registrant has no control." (Sec. 1625.2) **

**"There is a split of authority among the courts as to whether the registrant has a right to a hearing and an appeal under these circumstances. U.S. v. Underwood, 151 F. Supp. 874 expressly recognizes this right, relying on the clear and unambiguous language of Section 6(j) of the Act. Other courts, disregarding the mandate of the Act, find no such right, relying on the language of Regulation 1625.2 cited above. See Bridge v. U.S., 266 F. 2d 378.**
invalidate the request (note paragraph before). Failure to return the form is not a violation of the law, but probably will be regarded as a waiver of the registrant's C.O. claim.

It is on the basis of the answers to Form 150, and the material attached to it, that the local board will decide whether or not to recognize a registrant's C.O. claim. In some cases, the board may call the C.O. before it, and it has the power to subpoena any person to appear before it and require him to testify under oath. (Sec. 1621.15) The board usually classifies the registrant solely on the basis of the written forms, but many C.O.'s are called in for interviews. The questions on the form are provocative and difficult to answer, and the registrant should have thought out his answers in advance, and should have collected the material which he will want to send in. In answering the questions, not enough space is provided on the form and extra sheets should be used which, together with other supporting material, should be securely attached to the form. Keep copies of answers and of all material submitted with the form.

The Special Form for Conscientious Objectors is divided into five series, as follows:

Series I—Claim for Exemption—The registrant must sign one of two statements, and strike out the other one. Statement A is an application for I-A-O classification, and, if granted, the registrant may be ordered to duty as a noncombatant in the armed forces. Statement B is an application for I-O classification, opposed to both noncombatant and combatant service; and, if granted, the registrant will be assigned to civilian service. (The board will not necessarily respect these claims; frequently, it will "bargain" by classifying I-A-O where I-O was requested.)

Series II—Religious Training and Belief—This contains seven questions:

1. "Do you believe in a Supreme Being?" The registrant is to check "yes" or "no." C.O.'s who do not believe in a "Supreme Being," or who are doubtful about the meaning of the words, should familiarize themselves with the March 8, 1965, decision of the Supreme Court, which confirmed reversal of the conviction of a "religious agnostic." (See page 87.) It could be claimed that a moral force in the universe was a "Supreme Being." In case of doubt, it is better to answer "yes" or to fail to check either box and insert some such phrase as "depends on meaning of 'Supreme Being,'" and then explain one's beliefs in detail under Question 2. If the registrant checks "no," his claim will probably be denied without regard to his other answers.

2. "Describe the nature of your belief which is the basis of your claim . . . and state whether or not your belief in a Supreme Being involves duties which to you are superior to those arising from any
human relation." Answer fully, but concisely. State what you do believe, not what you don't believe. This is a key question. Note whether your opposition is to participation in all wars (those opposed only to some wars are not eligible for exemption, although courts have held that willingness to participate in a theocratic war or to use force in self-defense does not disqualify a registrant for C.O. classification*).

3. "Explain how, when, and from whom or from what source you received the training and acquired the belief..." Be complete, explicit.

4. "... name and present address of the individual upon whom you rely most for religious guidance." Use care in naming this person. Someone who does not thoroughly understand and support your position may be more harmful than helpful in future interviews with officials. It would be better to answer "none."

5. "Under what circumstances, if any, do you believe in the use of force?" This is the "trick question," analogous to the one often asked in hearings: "What would you do if someone tried to rape your wife?" It may be helpful to distinguish between force and violence. For assistance in thinking through this question see Part 4 of the Handbook.

6. "Describe the actions and behavior in your life which in your opinion most conspicuously demonstrate the consistency and depth of your religious conviction." This is another important question. Concrete examples of your activities are helpful. One official told a C.O. that it was more important to be able to say that "At the age of ten I was expelled from school for refusal to salute the flag," than to say, "At the age of ten I was called by God to be a minister."

7. "Have you ever given public expression, written or oral, to [your] views... If so, specify when and where."

Series III—General Background—Education, occupation, etc.

Series IV—Participation in Organizations—If a C.O. has ever been a member of a military establishment, he must explain fully why and how he has changed. Under the appropriate headings, describe any church affiliation. One question asks: "Describe carefully the creed or official statements of said religious sect... in relation to participation in war." Church membership is not required for recognition as a C.O., but if the C.O. is a church member, he should obtain a copy of his denomination's "creed or official statement" in advance in order to be able to answer this important question.** Under Question 3 of this series, any organizational activities, such as membership in pacifist


** If you do not have a statement on the official position of your church, write CCCO for this information.
groups like the Fellowship of Reconciliation and War Resisters League, activity in peace work or with religious organizations, should be fully described.

**Series V—References**—Parents, ministers, teachers, who personally know the C.O. are valuable references, and local boards probably will pay special attention to nonpacifists. In addition to listing the names and addresses of the references, it is extremely important to enclose letters from them, addressed to the board. Such letters should give *specific facts* as to the registrant’s character, background, and opposition to war. In the event a registrant has to appeal, members of the FBI probably will visit each reference (as well as other people who know him) and will check the registrant’s organizational affiliations and activities.

If anyone assisted in the wording of the answers to the questions in the Classification Questionnaire or the Special Form for Conscientious Objectors, be certain to have him so state at the end of the questionnaire in the space provided. Failure of the registrant to indicate that he had assistance in the preparation of these two forms may raise a question as to the registrant’s integrity.

**Adding Material to File at Later Date**—The regulations provide that additional material may be presented by the registrant, in writing, at the time of a hearing before the local board [Sec. 1624.2 (b)]; and additional material can be attached to the appeal when an appeal is taken. (Sec. 1626.12) Material may also be submitted to the Hearing Officer at the time of an appeal hearing. (All these procedures are explained in detail below.) A registrant who has filed his special form can send additional material to his local board at any time.

**Method of Classification**—“In Class I-A shall be placed every registrant who has failed to establish to the satisfaction of the local board, subject to appeal hereinafter provided, that he is eligible for classification in another class.” (Sec. 1622.10) However, after the registrant establishes grounds for some classification other than I-A, he “... shall be classified in the lowest class for which he is determined to be eligible.” (Sec. 1623.2) I-A is considered the highest class followed by I-A-O and so on down through the classifications as follows:

- **I-A**: Available for military duty.*
- **I-A-O**: C.O. available for noncombatant duty only.
- **I-O**: C.O. opposed to both combatant and noncombatant military duty and available for assignment to civilian work.
- **I-S**: High school student, I-S (H), under 20 years of age or college student; I-S (C), who has received an order.

*See page 34.
to report for induction and is deferred to complete his school year.

I-Y—Qualified for military or alternative service only in time of war or national emergency.

II-A—Deferred because of essential civilian employment, except agriculture or study.

II-C—Deferred because of essential agricultural employment.

II-S—Deferred for study.*

I-D—Member of reserve unit of the armed forces, or student taking military training.

III-A—Deferred because induction would cause extreme hardship for dependents. III-A mandatory classification if registrant notified local board of wife and child (born or conceived), and bona fide family relationship maintained.

IV-A—Completed military duty; sole surviving son.

IV-B—Officials deferred by law.

IV-C—Aliens not on permanent resident status and who have not remained in the United States for more than one year.**

IV-D—Ministers and full time students preparing for the ministry under the direction of a recognized church or religious organization.

IV-F—Not qualified for any service.

V-A—Over age: 26 years old for registrants not deferred on or after June 19, 1951; 35 years old for those with “extended liability.”***

I-W—C.O.’s in assigned civilian service. Upon satisfactory completion of 24 months of civilian service or upon earlier release, C.O.’s are classified I-W (Rel.) until past the age of liability for the draft when they are reclassified V-A.

I-C—Member of the armed forces.

*For detailed information on student deferments for C.O.’s write CCCO.

**Aliens admitted to study in the United States and various other categories are not required to register for the draft. See Sec. 1611.2 (b) for details. Any alien not in this country for permanent residence can, prior to induction, file an Application by Alien for Relief from Military Service (SSS Form No. 130), and thereby gain classification IV-C [Sec. 1622.42 (b)]; “but any alien who makes such application shall thereafter be debarred from becoming a citizen of the United States.” [Act, sec. 4 (a)] An alien conscientious objector may be placed in Class I-O or any deferred category other than IV-C without affecting his eligibility for citizenship, but if he files Form 130 he loses all chances for citizenship. Alien C.O.’s can obtain from CCCO information on the special problems of alien pacifists seeking U.S. citizenship.

***A registrant incurs extended liability (draft obligation to 35th birthday) if he has ever received a deferred classification, such as I-S, I-Y, II-A, II-S, III-A, or IV-F.
Notice of Classification— Each registrant is sent a Notice of Classification (SSS Form No. 110), which he is required to “have in his personal possession at all times, in addition to his Registration Certificate . . . .” (Sec. 1623.5) Men classified 1-O or I-A-O are also listed on a "Register of Conscientious Objectors" kept by the local board. (Sec. 1623.8)

"No classification is permanent," (Sec. 1625.1) and it may be reopened on the request of the registrant or at the initiative of the Selective Service System. However, "... the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Induction (SSS Form No. 252) or an order to Report for Civilian Work (SSS Form No. 153), unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control." (Sec. 1625.2) Note page 12 for special status of reopening by reason of late request for Form 150.

Which Classification Should be Accepted?— Men of either I-A-O or I-O conviction are considered for the same deferments as are men willing to accept combatant military duty. C.O.'s should ask for and receive any classification below 1-O for which they are eligible. However, they should always ask for the C.O. questionnaire (SSS Form 150) as provided for on their original Classification Questionnaire (SSS Form No. 100). Form 150 should be on file with the local board, irrespective of other grounds for deferment.

PHYSICAL EXAMINATION

"Every registrant, before he is ordered to report for induction, or ordered to perform civilian work . . . shall be given an armed forces physical examination . . . except that a registrant who is delinquent . . . may be ordered to report for induction without being given an armed forces physical examination." (Sec. 1628.10)

Failure to report for the physical examination is a violation of the law, except for men classified I-O. A registrant with a I-O classification who does not report for the physical examination shall be considered by his draft board as acceptable for civilian work.

The physical examination is for the protection of the registrant, and men who do not pass the physical will not be assigned to civilian work or inducted into the armed forces. I-O's are given the same physical examination at the same time and place as I-A's and I-A-O's.

Registrants in Class I-A, I-A-O, or I-O are ordered to report for examination "... without regard to whether the registrants have requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken." [Sec. 1628.11 (b) ]
Registrants are ordered to report for the physical examination in the order of their liability for service, except that volunteers are examined in advance of nonvolunteers. The board may also send an order to report for a physical "... to any registrant who is classified in a class other than Class I-A, Class I-A-O, or Class I-O if it determines that his induction may shortly occur." [Sec. 1628.11 (c) ]

A registrant in Class I-O who has not had a physical examination within 120 days, and who believes he would not pass the physical, should request re-examination. This step is advised even though Selective Service takes the position that a I-O registrant can be ordered to civilian work whether or not he has had a physical examination within 120 days.

Under certain circumstances, a registrant believed to have "obvious defects or manifest conditions" may be summoned for a medical interview by the local board before, and possibly in place of, the armed forces physical examination. (Sec. 1628.1 ff)

A registrant ordered to report for an armed forces physical examination, or a medical interview, "... who is so far from his own local board that reporting to his own local board would be a hardship," should take his order to the local board having jurisdiction over the area in which he is then located, and have his interview or examination transferred to that board. (Sec. 1628.5 and 1628.14)

HEARING BEFORE LOCAL BOARD

If the registrant is classified in any class higher than the one he requests he must act immediately. The first step, which is an optional one, is the local board hearing. Each registrant has a right to appear in person before the "... member or members of the local board designated for the purpose if he files a written request therefore within 10 days after the local board has mailed a Notice of Classification (SSS Form No. 110) to him. Such 10-day period may not be extended." [Sec. 1624.1 (a) ] Although promptness is always desirable, vigorous requests have been granted in spite of lateness.

"No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant ... no registrant may be represented before the local board by anyone acting as attorney or legal counsel." [Sec. 1624.1 (b) ]

At a hearing before a local board, "the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to
which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or, if oral, shall be summarized in writing by the registrant... The information shall be as concise as possible under the circumstances...” [Sec. 1624.2 (b)]

Take a Witness— CCCO recommends the registrant make written request for a hearing and take at least one witness to the place of hearing. If the board refuses to hear the witness, this fact will tend to show an arbitrary attitude on the part of the board if the validity of the classification eventually is tested in court. Judges have acquitted for this reason.

If possible, the witness should be someone other than a relative. Since generally the board cannot be expected to hear more than one witness, the witness should be selected carefully. A registrant’s school teacher, minister, employer, neighbor, or draft counselor may be the best witness. Long acquaintance is good but not absolutely necessary. It is necessary that the witness be well acquainted with the registrant’s character and C.O. belief.

The witness should first identify himself for the board by giving his name, address, occupation and any other relevant material. He should then explain his relationship to the registrant and tell how he happens to be familiar with the registrant’s position.

The witness should make it clear that his opinions have not unduly influenced the registrant. It is helpful to point out differences of opinion between the registrant and the witness. For some boards, a nonpacifist makes the best witness.

Facts are the primary concern of the witness, and he should give the board as many as possible. He should point out those things which the registrant may have forgotten or been too modest to mention. He can tell how the registrant’s position is related to his daily life and give as many specific examples as possible of activities which he feels support the registrant’s sincerity and depth of conviction. It is important to mention church and peace organization activities when applicable. To point out the registrant’s willingness to do noncombatant military duty or civilian work, whichever the case may be, is also helpful.

Recommended Steps— J. B. Tietz, a Los Angeles lawyer who probably has given legal assistance to more conscientious objectors than any other private practitioner, emphatically insists the most important help that can be given a conscientious objector registrant who has received an unacceptable classification notice is to impress him with the necessity of following letter-perfect, these admonitions:
(1) Make a written application for a personal appearance hearing within the ten-day period.

(2) Take corroborative witnesses to the hearing.

(3) Laboriously prepare a list of notations of new and further items to present orally at this hearing, examining your Selective Service file to refresh and stimulate your memory. In addition to the new items list those you plan to discuss, those in your files you wish to point out, and those items you wish to explain further.

If the Scriptures explain your beliefs better than your own expression, read the pertinent passages.

If rebuffed in any of the above matters, politely repeat your attempt and be certain to point out in your summary in detail how and over what you were silenced or hampered.

(4) At this hearing respectfully request permission to check off the items on your list as the hearing progresses.

(5) Immediately after leaving the hearing (a) write out a dialogue recital of everything that occurred; (b) have the witness write out what they said or, if they were not allowed to speak, would have said if permission to enter and speak had been given; (c) file copies of (a) and (b) with the local board.

(6) Carefully save five copies of all above mentioned documents.

Mr. Tietz calls these six steps “a health and accident policy, paid-in-full to age 26 and in many instances to age 35.”

Requesting this hearing is optional; the registrant, if he so desires, may appeal directly, eliminating this step. But unless a C.O. is so far removed from his board as to make a personal appearance impracticable, he is advised to avail himself of the hearing before the local board before proceeding to appeal. There is nothing to be lost. The board may reverse itself in his favor; the registrant has the chance to get added material into his file; his induction is stayed pending a new classification notice; and he retains the same right of appeal as before. Also, many court victories have been won because of errors made by draft board clerks or members in connection with this hearing. The hearing is a good time to ask the board why it refused to give the requested C.O. classification; its answers might reveal prejudice.

Reclassification—Following the hearing, the local board considers the new information and decides either to reopen the classification and reclassify the registrant or not to reopen the classification. In either case a new Notice of Classification is mailed to the registrant, who may then appeal (see below), if he so desires. Meantime, he cannot be inducted. (Sec. 1624.3)
APPEAL

Who Should Appeal— After a Notice of Classification has been received following a board hearing, or after the original Notice of Classification has been received in the event that a request for a local board hearing is not filed, the registrant has the right of appeal. Each registrant should appeal any classification higher than the one he thinks he should have received, considering V-A as the lowest. (See Table, pages 16-17 above.) The C.O. has the same appeal rights whether he is seeking a I-A-O or a I-O classification.

Time Limit on Appeal— Such appeal must be made in writing within ten days after the date upon which the Notice of Classification was mailed.** The right to appeal expires after this time limit, but sometimes, at the option of the local board, a later appeal will be permitted: "At any time prior to the date the local board mails to the registrant an Order to Report for Induction, the local board may permit [the registrant] to appeal even though the period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person." [Sec. 1626.2 (d)] (Our emphasis.)

An appeal is sent to the local board. It need not take any special form. It can be a simple letter, stating that the registrant hereby appeals for classification. As with other communications with the local board, such letters should always be sent registered or certified mail, return receipt requested, as a protection for the registrant. "... a statement specifying the matters in which [the registrant] believes the local board erred," and "... any information which was offered to the local board and which the local board failed or refused to include in the registrant's file," may be attached to the appeal. (Sec. 1626.12)

The registrant cannot be inducted while an appeal is pending. An induction order issued before or while an appeal is pending shall be cancelled by the local board. (Sec. 1626.41)

A state appeal agent is attached to each local board. He can appeal any classification within ten days or at any time before an Order to Report for Induction is mailed. [Sec. 1626.2(b)] An appeal can also be taken on behalf of a registrant, within the regular time limits, by

*A C.O. classified I-O might wish to appeal for a deferred classification. Many Jehovah's Witnesses appeal the I-O classification for IV-D, ministerial status.

**Within 30 days if registrant is in one and his local board in another of the following: the continental United States, Alaska, Hawaii, Puerto Rico, Virgin Islands, Guam; within 30 days if registrant is located in Canada, Cuba or Mexico; within 60 days if registrant is located in any other country. [Sec. 1626.2 (c)]
a person claiming to be a dependent of the registrant, or by an employer who, prior to the classification, has filed a written request for the registrant's occupational deferment.

**Appeal Board Procedure**

After a registrant has appealed, his file is forwarded to the appeal board which follows the same pattern as the local board in placing the registrant in the lowest class for which he is considered eligible. If a C.O. has been given a I-A-O or I-O classification by his local board and this is satisfactory to the registrant as pertains to his C.O. position, but he appeals for a deferment, the appeal board handles the case like any other which does not involve conscientious objection status.

If a C.O. has been denied a C.O. classification by his local board and the appeal board determines that the registrant is eligible for a I-A-O, or I-O, or a lower classification (such as III-A, II-S, etc.) it shall place him in the appropriate classification. However, if the appeal board tentatively determines that the registrant is not entitled to a C.O. or a lower classification, it transmits the entire file to the Department of Justice for an advisory recommendation. The appeal then follows an administrative procedure which was set up in the law [Act, Sec. 6 (j)] to protect C.O.'s from arbitrary appeal board decisions.

The first step in the Department of Justice’s inquiry is an FBI investigation in which agents will interview many people who know the registrant, but not interview the registrant himself. Facts in the registrant’s questionnaires are checked for accuracy, and information pertaining to the registrant’s sincerity is sought out. The FBI report is then forwarded to a Hearing Officer (usually an attorney) appointed by the Department of Justice to handle such appeals.

The Hearing Officer will notify the registrant of the time and place of his hearing and supply him with a résumé of the FBI’s findings. On the basis of the hearing (see below), plus the information in the FBI report and in the registrant’s Selective Service file, the Hearing Officer makes a recommendation to the Department of Justice as to whether or not the registrant’s C.O. claim should be granted. He then returns the file to the Department of Justice.

The Department of Justice in turn sends an advisory recommendation to the appeal board, stating why it believes that the registrant’s C.O. claim should, or should not, be sustained.

Upon receipt of the Department of Justice recommendation, the appeal board must send a copy to the registrant, with a covering letter informing him that he has 30 days, from date of covering letter, in which to file a reply to the Department of Justice recommendation.

Following receipt of the registrant’s rebuttal, or at the end of the 30-day period, the appeal board classifies the registrant in the low-
est class for which it considers him eligible. The appeal board does not see the full FBI report, nor does it interview the registrant. If the appeal board does not give the registrant a deferment, it then considers the recommendation of the Department of Justice. (Sec. 1626.25)

The Department of Justice recommendation, while only advisory, is almost without exception accepted by the appeal board. The Justice Department recommendation usually, but not always, concurs with that of the Hearing Officer. In those cases where they are different, or where the appeal board disregards the Department of Justice’s recommendation, it is usually easier to obtain a presidential appeal.

The recommendation of the Department of Justice, a copy of the local board’s transmittal letter to the registrant, and the registrant’s rebuttal will be made a part of the registrant’s Selective Service file.

Department of Justice Hearing—

The basic objective of the hearing is to determine the character and good faith of the C.O. whose claim is being investigated. The Hearing Officer is instructed by the Department of Justice to ascertain the extent of the registrant’s knowledge of his religion and his religious activity; the consistency of his daily life with the tenets of his religion, his general reputation as to truthfulness, honesty, and piety; his past expressions of religious pacifism; and his frankness and candor. He must form a definite opinion of the nature of the registrant’s objections and the sincerity and truthfulness of his claim. The hearing must be confined to a consideration of the merits of the C.O. claim. The burden of proof rests upon the C.O. claim.

The Hearing Officer must notify the registrant of the time and place of the hearing at least ten days prior to the date set for the hearing. The notice of the hearing must be accompanied by written information describing the nature of the hearing, and one copy of the FBI resume of evidence considered relevant to the registrant’s claim. All the registrant will learn from the resume will be the general nature of such evidence; he is not permitted to see the FBI file; nor will he be given the names of informants who may have given adverse opinions about him to the FBI. Nonetheless, he should correct any misleading or untrue findings in writing, for submission to the Hearing Officer.

Every registrant should press for the right to see his full FBI report to protect possible legal rights as litigation on this point develops. Address the request in writing to the Hearing Officer and send a copy to the local board for insertion in the registrant’s local board file.

The registrant is entitled to one advisor, who may be a friend, a relative, a draft counselor, or an attorney, to assist him throughout the entire hearing. The advisor may testify concerning his character, sincerity, and beliefs; he cannot represent the registrant in the usual
meaning of representation before a judicial hearing. There can be no argument concerning the proceedings and no objecting to questions.

CCCO recommends that the registrant take at least one or two additional witnesses to the hearing to testify on his behalf. These witnesses usually are excluded from the rest of the hearing.

The conduct of the hearing as to length, fairness, and other details is entirely within the discretion of the Hearing Officer. Some Hearing Officers ask detailed questions (see pp. 95-97 for a list of possible questions). Some converse informally with the registrant; and others may simply ask, "Well, what do you have to say?" leaving the burden of the hearing upon the registrant.

The registrant may also submit additional affidavits or written statements at the time of the hearing. CCCO advises the registrant to submit a copy of such statements immediately afterward to his local board to be sure they are included in his draft file.

After the hearing the registrant and his advisor should prepare a detailed written summary of the hearing. This signed statement should be mailed to the C.O.'s local board to be included in his file. This summary may be of particular importance in cases where the Hearing Officer has been arbitrary, capricious, or unfair, for if his recommendation is adverse, evidence that he was prejudiced may be helpful in obtaining a presidential appeal, or as a defense in court.

The official report of the Hearing Officer is no longer included in the registrant's Selective Service file. However, the report is summarized in the Department of Justice letter of recommendation to the appeal board which is added to the registrant's file.

If the registrant is notified of a hearing at a place or time which makes it impossible for him to attend, he should write the Hearing Officer immediately and seek to have the hearing either postponed or transferred to another Hearing Officer nearer to his residence. The Department of Justice hearing is a key part of the appeal procedure; failure to appear will prejudice seriously the registrant's claim and may be construed as a waiver of that claim. In the event that the notice of hearing is not received by the registrant until after the date of the hearing, or too late for him to get to it, he should immediately write or telephone the Hearing Officer, explain the circumstances, and request another hearing date. A copy of all such communications should be mailed by the registrant to his local board to become a part of his file. Men with appeals pending should be careful that, if they are away from home, their mail is examined for them so that they can be contacted immediately should a hearing be ordered.

*The same suggestions for witnesses apply as reported on page 20 for witnesses at the local board hearing.
Registrant’s Rebuttal— Rebuts to the Department of Justice recommendations in C.O. cases will be necessary in many cases. Careful and thoughtful consideration should be given to the rebuttal. This is the C.O.’s last opportunity to correct errors of fact, to refute false statements, and to add new material to his file before the appeal board makes its decision.

It is suggested that the C.O., when submitting his rebuttal, also request opportunity to appear personally before the appeal board to explain his case. This request will not be granted under present procedures, but the C.O. may preserve a point that may aid his case if it ever comes to court.

Decision of Appeal Board— Notice of the decision of the appeal board will be given the registrant by the local board which will mail him another Notice of Classification on which will be noted the vote of the appeal board.* The registrant has a right to appeal to the President only if one member of the appeal board dissented from a I-A or I-A-O classification; however, if the vote was unanimous, a presidential appeal may still be possible (see below).

Reconsideration of Appeal— The Director of Selective Service, or a State Director, may order an appeal board to reconsider its determination of any case, if they "... deem it to be in the national interest or necessary to avoid an injustice," and the government appeal agent may file a recommendation to the State Director requesting that such reconsideration be given. (Sec. 1626.61) While it is unlikely that this would be done in any C.O. case, it is worth requesting the State Director and the government appeal agent to take such action in the event that a registrant loses a C.O. appeal and faces imminent induction. It would be necessary to prove an obvious injustice. However, do not delay attempting to get a presidential appeal (see below) while seeking such reconsideration.

PRESIDENTIAL APPEAL

An appeal to the President** may be taken only under the following conditions:

(1) The registrant himself can appeal only when the appeal

*Local boards usually note the vote of the appeal board on the Classification Notice. Technically, the board does not have to note the vote unless "one or more members of the appeal board dissented from the classification," [Sec. 1626.31 (a) ]

**Appeals to “the President” are heard and decided by a three-man civilian National Selective Service Appeal Board. This board is independent of the Director of Selective Service. (Sec. 1604.6)
board has classified him I-A, I-A-O or I-O, and only when at least one member of the appeal board dissents from such classification. In such an eventuality, the appeal should be sent by registered or certified mail, return receipt requested, to the local board, (Sec. 1627.4) within ten days of the date that a Notice of Classification reporting the appeal board's decision was mailed to the registrant. (Sec. 1627.3)

There is no special form for such an appeal. The letter should clearly state that the registrant wishes the President to review the determination of the appeal board. It should include a brief statement of why the classification I-A, I-A-O or I-O cannot be accepted and a concise restatement of the registrant's belief. Follow steps (1) and (2) outlined under procedures below, and attach to the appeal letter a full statement discussing the Department of Justice letter to the state appeal board. This statement should include affidavits, letters or other documentary material to refute the adverse material. If you find that the Department of Justice supported your claim, but that the appeal board overruled the recommendation, stress this fact in your appeal letter, and in your statement explain why you think the Department of Justice was right, adding any additional supporting material not already in your file.

(2) If the decision of the appeal board was unanimous, the registrant himself cannot appeal, but even in such circumstances an appeal can be taken by the National or State Director of Selective Service. They may take such appeal at any time if it is "in the national interest or necessary to avoid an injustice." (Sec. 1627.1) In practice, it is difficult to get the State or National Director of Selective Service to take such an appeal. It is necessary to persuade them that substantial injustice will result if the registrant is ordered for induction. Speed is essential, because induction is not necessarily postponed while they are considering whether or not to take the appeal.

Procedure to Follow— The registrant who must ask the National or State Director to take a presidential appeal on his behalf needs help; but for those unable to get immediate advice, the following procedure is recommended:

(1) Type at least four complete copies of the recommendations of the Department of Justice contained in the letter to the appeal board.

(2) Write a complete rebuttal or explanation of pertinent parts of the report, using affidavits, letters, and other proof wherever indicated to refute adverse material. Type four copies.

(3) Go to your local board and compile an accurate, concise, chronological record of your entire Selective Service history; include Selective Service number, local board name and
address, dates of registration, of all classification, etc.* Type four copies.

(4) Write a covering letter addressed to the Director of Selective Service in Washington. State the classification received, why it cannot be accepted, and, as briefly as possible, state the nature of your religious training and belief, but include all essential facts. Ask the Director to review your case, to order your induction postponed pending review, and to appeal to the President in your behalf. You must show that there is substantial injustice; thus, avoid petty complaints. Make four copies of this letter; mail the original, together with one copy each of (1), (2), (3) above, to the Director.

(5) Write another covering letter, which can be almost identical to (4) above, addressed to the State Director of Selective Service of the state in which your board is located. Enclose one copy each of (1), (2), and (3) above.

(6) Send one copy each of (1), (2), (3), and (4) above to the national agency which you are asking to help you. (See footnote, page 6) They will have someone intercede in your behalf with the National Director.

(7) Mail a copy of (4) and (5) to your local board to be included in your Selective Service file.

(8) Ask a competent local adviser in your state, such as your minister, to go to State Headquarters of Selective Service to try to get the State Director to take an appeal to the President, or at least to postpone any induction order pending review. The fourth set of copies of the documents above are for this adviser’s use and reference.

After a registrant has taken a presidential appeal, or after the State or National Director has appealed on behalf of the registrant to the President, the registrant cannot be inducted while the appeal is pending. An induction order issued before or while a presidential appeal is pending shall be cancelled by the local board. (Sec. 1627.8) However, induction is not postponed while the registrant is attempting to get the State or National Director to take a presidential appeal, unless one of those officials has so ordered. If a presidential appeal is taken on behalf of the registrant, the local board shall notify the registrant. (Sec. 1627.5)

Following a presidential appeal, a new Notice of Classification

*“Information contained in records in a registrant’s file may be disclosed or furnished to, or examined by, the following person, namely: (1) The registrant, or any person having written authority signed by the registrant...” [Sec. 1606.32 (a)]
will be mailed to the registrant by the local board. (Sec. 1627.7) If the Presidential Appeal Board denies a registrant's claim for a C.O. classification it will place a written statement of its reasons in the registrant’s Selective Service file.

**MISCELLANEOUS PROCEDURAL INFORMATION**

**Obvious Errors**— Selective Service boards sometimes act in error and in flagrant disregard of the Regulations. Among the most common mistakes of this kind are: (a) classifying a registrant I-A who has signed Series VIII as a C.O., without ever having sent him the special form for C.O.'s; (b) rejection of a C.O. appeal by an appeal board without granting the registrant the hearing and investigation by the Department of Justice which is required by law unless he answered “No” to the question, “Do you believe in a Supreme Being?”; (c) failure to grant a local board hearing which has been properly requested; (d) ordering a registrant for induction while an appeal or request for local board hearing is pending.

Usually, such errors result from oversight or carelessness, and can be corrected when the board's attention is drawn to the specific Regulations which have been violated. If the local board does not correct the error promptly, enter an appeal and ask the State or National Director to intercede (see below).

Failure of Selective Service to correct obvious procedural errors gives the registrant a good chance of winning his case in court.

**State and National Directors**— As noted at various points above, the State and the National Directors of Selective Service have wide powers to act “... in the national interest or ... to avoid an injustice.” They can order local boards to correct procedural errors; they can order any classification reopened at any time; they can order an appeal board to reconsider a decision it has made; they can cancel an order for induction; they can take an appeal to the President. The procedure to be followed in the last-named situation has already been outlined in detail. (See above, pages 26-28.) When asking the State or National Director to intervene in other situations, be sure to emphasize the reason for requesting their action; namely to correct an action made in violation of the Regulations, or to avoid an injustice. Always include a concise, chronological history of your Selective Service record, and explain exactly what it is that they are requested to do, and why.

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*The March 8, 1965, Supreme Court decision may have the effect of restoring full appeal rights to such men.*
APPROPRIATE WORK

The C.O. civilian work program started July 1, 1952. Work which is considered appropriate for a I-O registrant must meet the requirements of the definition in the Regulations as follows: "(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." [Sec. 1660.1 (a)]

Private employment, other than by approved nonprofit organizations, is specifically ruled out. [Sec. 1660.1 (b)]

By administrative decision, although not required by either the law or the Regulations, before local boards can assign a C.O. to any job, the employer must ordinarily be approved by Selective Service. Employers wishing to be approved apply at the state office of Selective Service in the state where the C.O.'s will work. Employers wishing to use C.O.'s outside of the U.S. are approved by the National Director of Selective Service. Local boards have the authority to, and sometimes do, assign men to agencies which meet the definition of the law but are not on the approved list. Local boards are supposed to have a list of approved employers within the state.

Working Conditions—I It is Selective Service policy that C.O.'s drafted for civilian work shall work the same hours, receive the same pay and vacation, and shall otherwise be subject to the same conditions as the other employees on that job. This policy, especially as to pay, has not always been adhered to in the past.

Employers can terminate the employment of assigned C.O.'s on the same basis as regular employees. If employment is terminated

* For further information see "Details of Compulsory Work Program for Conscientious Objectors," published by the American Friends Service Committee. Copies available from CCCO.

** A list of "Agencies Approved for the Employment of C.O.'s" has been compiled by the National Service Board for Religious Objectors. Copies may be ordered from CCCO.
before completion of 24 months service, the C.O. is supposed to get
the same type of work with another employer. If the termination of
employment is not the fault of the registrant, the time lag in trans­
ferring to a new job is not considered a break in the 24 consecutive
months employment. [Sec. 1660.21 (c) ]

ASSIGNMENT TO THE JOB

Getting the actual assignment to a specific job follows a pro­
cedure which may take four separate steps. The process stops at whichever step results in a work order to the registrant. These steps are
as follows:

(1) If the I-O registrant takes the physical examination and passes
it, he will receive the regular Statement of Acceptability from his local
board. Within ten days of the mailing of this notice to him he must
file SSS Form 152. If he does not take the physical, he files Form 152
within ten days of the date he would have taken the examination. The
Regulations (Sec. 1660.20) appear to place on the registrant the respon­
sibility of getting his work choices before the local board; however, in
practice the local board takes the initiative by sending out Form 152. On
this form the I-O lists three types of work he is willing to do. If the local
board approves one of these types of work and the registrant submits
evidence of a specific job, the local board will issue an Order to Report
for Civilian Work (Form 153).

In listing a "type" of work the C.O. should be as specific as he
wishes. If he wants to work in a mental hospital and does not care
which one, he can list mental hospital work. If he wants to work in
a specific hospital, he should list the hospital. If he wants to do a
specific job in a specific hospital, he should list that. It is permissible
to list only one or two choices instead of three.

(2) If the registrant does not submit any work choices, or if the
board does not like any of the choices submitted, the board submits
to the registrant three types of civilian work it thinks appropriate.
Within ten days the registrant must then file a statement offering to
perform one of these three, or stating that he will not perform any
of these three. If the registrant offers to perform one of the three, the
board then orders him into that work.

(3) If neither step one or two results in a work order, a repre­
sentative of the State Director of Selective Service meets with the
local board and the registrant in an attempt to reach agreement on
a job. If a mutually satisfactory agreement is made, the registrant is
ordered into that type of work.

(4) If the meeting in step three does not produce a work order,
the local board, with prior approval of the National Director of Selec­tive Service, issues the registrant a mandatory work order directing the
I-O man to report to a specific employer at a specified date to perform
civilian work. Thus, before a mandatory work order can be issued the local board must secure a job for the I-O man. If the registrant refuses to obey the mandatory work order, then, and the only then, can he be charged with violation of the civilian work provisions in the draft law and be subject to the penalty provisions of the law. Any C.O. who refuses to obey a mandatory work order will face prosecution in the U.S. district court having jurisdiction over the place where the civilian work was to be performed.*

Volunteering— Any I-O registrant who wishes to speed up his assignment to civilian work can volunteer by filing SSS Form 151 with his local board. If the registrant has never been classified, volunteering should also speed the classification process. Volunteering does not guarantee that the registrant gets the job he wants. Usually, a registrant can make a "gentleman’s agreement" with his board members that they are willing to assign him to a particular job if he volunteers.

Those considering volunteering should weigh carefully the advantages and disadvantages. A registrant who volunteers may get his work period out of the way sooner and choose the time for it to start. On the other hand, a volunteer may have to serve a much longer time as a draftee in case the period of service is lengthened by war or other circumstances. Also, there is always a possibility that a registrant will never be drafted if he waits for the regular procedure to reach him.

General Provisions— Registrants classified I-O will be ordered to report for civilian work in the same call-up order as provided for I-A and I-A-O men (see p. 34). However, I-O’s who volunteer will be assigned to civilian work first.

C.O.’s are expected to pay their own transportation to the place of employment, although Selective Service may give assistance in hardship cases.

Registrants usually are not assigned to work in their home communities, but they may be if the board deems it “... to be desirable in the national interest.” [Sec. 1660.21 (a)]

I-O’s may be assigned to work either in the United States or outside the country. If working in this country, they are under the supervision of the State Director of Selective Service for the state within which they are employed. If outside the United States or United States Territories, C.O. registrants are the responsibility of the National Director.

Doctors, dentists, and other medical personnel who are classified I-O can be ordered to civilian work. However, the President has authority to issue special draft calls for needed medical personnel up

to the age of 35; hence C.O. doctors or other medical personnel can be ordered to civilian work up to the age of 35.

If the I-O registrant is a full time student in school or college at the time his civilian work order is issued he is entitled to a postponement of the order to the end of the academic year.

If a registrant refuses to obey a work order or otherwise violates provisions of this section, his file is forwarded to the National Director of Selective Service. The Director then determines whether or not the registrant shall be reported to the Department of Justice for prosecution. (Sec. 1660.30)

RELEASE FROM CIVILIAN WORK

After the I-O registrant has begun civilian work his local board will reclassify him I-W and should then mail him a Notice of Classification (Form 110).

The National Director of Selective Service may release an assigned C.O. before the completion of his 24 months work when he deems such release to be advisable.

I-O men who began their civilian work several weeks or months before the draft board issued an order to report for civilian work, may be able to secure retroactive credit. Application should be made to the National Director of Selective Service.

The C.O.'s period of civilian work is completed two years from the effective date of the Order to Report For Civilian Work (Form 153). About 30 days prior to this release date, the State Director of Selective Service will notify the C.O. and his employer of the exact release date. Following completion of the required work the State Director will notify the C.O.'s local board that his civilian work has been completed. The local board will then mail to the C.O. a Certificate of Release from Civilian Work (Form 154). The local board will reclassify the C.O. "I-W Released," and mail him a new Notice of Classification.
V. C.O.s Facing Induction Orders

The registrant in Class I-A or I-A-O, who has completed the classification process of Selective Service (i.e., has no further appeal rights), and who has been physically examined and found acceptable for service, is subject to be ordered for induction. The determination of the Selective Service classification system is "final," and the registrant's only possible remaining remedy, if he refuses to obey the induction order, lies in defending himself in the courts by attacking the Selective Service order in his case as illegal.

Conscientious objectors who find themselves in this predicament should immediately obtain legal aid and/or the help of CCCO. They should read the following material with great care in order to inform themselves of the narrow nature of their remaining chance to avoid probable imprisonment. (See also pp. 41-53).

THE PROCESS OF INDUCTION

Registrants classified I-A or I-A-O who have been found "acceptable for service" at their physical examinations will be ordered to report for induction in the following order:

1. Delinquents; * 19 years and over, oldest being inducted first.
2. Volunteers, in sequence in which they volunteered.
5. Registrants, 26 years and over, the youngest being inducted first. **
6. Registrants between the ages of 18½ and 19, the oldest being inducted first. [Sec. 1631.7 (a)]

Local boards will order men for induction as needed to fill the quotas which have been assigned to them. A registrant ordered for induction who is so far from his own local board that reporting to his own local board for induction would be a hardship may take his

* However, a delinquent can be ordered for induction even though he has not been physically examined and found acceptable to the armed forces. (Sec. 1631.7)

** Because of the large pool of available men under age 26, no registrant who has reached his 26th birthday is likely to face induction, even though extended liability to age 35 has been incurred. However, a change in call-up Regulations by presidential action or further increases in successive draft calls could alter this.
order to the local board having jurisdiction of the area in which he is then located and have his order for induction transferred to that board. (Sec. 1632.9) Local boards may postpone induction in cases of death in the registrant's immediate family or other extreme emergency. (Sec. 1632.2

A registrant reporting for induction is required to obey instructions given him regarding his transportation to the induction center; to appear there; "... (4) to obey the orders of the representatives of the armed forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is not accepted by the armed forces, to follow the instructions of the representatives of the armed forces as to the manner in which he will be transported on his return trip to the local board." (Sec. 1632.14)

REFUSAL TO SUBMIT TO INDUCTION

The conscientious objector who is under orders of induction, but who will follow his original conscientious scruples and will refuse to obey that order, must decide at what point he will draw the line. If he draws it too soon, he will lose the possibilities which exist for him to get a judicial review of his classification in the courts (see below); thus, it is almost certain that if he fails to appear at all when ordered for induction the courts will refuse to review his classification, no matter how arbitrary, unjust, or illegal it may be, on the grounds that he has not exhausted his administrative remedies. But, if he reports and goes too far, and submits to induction, then he is in the Army and subject to military law.

A registrant who has failed to report for induction, or who has reported but refused to submit to induction, will be reported by his local board as a delinquent to the United States Attorney. Arrest may follow immediately; usually, a period of from three weeks to three or more months elapses between violation and arrest.

The opinions on the law which follow are for the general information of C.O.'s, and are not intended as a substitute for legal counsel.

*A C.O. who refuses to report for or submit to induction commits his "crime" within the jurisdiction of the U.S. district court within which the induction station is located. In some cases, C.O.'s who plan to test the validity of their classification in court may use this transfer provision in order to get their case under the jurisdiction of a court not prejudiced against C.O.'s.
JUDICIAL REVIEW

Despite the fact that the 1940 draft law and the present law both declare that the decisions of the local and appeal boards shall be "final," a series of Supreme Court decisions which arose out of World War II provide that limited judicial review is possible. This means that a C.O. who has refused to be inducted and has been arrested and indicted for that refusal can, when he goes on trial, challenge in court the legality of his order for induction.

In Falbo v. U.S.,* the Supreme Court in 1944 considered the case of a Jehovah's Witness who had refused to report to Civilian Public Service. Falbo claimed the order was illegal and that as a minister he should have been exempted in class IV-D, but the lower courts refused to consider this defense. This decision was upheld by the Supreme Court, which denied judicial review because, by refusing to report, Falbo had not taken all the steps in the Selective Service process. The court reasoned that, had he reported as ordered, he might still be rejected at the induction center.

Two years later the Supreme Court considered the cases of two other Jehovah's witnesses, Estep and Smith,** who had been ordered to report for induction but who, like Falbo, claimed they had been wrongly denied ministerial exemption. This time the Supreme Court held that the trial court should have reviewed their classification. The difference was that Estep and Smith, unlike Falbo, had reported for induction, been finally rejected, and then had refused to submit to induction.*** A short time later two Jehovah's Witnesses, who like-

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*Falbo v. U.S., 320 U.S. 549 (1944)

**Estep v. U.S., Smith v. U.S., 327 U.S. 114 (1946). This was a split decision, and of the original majority of 5, only 2 Justices remain on the court (Douglas and Black). But in view of subsequent cases (see following) affirming the right to judicial review after the administrative process has been exhausted, a reversal, of this holding is extremely unlikely.

***"In the Falbo case, the defendant challenged the order of his local board before he had exhausted his administrative remedies. Here these registrants had pursued their administrative remedies to the end. All had been done which could be done." Estep v. U.S., 327 U.S. 114 at 122-3. Judicial review was justified despite the fact that Congress had said Selective Service decisions were "final" because "We cannot believe that Congress intended that criminal sanctions were to be applied to orders issued by local boards no matter how flagrantly they violated the rules and regulations which define their jurisdiction. . . . We cannot readily infer that Congress departed so far from the traditional concepts of a fair trial when it made the actions of the local board "final" as to provide that a citizen of this country should go to jail for not obeying an unlawful order of an agency . . ." ibid at 121, 122.

In granting judicial review, the court ruled out habeas corpus from prison after conviction as a possible remedy, and in a later case noted that "... habeas corpus will not be allowed to do service for an appeal." See Sunal v. Large, 332 U.S. 174.

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