



COMDTINST 1900.8
30 NOV 1990

COMMANDANT INSTRUCTION 1900.8

Subj: Conscientious Objectors and the Requirement to Bear Arms

Ref: (a) Personnel Manual, COMDTINST M1000.6 (Series), Chapter 12

1. **PURPOSE.** This Instruction publishes procedures governing conscientious objectors and processing requests for discharge based on conscientious objection.
2. **SCOPE.** This Instruction is applicable to all officers and enlisted personnel of the Coast Guard and Coast Guard Reserve.
3. **DISCUSSION.** The Coast Guard determines before the applicant enters into the Coast Guard whether an applicant is a conscientious objector. It also ensures that each applicant knows that the Coast Guard is an Armed Force whose members may be directed to participate in armed conflict. Therefore, the number who "solidify" their conscientious moral opposition to participating in war after enlistment or commissioning has been small.
4. **DEFINITIONS.**
 - a. **Conscientious Objection.**
 - (1) **General.** A firm, fixed and sincere objection, by reason of religious training and belief, to participation in war in any form or the bearing of arms.
 - (2) **Class 1-O Conscientious Objector.** A member who, by reason of conscientious objection, sincerely objects to participation in any kind of war in any form.

4. a. (3) 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-O and 1-A-O 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 welfare. The external power or being need not be an orthodox deity, but may be a sincere 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 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.
- c. Noncombatant Service or Noncombatant Duty.
 - (1) Service in any unit of the Coast Guard which is unarmed at all times.
 - (2) Service in the medical department of any of the Armed Forces wherever performed.
 - (3) Any other assignment where the primary function of which does not require the use of arms in combat provided that such other assignment is acceptable to the member concerned and does not require the member 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 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.

5. POLICY.

- a. Administrative discharge prior to the completion of an obligated term of service is discretionary with the Commandant, based on a judgment of the facts and circumstances of the case. In order to be consistent, a request for classification as a conscientious objector and relief from or restriction of military duties will be approved to the extent practicable and equitable within the following limitations:
 - (1) No member of the Coast Guard who possessed conscientious objection beliefs before entering military service will be classified as a conscientious objector if:
 - (a) The member's beliefs satisfied the requirements for classification as a conscientious objector, as set forth in this Instruction, prior to entering military service and the member failed to request classification as a conscientious objector by the Selective Service System. The member will be eligible for classification as a conscientious objector if such beliefs crystallized after receipt of an induction notice but the member could not request classification as a conscientious objector by the Selective Service System because the Selective Service regulations prohibit the submission of such requests after receipt of an induction notice.
 - (b) The member requested classification as a conscientious objector before entering military service, and the request was denied on its merits by the Selective Service System, and the member's request for classification as a conscientious objector is based upon essentially the same grounds, or supported by essentially the same evidence, as the request which was previously denied by the Selective Service System.
- b. Because of the personal and subjective nature of conscientious objection, the existence, honesty and sincerity of asserted conscientious objection beliefs cannot be routinely ascertained by applying inflexible objective standards and measurements on an "across-the-board" basis. A request for discharge or assignment to noncombatant service based on conscientious objection will, therefore, be handled on an individual basis with final determination made by the Commandant (G-P) in accordance with the facts and circumstances of the particular case and the policy and procedures in this Instruction.

- c. The burden of establishing a claim of conscientious objection as a ground for separation or assignment to noncombatant service is on the applicant. To this end, the applicant must establish by clear and convincing evidence:
 - (1) that the nature or basis of the claim falls within the definition of and criteria prescribed herein for conscientious objection, and
 - (2) that the belief is honest, sincere and deeply held. The member has the burden of determining and setting forth the exact nature of the request, i.e. whether to request separation based on conscientious objection (1-0) or to request assignment to noncombatant duty based on conscientious objection (1-A-O). Guidelines for applying for conscientious objector status are detailed in paragraph 7 of this Instruction.

A member claiming 1-O status shall not be granted 1-A-O status simply as a compromise but may be granted 1-A-O status if that status is considered more appropriate.

- d. Members determined not qualified for conscientious objector status, but whose separation would otherwise appear to be in the best interest of the Coast Guard, should be considered for administrative separation under reference (a).
 - e. A member claiming conscientious objector status shall not be granted 1-O or 1-A-O status simply because the member's religious beliefs preclude the performance of duties on the member's Sabbath. Cases of this nature may qualify for administrative separation under reference (a).
 - f. Area and district commanders, commanders of Maintenance and Logistics Commands, Commander, CG Activities Europe and commanding officers of Headquarters units are authorized to return to the member, without action, any second or subsequent application that is based upon essentially the same grounds, or supported by essentially the same evidence, as an application previously submitted to the Commandant and disapproved.
6. CRITERIA. The following criteria provides policy and guidance in considering applications for separation or for assignment to noncombatant training and service based on conscientious objection:
- a. Consistent with the national policy to recognize the claims of bona fide conscientious objectors in the military service, an application for classification as a conscientious objector may be approved for any individual meeting all of the following criteria:

6. a.
 - (1) Who is conscientiously opposed to participation in war in any form.
 - (2) Whose opposition is founded on religious training and belief.
 - (3) Whose position is sincere.
- b. The clause "war in any form" shall be interpreted in the following manner:
 - (1) An individual who desires to choose the war in which to participate is not a conscientious objector under the law. The objection must be to all wars rather than a specific war.
 - (2) A belief in the 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 Instruction.
- c. The following guidelines shall be used in evaluating a member's request based on religious training and belief:
 - (1) In order to find that a member's moral and ethical beliefs are against participation in war in any form and are held with the strength of traditional religious convictions, the member must show that these moral and ethical convictions, once acquired, have directed the member's life in the way traditional religious convictions of equal strength, depth, and duration have directed the lives of those whose beliefs are clearly found in traditional religious convictions.
 - (2) A primary factor to be considered is the sincerity with which the belief is held. Great care must be exercised in seeking to determine whether asserted beliefs are honestly and genuinely held. Sincerity is determined by an impartial evaluation of the member's thinking and living in its totality, past and present. Further care must be exercised in determining the member's integrity and consistency of the member's belief. Information presented should be sufficient to substantiate the member's personal history and reveal views and actions strong enough to demonstrate that expediency or avoidance of military service is not the basis of the application. Therefore:
 - (a) In evaluating an application, the conduct of the member, in particular the member's outward manifestation of the beliefs asserted, shall be carefully examined and given substantial weight.

6. c. (2) (b) Relevant factors to be considered in determining a member'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 in dedication to the processes by which traditional religious convictions are formulated; credibility of the member; and credibility of persons supporting the claim.
- (c) Particular care must be exercised not to deny the existence of the member's bona fide beliefs simply because those beliefs are incompatible with your own.
1. Church membership or adherence to particular theological doctrine is not required to warrant separation or assignment to noncombatant service for conscientious objectors.
 2. Mere affiliation with a church or other group which advocates conscientious objection as a doctrine in its creed is not necessarily determinative of a member's position or belief.
 3. 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.
 4. Where a member belongs or has belonged to a church, religious organization, or religious sect, and where the claim of conscientious objection is related to such membership, inquiry may properly be made as to the fact of membership, and the teaching of the church, religious organization, or religious sect, as well as the member's religious activity. However, the fact that the member may disagree with, or not subscribe to, some of the doctrines of the member's church does not necessarily discredit the claim. The personal convictions of each individual will be controlling so long as they derive from the member's moral, ethical or religious beliefs.

6. c. (2) (c) 5. Any member who is otherwise eligible for conscientious objector status may not be denied this status simply because the conscientious objection influences the member's views concerning the Nation's domestic or foreign policies. The task is to decide whether the beliefs professed are sincerely held, and whether they govern the member's actions both in word and deed.

7. PROCEDURE.

- a. A member of the Coast Guard who seeks either separation or assignment to noncombatant duties by reason of conscientious objection shall submit a letter request to Commandant (G-PO) or (G-PE) via the chain of command. The letter shall specify whether a discharge or assignment to noncombatant duties is desired and shall include the information indicated below. The member may submit such other information as desired.

- (1) General Information Concerning Applicant.
 - (a) Full name.
 - (b) Social Security number.
 - (c) Selective Service number, if applicable.
 - (d) Coast Guard address.
 - (e) Permanent home address.
 - (f) Name and address of each school and college attended (after age 16), together with the dates of attendance, and the type of school (public, church, military, commercial, etc).
 - (g) A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college (after age 16) whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the inclusive dates of each position or job held.
 - (h) All former addresses (after age 16) and dates of residence at those addresses.
 - (i) Parent's name and address. Indicate whether they are living or deceased.
 - (j) The religious denomination or sect of each parent.

7. a. (1) (k) Was an application made to the Selective Service System (local board) for classification as a conscientious objector prior to entry into the Coast Guard? To which local board? What decision was made by the board, if known?
- (2) Training and Belief.
 - (a) A description of the nature of the belief which requires the member to seek separation from the Coast Guard or assignment to noncombatant training and duty for reasons of conscience.
 - (b) An explanation as to how the member's beliefs changed or developed, including an explanation as to what factors (how, when and from whom or from what source the belief was acquired) caused the change in or development of conscientious objection beliefs.
 - (c) An explanation as to when these beliefs became incompatible with military service, and why.
 - (d) An explanation as to the circumstances, if any, under which the member believes in the use of force, and to what extent the use of force may be applied.
 - (e) An explanation as to how the member's daily life style has changed as a result of the member's beliefs and what future actions the member plans to continue to support these beliefs.
 - (f) An explanation as to what, in the member's opinion, most conspicuously demonstrates the consistency and depth of the member's belief which gave rise to the claim of conscientious objection.
- (3) Participation in Organizations.
 - (a) Information as to whether the member has ever been in any military organization or establishment before entering the present term of service. If so, the member will provide the name, the address and the reason for joining that organization.
 - (b) A statement as to whether or not the member is a member of a religious sect or organization. If so, the statement will show the following:
 1. The name of the sect or organization, and the name and location of its governing body or head. if known.

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8. a. (3) (b) 2. When, where, and how the member became a member of that sect or organization.
3. A description of the creed or official statements, if any, of that religious sect or organization in relation to participation in war or bearing of arms, if they are known to the member.
4. The name and location of any church, congregation, or meeting which the member customarily attends, and the extent of the member's active participation therein.
5. The name, title, and present address of the pastor or leader of such church, congregation, or meeting.
- c. A description of the member's relationships with and activities in all organizations with which the member is or has been affiliated, other than military, political or labor organizations.
- (4) References. Any additional information that the member desires to be considered, such as letters of reference or official statements from organizations to which the member belongs or refers to in the application. The burden is on the member to obtain and forward this information.
- b. Before processing the application, the member shall be advised of the specific provisions of Section 5303 of Title 38, United States Code, regarding the possible effects of discharge as a conscientious objector who refuses to wear the uniform or otherwise to comply with lawful orders of competent military authority. Additionally, the member shall be required to execute the following statement:

" I have been advised of the provisions of 38 U.S.C. 5303 concerning the possible nonentitlement to benefits administered by the Veterans' Administration due to discharge from the military service 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 risks, government (converted) or National Service Life Insurance."

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7. c. The member shall be personally interviewed by a chaplain, if one is reasonably available, who shall submit a written opinion as to the nature and basis of the member's sincerity and depth of conviction. The chaplain's report shall include the reasons for its conclusions.
- d. The member will be interviewed by a psychiatrist who shall 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.
- e. If the applicant refuses to participate, is not cooperative or is unresponsive in the course of these interviews, this fact will be included in the statement and reports filed by the chaplain and psychiatrist.
- f. The commanding officer, or appropriate superior in the chain of command (Convening Authority), shall appoint an officer in the grade of lieutenant (0-3) or higher to investigate the member's claim. The investigating officer shall not be in the chain of command of the member. The investigating officer will conduct a hearing on the application. Guidance for the investigating officer is provided in enclosure (1) of this Instruction.
- g. The investigating officer's report, along with the individual's application, the reports of the chaplain and psychiatrist, evidence received at the hearing, and any other items submitted by the member in support of the case, will constitute the record. The investigating officer's conclusions and recommended disposition will be based on the entire record and not merely on the evidence produced at the hearing. A copy of the record will be furnished to the member at the time it is forwarded to the convening authority, and the member will be informed of the right to submit a rebuttal to the report. This rebuttal must be submitted to the convening authority within two weeks of the member's receipt of the record.
- h. The record of the case shall be submitted to the convening authority who will review the record for completeness and legal sufficiency. The case may be returned to the investigating officer for further investigation. When the record is complete, the convening authority shall forward it with a personal recommendation for disposition, through the chain of command, to Commandant (G-PO) or (G-PE).

7. i. Commandant (G-P) will be the final authority for disposition of members who object to participation in war of any form or the bearing of arms. The decision will be based on the entire record. Any additional information, other than the official service record of the applicant, which the member has not had an opportunity to comment upon or refute, will be made part of the record and the member will be given an opportunity to comment upon or refute the material before a final decision is made. The reasons for an adverse decision will be made part of the record and will be provided to the member.
- j. Processing of applications need not be abated by the unauthorized absence of the member after submitting the application, or by the initiation of disciplinary action or administrative separation against the member. However, a member whose request for classification as a conscientious objector has been approved will not be discharged until all disciplinary action has been resolved.

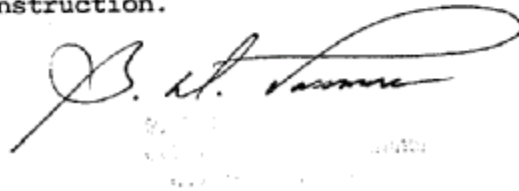
8. ACTION AFTER DECISION.

- a. Members requesting discharge who are determined to be 1-0 conscientious objectors by Commandant (G-P) will be discharged for the convenience of the Government with an entry in their personnel records and discharge papers that the reason for separation is conscientious objection. The type of discharge issued will be governed by the members general military record and the pertinent provisions of reference (a). The Director of the Selective Service System will be promptly notified of the discharge of those who have served less than one hundred and eighty days in the Armed Forces. Pending separation, the member will continue to be assigned duties which provide the minimum practicable conflict with the member's professed beliefs and will be expected to conform to the normal requirements of military service and to satisfactorily perform assigned duties. Members may be disciplined for violations under the Uniform Code of Military Justice while awaiting discharge.
- b. Members requesting assignment to noncombatant duties who are determined to be class 1-A-0 conscientious objectors shall be assigned to noncombatant duty as defined in paragraph 4.c. or discharged from the Coast Guard. Members requesting noncombatant duty will be required to execute the following statement:

"I have been counseled concerning designation as a conscientious objector. Based on my religious 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.

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8. b. (cont'd) 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 am not eligible for voluntary enlistment, reenlistment, extension of enlistment or active service in the Armed Forces."
- c. Members who are assigned to noncombatant duties and persons who are assigned to normal military duties by reason of disapproval of their applications will be expected to conform to the normal requirements of military service and to perform satisfactorily such duties to which they are assigned. Violations of the Uniform Code of Military Justice by these members will be treated as in any other situation.
9. ACTION: Area and district commanders, commanders of Maintenance and Logistics Commands, unit commanding officers, and Commander, CG Activities Europe shall ensure compliance with the provisions of this Instruction.



J. H. Lawrence

Encl: (1) Instructions for the Investigating Officer

INSTRUCTIONS FOR THE INVESTIGATING OFFICER

1. Upon appointment, the investigating officer shall review this Instruction. The investigating officer shall obtain any necessary legal advice from the servicing Coast Guard legal officer.
2. The purpose of the hearing is to afford the member an opportunity to present any evidence in support of the member's application, to enable the investigating officer to ascertain and assemble all relevant facts, to create a comprehensive record, and to facilitate a recommendation and decision on the case's merits by the investigating officer and higher authority. In this regard, any failure or refusal of the member to submit to questioning under oath or affirmation before the investigating officer may be considered by the officer when making a recommendation and evaluating the member's claim. If the member fails to appear at the hearing without good cause, the investigating officer may proceed in the member's absence and the member will be deemed to have waived the right to an appearance.
 - a. The member may be represented by counsel if the member so desires. Such counsel will be at the member's own expense. Counsel shall be permitted to be present at the hearing, to assist the member in the presentation of the case, and to examine all items in the file.
 - b. The hearing will be informal in character and will not be governed by the rules of evidence employed by courts-martial except that all oral testimony shall be given 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.
 - c. Privacy Act. The investigating officer shall provide the member with a Privacy Act statement before requesting any personal information from the member. Additional guidance is in the Privacy and Freedom Of Information Acts Manual, COMDTINST M5260.2 (Series). The following statement may be used:

In accordance with 5 U.S.C. 552 (a)(c)(3) the following information is provided to you when supplying personal information to the U. S. Coast Guard. 14 U.S.C. 632 authorizes solicitation of the information. The principle and routine purposes for which the information is intended to be used are for appropriate Coast Guard officials to ascertain your eligibility for classification as a conscientious objector. Disclosure of the requested information is voluntary, however, failure to provide any or all of the information requested could result in a denial of your request to be classified as a conscientious objector.

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d. The member may submit any additional relevant evidence (including statements) and present any witnesses but shall be responsible for securing their attendance. The convening authority will render all reasonable assistance in making available military members requested by the member as witnesses. Further, the member will be permitted to question any other witnesses who appear and to examine all items in the file. Copies of statements and documents received in evidence will be made a part of the hearing record.

e. A verbatim record of the hearing is not required. If the member desires such a record and agrees to provide it at the member's own expense, the member may do so. If the member elects to provide such a record, the member shall make a copy thereof 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 member or the member's counsel to examine the summaries and note for the record their differences with the investigating officer's summary.

3. The investigating officer shall prepare a written report containing the following:

a. A statement as to whether the member appeared and whether the nature and purpose of the hearing was explained and understood by the member. If the member was accompanied by counsel, the identity of the counsel should also be included.

b. Any documents, statements, and other material received during the investigation.

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

d. A statement of the investigating officer's conclusions as to the underlying basis of the member's conscientious objection and the sincerity of the member's beliefs, including the reasons or such conclusions.

e. The investigating officer's recommendations for disposition of the case, including the reasons thereof. The action recommended will be limited to the following:

(1) Denial of any classification as a conscientious objector;

(2) Classification as 1-A-0 conscientious objector; or

(3) Classification as 1-0 conscientious objector.

f. A statement as to whether the investigating officer made the hearing record available to the member and the member's counsel.

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