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PERSONNEL—GENERAL
CONSCIENTIOUS OBJECTION

Effective 1 July 1974

This regulation standardizes procedures for conscientious objector discharge and noncombatant classification requests from members of the Active Army and Reserve Components; delegates approval authority to the general court-martial or equivalent level; and retains disapproval authority at HQDA. Local supplementation of this regulation is prohibited except upon approval of HQDA (DAPE-MPE-CS) WASH DC 20310.

| | Paragraph | Page |
|---|-----------|------|
| CHAPTER 1. GENERAL | | |
| Purpose | 1-1 | 1-1 |
| Scope | 1-2 | 1-1 |
| Explanation of terms | 1-3 | 1-1 |
| Policy | 1-4 | 1-2 |
| Noncombatant 1-A-0 inductees or enlistees | 1-5 | 1-3 |
| CHAPTER 2. APPLYING FOR CONSCIENTIOUS OBJECTOR STATUS | | |
| Application | 2-1 | 2-1 |
| Counseling the applicant | 2-2 | 2-1 |
| Interviewing the applicant | 2-3 | 2-1 |
| Investigating the applicant's claim | 2-4 | 2-2 |
| Conduct of the investigation | 2-5 | 2-2 |
| Review of the case | 2-6 | 2-3 |
| Decision authority | 2-7 | 2-4 |
| Second and subsequent applications | 2-8 | 2-4 |
| Guidelines for processing conscientious objector cases | 2-9 | 2-5 |
| Utilization, assignment, and training | 2-10 | 2-5 |
| CHAPTER 3. DISPOSITION OF PERSONNEL | | |
| Action after approval | 3-1 | 3-0 |
| Discharge of personnel having less than 180 days service | 3-2 | 3-0 |
| Removal of identification as 1-A-0 conscientious objector | 3-3 | 3-0 |
| Suspension of favorable personnel action | 3-4 | 3-1 |
| Separation certificates | 3-5 | 3-1 |
| Expenses | 3-6 | 3-1 |
| APPENDIX A. PERSONAL INFORMATION WHICH MUST BE INCLUDED IN APPLICATION | | A-1 |
| B. SUGGESTED CHECKLIST FOR PROCESSING CONSCIENTIOUS OBJECTOR APPLICATIONS | | B-1 |

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* This regulation supersedes AR 135-25, 2 September 1970; AR 614-106, 21 October 1970; AR 635-20, 31 July 1970; paragraph 2-12, AR 600-200, 24 March 1965; and the following DA messages: AGPO 161827Z Sep 71, subject: Interim Change to AR 635-20 (to be published as a revision); AGPO 201306Z Sep 71, subject: Change to AR 635-20; DAPE-MPC 151945Z Oct 71, subject: Policy Change to Conscientious Objector Procedures.

CHAPTER 1

GENERAL

1-1. Purpose. This regulation sets forth the policy, criteria, and procedures for the classification and disposition of military personnel who claim conscientious objection to participation in war in any form or to the bearing of arms.

1-2. Scope This regulation applies equally to commissioned officers, warrant officers, and enlisted members of the Active Army, the Army National Guard (as made applicable by National Guard directive), and the Army Reserve.

1-3. Explanation of Terms. For the purpose of this regulation the following terms apply:

a. Conscientious Objection. A firm, fixed and sincere objection to participation in war in any form or the bearing of arms, by reason of religious training and belief.

(1) *Class 1-0 Conscientious Objector.* A member who, by reason of conscientious objection, sincerely objects to participation of any kind in war in any form.

(2) *Class 1-A-0 Conscientious Objector.* A member who, by reason of conscientious objection, sincerely objects to participation as a combatant in war in any form, but whose convictions are such as to permit military service in a noncombatant status. Unless otherwise specified, the term "Conscientious Objector" includes both 1-0 and 1-A-0 conscientious objectors.

b. Religious training and belief. Belief in an external power or being or deeply held moral or ethical belief, to which all else is subordinate or upon which all else is ultimately dependent, and which has the power or force to affect moral well-being. The external power or being need not be of an orthodox deity, but may be a sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of another, or, in the case of deeply held moral or ethical beliefs, a belief held with the strength and devotion of traditional religious conviction. The term "religious

training and belief" may include solely moral or ethical beliefs even though the applicant himself may not characterize these beliefs as "religious" in the traditional sense, or may expressly characterize them as not religious. The term "religious training and belief" does not include a belief which rests solely upon considerations of policy, pragmatism, expediency, or political views. In attempting to determine whether a conscientious objection to participation is founded upon religious training and belief, as defined above, the proper scope of inquiry is whether the individual holds the asserted beliefs and whether they are the product of a conscious thought process, resulting in such a conviction of the validity of the beliefs as to give the person holding them no choice but to act in accordance with them. That the beliefs lack sophistication does not mean they are not deeply held. Particular care must be taken to avoid the inference that an applicant who lacks sufficient insight or knowledge to express his beliefs clearly does not hold the beliefs, or that they are not "religious" in origin or held with the strength of traditional religious convictions.

c. Noncombatant service or noncombatant duties (1-A-0) (used interchangeably herein).

(1) Service in any unit of the Armed Forces which is unarmed at all times.

(2) Service in the medical department of any of the Armed Forces, wherever performed.

(3) Any other assignment the primary function of which does not require the use of arms in combat provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

(4) Service aboard an armed ship or aircraft or in a combat zone shall not be considered to be combatant duty unless the individual concerned is personally and directly involved in the operation of weapons.

d. Noncombatant training. Any training which is not concerned with the study, use or handling of arms or weapons.

e. Nonunit members. Ready Reserve non-unit members and Standby Reserve members as defined in AR 140-1.

f. Inductee. An individual who has become a member of the Armed Forces through the operation of the Selective Service System.

g. Entry into service. For an inductee, and only for the purpose of conscientious objection, it is the date upon which the Selective Service System dispatched his notice of induction. For all other members, it is the date upon which they took the oath of enlistment or appointment, or signed the enlistment contract (for cadets who have ROTC scholarships).

h. War in any form. An individual who desires to choose the war in which he will participate is not a conscientious objector under the law. His objection must be to all wars rather than a specific war. However, a belief in a theocratic or spiritual war between the powers of good and evil does not constitute a willingness to participate in "war" within the meaning of this regulation.

1-4. Policy. *a.* Consistent with the effectiveness and efficiency of the Army, personnel who qualify under this regulation as bona fide conscientious objectors will be classified as such to the extent practicable, but requests for conscientious objector classification after entering military service will not be favorably considered when:

(1) Based on conscientious objection which existed and satisfied the requirements for classification as a conscientious objector pursuant to Section 6(j) of the Military Selective Service Act, as amended (50 U.S.C.App. 456(j)) and other provisions of law, but which was not claimed prior to dispatch of the notice of induction, enlistment or appointment. However, claims based on conscientious objection growing out of experiences prior to entering military service, but which did not become fixed until entry into the service, will be considered.

(2) Based solely on conscientious objection claimed *and denied on the merits* by the Selective Service System prior to induction, when the application under this regulation is based upon substantially the same grounds, or supported by substantially the same evidence, as the request which was denied by the Selective Service System. A refusal by the Selective

Service System to reopen an individual's classification does not bear any significance on the merits of a registrant's claim. If the Selective Service expresses its views concerning the merits of the claims of a registrant whose beliefs have crystalized after dispatch of his induction notice, in connection with a refusal to reopen his classification, such expressions must be given no effect.

(3) Based solely upon considerations of policy, pragmatism or expediency. An applicant who is otherwise eligible for conscientious objector status may not be denied that status simply because his conscientious objection influences his views concerning the nation's domestic or foreign policies.

(4) Based on objection to a particular war.

(5) Based upon insincerity. The important consideration is not whether the applicant is sincere in wanting to be designated as a conscientious objector, but whether his asserted convictions are sincerely held. Sincerity is determined by an impartial evaluation of the applicant's thinking and living in its totality, past and present. The conduct of an applicant, in particular his outward manifestation of the beliefs asserted, will be carefully examined and given substantial weight in evaluating the application. Relevant factors that should be considered in determining an applicant's claim of conscientious objection include: training in the home and church; general demeanor and pattern of conduct; participation in religious activities; whether ethical or moral convictions were gained through training, study, contemplation, or other activity comparable in rigor and dedication to the processes by which traditional religious convictions are formulated; credibility of persons supporting the claim. For example, the applicant may have sought release from the Army through several means simultaneously or in rapid succession (medical discharge, hardship discharge, compassionate reassignment, etc.). He may have made some major commitments during the time his beliefs were developing which are inconsistent with his claim. He may have applied for conscientious objector status shortly after becoming aware of the prospect of undesirable or hazardous duty, or having been rejected for a special program; however, the timing of the application alone is never enough to furnish a basis in fact to support a disapproval. These exam-

ples merely serve as indicators that further inquiry as to the applicant's sincerity may be warranted. Recommendations for disapproval should be supported by additional evidence beyond these indicators.

b. Particular care must be exercised not to deny the existence of bona fide beliefs simply because those beliefs are incompatible with one's own. Church membership or adherence to particular theological tenets are not required to warrant separation or assignment to non-combatant training and service. Mere affiliation with a church or other group which advocates conscientious objection as a tenet of its creed is not necessarily determinative of an applicant's position or belief. Conversely, affiliation with a church or group which does not teach conscientious objection does not necessarily rule out adherence to conscientious objection beliefs in any given case. When an applicant is or has been a member of a church, religious organization, or religious sect, and when the claim of conscientious objection is related to such membership, inquiry may be made as to the fact of membership, and the teaching of the church, religious organization, or religious sect, as well as the applicant's religious activity. However, the fact that the applicant may disagree with, or not subscribe to, some of the tenets of this church does not necessarily discredit his claim. The personal convictions of each individual will be controlling so long as they derive from the applicant's moral, ethical or religious beliefs. The task is to decide whether the beliefs professed are sincerely held, and whether they govern the claimant's actions both in word and deed.

c. The burden of establishing a claim of conscientious objection as grounds for separation or assignment to noncombatant training and service is on the applicant. To this end, the applicant must establish by clear and convincing evidence that the nature or basis of the claim comes within the definition of criteria prescribed herein for conscientious objection and that his beliefs in connection therewith are sincere. The applicant has the burden of determining and setting forth the exact nature of the request, i.e., whether for separation based on conscientious objection (1-0) or for assignment to noncombatant training and service based on conscientious objection (1-A-0).

d. An applicant claiming 1-0 status will not be granted 1-A-0 status as a compromise.

e. The provisions of this regulation will not be used to effect the administrative separation of individuals who do not qualify as conscientious objectors, or in lieu of administrative separation procedures such as those provided for unsuitability or unfitness, or as otherwise set forth in other Army regulations. Individuals determined not qualified for conscientious objector status, but the separation of whom would otherwise appear to be in the best interest of the Army should be considered for administrative separation under the provisions of other applicable Army regulations. Under no circumstances will administrative separation of these individuals be effected pursuant to this regulation.

f. Nothing in this regulation prevents the administrative elimination, pursuant to law and regulations of the Army, of any individual whose performance of duty subsequent to reclassification as a 1-A-0 conscientious objector is substandard or who exhibits other cause for elimination.

1-5. Noncombatant 1-A-0 inductees or enlistees. An individual who was classified 1-A-0 by Selective Service prior to induction and whose DD Form 47 indicates that he is a conscientious objector or who enlisted as a 1-A-0 noncombatant for the medical career management field will, upon completion of processing at the Armed Forces Examining and Entrance Station (AFEES), be reassigned to a US Army Training Center for Modified Basic Training (MBT) as prescribed in ATP 21-114. These personnel will be required to sign and date a statement as set forth in paragraph E, Appendix A, which will be placed in the individual's Military Personnel Records Jacket (MPRJ). Upon completion of reception station processing, these personnel will be assigned to a Basic Combat Training (BCT) company for MBT, which excludes training in the study, use or handling of arms or weapons as stated in paragraph 2-10a. Upon successful completion of MBT, 1-A-0 personnel will be reassigned to training in the medical career management field. The reporting date to the new unit of assignment will be determined and entered in assignment orders as prescribed in AR 310-10. Such persons will

not be allowed to avoid the important or hazardous duties which are part of the responsibility of all members of the medical organization. Any person who does not meet the requirements

for this training, who fails to complete the prescribed course of instruction, or who otherwise cannot be assigned to this duty will be assigned to other noncombatant duties.

These are not a "unit" for CO and at AR 600-43 purposes. Reflects opinion first expressed in JAGA 1968/4827, 26 Dec 1968, which is the basis of the present Chap 2 AR 635-20 and 635-21.

CHAPTER 2

APPLYING FOR CONSCIENTIOUS OBJECTOR STATUS

ADJUTANT GENERAL
HEADQUARTERS
ARMY
WASHINGTON, D.C.

2-1. **Application.** All military personnel who seek either discharge or assignment to noncombatant duties by reason of conscientious objection will submit an application. The applicant will indicate whether he is seeking a discharge or assignment to noncombatant duties on DA Form 2496 (Disposition Form) to his immediate commanding officer. Applications from recruits will not be submitted to or accepted by Armed Forces Examining and Entrance Stations or Reception Stations. The basic training company is considered to be the first duty station for a recruit making application under this regulation. The individual making application must include the personal information required by Appendix A, and any other items which the individual desires to submit in support. This constitutes a formal application. If the required information is submitted as an inclosure, it will be dated and signed by the applicant. The individual may submit such other information as desired but all information to be considered will be submitted through military channels as prescribed herein. All information will be specific in nature; where applicable, dates and/or length of time will be given or estimated, but generalities such as "several years" or "many months" will be avoided. Nonunit members (Individual Ready Reserve and Standby Reserve) will submit their application to the oversea area commander or Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132, as appropriate.

2-2. **Counseling the applicant.** The individual's commanding officer will insure that the applicant is advised and counseled concerning the provisions of Section 3103, Title 38, United States Code. That section provides in pertinent part, that the discharge of any person on the grounds that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority shall bar all rights (except Government insurance) of such persons under the laws

administered by the Veterans Administration based upon the period of service from which discharged or dismissed. The only exception is in cases in which it is established, to the satisfaction of the Administrator, that the member was insane. After counseling the member will be required to sign and date the following statement:

I have been advised of the provisions of 38 U.S.C. 3103 concerning possible nonentitlement to benefits administered by the Veterans Administration due to discharge from the military service as a conscientious objector under certain conditions. I understand that a discharge as a conscientious objector who refused to perform military duty or otherwise to comply with lawful orders of competent military authority shall bar all rights, based upon the period of service from which discharged, under any laws administered by the Veterans Administration except my legal entitlement (if any) to any war risk, government (converted) or National Service Life Insurance.

2-3. **Interviewing the applicant.** a. The commander will arrange for the applicant to be interviewed by a military chaplain, who may be from any component of the Armed Forces. The chaplain will submit a report of interview to the commander to include comments on the nature and the basis of the applicant's claim, the sincerity and depth of the applicant's conviction, and an opinion as to the source of the applicant's beliefs (para 1-3b). The report will include specific reasons for his conclusions. No recommendation for approval or disapproval of the application will be included.

b. Applicant will also be interviewed by a psychiatrist (or other medical officer if a psychiatrist is not available) who may be from any component of the Armed Forces, who will submit a written report of psychiatric evaluation indicating the presence or absence of any psychiatric disorder which would warrant treatment or disposition through medical channels, or such character or personality disorder as to warrant recommendation for appropriate administrative action. This opinion and report will become part of the case file. If the applicant refuses to participate or is uncooperative

or unresponsive in the course of the interview, this fact will be included in the statement and report filed by the psychiatrist or other medical officer. No recommendation for approval or disapproval of the application will be included.

2-1. Investigating the applicant's claim. *a.* The commander exercising Special Court-Martial jurisdiction over the applicant will appoint an officer in the grade of O-3 or higher, knowledgeable in policies and procedures relating to conscientious objector matters, to investigate the applicant's claim. Area commanders will provide assistance upon the request of the CG, Reserve Components Personnel and Administration Center to arrange for necessary interviews of nonunit Reservists residing in their geographical area of jurisdiction. The officer so appointed will neither be an individual in the applicant's chain of command, nor one who has the primary responsibility for making recommendations on administrative matters to the commander. If the applicant is a commissioned officer, the investigating officer must be senior in both temporary and permanent grades to the applicant.

b. Upon appointment, the investigating officer will—

(1) Review the applicable Army regulations.

(2) Obtain all necessary legal advice from the local staff judge advocate or other legal officer.

(3) Seek information from commanders, supervisors, records, and any other sources which may contribute to his final recommendation.

(4) Request the applicant's Selective Service System records, or specific information contained therein, if he believes such a review of the records or such specific information, is necessary for a complete inquiry.

(5) When the applicant indicates that application for conscientious objector status was requested and denied by the Selective Service System, obtain and review the Selective Service System records.

c. Any request for records or information from local Selective Service System boards must be accompanied by the applicant's release authorization. Information so obtained will be presented to the applicant at the hearing or later.

2-5. Conduct of the investigation. *a.* The investigating officer will conduct a hearing on the application. The purpose of the hearing is to:

(1) Afford the applicant an opportunity to present any evidence he desires in support of his application.

(2) Enable the investigating officer to ascertain and assemble all relevant facts.

(3) Create a comprehensive record.

(4) Facilitate an informed recommendation by the investigating officer.

(5) Facilitate an informed decision on the merits by higher authority.

b. Any failure or refusal by the applicant to submit to questioning under oath or affirmation before the investigating officer may be considered in the recommendation and evaluation of the applicant's claim.

c. The hearing may be delayed for good cause at the request of the applicant. If the applicant fails to appear at the hearing, the investigating officer may proceed in his absence and the applicant will be deemed to have waived appearance. However, this does not waive the requirement for an investigating officer. Regardless of the desires of the applicant, an investigating officer will be appointed to comply with the requirements described herein.

d. If the applicant desires, he will be entitled to be represented by counsel, at the applicant's own expense, who will be permitted to be present at the hearing, assist the applicant in the presentation of the case, and examine all items in the file.

e. The hearing will be informal and will not be governed by the rules of evidence employed by court-martial, except that all oral testimony presented will be under oath or affirmation. Any relevant evidence may be received. Statements obtained from persons not present at the hearing need not be made under oath or affirmation. The hearing is not an adversary proceeding.

f. The applicant may submit any additional evidence desired (including sworn and unsworn statements) and present any witnesses, but the applicant will be responsible for securing their attendance. The installation or local commander will render all reasonable assistance in making available military members of the command requested by the applicant as witnesses. Further,

the applicant will be permitted to question any other witnesses who appear and to examine all items in the file.

g. A verbatim record of the hearing is not required. If the applicant desires such a record and agrees to provide it at his own expense, he may do so. If the applicant elects to provide such a record, a copy will be made available to the investigating officer, at no expense to the government, at the conclusion of the hearing. In the absence of a verbatim record, the investigating officer will summarize the testimony of witnesses and permit the applicant or counsel to examine the summaries and note for the record the differences with the investigating officer's summary. Copies of statements and other documents received in evidence will be made a part of the hearing record. The investigating officer has the responsibility for authenticating the hearing record. The investigating officer's version is final as to the record of the testimony of the witnesses.

h. At the beginning of the hearing, the investigating officer will require the applicant to acknowledge his understanding of the matters stated in figure 2-1.

i. At the conclusion of the investigation, the investigating officer will prepare a written report in four copies, which will contain the following:

(1) Any documents, statements, and other material received during the investigation.

(2) Summaries of the testimony of the witnesses presented (or a verbatim record of the testimony if such record was made).

(3) A statement of the investigating officer's conclusions as to the underlying basis of the applicant's conscientious objection, the time period (being as specific as possible) in which the applicant's beliefs became fixed and the sincerity of the applicant including reasons for such conclusions.

(4) The investigating officer's recommendations for disposition of the case, including reasons (basis in fact and not conjecture) therefor. The actions recommended will be limited to the following:

(a) Denial of any classification as a conscientious objector.

(b) Classification as 1-A-0 conscientious objector.

(c) Classification as 1-0 conscientious objector.

(5) In 1-0 application cases, the investigating officer will not recommend a classification of 1-A-0 unless the applicant has indicated a willingness to remain on active duty in a noncombatant role. If such an indication is present, the investigating officer should obtain a written statement from the applicant that affirms the willingness to serve.

j. The investigating officer's report along with the individual's application, all interviews with chaplains and doctors, evidence received as a result of the hearing, and any other items submitted by the applicant in support of the application will constitute the record.

k. The investigating officer's conclusions and recommended disposition will be based on the entire record and not merely on the evidence produced at the hearings. A copy of the record will be forwarded to the applicant at the same time that it is forwarded to the commander who appointed the investigating officer. The applicant will be informed by documentation that the applicant has the right to submit a rebuttal to the report within 10 days.

l. The record of the case will be forwarded to the headquarters of the commander who appointed the investigating officer with recommended disposition based on the entire record. The recommended disposition will be based on fact and not conjecture.

2-6. Review of the case. *a.* The record of the case will then be forwarded through command channels to the general court-martial convening authority where the case will be reviewed for administrative correctness by administrative actions personnel. After the administrative review, the case will be reviewed by the local staff judge advocate for sufficiency in law and fact to include a recommended disposition of the case supported by reasons.

b. If necessary, the case may be returned to the investigating officer for further investigation. When the record is completed, it will be returned through channels with new recommended dispositions, if appropriate, and with the applicant's rebuttal, or waiver thereof, to the headquarters which initiated the return for further investigation.

c. The record of the case will show that the

unit commander has taken the following actions:

(1) Completed DD Form 1589 (Department of Defense Summary Sheet for Review of Conscientious Objector Application).

(2) Included the following information on DA Form 2496 as comment 2, and then forwarded the application through command channels:

(a) Whether approval or disapproval is recommended with reasons in support thereof.

(b) Duty and primary MOS of the applicant.

(c) Whether medical board or physical evaluation board proceedings are pending or appropriate.

(d) Whether the applicant is under investigation, under charges, awaiting result of trial, absent without leave, or under suspension of favorable personnel action in accordance with AR 600-31. (See para 3-4 for information required when applicant is under suspension of favorable personnel action.)

2-7. Decision authority. a. Approval of application. Authority to approve applications is delegated to the commander exercising general court-martial jurisdiction over the applicant, and the appropriate level of command listed below for the Reserve Components. Final determination on applications not approved by the command levels listed below will be made by Headquarters, Department of the Army.

(1) Applications submitted by Army personnel on active duty, including ARNG and USAR personnel on active duty or active duty for training, will be forwarded through normal command channels to the active Army commander having general court-martial convening authority for determination and action on approved applications.

(2) Applications submitted by ARNG personnel who are not on active duty or active duty for training will be forwarded through normal command channels to the State Adjutant General for determination and action on approved applications.

(3) Applications submitted by USAR unit personnel and those nonunit personnel under the jurisdiction of an oversea area commander who are not on active duty or active duty for training, will be forwarded through normal

command channels to the CONUSA or oversea area commander, as applicable, for determination and action on approved applications.

(4) Personnel under the jurisdiction of the CG, Reserve Components Personnel and Administration Center, who are not on active duty or active duty for training, will submit their applications to the Commander, Reserve Components Personnel and Administration Center, ATTN: SJA-CO, 9700 Page Boulevard, St. Louis, MO 63132, for determination and action on approved applications.

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b. Disposition of approved case. The completed record of a case approved by the authority in a above will be forwarded to HQDA (DAPC-PAS-S), Alexandria, VA 22332 in two copies for appropriate disposition and review of the application of policies and procedures.

c. Requests recommended for disapproval.

(1) Applications not approved by the command levels specified in a above will be forwarded in four copies directly to HQDA (DAPC-PAS-S), Alexandria, VA 22332. The authority in a above, prior to forwarding the case to HQDA, will furnish the applicant a copy of the disapproval recommendation and the reasons in support thereof. The applicant will be informed that he has the right to submit a rebuttal to the disapproval recommendation within 7 days. The applicant's comments will be attached or a statement will be made in the forwarding endorsement that he elected not to comment.

(2) Appropriate disposition instructions will be furnished to the command for applications approved by HQDA.

(3) Upon determination by HQDA that the individual's request is disapproved, the reasons for this decision will be made a part of the record and will be provided to the applicant by the CG, MILPERCEN.

2-8. Second and subsequent applications. a. An application for discharge as a conscientious objector which has been considered and disapproved by HQDA will not be reconsidered. An applicant may submit second and subsequent formal applications to his unit commander which will be considered if they are not based upon substantially the same grounds, or are not supported by substantially the same evidence, as a previously disapproved application.

b. When a second or subsequent formal ap-

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plication is received, the unit commander will forward the application and any documents submitted therewith to the headquarters of the approval authority specified in paragraph 2-7a, where the application will be reviewed by the staff judge advocate to determine whether it is substantially the same as a previous application disapproved by HQDA. Approval authorities specified in paragraph 2-7a are authorized to return to an applicant without action, any second or subsequent application under this regulation when review reveals that it is substantially the same as a previous application disapproved by HQDA. These commanders are not authorized to delegate this authority to subordinate commanders without prior approval of the Secretary of the Army.

c. If the approval authority specified in paragraph 2-7a determines that the second or subsequent application is not substantially the same as a previously disapproved application, he will return the application to the applicant's unit commander for processing in accordance with this regulation, including a new chaplain's report, psychiatrist's report (if over 6 months has elapsed), and a new investigating officer's report.

2-9. Guidelines for processing conscientious objector cases. See appendix B for suggested checklist for processing conscientious objector applications.

2-10. Utilization, assignment, and training. *a.* Except as provided in *b* below, individuals who have submitted formal applications (see Appendix A) will be retained in their units and assigned duties providing the minimum practicable conflict with their asserted beliefs pending a final decision on their applications. In the case of trainees, they will not be required to train in the study, use or handling of arms or weapons. It does not preclude the trainee from participating in those aspects of training that do not involve the bearing or use of arms, weapons or munitions. Except for this restriction, conscientious objector applicants are subject to all regulations to include those on training.

b. In the case of second and subsequent applications, the duty limitations of *a* above will not apply if the applicant's immediate commander determines that the application is substantially the same as a previously disapproved

application. However, the provisions of paragraph 2-8 remain applicable.

c. An individual on orders for reassignment who desires to apply but does not have the required evidence (Appendix A) to support a formal application is authorized one delay of 7 days. The 7 days will be counted from the "will proceed" date on any movement orders, and the completed formal application must be submitted no later than 7 calendar days from that date. Failure to submit a completed application within the time allotted requires compliance with those reassignment orders. An individual who has departed his unit of assignment in compliance with reassignment orders may not make application for conscientious objector status until he arrives at his new permanent duty station. The foregoing does not apply to individuals who are TDY en route on reassignment orders for a period in excess of 8 weeks.

d. When a request for conscientious objector status has been denied, the individual will comply with reassignment orders, be assigned to any duties, or be required to participate in any type of training. Application to the Army Board for Correction of Military Records will not change such reassignment, performance of any duties, or participation in any type of training.

e. In the case of Reserve components personnel, the submission of an application subsequent to the date the applicant's orders are published announcing reporting date for active duty or active duty for training is not a basis for delay in reporting for designated duty. In the event an individual is ordered to report to active duty or active duty for training while an application is being processed, and the individual is advised that final action cannot be made prior to his reporting date for duty, the individual will be required to comply with his orders. In such instance, his application will be forwarded to the appropriate approval authority for processing.

f. Notwithstanding the retention requirements stated above, an individual who applies for conscientious objector status and is confined as a result of court-martial sentence to confinement in excess of 30 days must be transferred and assigned to a United States Army correctional custody holding detachment under the mandatory provisions of paragraph 5, AR 190-23. His pending application will be transferred to the gaining commander for appropriate action.

7. I may submit any additional evidence I desire, and present any witnesses in my behalf, however I am responsible for securing their attendance.
8. I am permitted to question any witnesses who appear.
9. A verbatim record of the hearing is not required, however I may make such a record available at my own expense. If I do so, I must make a copy available to the investigating officer.
10. The version of the hearing as recorded by the investigating officer is final as to the testimony of the witnesses, however its regularity may be rebutted.
11. A copy of the record will be forwarded to me at the time the record is forwarded to the commander. I realize that I have the right to submit a rebuttal within 10 days.

Applicant's Name, Grade, Social
Security Number, and Organization

Investigating Officer, Grade,
Branch

Applicant's counsel, and address
if civilian attorney

CHAPTER 3

DISPOSITION OF PERSONNEL

3-1. Action after approval. *a.* Persons determined to meet the criteria for 1-0 classification will normally be discharged "For the convenience of the Government."

(1) *Commissioned officers and warrant officers (active).* Orders announcing discharge of individuals will cite this regulation and the appropriate SPD from AR 635-5-1 as the authority for discharge.

(2) *Enlisted personnel (active).* Orders directing individuals to report to the appropriate transfer activity designated to accomplish discharge processing will cite this regulation and the appropriate SPD from AR 635-5-1 as the authority for discharge.

(3) *Reserve component personnel not on active duty or active duty for training.* Orders announcing discharge will cite this regulation as the authority.

b. Individuals who are classified 1-A-0 are not eligible for discharge under this regulation.

(1) *Active duty personnel.* Individuals classified 1-A-0 will be identified by an entry on the individual's qualification record (DA Form 20, 66, and 2-1 as appropriate) as provided by AR 640-2 and AR 640-2-1. Enlisted personnel will be assigned and utilized in accordance with paragraph 3-7, AR 600-200 and the provisions of this regulation. Officers and warrant officers will be reassigned to combat service support branches where they can perform noncombatant duties.

(2) *Reserve component personnel.* Individuals classified 1-A-0 will be identified in accordance with (1) above. Such individuals will be required to complete their Ready Reserve and Statutory obligation or term of enlistment subject to the assignment instructions outlined herein.

(a) Ready Reserve members will be:

1 continued in current Reserve assignment if such assignment qualifies as noncombatant service and training; or

2 Assigned to an appropriate vacancy in a Reserve medical unit, if available; or

3 Assigned to an annual training or reinforcement control group, whichever is appropriate, under criteria prescribed in AR 140-10.

(b) Standby Reserve members will be continued in current assignment.

(c) ARNGUS members who, upon separation from their State status as Army National Guard and or upon withdrawal of Federal recognition, revert to USAR status will be assigned in accordance with (a) 2 or 3 above.

3-2. Discharge of personnel having less than 180 days service. When personnel who have less than 180 days on active duty (excluding active duty for training) are discharged by reason of conscientious objection, National Headquarters, Selective Service System, 1724 F Street NW, Washington, DC 20435, will be notified promptly of date of discharge from military service, and advised that the individual has not completed 180 days active duty.

3-3. Removal of identification as 1-A-0 conscientious objector. When an individual who has been determined to be a bona fide conscientious objector under this regulation, desires to have identification as a conscientious objector 1-A-0 removed, the following procedures will apply:

a. The individual will submit a request to his commanding officer, using DA Form 2496 (Disposition Form) or letter, prepared in four copies and all copies will be signed. If applicable, the request will contain the individual's Selective Service Number, local board number, and address.

b. The custodian of his records will then delete the conscientious objector entry on the individual's qualification record (DA Form 20, 66, and 2-1 as appropriate). Action will also be taken to delete this identification from any data processing records on which the classification may be coded. The custodian will indicate by comment on all copies of the DA Form 2496 when the entry on the DA Form 20, DA Form

66, or DA Form 2-1 has been deleted and distribute the copies as follows:

(1) Original to be filed as a permanent document in the individual's Military Personnel Records Jacket, US Army.

(2) Copy to be forwarded to the appropriate State Director, Selective Service System. See AR 601-49 for Selective Service addresses.

(3) Copy to be returned to the individual concerned.

(4) For Reservists and members of the National Guard, copy to be forwarded through channels to the appropriate State Adjutant General or CG, Reserve Components Personnel and Administration Center.

3-4. Suspension of favorable personnel action.

Applications for conscientious objector status submitted by individuals who are under suspension of favorable personnel actions under the provisions of AR 600-31 will include from the commander who initiated the suspension, a detailed account of the events which prompted him to flag the individual's personnel records.

3-5. Separation certificates. a. An Honorable Discharge Certificate (DD Form 256A) or a General Discharge Certificate (DD Form 257-A) will be furnished. Commissioned officers and warrant officers will be furnished a discharge certificate in accordance with AR 635-5 or as directed by HQDA. Enlisted personnel will be furnished a discharge certificate in accordance with AR 635-200.

b. DD Form 214 (Report of Separation from Active Duty) will be furnished each individual discharged from active service under this regulation.

c. When discharged because of conscientious objection, the reason and authority for discharge (item 9c, DD Form 214) will be "AR 600-43, Conscientious Objection" with the appropriate separation program designator.

3-6. Expenses. No expenses of any nature whatever voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf will be paid by the Government.

APPENDIX A
PERSONAL INFORMATION WHICH MUST BE
INCLUDED IN APPLICATION

Each person seeking release from active or reserve service from the Armed Forces, or assignment to noncombatant duties, as a conscientious objector, will provide the information indicated below as the minimum required for consideration of his request. This in no way bars the Department of the Army from requiring such additional information as it may desire. The individual may submit such other information as desired.

A. General Information

1. Full name.
2. Social Security Number.
3. Selective Service Number.
4. Service address and Component (Regular, USAR, ARNGUS).
5. Permanent home address.
6. Name and address of each school and college attended together with the dates of attendance, and the type of school (public, church, military, commercial, etc.).
7. A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college, whether for monetary compensation or not. Include the type of work, name of employer, address of employer and the from to date for each position or job held.
8. All former addresses and dates of residence at those addresses.
9. Parent's name and addresses. Indicate whether they are living or deceased.
10. The religious denomination or sect of both parents.
11. Was application made to the Selective Service System (local board) for classification as a conscientious objector prior to entry into the Armed Forces? If so, to

which local board? What decision, if any, that was made by the Board, if known?

12. Has any previous application been made in service for classification as a conscientious objector? If so, for which status, 1-0 or 1-A-0? Where and when was application made? What was the final determination? Attach a copy of the previous application(s), if any.
13. When the applicant has served less than 180 days in the Armed Forces, a statement by him as to whether he is willing to perform work under the Selective Service civilian work program for conscientious objectors, if discharged as a conscientious objector. Also, a statement of the applicant as to whether he consents to the issuance of an order for such work by his local Selective Service board.

B. Training and Belief

1. An express, specific statement as to whether the applicant requests classification as a conscientious objector 1-0, or as a conscientious objector 1-A-0.
2. A description of the nature of the belief which requires the applicant to seek separation from the military service or assignment to noncombatant training and duty for reasons of conscience.
3. An explanation as to how his beliefs changed or developed, to include an explanation as to what factors (how, when and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.
4. An explanation as to when these beliefs became incompatible with military service, and why.
5. An explanation as to the circumstances, if any, under which the applicant believes

in the use of force, and to what extent, under any foreseeable circumstances.

6. An explanation as to what in the applicant's opinion most conspicuously demonstrates the consistency and depth of his beliefs which gave rise to his claim.

C. Participation in Organizations

1. Information as to whether applicant has ever been a member of any military organization or establishment before entering upon his present term of service. If so, the name and address of such organization will be given together with reasons why he became a member.
2. A statement as to whether applicant is member of a religious sect or organization. If so, the statement will show the following:
 - a. The name of the sect, and the name and location of its governing body or head, if known.
 - b. When, where and how the applicant became a member of said sect or organization.
 - c. The name and location of any church, congregation or meeting which the applicant customarily attends, and the extent of the applicant's participation therein.
 - d. The name, title, and present address of the pastor or leader of such church, congregation or meeting.
 - e. A description of the creed or official

statements, if any, and if they are known to him, of said religious sect or organization in relation to participation in war.

3. A description of applicant's relationships with and activities in all organizations with which he is or has been affiliated, other than military, political, or labor organizations.

D. References

Any additional information, such as letters of reference or official statements of organizations to which the applicant belongs or refers in his application, that the applicant desires to be considered by the authority reviewing his application. The burden is on the applicant to obtain and forward such information.

E. Statement for Those Seeking 1-A-0 Classification

Applicants seeking classification as 1-A-0 noncombatants will include the following statement in their application:

STATEMENT

I have been counseled concerning designation as a conscientious objector. Based on my training and belief, I consider myself to be a conscientious objector within the meaning of the statute and regulations governing conscientious objectors and am conscientiously opposed to participation in combatant training and service. I request assignment to noncombatant duties for the remainder of my term of service. I fully understand that on expiration of my current term of service, I may not be eligible for voluntary enlistment, reenlistment, extension or amendment of current enlistment, or active service in the Armed Forces by reason of my 1-A-0 classification.

APPENDIX B

SUGGESTED CHECKLIST FOR PROCESSING CONSCIENTIOUS OBJECTOR APPLICATIONS

1. Does the applicant object to participation in war in any form? If "No", applicant should be advised to submit a request for 1-A-0 conscientious objector classification.
2. Has applicant included all the information required in Appendix A? If information is not known, the application should so state.
3. Has the applicant signed DA Form 2496 (DF) and where applicable, the inclosure?
4. Has the applicant been advised that letters from the individuals listed as references can be helpful and that listing references without obtaining letters serves little purpose?
5. Has the applicant been advised that he may submit any information he considers relevant to his request but all information will be submitted through military channels?
6. Has the applicant been counseled on the provisions of section 3103, title 38, United States Code and signed the exact statement contained in paragraph 2 2? (This statement must be dated when signed.)
7. Has the unit commander scheduled an interview with a chaplain and medical officer?
8. Has the chaplain commented on the sincerity of the applicant and given an opinion as to the source of his beliefs?
9. Has the medical officer indicated that the applicant is free of psychiatric disorder which would warrant treatment or separation from the Army?
10. Has the applicant been afforded an opportunity to appear before a designated disinterested investigating officer (O-3 or higher) not in his chain of command?
11. Has the applicant been provided reasonable time to obtain counsel, if desired, at his hearing?
12. Has the investigating officer:
 - a. Had an opportunity to study the application?
 - b. Examined the applicant's military personnel records to determine if applications had been made for discharge under other Army regulations, what schools or assignment had been requested, if any, and other data considered pertinent?
 - c. Determined when the alleged conscientious objection became fixed?
 - d. Recommended that the application be approved or disapproved and given his reasons therefor?
13. Has the unit commander completed DD Form 1589?
14. Has the unit commander recommended approval or disapproval of the applicant's request and cited the reasoning used to make a decision?
15. If the unit commander recommends a request for discharge be disapproved but recommends the applicant be classified as a noncombatant, has the applicant been advised he may apply for 1-A-0 classification status and refused to do so?
16. Have the officers in the chain of command recommended approval or disapproval? If the applicant was interviewed by a commander the endorsement should so state.
17. Are all inclosures signed and dated?
18. Have copies of the application been prepared for submission to Department of the Army (two copies of approved applications, four copies of applications recommended for disapproval)?

12 June 1974



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AR 600-43

The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAPE-MPE-CS) WASH DC 20310.

By Order of the Secretary of the Army:

Official:

VERNE L. BOWERS
Major General, United States Army
The Adjutant General

CREIGHTON W. ABRAMS
General, United States Army
Chief of Staff

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