The Facts about
Conscientious Objectors
in the United States

(Under the Selective Service Act of May 18, 1917)

The facts in this pamphlet are secured chiefly from official records, and correspondence with the War Department.

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CONSCRIPTION AND LIBERTY OF CONSCIENCE.

American, like British tradition, has for centuries guaranteed to the individual, freedom from interference by the State in matters of religious principle. The free exercise of religion according to the dictates of creed and conscience, is an established and cherished right. Though not always carried out in practice, this has remained an essential feature of constitutional and statutory law. In twenty-one of our states religious conviction against bearing arms exempts a man from state military service, in time of war or peace.

Conscription for military service has been practically unknown in Great Britain or America since 1640. The Civil War draft—the only federal conscription act we ever had till 1917—was bungling and incomplete. It made exemptions easy for the well-to-do through money payments or the furnishing of substitutes.

The Great War with its unprecedented demands brought conscription to us almost over-night, and raised anew the problem of individual conscience and the State. England had been wrestling with it, and with rather poor success, under her new conscription act of 1916, liberal enough in itself, but intolerantly administered.

Although the provisions of our draft act relating to exemptions for conscientious scruples apply only to members of organized religious sects opposed to war, and grant them exemption only from combatant service, the Government’s policy has been much more liberal. The President, acting as commander-in-chief of the army, has used his power to order men to any form of service. His "Executive Order" of March 20th is a conspicuous contribution to the reconciliation of individual conscience and the State under conscription. It is quite the most statesmanlike solution yet effected in any country which drafts its men for war.

But the execution of such a policy in war-time in the face of an almost universal misunderstanding of the issue involved is difficult. It is not surprising that it is not always comprehended by the military authorities. It is not surprising that public opinion should be impatient and intolerant of men who seem so obstinately callous
to the world’s tragedy, and who appear to be open to the suspicion of finding only an easy way to save their own skins. Most of us forget, or do not know, the sources of compelling inspiration which make these men, not cowards or traitors, but idealists, for the most part willing to die for their faith, either in what they believe to be the will of God or the highest dictates of humanity.

Altogether, they are an insignificant number—less than 2,000 in the first draft of 687,000 men—and the practical problem in the midst of such a tremendous world crisis is almost negligible.

But the principle involved is—too precious, too far-reaching, too significant for our whole future to be ignored by those to whom the dignity and tradition of liberty mean much. We ‘are concerned that our country should not debase itself by injustice or brutality to men who are honestly actuated by high ideals to resist the State’s commands. And for the sake of the majority itself, the critical function of such minority “opinion should be counted as an essential part of our democratic processes.

To that end, the National Civil Liberties Bureau has been endeavoring to aid in the solution of the practical problem presented by the conscientious objectors. We have sought to act as a clearing-house of information between the various religious and other organizations interested; to give information about the law and the regulations to men holding themselves out as conscientious objectors; to make recommendations to the Secretary of War based on our experience; and particularly to co-operate with the War Department in correcting injustices to such men in the military camps.

Some members of our directing committee are not in favor of the general principle of conscription—some are in favor of the “selective service” act. All are agreed on the necessity for preserving the right to liberty of conscience. We have never sought in any way whatever to obstruct the Government in the execution of the conscription act. We have never, publicly or privately, advised any man to disobey any provision of the draft act. Whenever our advice was asked, we have always counseled men to obey the law, to go to camp and there to make their objections to military service known. We have never tried to influence any man to become an objector. We know that social pressure is so great that only the deepest conviction can prompt a man to maintain that stand.

The War Department has been kept constantly informed of all
our activities. We have regarded our work for these men unpopular, delicate and difficult as it is as a service of real value to the country for a failure to deal fairly with conscientious objectors would plunge the whole issue into bitter public controversy. That, we believe, we have been somewhat instrumental in preventing by affording a means for adjusting difficulties between these men and the War Department.

This pamphlet is published to put the actual facts of the situation before those who are directly interested. We have used every possible means to ascertain the accuracy of all statements made, and while they are often indefinite, they constitute the best light that now can be thrown on the situation.

NATIONAL CIVIL LIBERTIES BUREAU.

June 1, 1918.
I. THE FACTS OF THE PRESENT SITUATION.

The provisions of law and regulations issued under the law.

(The Selective Service Act, approved May 18th 1917.)

1. The provisions relating to exemptions.

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

The essential facts are:

1st. The act holds for military service all men in the United States who had reached their twenty-first birthday on June 5th, 1917, and who had not reached their 31st birthday on that date. (Amendments to the act provide for the registration of all men upon reaching their 21st birthday.)

2nd. The act provides three kinds of exemption-absolute, non-combatant and conditional.

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

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

(3) Those who may be altogether exempted by the President or assigned by him to “partial military service” under regulations prescribed by him, are:

(a) County and municipal officials.

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

(c) Pilots; mariners “actually employed in the sea service of any citizen or merchant within the United States.”
(d) Persons “engaged in industries, including agriculture, found to be necessary to the maintenance of the military establishment or the effective operation of the military forces or the maintenance of the national interest during the emergency.”

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

(f) Those “found to be physically or morally deficient.”

Practically all those coming in this last group (3) are granted deferred classification by the boards under the new regulations governing the second draft.

2. Exemptions for Religious Objectors.

Under the selective service regulations, the local and district boards may grant special certificates, exempting from combatant service, men who are members of religious sects or organizations recognized by the boards. The certificate does not affect a man’s classification or the order of his liability to call for service. It merely authorizes exemption from actual combatant service when drafted.

The obligation to report for duty at one of the military cantonments is in no way affected. The determination of the sects or organizations is left entirely to the discretion of the 156 district boards. Some sects which are recognized by one board are not recognized by another. This lack of uniformity is corrected by the broad provisions of the President’s order below. There are no exemption board regulations of any significance supplementing the provisions of the act relating to conscientious objectors.

3. Objectors Drafted for Service.

Conscientious objectors drafted for service are subject to the following regulations announced by the President, March 20th, 1918:

1. By virtue of authority, contained in Section 4 of the act approved May 18, 1917, entitled, “An Act to authorize the President to increase temporarily the military establishment of the United States,” whereby it is provided:

“And nothing in this Act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of
any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations; but no person so exempted shall be exempted from service in any capacity that the President shall declare to be non-combatant."

Non-Combatant Service

I hereby declare that the following military service is non-combatant service:

a. Service in the Medical Corps wherever performed. This includes service in the sanitary detachments attached to combatant units at the front; service in the divisional sanitary trains composed of ambulance companies and field hospital companies, on the line of communications, at the base in France, and with the troops and at hospitals in the United States; also the service of supply and repair in the Medical Department.

b. Any service in the Quartermaster Corps in the United States may be treated as non-combatant. Also, in rear of zone of operations, service in the following: Stevedore companies, labor companies, remount depots, veterinary hospitals, supply depots, bakery companies, the subsistence service, the bathing service, the laundry service, the salvage service, the clothing renovation service, the shoe-repair service, the transportation repair service, and motor-truck companies.

c. Any engineer service in the United States may be treated as non-combatant service. Also, in rear of zone of operations, service as follows: Railroad building, operation and repair; road building and repair; construction of rear line fortifications, auxiliary defenses, etc.; construction of docks, wharves, storehouses and of such cantonments as may be built by the Corps of Engineers; topographical work; camouflage; map reproduction; supply depot service; repair service; hydraulic service, and forestry service.
2. Persons ordered to report for military service under the above Act who have (a) been certified by their Local Boards to be members of a religious sect or organization as defined in Section 4 of said Act; or (b) who object to participating in war because of conscientious scruples but have failed to receive certificates as members of a religious sect or organization from their Local Board, will be assigned to non-combatant military service as defined in paragraph 1 to the extent that such persons are able to accept service as aforesaid without violation of the religious or other conscientious scruples by them in good faith entertained.

Mode of Assignment to Service

Upon the promulgation of this order it shall be the duty of each Division, Camp, or Post Commander, through a tactful and considerate officer, to present to all such persons the provisions hereof with adequate explanation of the character of non-combatant service herein defined, and, upon such explanations, to secure acceptances of assignment to the several kinds of non-combatant service above enumerated; and whenever any person is assigned to non-combatant service by reason of his religious or other conscientious scruples, he shall be given a certificate stating the assignment and reason therefor, and such certificate shall thereafter be respected as preventing the transfer of such persons from such non-combatant to combatant service by any Division, Camp, Post, or other Commander under whom said person may thereafter be called to serve, but such certificate shall not prevent the assignment of such person to some other form of non-combatant service with his own consent. So far as may be found feasible by each Division, Camp, or Post Commander, future assignments of such persons to non-combatant military service will be restricted to the several detachments and units of the Medical Department in the absence of a request for assignment to some other branch of non-combatant service as defined in paragraph 1 hereof.

Objectors Refusing Non-Combatant Service

3. On the first day of April, and thereafter monthly, each Division, Camp, or Post Commander shall report to the Adjutant General of the army, for the information of the Chief of Staff and the Secretary of War, the names of all persons under their respective commands who profess religious or other conscientious
scruples as above described and who have been unwilling to accept, by reason of such scruples, assignment to non-combatant military service as above defined, and as to each such person so reported a brief, comprehensive statement as to the nature of the objection to the acceptance of such non-combatant military service entertained. The Secretary of War will from time to time classify the persons so reported and give further directions as to the disposition of them. Pending such directions from the Secretary of War, all such persons not accepting assignment to non-combatant service shall be segregated as far as practicable and placed under the command of a specially qualified officer of tact and judgment, who will be instructed to impose no punitive hardship of any kind upon them, but not to allow their objections to be made the basis of any favor or consideration beyond exemption from actual military service, which is not extended to any other soldier in the service of the United States.

Courts-Martial of Objectors

4. With a view to maintaining discipline, it is pointed out that the discretion of courts-martial, so far as any shall be ordered to deal with the cases of persons who fail or refuse to comply with lawful orders by reason of alleged religious or other conscientious scruples, should be exercised, if feasible, so as to secure uniformity of penalties in the imposition of sentences under Articles of War 64 and 65, for the willful disobedience of a lawful order or command. It will be recognized that sentences imposed by such courts-martial, when not otherwise described by law, shall prescribe confinement in the United States Disciplinary Barracks or elsewhere, as the Secretary of War or the reviewing authority may direct, but not in a penitentiary; but this shall not apply to the cases of men who desert either before reporting for duty to the military authorities or subsequently thereto.

Review of Previous Sentences of Courts-Martial

5. The Secretary of War will revise the sentences and findings of courts-martial heretofore held of persons who come within any of the classes herein described, and bring to the attention of the President for remedy, if any be needed, sentences and judgments found at variance with the provisions hereof.

Woodrow Wilson.

The White House, March 20, 1918.
4. Drafted objectors refusing to accept non-combatant service.

Those drafted objectors who refuse to accept non-combatant service under military authority, now held in segregated units as provided in Section 3 of the President’s order, are dealt with in the following order of the Secretary of War made public June 1st:

**ORDER OF THE SECRETARY OF WAR.**

1. By the terms of the Presidential order of March 20, 1918, men reporting at the training camps under the provisions of the Selective Service Law who profess conscientious scruples against warfare are given an opportunity to select forms of service designated by the President to be noncombatant in character. By direction of the Secretary of War dated April 22, 1918, instructions were issued by this office, April 27, 1915, to try by court-martial those declining to accept such noncombatant service; (a) whose attitude in camp is defiant; (b) whose sincerity is questioned; (c) who are active in propaganda.

**Transfer to Fort Leavenworth**

2. All other men professing conscientious objections, now segregated in posts and camps, i.e., those who, while themselves refusing to obey military instructions on the ground of conscientious scruples, religious or other, have given no other cause of criticism in their conduct, and all who have been or may be acquitted by such court-martial, shall be transferred, upon orders issued by this office to camp and other commanders, to Fort Leavenworth, Kansas. The Commanding Officer, Fort Leavenworth, will keep these men segregated, but not under arrest, pending further instructions from this office.

3. The same procedure shall be carried out as promptly as possible in the cases of men professing similar scruples who may report at posts or camps in the future.

**Furlough for Agricultural Work**

4. Under no circumstances will conscientious objectors otherwise qualified to perform military duty be discharged from their responsibilities under the Selective Service Law, but the Secretary of War has constituted a Board of Inquiry, composed of a representative from the Judge Advocate’s office (Major Richard C. Stoddard) Chairman, Judge Julian W. Mack of the Federal Court, and Dean H. F. Stone of the Columbia University Law School. It will be the duty of this board to interrogate personally each man.
so transferred. Such men as may be determined by this Board to be sincere in their attitude and desirous of serving their country in any way within the limits of their conscientious scruples may be furloughed by the commanding officer, Fort Leavenworth, without pay, for agricultural service, upon the voluntary application of the soldier, under the authority contained in the Act of Congress of March 16, 1918,* and the provisions of General Order 31, 1918, provision being made:

(1) That monthly report as to the industry of each person so furloughed shall be received from disinterested sources, and that the furlough shall terminate automatically upon receipt of report that he is not working to the best of his ability; and

(2) That no person shall be recommended for such furlough who does not voluntarily agree that he shall receive for his labor an amount no greater than a private’s pay, plus an estimated sum for subsistence if such be not provided by the employer. It is suggested that any additional amount which may be offered for the service of such men be contributed to the Red Cross.

5. In exceptional cases the Board may recommend furlough for service in France in the Friends’ Reconstruction Unit.

6. If there shall be any instances in which the findings of courts-martial at camps or posts in cases involving conscientious objectors shall be disapproved by the Secretary of War, the men concerned shall also be transferred to Fort Leavenworth, and similarly examined and reported upon by the Board of Inquiry.

Provision for Those Not Furloughed

7. Any man who is not recommended for furlough by this Board, or who being offered such furlough shall refuse to accept it, or whose furlough shall be terminated for the reasons indicated above, or for other reasons deemed sufficient by the Secretary of War, shall be required to perform such non-combatant service as may be assigned to him and shall be held strictly accountable under the articles of war for the proper performance of such service and to strict obedience of all laws governing or applicable to soldiers employed in that status. In the event of disobedience of such laws or failure to perform such service, the offender shall be tried by court-martial, and if found guilty and sentenced to confinement shall be detained in the Disciplinary Barracks for the term of his sentence.

*See page 28.
Further Regulations Affecting Objectors in the Camps

8. Pending the final decision in each case as to the disposal of these men, the directions as to their treatment issued from time to time by order of the Secretary of War remain in force. These may be summarized as follows:

As a matter of public health every man in camp, entirely apart from his military status, shall be expected to keep himself and his belongings and surroundings clean, and his body in good condition through appropriate exercise.

Men declining to perform military duties shall be expected to prepare their own food.

If, however, any drafted man, upon his arrival at camp either through the presentation of a certificate from his Local Board, or by written statement addressed by himself to the commanding officer, shall record himself as a conscientious objector, he shall not, against his will, be required to wear a uniform or to bear arms; nor if, pending the final decision as to his status, he shall decline to perform, under military direction, duties which he states to be contrary to the dictates of his conscience, shall he receive punitive treatment for such conduct.

No man who fails to report at camp, in accordance with the instructions of his Local Board, or who, having reported, fails to make clear upon his arrival his decision to be regarded as a conscientious objector, is entitled to the treatment outlined above.

In the assignment of any soldier to duty, combatant or non-combatant, the War Department recognizes no distinction between service in the United States and service abroad.

One further point is being urged on the War Department for adjustment. There are now in prison as deserters some men who complied with all provisions of law up to the point of entraining for camp, but who notified their local boards that they declined to do so, making, however, no effort to escape apprehension, taking the position that they would go only under compulsion. A number of Quakers and other members of religious sects have taken this position. While they are technically deserters, they are not so in fact. An effort is being made to have such men now in prison dealt with as conscientious objectors where genuine-scruples against participation in war are shown. Secretary Baker has made it clear that for the future men refusing to entrain will not be treated as conscientious objectors.
II. TREATMENT OF CONSCIENTIOUS OBJECTORS IN THE FIRST DRAFT.

(June 5th, 1917, to April 1, 1918.)

1. Registration.

Immediately following the passage of the conscription act on May 18th, and preceding the registration on June 5th, a sharp controversy arose among conscientious objectors and their friends as to whether or not they should voluntarily register under the law. Most organizations and radical and religious papers strongly advised registration as a means of recording the objectors' protest. This position was taken, for instance, by the American Union Against Militarism (which established a "Bureau for Conscientious Objectors" and had registered some three thousand men), by most of the Socialist papers and by practically all the religious sects and organizations which expressed an opinion. No public statements advising men not to register were made by any except a few radical organizations in the middle west. These were all prosecuted by the federal authorities.

The statement prepared by the American Union Against Militarism and widely distributed throughout the country, reads as follows:

"The presence in this country of a considerable number of so-called conscientious objectors is generally known. In recent weeks these objectors, confronted by the Conscription Act, have been undecided as to whether they should make known their conscientious scruples against war by refusing to register, or refusing military service (as distinct from alternative civil service which may conceivably be secured hereafter), when actually drafted by the process of selection.

"In realization of the necessity of concerted action in this crisis and in answer to appeals for counsel in the matter, the undersigned, after consideration which has in some cases reversed original opinion, unite in stating their belief that all conscientious objectors should register and indicate in the way provided by the law their personal opposition to participation in war. Obedience to law, to the utmost limit of conscience, is the basis of good citizenship. Public understanding and sympathy, in this case,
should not be alienated by misdirected action. The moral issue involved should not be confused. The opportunity provided by the bill to specify one’s claims to exemption from military service should not be missed by those who desire to state their objection to that service on religious or other conscientious ground.

“We therefore urge all conscientious objectors to register, stating their protest in such form as they think best, at that time. We request that the widest possible publicity be given to this statement.


Men who registered had quite different experiences in getting recognition of their status as conscientious objectors. Many of the registration boards refused to put down conscientious objection as a claim for exemption. Others refused to accept letters filed with their registration cards in explanation of their position. On the whole, however, most objectors were able to make their position known from the start. There are no official figures to show how many registered as objectors, but the number, estimated from reports to organizations, would be in the neighborhood of 15,000 in the 9,586,508 total. Certainly several thousand more tried and failed to get such a statement on their cards.

Of the very considerable number of men of military age throughout the country who refused or failed to register on June 5th, only a small proportion can be said to have done so from genuinely conscientious scruples against participation in war.

Some few genuine objectors openly refused to register, either advising their boards by letter or sending statements to their local newspapers. Practically all of these men were arrested and prosecuted for violation of the Selective Service Act. One such case is now on appeal to the U. S. Supreme Court. Several of the cases
decided in February by the U. S. Supreme Court in affirming the constitutionality of the Conscription Act were those of men who openly refused to register on the ground that the act was unconstitutional, and who were thereafter arrested and convicted.

2. Physical Examination.

The next problem facing registered conscientious objectors was whether or not to take the physical examination when ordered to do so by the local boards. It was assumed by many men that taking and passing the examination automatically brought a man under military authority, and that men refusing to take it automatically remained under civil authority. Many men desired to remain under civil authority either as a matter of principle, or so that if they broke the law they would be dealt with in the federal courts, where they retained their civil rights with a chance of appeal, while under military authority they would have no such rights. Many others balked at the idea of submitting themselves to examination for military purposes on the ground that they were never going to be soldiers anyway.

The decisions of district boards, courts and federal prosecuting officers were very varied on this matter of refusals to take the physical examination. In some cases men were prosecuted in the federal courts and sentenced to terms ranging up to one year, in precisely the same manner as men were prosecuted for refusing to register. In most cases, however, the boards ignored the offense, and certified as liable to service the men who failed or refused to take the examination. Many men took the examination under protest, filing with the board at the time a further statement as to their conscientious objections to participation in war. Decisions of the courts made it clear that the military authorities were correct in their early contention that merely the passage of time brought a man under military authority—that he was brought into the military service upon notice to entrain for camp, regardless of his previous compliance or non-compliance with the regulations.

3. Entraining.

The next problem before many objectors was whether or not to entrain for camp when ordered to do so by the local boards. A considerable number responded under protest, filing some sort of a notice with the board, and making their position known to the officers upon reaching camp. Numbers of others refused to respond
to the summons. Most of them who can be regarded as genuine conscientious objectors, notified their boards that they would refuse to entrain voluntarily, but stated that they could be found at any time at a given address. Practically all of these men were arrested as technical deserters. Some few were court-martialed and sentenced to prison. Most of them, however, were taken to camp and treated as conscientious objectors, where the authorities were convinced of the genuineness of their stand. A number of Quakers and members of other religious sects refused to entrain.

Under the army regulations men arrested as deserters must be sent to the nearest military post. Where that was done with objectors refusing to entrain, the men were in most instances transferred shortly to the regular army cantonments.

4. Treatment in the Camps.

A. The Order of the Secretary of War.

On September 13, after the first five per cent. of drafted men had gone to the cantonments (Sept. 5 to 10), and before the general movement of men later in the month, the Secretary of War issued the following order to the commanding generals of the cantonments:

“The Department has under consideration the question of, what constitutes ‘non-combatant service’ in the sense that phrase is used in section 4 of the Selective Service Act. Until a definition is announced it will not be possible to designate the classes of duty to which the conscientious objector may be detailed. Pending final instructions in the premises, the Secretary of War directs that this class be segregated, but not subjected to any punishment for refusal to perform duty, and that timely reports as to the numbers received at your cantonment be forwarded for his information, with such remark and recommendation by you as will enable the Department to consider the non-general question in all its phases.”

This order was the only official policy announced on objectors during the period from September to March 20, 1918.

The administration of this order in the various camps was considerably varied. Some of the commanding generals interpreted it sympathetically, and dealt with the men in a kindly spirit, thereby winning most of them over to some form of non-combatant service. Other officers took a hostile and arbitrary stand, creating difficulties, most of which were straightened out through Washington.
B. Courts-Martial.

This failure on the part of some of the commanding generals and officers to interpret the purpose of Secretary Baker’s order resulted in the courts-martial of about 40 men who refused to obey military orders. The following cases are those of objectors who, so far as we can learn, are now (April, 1918) serving prison sentences ordered by these courts-martial. Some of these cases were complicated by several kinds of offenses. About a dozen other long prison terms ordered by courts-martial affecting conscientious objectors were either set aside by the commanding generals, or as a result of military inquiries through the Adjutant General’s office. One of these at Camp Dix was a sentence of death, which was promptly set aside by the commanding general.

Men Reported as Conscientious Objectors, Now in Prison by Order of Court-Martial.

Camp Devens, Mass.-Tony Petroshki, 20 years.
Camp Dix, New Jersey.-Charles W. Titus, 3 months.
Camp Gordon, Georgia.-Otto Brennan, 10 years.
Camp Grant, Illinois.-Gust Wittrock, 3 years; Abraham Bieber, 1 year; H. Austin Simons, 8 years.
Camp Lewis, Washington.-Eno Larsen, 5 years.
Fort Worden, Washington.-Alfred Bloss, 10 years; and Wallferd E. Marker, 10 years.
Camp Taylor, Kentucky.-Earl Huckelbury, 3 years; Ernest Schneider, 10 years.’
Fort Andrews, Mass.-Fritz Stephanovitch, 15 years.
Fort McArthur, Texas.-Vane V. Dart, 10 years.
Jefferson Barracks, Mo.-R. H. Franke, 10 years.

Under the President’s order of March 20th, all these cases are to be reviewed by the Secretary of War where it can be shown that the men were sentenced in violation of the general policy first laid down by the Secretary of War in September and later embodied in the President’s regulations.
C. The Policy of Pressure.

The policy of the officials in the cantonments in the long period intervening between the first draft in September and the final announcement of the government’s policy in March was to get as many men as possible to accept service, combatant or non-combatant. Pressure of many kinds was brought to bear to that end. A very large number, probably most of those who had originally held themselves out as conscientious objectors upon arriving in camp, accepted some form of service before the promulgation of the order of March 20. The Russian situation was responsible for bringing into line many radical objectors who had up to then been opposed only to this particular war. The men still segregated on March 20 were for the most part men who had taken the position of refusing any service under military authority, and who had continuously refused to put on uniforms, to drill, to work or draw pay. Most of them had also refused to sign the muster-roll on arriving at camp, having made their positions clear from the start. Most of these segregated men were willing to perform only the duties incidental to cleaning up their own quarters and preparing their own meals.

One of the chief difficulties has been securing segregation of men who were known to be sincere objectors. In several of the camps the men were held either individually or in small groups in various regiments and were segregated only after many months; some not until after the President’s order of March 20. In other camps men were segregated and transferred in groups to army posts and regular army camps.

In some they were held in barracks with the regular soldiers. In others they were placed in separate buildings. In one camp such a building was marked “quarantined,” although no men were sick! In another the conscientious objectors were segregated one and a half miles away from camp.

The policy of pressure was evidently the natural means adopted to test the genuineness of a man’s convictions. From a purely military standpoint it has been wise, for it has secured service from all who could be prevailed upon to accept. The authorities have discovered what the friends of the objector have always maintained—that any real brutality or injustice only stiffens resistance, and that social pressure can be relied upon to break down the weak of will. (This, however, seems not to be the view of the Provost Marshal General. See page 29.)
D. Bmtalities.

As would be expected, a number of cases of brutal treatment of objectors, either by officers or enlisted men, were reported. All were called to the attention of the War Department, and in most cases satisfactorily and promptly attended to. Everything considered, the number of such cases was surprisingly small (perhaps 40 altogether up to April 1). They consisted of forcing on the uniform, forcible feeding of hunger-strikers, forcible labor, exposure to cold, deprivation of food, beating, attempted terrorization by weapons, and hazing by soldier mobs. Of course, taunts, epithets and threats of violence have been the common lot of objectors everywhere they come in contact with bodies of soldiers. Threats by officers of court-martial and long imprisonment have also been frequent. On the other hand, most of the regular officers and a very large proportion of the soldiers have shown a human regard for objectors and respect for the Secretary’s policy. The brutalities occurred chiefly at army posts and regular army or militia camps where drafted men were a novelty—particularly those who took the position of the conscientious objector. In several cases the officers and men guilty of brutality were severely disciplined.

In one case an objector after going through six months of varied experiences, including a court-martial, finally committed suicide as a protest against his treatment, and in the hope that it might lead to better treatment for other men. (Ernest Gellert, Fort Hancock, N. J.)

In regard to the general issue of brutality and coercion, Secretary Baker stated in response to a letter of inquiry:

“I, too, am receiving now and then reports of what seems to be a momentary failure to execute in the proper spirit the orders of this Department with regard to conscientious objectors. My investigations, however, always lead me to the conclusion that the Commanding Generals are thoroughly anxious to solve this problem in a helpful way, and that such mistakes as have occurred have been due to those occasional failures which always must arise when we depend upon human agencies in the execution of policies.

“In the main I think the treatment of the problem so far has been most helpful and considerate, and I am cherishing the hope that we will be able to work out a real solution of the difficulty as soon as the draft is completed.
and the exact size and character of the problem is ascertained.”

E. Number of Objectors.

It is impossible to state the total number of conscientious objectors in the first draft army, first because the number has been constantly changing, second because the War Department does not give out comprehensive figures about them, and third because no organization or group of organizations can possibly keep in touch with any considerable number of these men.

The Provost Marshal General’s report of December 20 shows that 3,887 men received the certificates from their local boards exempting them from combatant service. This, however, was the total number out of 3,082,949 examined. Only a small number of these had gone to camp by that date. 561 men who had not received that exemption certificate were reported from the camps up to December 20 as non-religious objectors. That number was considerably increased in the months from January to April.

On April 1st, reports showed that there were segregated at Camp Upton, N. Y., 23 objectors; at Camp Devens, Mass., 30; at Camp Meade, Md., 125; at Camp Dodge, Iowa, 38; at Camp Dix, N. J., 17; at Camp Travis, Texas, about 80; Camp Funston, Kan., 105; Camp Taylor, Ky., 85. (Reports from other camps incomplete.)

The number of men is evidently much smaller than was anticipated either by the War Department or by those interested in the conscientious objector. *The total number of those in the first draft army of 687,000 men including both those accepting non-combatant service and those segregated, probably does not run over 2,000. The number actually segregated who refuse to perform any service under military authority is only a few hundred—between 600 and 800.*

F. Special Rules Affecting Objectors.

Different rules affecting objectors have been made at practically every cantonment. On the whole, they have been free everywhere to correspond and receive mail. Some, even those in civilian clothes, have been allowed the usual leaves of absence granted soldiers. In most cantonments they have had the freedom of the camp reservation and have been allowed to take long hikes outside. In others they have been always under the supervision of guards, and allowed to receive guests only by special permit. In one or two camps special rules were made to prevent objectors from talking with other drafted men, although there were only few instances reported of any attempted propaganda.
G. The Type of Men.

The fear that conscientious objection would be an easy refuge for slackers and cowards has not been borne out by the facts. Hundreds of men who might have been actuated by fear or opposition to the war in its early stages, and who announced themselves as conscientious objectors at the time of registration, went to camp and accepted service without a protest. Only those men whose convictions against war were so deep as to risk any consequences of their stand, seem to have resisted. The men whose principles were not real, or whose courage was weak, complied with orders and are performing military service.

It is not easy to understand the tremendous pressure on objectors to conform, due to the usual hostile attitude of their families and friends, and the almost complete unanimity of public opinion in regarding them as slackers and cowards.

In the camps the mental and spiritual isolation, the nervous strain, often the alienation of family and friends, the uncertainty of treatment, and the rigid opposition of the whole military organization, all combine to break down any but the strongest convictions. The coward and slacker cannot stand it. As a rule, men of that stamp either did not register, or “disappeared” later, or accepted some form of military service.

The whole experience of England and the United States shows that either deep religious conviction or unusual intellectual independence is required to maintain so unpopular and heretical a position.

The following quotations from an article on conscientious objectors by Norman Rl. Thomas appearing in the “Survey” last August, give a fairly complete picture of the various types of men:

“It is natural to think of conscientious objectors as essentially religious. . . . Not all conscientious objection is avowedly religious, nor is religious conscientious objection confined to the relatively small sects which have incorporated it in their creeds. Within the last generation there has been a wide growth of peace sentiment in the churches.” . . .

“Then you have young idealists among the intellectuals to whom humanity is a reality never served by the stupid horrors of war, and the very much larger group of workingmen who have learned too well the doctrine of the solidarity of the working class to believe that the organized destruction of their brethren who march under a different national banner will hasten the dawn of real liberty and fraternity.
“In short, conscientious objectors include Christians, Jews, agnostics and atheists; economic conservatives and radicals; philosophic anarchists and orthodox socialists.

“Because the phrase ‘religious liberty’ has come to have meaning and value to mankind, religious conscientious objectors get a measure of consideration denied to our brothers who base their objection on grounds of humanity, respect for personality, economic considerations of the capitalistic exploitation at the root of all wars, whose guilt all great nations share—or ‘common sense’ observation of that failure of war as an efficient means of progress to which this tragedy gives agonizing witness. Some of these objectors are more opposed to militarism than to war and their objection is to war’s denials of democracy even more than to its inhumanity.

“It is here that we find our point of contact with one distinct class of conscientious objectors—those who will not declare that no wars have ever been justified, or that under no conceivable circumstances would they fight, but who feel that the ghastly horrors of this conflict will not win the liberty they seek. The public gives little sympathy to these men, yet there is no doubt that their sense of right and wrong forbids them to engage in the struggle as certainly as does the conscience of the objector to all war. At one extreme of our ranks is the Tolstoian non-resistant, at the other the man whose objection is to participation in this war.

“Another group of objectors to participation in this war . . . are certain Americans of German antecedents who, though in no sense disloyal to America, more on sentimental than on rational grounds cannot bring themselves to join in the actual slaughter of their brethren.

“It is not fair, therefore, to think of the conscientious objector simply as a man who with a somewhat dramatic gesture would save his own soul though liberty perish and his country be laid in ruins. Rightly or wrongly, the conscientious objector believes that his religion or his social theory in the end can save what is precious in the world far better without than with this stupendously destructive war.”

H. Attitude of the War Department

The attitude of the Secretary of War throughout has been liberal and fair. Even before the passage of the conscription act it was understood that both the President and the Secretary of War were thoroughly conversant with the situation created in Great Britain by the adoption of conscription in its relation to men conscientiously opposed to participation in war.
All cases reported to the War Department in Washington have been promptly, and for the most part satisfactorily, handled so as to remove any just cause for complaint as to brutality or injustice, and to punish those guilty. Not so much can be said for the liberality of mind of the regular army officers towards this new issue created by conscription. They have never before had to deal with drafted men, and insubordination and refusal of duty by those with conscientious scruples could in their experience be dealt with only by punishment. That explains in large part the evident failure of many military authorities to carry into effect the spirit and purpose of the Secretary’s policy.

III. ORGANIZATIONS ACTIVE IN BEHALF OF LIBERTY OF CONSCIENCE.

During the whole course of the administration of the conscription act and also during the fight over its passage in Congress, a considerable number of organizations (about 12-15) were active on behalf of the principle of liberty of conscience. They first opposed the conscription act, and when its passage became inevitable, they attempted to secure amendments broadly recognizing liberty of conscience. They failed in this, however, largely because of the War Department’s insistence upon a narrow definition in order not to afford in such a provision an easy refuge for “ slackers.”

Following the passage of the act, these organizations effected a loose co-operative arrangement, both by conferences held in New York and by correspondence. The American Union Against Militarism established a “Bureau for Conscientious Objectors,” which in July, 1917, became the Civil Liberties Bureau of the Union. This Bureau undertook to become the central clearing house for efforts to present the issue to the War Department and to give the facts to conscientious objectors. Since the passage of the act there never has been any organized attempt of any sort, so far as we can learn, to advise conscientious objectors not to follow the law. All public and private advice given by the Civil Liberties Bureau to men has been to follow the requirements of the act, to go to camp and there to make their objections known to their officers.

These organizations have corresponded with individual men in and out of the cantonments, answering inquiries as to the law or army regulations. They have maintained an informal co-operation through their official organs of publicity, and the special bullet-
ths sent out by the National Civil Liberties Bureau. Very little printed matter has been published on the subject. Most of it is listed on pages 31 and 32.

Several unsuccessful attempts were made by these organizations to get the conscription act amended in the interest of a more liberal recognition of liberty of conscience. The War Department was not interested in it, and members of Congress declined to act without recommendations from the Department. The only interest expressed in conscientious objectors in Congress was a speech in explanation of their viewpoint, delivered by Carl Hayden, Representative from Arizona, on “Conscientious objection to military service,” Aug. 7, 1917.

The contention was made by many interested groups after the passage of the Conscription Act that the constitutional amendment guaranteeing the “free exercise of religion,” prevented the Government from conscripting men whose consciences forbade their participating in war. A brief to that effect was prepared by Walter Nelles, counsel for the National Civil Liberties Bureau, and filed as amicus curiae in the Supreme Court of the United States on December 10, 1917, in connection with the cases involving the constitutionality of the conscription act. The Supreme Court dismissed the contention without comment.

A conference of most of the organizations directly interested was held in New York on January 8th to consider recommendations to the Secretary of War in regard to the Government’s final policy. As a result of that meeting the following memorandum was drawn up as representing their collective views and forwarded to Secretary of War Baker:

MEMORANDUM.

We are appreciative of the liberal spirit of the War Department in dealing with a problem made difficult by the narrow and arbitrary definition of conscience in the Selective Service Act. We recognize that the Department can not change the law, and that at present it is inopportune to suggest amendments, providing a more liberal basis of recognition of conscience. It is rather as a practical problem on which we offer these recommendations, believing that it is the desire of the War Department to avoid the injustices which would make a controversial issue of liberty of conscience.

1. No distinction should be made between conscientious objectors, once the authorities are convinced of the genuineness of an objector’s stand—whether or not he holds Form 174 (1008). The
holding of these forms would, of course, be regarded as conclusive evidence of conscientious objection.

2. In order to determine the genuineness of the stand taken by others we suggest that where the authorities do not convince themselves by other means, the Commanding General of each military post appoint a committee of three to examine and pass on all such cases; this committee to recommend the proper disposition of each case. The men affected should have the right to appeal to the Secretary of War from decisions of this committee and the commanding general.

3. Conscientious objectors should be defined as men who take the stand that it is morally wrong for them to participate in this war. As proof of conviction we suggest:

(a) Membership before the declaration of war in organizations opposed to war.
(b) Inquiries by letter through the local boards, with affidavits from responsible citizens.
(c) Examination of men personally.

We wish to emphasize the need of positive instructions against the use of coercive methods to determine conscience.

4. We recommend that all men in the camps (national army and other), who claim conscientious objection to military service, and who are held either in segregated units or guard houses, be disposed of at once through these committees (see 2 above).

5. In the cases of conscientious objectors already tried by court-martial and sentenced, and in whose cases the record shows conscientious objection to have been an avowed motive for disobeying military orders—we recommend that all such sentences be reviewed by the Secretary of War. Where evident violation of the departmental order of September 13 appears the men should be returned to the camps and treated in the same way as other objectors.

6. In the case of objectors who refused to entrain, but who advised their local boards of their whereabouts, making no effort to escape detection, we recommend that when arrested as deserters they be taken directly to the National Army camps and treated like other objectors.

7. In determining the forms of non-combatant service to be provided for conscientious objectors, we recommend:

(a) That men be first offered non-combatant positions with fighting units.
(b) That those who refuse, be offered non-combatant service in hospitals here or abroad.
(c) That those who decline to take either of such forms of service be assigned, where practicable, to alternative service; (1) either under control of the official representatives of an organized
religious sect recognized in the act (such as the Friends’ Reconstruction Unit) or (2) to work in government service not directly connected with carrying on the war.

8. Men who refuse all service under either military or civil authority will be presumably court-martialed and imprisoned. In this connection we suggest:
   (a) That special detention or internment camps be provided if the number of men justifies it.
   (b) That the sentences of court-martial for refusal to perform any service be made uniform, and that in no event they exceed the duration of the war. The penalty provided in the Selective Service Act for other violations, namely, one year, seems to us appropriate.
   (c) That no man be court-marshaled and sentenced more than once for what is in fact the same offense.

9. We suggest that the Department’s policy in this matter be announced publicly.

IV. PUBLIC OPINION.

From a considerable mass of clippings from all over the United States, it is quite evident that the average newspaper man regards the conscientious objector as a slacker and coward in disguise. That, therefore, is the opinion of the average citizen. He regards conscience merely as camouflage for fear. A more understanding attitude of mind was revealed by some 300 prominent American clergy-men and liberals, men and women, who were circularized by the Church Peace Union and American Union Against Militarism in June, 1917, to discover their attitude toward a thoughtful national policy for dealing with this problem. A large number of them felt that punishment constituted the only proper method. A few advocated shooting; many imprisonment. The large majority of them took kindly to the idea of non-combatant or alternative service.

Very little opportunity has been afforded for conscientious objectors to make their positions publicly known, as they did in England in the trials before the tribunals, because here all the proceedings before the boards are in writing, and courts-martial are not publicly reported.

Because of the known liberal attitude of the Secretary of War toward the problem, no public agitation was undertaken by the organizations interested. They believed they had more to gain relying upon the understanding and liberalism of the Administration than upon the exceedingly hazardous attempt to convert public opinion through the press.
APPENDIX.

The Law Relating to Exemptions.

(Selective Service Act, May 18, 1917.)

Sec. 4. That the Vice-President of the United States, the officers, legislative, executive and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this Act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this Act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations; but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section one hereof, or to draft for partial military service only from those liable to draft as in this act provided, persons of the following classes: County and municipal officials; custom-house clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals? and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of the national interest during the emergency; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically or morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists; Provided, that notwithstanding the exemptions enumerated herein, each State, Territory, and the District of Columbia shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

The Furlough Act.

(Approved March 16, 1918.)

Be it enacted, etc., that whenever during the continuance of the present war, in the opinion of the Secretary of War the interests of the service or the national security and defense render it necessary or desirable, the Secretary of War be, and he hereby is, authorized to grant furloughs to enlisted men of the Army of the United States with or without pay and allowances or with partial pay and allowances, and, for such periods as he may designate, to permit said enlisted men to engage in civil occupations and pursuits; Provided, that such furloughs shall be granted only upon the voluntary application of such enlisted, men under regulations to be prescribed by the Secretary of War.
Comment on Conscientious Objectors from the “Report of the PROVOST MARSHAL GENERAL to the Secretary of War on the First Draft under the Selective Service Act.”

(December 20, 1917.)

Religious Creed; “Conscientious Objectors.”

1. As to the partial discharge authorized by the law for persons professing a “religious creed opposed to war in any form” (so-called “religious objectors”), the total number of such discharges was 3,887.

(a) A first inquiry might be: What proportion of such creed members availed themselves of this claim?

This question can not yet be answered, until time permits a complete examination of the files of the local boards.

(b) As to the partial nature of the discharge (leaving them liable to serve only “in some capacity declared by the President to be noncombatant”), it may be stated that the President has not as yet seen fit to call for such noncombatant services in any instances. Nor has he by any Executive order defined, at the time of preparing this report, the scope of noncombatant services for such persons.

(c) This ground of discharge, however, has been far from receiving public support. A very large majority of the district boards recommended that religious objectors should not be discharged. Evidently the feeling is widespread that the religious creed objection is in many cases not genuine. Furthermore, many boards express the belief that honest religious objection ought not to be allowed to deprive the Nation of an able-bodied defender. Many of the boards, however, which favor holding religious objectors to military service express the opinion that those whose objection seems genuine should be assigned to noncombatant service.

2. The “conscientious objector,” so-called, has no recognition in the selective service law, and is thus distinct from the religious-creed member. (a) It was supposed by some that the number of “conscientious objectors” who would refuse to appear if drafted, or to serve if ordered to camp, would be large-as many as 20,000. In fact, the reports from camp commanders indicate that only 561 have disclosed themselves by refusal.

The Secretary of War had under consideration, at the time of preparing this report, a plan of treatment in the camps which will preserve from impairment the necessary standards of military discipline, without doing undue violence to the sensibilities of such of these misguided men as may be sincere in their principles.

(b) There is extremely little popular sympathy for this class. Almost unanimously the boards assert that they are slackers in disguise, and ought to be sent to the front.

(c) Some boards treat religious and conscientious objectors as one class, and say that, when found to be honest, they might well be assigned to non-combatant service. But it should not be forgotten that the two classes are entirely distinct-legally, morally and prac-
tically. They are legally distinct, because the act of Congress expressly recognizes and gives a legal status to the one, but wholly ignores the other. They are morally distinct, because the one is obeying what he regards as a divine mandate, binding the conscience of believers, and sanctioned by the settled tradition of their church; while the other is merely choosing to accept the loose and untried speculations of modern theorists who avow no respect for religious scriptures and profess no authority over the conscience. They are practically distinct, because the one includes an ascertainable group of individuals, registered in their sects, definitely fixed on May 18 (the date of the passage of the Selective Service act), and not capable of enlargement at will; while the other may include anyone whomsoever who has chosen, after May 18 last, to make profession, however insincerely, of an opinion opposed to war; and thus this group, if recognized in practice, would inevitably become an easy and impregnable refuge for an unlimited number of "slackers."

**RELIGIOUS SECTS AND ORGANIZATIONS**

Whose Creed, Principles or Traditions Are Opposed to War.

There are several branches of some of these sects. All hold the same general view regarding war.

The numbers given are those of the total communicants in the United States in 1910 as shown in the "Religious Forces of the United States," by H. K. Carroll (Chas. Scribner's Sons, 1912).

For the names and addresses of officers, see the Federal Council Year Book, issued by the Federal Council of the Churches of Christ in America, 105 East 22nd St., New York City.

Christadelphians (1,277).

Doukhobours (Small Russian sect in the Northwest).

Dunkards (Brethren) (Total, four branches, 73,795).

Fellowship of Reconciliation (1,267).

Friends (Quakers) (Total, several branches, 107,208).

International Apostolic Holiness Church (Small Pentecostal sect).

International Bible Students’ Association ("Russellites") (Number not given).

Mennonites (Total, twelve branches, 29,402).

Amish Mennonites (Two sects, 12,139).

Molokans (Small Russian sect, Arizona).

Moravian Church (11,781).

Pentecostal Church of the Nazarene (Small groups; number not given).

Plymouth Brethren (Four groups, 6,661).

Members of two other small sects not listed in the directories are reported among the objectors, the Church of God and the Holy Rollers (Pentecostal).
REFERENCES ON CONSCIENTIOUS OBJECTORS

On English Objectors:

(Published or sold in the United States.)

Books:

James, Stanley C., “Men Who Dare.”
Hobhouse, Mrs. Henry, “I Appeal Unto Cæsar.”

These two books can be obtained only through book shops handling English religious publications.

In Periodicals:

Conscientious Objectors and How to Treat Them. Living Age 290, 52-54, June, 1916.

See also files of The Friend (English) Quaker periodical. This and other Friends’ publications from England may be secured through The Friends’ Rook and Tract Society, 144 East 20th Street, New York City.

On American Objectors:

In Periodicals:

Reprinted in pamphlet form by the National Civil Liberties Bureau.
Conscience and Intelligence in War, Randolph Bourne, Dial, 63 ; 193, Sep. 13, 1917.

See files Of The American Friend (Quaker weekly), published at Richmond, Ind.; and of The Friends' Intelligencer (Quaker weekly), published at 140 No. 15th St., Philadelphia, Pa.

See also files of the “New World” (monthly beginning January, 1918), published by the Fellowship Press, 118 E. 28th St., New York City; also bulletins of the American Liberty Defense League, 116 So. Michigan Ave., Chicago, Ill., and the League for Democratic Control, 120 Boylston St., Boston, Mass.

Pamphlets:
Conscription and the Conscientious Objector, American Union Against Militarism, May and July (1917) editions, with supplementary leaflets, August and November.
The Conscientious Objector, by Dr. George Herbert Mead, issued by the National Security League, 19 W. 44th St., New York City.
Brief on Behalf of the Conscientious Objector, filed in the U. S. Supreme Court Dec. 10, 1917, as amicus curiae, and for the National Civil Liberties Bureau, Walter R. Nelles.

The organizations most actively interested in conscientious objectors are:
The American Friends' Service Committee (Quaker), 20 South 12th Street, Philadelphia; Fellowship of Reconciliation, 118 East 28th Street, New York City; League for Democratic Control, 120 Boylston Street, Boston; Bureau of Legal Advice, 70 Fifth Avenue, New York City; Young Democracy, 32 Union Square, New York City; Collegiate Anti-Militarism League, 91 Yale Station, New Haven, Conn.; American Liberty Defense League, 116 South Michigan Avenue, Chicago; Young People's Socialist League, 803 West Madison Street, Chicago; and the National Civil Liberties Bureau, 70 Fifth Avenue, New York City.