

## Conscientious Objection to Military Service: Recent Developments

Side event to the 4<sup>th</sup> gathering of the United Nations Human Rights Council,  
A panel discussion sponsored by Conscience and Peace Tax International (CPTI) and the Quaker United Nations Office in Geneva

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Moderator: **Derek Brett** (Representative of CPTI at the UN)

Speakers:

**Rachel Brett (Director of the Quaker United Nations Office in Geneva)** on South Korea and Colombia

**Andrey Kuvshinov** on Russia

**Alan Gamble** (CPTI / Peace Tax Foundation) on conscientious objection to military taxation

Transcript of Alan Gamble's remarks:

Good afternoon! I'm Alan Gamble and speaking also on behalf of my wife Prisca, we are deeply appreciative of the warm welcome we've received from those connected to the Quaker UN office and others on this, our first visit to Switzerland. I am honored to speak with you and delighted you've chosen to come to this session.

I speak both as a representative of Conscience and Peace Tax International (CPTI) on whose board I serve, and as the director of a CPTI member organization called the *National Campaign for a Peace Tax Fund* based in Washington DC.

For both organizations, our basic tenant is that being compelled to participate in killing others, whether that participation is directly physical or as an accomplice financially, is a violation of our deepest religious and ethical convictions. We are troubled by the dilemma that untold thousands of responsible citizens find themselves in, and believe there is a way out of this dilemma that would be good for religious freedom and for government revenue.

I'd like to give a brief history of religious freedom and conscientious objection in the US, summarize the 35-year history of the Peace Tax Campaign and finally, see what links may be construed to regard Conscientious Objection to Military Taxation as a legitimate human right under Article 18 of the UN Declaration of Human Rights (UDHR) and the US Constitution.

In 1565 Peter Rideman wrote "Therefore we, as disciples of Jesus, desire with all diligence to follow and perform his command (to love our enemies) and not to oppose the government in this. But where taxes are demanded for the special purpose of going to war, massacring and shedding blood, we give nothing. This we do neither out of malice nor obstancy but in fear of God, that we make not ourselves partakers of other men's sins."

Historically and legally, objection to war has held a unique place in the United States. Most of the American colonial governments made special provision for conscientious objectors beginning with Rhode Island in 1662. The first Continental Congress resolved in 1775 that it would recognize the rights of those who would not bear arms because of religious scruples. By the time of the US Civil War (in the mid 1800s) numerous states exempted conscientious objectors from conscription on religious grounds from their militias. Here are some excerpts:

*New Hampshire State Constitution of 1784* (Bill of Rights Article 4):

"Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience."

*Texas State Constitution of 1845* (Bill of Rights Section 4):

"no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion."

*New York State Constitution of 1846*:

"..but all such inhabitants for this state of any religious denomination whatever as from scruples of conscience may be adverse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

Finally, in **1868 the state of Georgia** seems to have been one of the first to propose alternative service by drafting dollars instead of bodies when it wrote "no person conscientiously opposed to bearing arms shall be compelled to do military duty, but such person shall pay an equivalent for exemption; the amount to be prescribed by law and appropriated to the common school fund."

Immediately upon completion of the US Constitution, the framers began working on ten amendments known as the Bill of Rights. James Madison, who wrote the 1<sup>st</sup> amendment's two religion clauses, believed that obligations of conscience should trump everything else. His version read "Congress shall make no law establishing religion, or prohibiting the free exercise thereof; nor shall the rights of conscience be infringed." The last clause was struck because it was assumed the rights of conscience would be included under the free exercise clause. However, it was made clear the role of the US government was to neither aid nor hinder religion.

Anticipating World War II, 70 years ago representatives of the three historic peace churches (Quakers, Mennonites, and Church of the Brethren), visited President Franklin Roosevelt to state that their young men would not submit to a military draft and, as in World War I, would go to prison instead. The US government in turn created “alternative service” in lieu of military service. Thousands of conscientious objectors provided essential staff for mental hospitals, volunteered as human test subjects for arduous medical experiments and provided other necessary service both within the US and overseas. The alternative service concept recognized that a country needs many kinds of service and that participation in the military is not the only way to contribute to the common good.

I personally had the opportunity to serve in the U.S. Peace Corps where I taught and collected folk music and during which time I met my wife Prisca.

As the global thematic study of conscientious objection completed by Mr. Derek Brett, CPTI’s primary representative to the UN indicates, not only are the terms of compulsory military service becoming shorter and shorter, but alternative service programs continue to expand.

The *U.S. Campaign for a Peace Tax Fund* began in 1972 at the height of the Vietnam War. Those who were granted CO status in WWII were deeply disturbed that while the government no longer needed their body, part of their life’s work as channeled through their income taxes were being used to fund the very violence they prayed and worked so hard to transform.

Don Kaufman wrote (in his book “*The Tax Dilemma*”) that “it seems artificial to distinguish between being a military warrior and paying government for the implements of war. Is it any wonder that people are agonized by the contradiction of paying for war while praying for peace? To insist on personally abstaining from war while paying for it suggests an ethical inconsistency. To finance and pay for an activity is to participate in it.”

The *Campaign for a Peace Tax Fund* advocates for a specific piece of legislation currently called the Religious Freedom Peace Tax Fund Act. The proposal has been reintroduced in each session of the US Congress since 1972 and last year gained a record number of congressional supporters or “cosponsors.”

Simply, the bill would amend the tax code to set up a special trust fund in the U.S. Treasury. Citizens unable to participate in war in any form would be able to qualify for conscientious objector status by writing a detailed statement of conscience and belief. All their taxes would then be placed into this trust fund, which could then be used for anything the government chooses except the Department of Defense, CIA, nuclear weapons and other program with a military purpose.

Not only would this law restore religious freedom long promised in the U.S., but it would also increase revenue without increasing taxes. Those who now impoverish themselves as the only legal way to avoid paying military taxes could now earn more and pay all their taxes in good conscience. Also, the Internal Revenue Service would be given a tool to discern those with genuine ethical or religious beliefs from those attempting tax fraud and thus save unnecessary collection costs.

There is presently a very favorable political climate in the U.S. Congress with a chair of the Ways and Means Committee responsible for tax law sympathetic to the bill. We hope to report some significant progress within the next year.

I’m going to close with some words which seem to echo the 1948 UN Declaration of Human Rights (UDHR - Article 18), the 1966 International Covenant on Civil and Political Rights (ICCPR - Article 18) and the 1981 Declaration of Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Article 1).

- 1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom either individually or in community with others and in public or belief in worship, observance, practice and teaching.
- 2) No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.
- 3) Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamentals rights and freedoms of others.

**From the Church of the Brethren 1980 Annual Conference:**

*“We call on congregations to place high priority on study and discussion of war tax resistance, including Biblical examination of the Christian responsibility to civil authority. Further, we ask our members to consider the refusal to pay a portion of their taxes used for militarism. We also affirm that open, non-evasive withholding of war taxes is a legitimate witness to our conscientious intentions to follow the call of discipleship to Jesus Christ.”*

**From the 1971 Mennonite General Conference:**

*“We are accountable to God for the use of our financial resources and should protest the use of our taxes in the promotion and waging of war. We stand by those who feel called to resist payment of that portion of taxes being used for military purposes.”*

**From a joint statement issued by historic peace churches:**

*“Civil law requires historic peace church institutions to collect taxes for war. We have found no way to honor the consciences of employees who cannot allow their tax money used for military purposes. We appeal for an end to this painful entanglement of government in the practice of our faith.”*

In the 25 years my predecessor and I have lobbied for the Peace Tax Fund bill, we never heard of anyone who has risked seizure of property in order to avoid paying for war and who has disagreed with such seizure. Individuals are willing to allow the U.S. Government to threaten or forcefully take their wages, vehicles, even homes in order not to violate their sincere beliefs about paying for war. **THAT** willingness helps differentiate between an opinion and a belief. One will sacrifice for a belief.

Patricia Washburn testified on behalf of the Religious Freedom Peace Tax Fund bill in 1992. The IRS levied her salary at both her jobs - the church and the seminary where she taught courses in nonviolence. Ultimately, they seized her house, car and belongings as she struggled to be faithful to her religious convictions. She says “I want fervently to support life enhancing institutions with my taxes, but I have no way to do so without paying a third of those taxes for life-denying military expenditures. I continued to believe God calls us to seek security in love and community and not in gods of metal. It is a violation of the law of love to build and use weapons of destruction in the name of national security. Our souls are hungering to fully practice the Spirit of Love.”

Finally, Anne Marie Judson, a Catholic mother of 5 says “As a young mother, I remember sitting in church knowing without a doubt that all war was wrong. My husband agreed but was unwilling to break the law. I have repressed my beliefs at the cost of tremendous inner conflict. **I FEAR THAT OUR NATION, WITHOUT A CONSCIENCE, MAY LOSE ITS SOUL.**”

Thank you for the opportunity to speak and your attention. We must always remember that no act of conscience is ever lost. May we always act in bold and passionate hope.