

CONSCIENTIOUS OBJECTORS

By

MSG Patrick W. Sticca

SGM Steven Kern Instructor

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Outline

Thesis: Conscientious objectors pose an ethical dilemma for today's Army.

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CONSCIENTIOUS OBJECTORS

Conscientious objectors pose an ethical dilemma for today's Army. Since its establishment in 1863, conscription resulted in the occurrence of unpopular draft riots. Members of pacifist religious organizations were able to obtain conscientious objector status, but they still had to perform alternative service. Other war objectors were put into prison, where several died (Brock 109). Others applied for conscientious objector status after being in the military. Some of these individuals, like Sergeant Alvin York, made huge contributions to the war effort. Others hurt their units and were court-martialed.

Drafted into the Army on 5 June 1917, Alvin York soon after he applied for conscientious objector status but the Army denied his request because the church he belonged to was not a legitimate Christian sect at the time. Drafted at the age of thirty the would-be conscientious objector went to Camp Gordon, Georgia for basic training. He established himself as an excellent marksman who had no stomach for war. He finally admitted to his company commander that there were times when war is moral and he agreed to fight (Perry 57).

On 8 October 1918, Corporal York and seventeen other men found themselves behind enemy lines in the Meuse-Argonne sector. A brief firefight ensued which resulted in the confusion and the unexpected surrender of a superior German force. Once the Germans realized what was going on, the machine gunners on the surrounding hills turned their guns away from the front and on their own troops. After ordering the German soldiers to lie down, the machine gunners opened fire resulting in the deaths of nine Americans. With their patrol leader dead, Corporal Parsons took charge and ordered Corporal York to silence the machine

guns. He did so successfully and when all was said and done, Corporal York had killed nine German soldiers and assisted in capturing 132 prisoners.

Is Sergeant York the exception or the rule when it comes to noncombatant conscientious objectors? It is my position that many soldiers with the similar belief of SGT York, and given the same situation would act accordingly. Many soldiers in today's Army follow the Army values, but what rises above all else is that they depend on the soldier next to them and their fellow soldiers depend on them.

SGT Kevin Benderman is a veteran of the war on Iraq. He filed for discharge under conscientious objector status after learning that his unit was to redeploy back to Iraq. Instead of deploying with his unit he went AWOL and underwent prosecution for desertion. The 3rd Infantry Division hearing officer reviewed Benderman's conscientious objector request and questioned the timing of the filing. He had filed his request only seven days prior to his scheduled deployment. Benderman stated, "he needed to weigh how best to lead his men: by going with them or by standing up for his principles" (Fabey 1). In a court-martial Benderman received an acquittal of desertion, but was found guilty of missing movement and is serving fifteen months in prison (Bynum 1).

By going with his unit SGT Benderman could have provided valuable combat experience and leadership or he may have brought his men's moral down by being disgruntled. His rational about serving his men best by standing up for his principles won't do them much good in a fire fight.

Federal law recognizes two types of conscientious objectors; conscientious objectors and noncombatant conscientious objectors. Conscientious objectors oppose any type of military

service. Noncombatant Conscientious objectors are people whose beliefs allow them to serve in the military but not in a combatant capacity.

Conscientious objector status is granted for those persons that conscientiously opposed to participation in war in any form, opposition founded on religious training and beliefs, and whose position is sincere and deeply held. It is therefore baffling why a person with these beliefs would join the Army.

Noncombatant conscientious objectors may feel a sense of national pride and want to contribute to their country or they may be out of better options. Whatever the reason there is no place in today's Army for a conscientious objector of any type. In today's Army every soldier is a fighter first. Present day Iraq sees logisticians, clerks, and even retention NCOs actively engaged in firefights with insurgents. The days of a weaponless job in the Army are long gone. While noncombatant conscientious objectors may provide specialty skills, in today's Army they will inevitably find themselves in a combat environment. Their lack of action in a hostile situation could cost them their lives and the lives of their fellow soldiers. If the Army were to continuously shuffle them to units not deploying, it wouldn't be fair for the soldier who has to pick up the slack of the conscientious objector and deploy in their place.

Individuals who enlist in the Army and not know what we do may try to become conscientious objectors. Soldiers who go to war and witness the violence of combat may also try to become conscientious objectors.

DOD Directive 1300.6 outlines the Army's policy on conscientious objectors. This directive goes back to 20 August 1971, and was current as of 21 November 2003, but in today's Army it is vague and lacking in what actions we will take with conscientious objectors. The

Army's policy on conscientious objectors as outlined in DOD Directive 1300.6 gives no clear punitive measures. It states in paragraph 6.8 that if the claims of an individual to be a conscientious objector are found to be valid, then the command can not discharge the individual until there is resolution of any and all disciplinary actions. Paragraph 6.9 states that individuals waiting for discharge are subject to punishment under the Uniform Code of Military Justice. This puts the individual in a potential ethical dilemma. According to the policy the individual will perform all military duties while awaiting the decision of his application. If this duty conflicts with his beliefs then what is he to do? The policy leaves these situations up to the command but offers no guidance.

The policy does not cover ~~whether~~^{whether} or not the noncombatant conscientious objector is reenlistable or not. As stated before, the days of the weaponless job in the Army are long gone. So what do we do with these individuals? The policy needs revision and updating to correspond with today's Army. Persons who become noncombatant conscientious objectors should receive a bar from reenlistment. Persons who become conscientious objectors should receive an other than honorable discharge from the Army.

In conclusion, there are many ethical problems concerning conscientious objectors. While the requirements are straight forward it is ultimately up to an investigating officer's decision. Today's Army does not facilitate a position that is conducive for conscientious objectors; however, the policy is not specific as to how we are to handle them once their claim is validated. The impact of conscientious objectors on a unit is also controversial. While SGT York displayed heroism, some might label SGT Benderman as a coward. The policy does

explain what a conscientious objector is, how to apply for, and process claims. It does not inform us of what capacity a conscientious objector can serve in the military.

The policy needs revision because it puts both the conscientious objector and the command team in an ethical dilemma.

Works Cited

- Brock, Peter. *Liberty and Conscience*. New York, NY: Oxford University Press Inc., 2002.
- Bynum, Russ., "Objecting Soldier Gets 15 Months in Prison." *Associated Press* 29 July 2005 <http://www.boston.com/news/nation/Washington/articles/2005/07/29/objecting_soldier_gets_15_months_in_prison?mode=PF>
- Dept. of Defense. *Conscientious Objectors: Directive Number 1300.6, 1971*. 1 vols. Certified Current, 2003.
- Fabey, Michael., "Soldier Seeking Conscientious Objector Status Loses a Round – SGT Kevin Benderman." *Savannah Morning News* 3 March 2005 <<http://freepublic.com/focus/f-news/1355385/posts>>.
- Perry, John. *SGT. York His Life, Legend and Legacy*. Nashville, TN: Broadman and Holman Publishers, 1997.