

February 14, 2007

COMT Group Legal Action Conference

Selected Reference Material

The following is a just a sampling of available reference material. I find myself returning to these particular sources because they seem provide me with a sense of solid information.

The selected excerpts were chosen because they key into themes that may be relevant to the Group Legal Action conference, namely:

- Long-standing legal traditions and accommodations to the “bearing of arms” in North America;
- The ‘liberty of conscience’ rights retained by the people at the time of the founding of the federal government, as evidenced in state constitutions and statutes;
- The issue of money obtained by taxation and used for war purposes;
- The juxtaposition of human conscience with all forms of participation in military activity; and
- The spirit in which legal action can be undertaken as a means to reveal and communicate viable alternatives.

The selections are in chronological sequence of subject material. Listing them this way gave the information a sense of flow. The final entries are not time dependent.

I hope that each conference participant will bring any materials that they have found to be especially useful or relevant. And if anyone is seeking something specific, then let all of us know what it is, in advance, so that we can bring what we may have to the gathering at Purchase Meeting.

Conscience in Crisis: Mennonites and Other Peace Churches in America, 1739-1789 Interpretations and Documents

Richard K. MacMaster, Samuel L. Horst, and Robert F. Ulle
Wipf & Stock Publishers, (2001).

Excerpts from page 355:

“Trophy money provided the first real challenge on war taxes. It was a specific military tax, devoted to equipping the militia and for no other purposes. Payment of trophy money involved some voluntary cooperation and, like hiring a substitute to serve in the militia in one’s place, some acknowledgement of a personal obligation to military duty. English Quakers responded to this direct challenge. Robert Barclay, the Quaker apologist, wrote in 1676 that “we have suffered much in our country, because we neither could ourselves bear arms, nor send others in our place. Nor give our money for the buying of drums, standards, and other military attire.”

“Quakers on both sides of the Atlantic thus had a long tradition of refusing direct military taxes, such a trophy money. When in 1758 London Yearly Meeting rewrote the queries sent annually to English Friends, they asked: “Do you bear testimony against bearing arms and paying trophy money or being in any manner concerned in privateers, letters of mark or dealing in prize goods as such?” Maryland Yearly Meeting, Philadelphia Yearly Meeting, and Friends in New England, New York, and Virginia adopted the identical query the same year.”

The Origins and Historical Understanding of Free Exercise of Religion

Michael W. McConnell, Harvard Law Review, Vol. 103, No. 7, pp.1409-1517, (1990).

Excerpts from pages 1420-1421:

“As this Article went to press, a five-Justice majority abandoned the free exercise exemptions doctrine except in cases involving a free exercise claim “in conjunction with other constitutional protections” [*Employment Div. v. Smith*]. The historical record casts doubt on this interpretation of the free exercise clause.”

“Although the free exercise and establishment clauses were proposed in 1789 and ratified in 1791, the American states had already experienced 150 years of a higher degree of religious diversity than had existed anywhere else in the world. They had, moreover, seen the results of religious conflict in England and of a variety of approaches to church-state relations in the colonies, ranging from near-theocracy to religious pluralism to state domination of the church. If the states can serve as “laboratories of democracy”, the American colonies surely served as laboratories for the exploration of different approaches to religion and government. The free exercise clause cannot be understood or appreciated without knowing what happened before.”

Excerpt from pages 1468-1469:

“New Hampshire exempted Quakers from conscription in 1759. Later, the Continental Congress was to grant exemptions in these words:

As there are some people, who, from religious principles, cannot bear arms in any case, this Congress intend no violence to their consciences, but earnestly recommend it to them, to contribute liberally in this time of universal calamity, to the relief of their distressed brethren in the several colonies,, and to do all other services to their oppressed Country, which they can consistently with their religious principles.”

(Footnote: See: Resolution of July 18, 1775).

Excerpts from pages 1455-1456:

“The revolution inspired a wave of constitution-writing in the new states.”

“Freedom of religion was universally said to be an unalienable right; the status of other rights commonly found in state bills of rights, such as property or trial by jury, was more disputed and often considered derivative of civil society.”

“These state constitutions provide the most direct evidence of the original understanding, for it is reasonable to infer that those who drafted and adopted the first amendment assumed the term “free exercise of religion” meant what it had meant in their states. The wording of the state provisions thus casts light on the meaning of the first amendment.”

The New Conscientious Objection: From Sacred to Secular

Charles C. Moskos and John Whiteclay Chambers II, Eds.
Oxford University Press, (1993).

Excerpt from: Conscientious Objectors and the American State from Colonial Times to the Present, by John Whiteclay Chambers II, Chapter 2, pp. 23-46, at page 28:

“Several state governments proclaimed in their new constitutions or fundamental declarations of rights that religious conscientious objection was an absolute right. Among these states were Delaware [1776], Pennsylvania [1776], New York[1777], and New Hampshire [1784].”

**Creating the Bill of Rights:
The Documentary Record from the First Federal Congress**

Helen E. Veit, Kenneth R. Bowling, and Charlene Bangs Bickford, Eds.
Johns Hopkins University Press, (1991).

Excerpts from the Introduction, pages ix-x:

“At the 1787 Federal Convention in Philadelphia George Mason of Virginia and Elbridge Gerry of Massachusetts had proposed that the Constitution include a bill of rights to reassure the people that the vastly strengthened federal government would not oppress them and to secure individual rights for the long term. The convention refused unanimously – a critical error that almost proved fatal to ratification.”

“Having failed to attach amendments in the Confederation Congress, Antifederalists demanded them from the [state] ratifying conventions. Party leaders stressed the absence of a bill of rights similar to those in most state constitutions. Many Federalists considered the eloquent pleas of Antifederalist leaders for a bill of rights during the ratification campaign as merely a ruse to cover opposition to a Constitution that threatened their political bases by restricting state sovereignty. Federalists generally opposed amendments, arguing that the Constitution should be allowed a trial period for problems to emerge. **They claimed that a bill of rights was unnecessary since most of the states had bills of rights, and the federal government created by the Constitution was limited and could not interfere with those rights.** A federal bill of rights might even endanger liberties because it included only certain specified rights, leaving others unprotected, and implied that the federal government had the power to decide which rights to guarantee. Antifederalists believed the Federalists’ arguments to be naïve, since the Constitution made the federal government supreme over the states. They insisted that amendments should be one of the first matters taken up by Congress. (my emphasis added).

They Step to a Different Drummer: A Critical Analysis of the Current Department of Defense Position Vis-à-vis In-Service Conscientious Objectors

Major David M. Brahms, Military Law Review, Vol. 47, pp 1-34, (1970).

Excerpt from pages 10-11:

“In light of the manifest colonial tradition of recognizing conscientious objection as a right, the inaction on the part of Madison or any of his fellow representatives [in the first U.S. Congress] with regard to the Senate’s action deleting the specific provisions relating to exemption from personal military service is strong evidence that they believed that the significant principles involved were adequately safeguarded by the remaining sections of the “Bill of Rights.” **The right of conscientious objection was either encompassed by the proposition relating to freedom of religion, which became our first amendment, or came under the aegis of the provision guaranteeing the sanctity of those nonenumerated rights retained by the people, which became our ninth amendment.**” (my emphasis added).

**The Draft and Its Enemies:
A Documentary History**

John O'Sullivan and Alan M. Meckler, Eds.
University of Illinois Press, (1974).

Excerpts:

Page 77:

"The federal draft act [of 1863] failed to make any provisions for conscientious objection. It was only through the labors of congressional leaders such as Charles Sumner and Thaddeus Stevens that certain accommodations were made to provide for conscientious objectors. On December 15, 1863, the War Department decided that conscientious objectors who were unwilling to use the existing avenues of staying out of the army – namely, paying the commutation fee or hiring a substitute – "shall...be put on parole...to report when called for." On February 24, 1864, in an amendment to the draft act, it was provided that religious objectors were to be considered noncombatants when called to service and were to be assigned to duty in hospitals or caring for freedmen or were, instead, to pay a \$300 commutation fee, these funds to be used on behalf of wounded soldiers."

Page 79:

"Although the Supreme Court never had cause to decide on the constitutionality of the federal draft law during the Civil War, there is evidence available which reveals how Chief Judge Roger Taney might have decided if the circumstances were to have arisen. Among the Taney papers is a lengthy document, entitled "Thoughts on the Conscription Law of the U. States," which contains Taney's assessment of the constitutionality of the draft. Taney found the law to be unconstitutional, involving federal interference in an area of state sovereignty. There is no certainty that these thoughts would have emerged as Taney's opinion in an actual case, nor can the degree of support they would have won from his colleagues on the court be sur-....." (Note: the pages I photocopied from this book end at this point...).

**Vision, Doctrine, War:
Mennonite Identity and Organization in America, 1890-1930**

James C. Juhnke

The Mennonite Experiences in America, Volume 3, Herald Press, (1989).

Excerpt from: The Great War, Chapter 8, pp.208-242, at pages 215-217

"Mennonites were very aware that they were a people of peace. That awareness was more decisive for their wartime experience than were their differences of denominational development, cultural background, or relationship to American town life. In at least one respect the Yellow Creek statement of August 29, 1917 spoke the common mind of American Mennonites: "We hold that Christian people should have no part in carnal warfare of any kind or for any cause." Whether or not the individual Mennonite could articulate the basis for this nonresistant faith, all Mennonites in America knew it was central to their identity."

"The America of World War I offered new challenges for Mennonites. Through the centuries Mennonites had sought out tolerant princes or governments who would offer exemption or satisfactory alternatives. Theirs was a history bespattered with successes, failures, conflicts, and accommodations. One point history had taught them was that their wartime fate often rested with official arrangements with rulers or governments. America in 1917-1918 was different. The government refused to make clear and decisive national policies on the two issues which mattered most: conscription of men and conscription of money."

Handbook on Military Taxes & Conscience

Linda B. Coffin, Ed.

Friends Committee on War Tax Concerns, (1988).

Except from: A Quaker History, by Edwin Bronner, Chapter 3, pp.39-57, at page 53:

“During World War II the federal government agreed to authorize the American Friends Service Committee to issue what it called Civilian Public Service Bonds and Stamps as an alternative to Victory Bonds and Stamps, as part of the effort to control inflation and to finance the war. The AFSC issued certificates available in denominations of \$10, \$25 and \$35, and stamps worth 10c and 25c. This made it possible for pacifists and their children in the schools to contribute money to the support of the Civilian Public Service Program as a legitimate alternative to the government’s Victory Bonds and Stamps effort. *The Friend* quoted both the Secretary of the Treasury, Henry Morgenthau, Jr., and Walter N. Ruth, State Administrator of the Treasury Department for Maryland, in regard to this practice.”

The Warriors:

Reflections on Men in Battle

J. Glenn Gray

Harcourt, Brace, (1959), Reprinted with a new forward by the author, (1970).

Bison Books edition, (1998).

Excerpts from various listed pages:

Page 173:

“The somber fact appears to be that the great majority of [World War II] veterans, not to speak of those who helped put the weapons and ammunition in their hands, are able to free themselves of responsibility with ease after the event, and frequently while they are performing it.”

Page 173:

“It is wise to assume, I believe, that the soldiers who fight twentieth-century wars are morally little better or worse than their grandfathers or great-grandfathers in previous wars. Nevertheless, there are some novel factors in our time that, taken together with the traditional ways of escape, make it easier for the majority of soldiers to carry the guilt for the destruction of the innocent in contemporary conflicts.”

Page 179:

“In highly mechanized armies, many a soldier gains a certain fulfillment in serving the machine with which he is entrusted. The automatism of military life has been immeasurably increased by the perfection and intricacy of instruments and weapons, and it is certain that the human beings who serve them are actually influenced by their automatic character.”

Page 195:

“There is a kind of guilt that transcends the personal responsibility of the sensitive conscience and burdens that soldier particularly who retains faith in the cause and the country for which he is fighting. It is the guilt the individual shares as a member of a military unit, a national fighting force, a people at war. We may call it social or political or collective guilt; it is not essentially different for the civilian than for the soldier, and it is inescapable. No matter how self-contained and isolated in spirit the man of conscience may feel, he cannot avoid the realization that he is a participant in a system and an enterprise whose very essence is violence and whose spirit is to win at whatever cost.”

Page 196:

“The awakened conscience will recognize a part of this spirit of the nation in the hate-filled speeches of politician-patriots, in the antipathy toward dissenting opinions about the utter virtue of its cause, in the ruthlessness with which the individual is sacrificed for real or alleged national advantages. It will despise the fanaticism with which this state make morally dubious and historically relative ends into absolutes, its perversity in maintaining pride at whatever price in human misery.”

Page 197:

“He shares the guilt as he shares the satisfaction in the generous deeds and worthy products of nation or army. Even if he did not consciously will them and was unable to prevent them, he cannot wholly escape responsibility for collective deeds.”

Pages 198-199:

“When the nation for which he is fighting has enjoyed a free government and been previously responsive to its citizens’ wishes, he will be conscious of greater responsibility than will the soldier whose government is authoritarian or totalitarian. The greater the possibility of free action in the command sphere, the greater the degree of guilt for evil deeds done in the name of everyone. Still, the degrees of guilt are impossible to assess for anyone else, and hardly any two people share an equal burden of communal guilt.”

Page 199:

“No citizen of a free land can justly accuse his neighbor, I believe, of political guilt, of not having done as much as he should to prevent the state of war or the commission of this or that state crime. But each can – and the man of conscience will – accuse himself in proportion to the freedom he had to alter the course of events.”

Girouard v. United States, 328 U.S. 61, (1946).

Excerpt from the Majority Opinion, (Justice William O. Douglas) pages 64- 65:

“The bearing of arms, important as it is, is not the only way in which our institutions may be supported and defended, even in times of great peril. Total war in its modern form dramatizes as never before the great cooperative effort necessary for victory. The nuclear physicists who developed the atomic bomb, the worker at his lathe, the seaman on cargo vessels, construction battalions, nurses, engineers, litter bearers, doctors, chaplains – these, too, made essential contributions. And many of them made the supreme sacrifice. Mr. Justice Holmes stated in the *Schwimmer* case (279 U.S.p.655) that “the Quakers have done their share to make the country what it is.” And the annals of the recent war show that many whose religious scruples prevented them from bearing arms, nevertheless were unselfish participants in the war effort. Refusal to bear arms is not necessarily a sign of disloyalty or a lack of attachment to our institutions. One may serve his country faithfully and devotedly, though his religious scruples make it impossible for him to shoulder a rifle. Devotion to one’s country can be as real and as enduring among non-combatants as among combatants. One may adhere to what he deems to be his obligation to God and yet assume all military risks to secure victory. The effort of war is indivisible; and those whose religious scruples prevent them from killing are no less patriots than those whose special traits or handicaps result in their assignment to duties far behind the fighting front. Each is making the utmost contribution according to his capacity. The fact that his role may be limited by religious convictions rather than by physical characteristics has no necessary bearing on his attachment to his country or on his willingness to support and defend it to his utmost.”

**To Defend the Constitution:
Religion, Conscientious Objection, Naturalization, and the Supreme Court**

Ronald B. Flowers

ATLA Monograph Series, No. 48.

The Scarecrow Press, Inc., Lanham, Maryland and Oxford, (2003).

Excerpt from pages 334-335:

“After the [congressional] hearings [on the proposed Immigration and Naturalization Act of 1952] were completed, the bills were modified and then reintroduced as S. 2055 and H.R. 5678. The House Report on the latter bill, referring to naturalization of conscientious objectors, acknowledged that *Girouard* had changed previous law.”

“In addition to bearing arms or serving as a noncombatant in the military, both of which were provided by the Internal Security Act of 1950, there is possibility of work in service to the nation under civilian supervision, which was not part of that earlier act. These were truly choices because the different modes of service are separated by the word “or” rather than “and”....These choices would make prospective citizens equal with the native-born in opportunities to avoid participating in war. Traditional pacifist groups, such as Quakers and Mennonites were satisfied with the language of the bill.”

**The Courage of Their Convictions:
Sixteen Americans Who Fought Their Way to the Supreme Court**

Peter Irons, Penguin Books, (1988).

Excerpt from: Daniel Seeger v. United States, Chapter 7, pp.153-178, at pages 173-175:
(Note: These excerpts are from the portion of the chapter written by Dan Seeger).

“In the [federal] district court [hearing held on March 26, 1963], we had a cranky old judge named Levet, who was very unsympathetic, barking all around the place like the sergeant at the Whitehall [Draft Induction] Center. I was amazed to find the judge acting like a character in a B-grade movie. Judge Levet found against us, as everyone expected.”

“We then went to the Circuit Court of Appeals, also in Manhattan. The three-judge panel that heard my appeal was presided over by Judge Irving Kaufman, who had sentenced the Rosenbergs to death. I was not thrilled at all to find him on my case, but it turned out that he wrote a *wonderful* opinion. I attended all the hearings. It was quite a different cut of business than the district court had been. Judge Kaufman wrote a decision that astounded everybody, because the three-judge panel unanimously came out in my favor.”

“The decision was a marvel, cutting right to the core of the issue and declaring section 6(j) patently unconstitutional. That was wonderful for us, because it meant we were guaranteed a Supreme Court hearing.”

“The Supreme Court decision in my case [March 8, 1965] was a disappointment. We were pleased to win, and it was a unanimous decision, but we would have preferred Judge Kaufman’s decision... What the court held was that if the conscientious convictions in the life of a religiously unorthodox objector to military service parallel that place that belief in a Supreme Being holds in the life of a conventionally religious person, then the exemption from service should be granted.”

“So it had the practical result we had sought, but it didn’t have the philosophical neatness of just declaring the law unconstitutional.”

The Spaces Between: A Journey Toward War Tax Resistance

Vinton Deming, *Friends Journal*, pp. 8-10, (March, 1988).

Excerpt from page 8:

“When I attended Philadelphia Yearly Meeting in the late 1960s I had no way of knowing that my life would be changed as a result. ...[T]he meeting was wrestling with the question of draft resistance and was trying to prepare an appropriate minute in support of young Friends faced with the draft. During a difficult moment in this process a young Friend stood and spoke with deep emotion; and his words went straight to my heart. It didn’t matter, he said, what older Friends might say in his support of him and his generation (through support was needed and appreciated, for sure); what *really* mattered to him was that Friends look personally at their own lives to see how they were connected to warmaking. If they were too old to be drafted (and most of us were) perhaps they could find other ways to resist the war.”

Quaker Crosscurrents:

Three Hundred Years of Friends in the New York Yearly Meetings

Hugh Barbour, Christopher Dunsmore, Elizabeth H. Moger, Nancy C. Sorel, Alson D. Van Wagner, and Arthur J. Worrall, Eds.
Syracuse University Press, (1995).

Excerpt from Peace and Social Concerns: The last Forty Years, 1955-1995,
by Nancy Sorel, et.al., Chapter 16, pp.276-320, at page 313:

“Conscription was a major concern of the [New York Yearly Meeting] 1969 sessions as well, and the yearly meeting approved a “Letter to Friends Troubled by Conscription” for distribution to the monthly meetings. They also agreed that the yearly meeting should refuse to honor liens on the wages of its employees made for collecting taxes that were not being paid for reasons of conscience. In the 1971 sessions Friends were urged to protest against taxation for war by refusing to pay the federal telephone tax, and the yearly meeting agreed to publicize its own refusal to pay this tax “imposed for the specific purpose of procuring funds for the support of the military action in Vietnam.”

***Gillette v. United States*, 401 U.S. 437 (1971).**

Excerpt from Majority Opinion, (Justice Thurgood Marshall), footnote 8, pages 443-444:
(Note: § 6 (j) is The Military Selective Service Act of 1967).

“The roots of § 6 (j) may be found in the earliest period of American history. See generally *Selective Service System Monograph No. 11, Conscientious Objection* 29-38 (1950). In 1775 the Continental Congress announced its resolve to respect the beliefs of “people who from Religious Principles cannot bear Arms in any case...” *Id.*, at 33-34. Against a background of state constitutional and statutory law exempting conscientious objectors from militia service, see *United States v. Seeger*, 380 U.S. 163, 170-171 (1965), Congress in 1864 explicitly exempted from the federal draft persons who “are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith [of their] religious denominations.” 13 Stat. 9. The Draft Act of 1917 relieved from military service any person who belonged to “any well-recognized religious sect or organization...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...” 40 Stat. 78. The Senate rejected an amendment to the 1917 legislation that would have granted exemptions “[o]n the ground of a conscientious objection to the undertaking of combatant service in the present war.” 55 Cong. Rec. 1478. Subsequent exemption clauses have eliminated any restriction in terms of sectarian affiliation, and have made the exemption broadly available to any conscientious objector whose scruples concerning participation in war are grounded in “religious training and belief.” *Selective Training and Service Act of 1940*, § 5 (g), 54 Stat. 889. But the phrase “participation in war in any form” used in the 1917 enactment, has, of course, survived the various revisions of the exemption provision.”

Friends and War Tax Resistance

J. William Frost, Friends Journal, pp. 6-7, (March, 1988).

Excerpts from page 7:

“The Philadelphia Yearly Meeting, since the 1960’s, has regularly put a discussion of war taxes on its agenda. In many ways the Philadelphia Yearly Meeting position on war taxes is like its position was on anti-slavery before the Civil War: before 1860, virtually all friends opposed slavery. Today virtually all Friends oppose military taxation. The difficulty in 1860 and in 1980 is that friends are searching for a way to make their religious witness effective.”

“In summary, the position of Friends is that religious freedoms preceded and are incorporated into the federal government. Pennsylvania was founded for religious freedom, and religious freedom meant no taxes for war, no militia service, and the right of affirmation. Friends think that the federal government incorporated part of that understanding in the affirmation clause in the constitution, in the first amendment, and in the religion clauses in the Pennsylvania Constitution.”

Friends Face the World: Continuing and Current Quaker Concerns

Leonard Kenworthy, Ed.

Friends General Conference, Friends United Press, and Quaker Publications, (1987).

Excerpt from: Pay Thy Taxes as Long as Thou Canst, by Wallace Collett, Chapter 14, pp. 170-181, at page 179:

“A growing number of people of all faiths are coming to understand that war is a blasphemy against the divine will and a criminal act within human society. Each of us struggle with the conscience question: “How long should I pay taxes that are used for war preparation?” In a paraphrase of Fox, the applicable response is, “Pay thy war taxes as long as thou canst.”

Peace & Taxes...God & Country: A Guide for Seeking Clearness on War Tax Concerns

Chel Avery, pamphlet published by The War Tax Concerns Support Committee, Philadelphia Yearly Meeting Religious Society of Friends, and with the assistance of Philadelphia Yearly Meeting’s Publications Committee, (1990).

Except from the Preface, at page i:

“We urge Friends Meetings to utilize the traditional Quaker clearness committee as one way of helping members discover their own rightly-ordered courses of action. Historically, Meetings have used clearness committees to help individuals make important personal decisions on matters with spiritual implication, such as marriage or Meeting membership. The clearness process has also been used by some individuals and Meetings when the decision involves a commitment to a faith-inspired witness, such as war tax resistance. Using clearness committees in such cases serves not only the individual member contemplating a witness, but also enriches and strengthens the Meeting as a whole – by involving other Meeting members in the search for spiritual guidance, and by making witness decisions the business of the Meeting community.”

War Tax Resistance:

A Guide to Withholding Your Support from the Military

Ed Hedeman, (Fifth Edition, edited by Ruth Benn and Ed Hedeman)
War Resisters League (2003).

Excerpts from page 5:

“As we go to press, President George W. Bush – promising a global war without end against terrorism – has the U.S. military massing on the borders of Iraq for a possible ground invasion, overthrow of the government, and military occupation of indeterminate length. Military spending, which had been on a modest decline through the 1990s, is once again rising as sharply as it did during the Reagan years.”

“ We expect to reach a lot of people new to war tax resistance who are fed up with the government ignoring their protests, that’s why there is a need for a book that lays out the hows and whys, what to expect from the government, and stories of individuals who have thrived in their resistance to war.”

Peace is the Way:

Writings on Nonviolence from the Fellowship of Reconciliation

Walter Wink, Ed.

Orbis Books, Maryknoll, New York, 2000, (fifth printing 2002).

Chapter 5, The Pacifist Way of Life,

A.J. Muste (Fellowship, December 1941).

Excerpt from pages 30-31:

“Pacifism is not a tool or an instrument that you can pick up and lay down, use it today but not use it tomorrow, use it in one relationship of life but not in other relationships of life. It is, itself, a way of life that grows out of convictions, attitudes, and habits, which in time become an inseparable part of the pacifist individual. What are some of the elements in this way of life?

To illustrate them, I want to recall an incident that took place a great many years ago in the “prehistoric” days before the last war, when I was a little boy, of about eleven years, in public school. The incident must have made an impression me, because I have remembered it, from time to time, through the years, though it is only in the past year or two that I have reflected upon it as being particularly significant.

I happened one afternoon that the big boy of the class, who was also something of a bully and who sat in the back row, was called down to the front to be reprimanded by the teacher. On his way down the aisle, as he passed one of the seats toward the front in which sat one of the smaller boys in the class, that smaller boy surreptitiously stuck out his foot into the aisle and the big boy stumbled over it and landed in something of a heap at the teacher’s feet. The teacher took for granted, on the basis of past performances, that this was just another antic of the big boy. She hadn’t noticed the foot surreptitiously stuck out. “Just another instance of disrespect for the dignity and authority of the teaching profession.” So the big boy got an additional reprimand and punishment for his performance.

We all knew intuitively that something very exciting was going to happen when school was over that afternoon. So, with more primness than usual, we walked out of the classroom and down the hall and down the steps, as the teacher stood at the head of those steps watching us march out, and out of the gate, until we got just a foot or so beyond where the teacher’s eye could reach us. Then, at that point, the big boy sort of squared off, with his gang gathered around him. Presently the little boy came along, and the rest of us stood around, all ready for the great excitement. Presently the big boy threw his shoulders back and said: “You tripped me.”

What, of course, we all expected was that the little boy was either going to whimper and try to get out of it, or run away, or that he would fight back as best he could. But, for some reason the little boy stood there very calmly, with his hands at his side, and said: "Yes, I did it."

With that, the big boy shifted to the other foot; and then shifted over again; and presently he turned around and walked away, with his gang following him, and presently the little boy walked away, and then the rest of us also walked away – much disappointed.

What was it that had happened? I suggest that perhaps five things may have been involved in the incident: *First*, the little boy did the unexpected thing; *second*, he admitted that he was in the wrong; *third*, he told the truth; *fourth*, he was not afraid; and *fifth*, having somehow transferred the conflict to another plane than that of physical force, he became the channel for another kind of force, so that another kind of law became operative in the situation."

Excerpts from page 36:

"The permanent forces always are the silent, the persistent, the constructive forces that are always there after the tumult and the shouting die, and the captains and kings depart – and the tumult and the shouting always do die, and the captains and the kings do always depart."

"You can, of course, kill the body of the person who builds on these forces, but that will not be the end. ...Deep down in our hearts we all believe that. It is what we were made for. Let us embrace it, live it."

Chapter 1, Nonviolence – The Greatest Force
M.K. Gandhi (The World Tomorrow, October 1926).

Excerpts from page 3:

"Far be it from me to discount or underrate the great effort that is being made in the West to kill the war spirit. Mine is merely a word of caution as from a fellow seeker who has been striving in his own humble manner after the same thing, maybe in a different way, no doubt on a much smaller scale. But if the experiment demonstrably succeeds on the smaller field and, if those who are working on the larger field have not overtaken me, it will at least pave the way for a similar experiment on a large field."

"I observe, in the limited field in which I find myself, that unless I can reach the hearts of men and women, I am able to do nothing. I observe further that so long as the spirit of hate persists in some shape or other, it is impossible to establish peace or to gain out freedom by peaceful effort.We must either let the law of love rule us through and through or not at all. Love among ourselves based on the hatred of others breaks down under the slightest pressure. The fact is, such love is never real love. It is an armed peace. And so it will be in this great movement in the West against war. War will only be stopped when the conscience of humankind has become sufficiently elevated to recognize the undisputed supremacy of the Law of Love in all walks of life. Some say this will never come to pass. I shall retain the faith till the end of my earthly existence that it shall come to pass."