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Conscientious Objectors

June 27, 1946

Dear Mr. Attorney General:

Could you tell me what we are still holding conscientious objectors in prison?

It seems to me that the time has come to free these men, no matter how difdi$ult and cantankerous they seem to have been. At least they would no longer be a burden on the taxpayers and can earn their own livings.

Very sincerely yours,

June 27, 1946

My dear Mr. Parker and Friends:

I am not surprised that the court refused to consider the defense of the conscientious objectors when they alleged that they are disobeying illegal orders, since these orders were government orders and entirely legal. They are only illegal because you choose to consider them so on a conscientious objector basis. When you are in a minority, you are obliged to take the judgment of the majority, even though it makes you suffer what you consider an injustice.

I think not to accept parole is rather stupid on your part. However, I think it will relieve the taxpayers if you are all allowed to be free, and since the war is over, I think you should be free. However, I am not the one to decide so I have referred your letter to the Attorney General.

Very sincerely yours,

ORIGINAL

Conscientious Objectors

Box No. PMB 1940
Federal Correctional Institution
Sandstone, Minnesota
June 20, 1946

Mrs. Franklin D. Roosevelt
Hyde Park, New York

Dear Mrs. Roosevelt:

Your position as chairman of the Commission on Human Rights and your support, before the drafting committee of the Economic and Social Council, of the extension of functions of the Commission to any matter concerning human rights prompts us to write you of one of the violations of human rights in the United States.

The undersigned are among the some 2000 objectors to participation in war who are in prison for violation of the Selective Service Act, because they felt impelled by their consciences or by commands from a Supreme Being to so act. Some were not granted recognition as conscientious objectors by over-zealous draft boards and were imprisoned for not entering the army as were some who were recognized as sincere conscientious objectors but who refused to take part in noncombatant work in the army to which they were ordered. Others refused to go to the payless labor camps provided for conscientious objectors, and others refused to work or walked out of those camps after experiencing the punitive arrangement there.

The courts, with rare exceptions, refused to consider evidence or testimony, offered as a defense by a conscientious objector at his trial, which would show that the conscientious objector was being tried for disobeying an illegal order issued by the draft board. Not till February 4, 1946, did the Supreme Court say that an improper draft classification could be used as a defense in a trial. The Supreme Court has never ruled on the legality and constitutionality of payless labor camps and refused to hear the test cases brought to that Court by two of the signers of this letter.

We are quoting here a portion of a pertinent letter which was sent to President Truman by the Union for Democratic Action, of which you are an Honorary Sponsor. The letter was dated June 7, 1946, and was signed by Mr. James Loeb, Jr., National Director, on behalf of the Board of Directors. The letter said, in part:

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"We treasure and are very proud of our country's record on civil liberties especially during the difficult war period. We believe this record a vindication of our confidence in the democratic integrity of our nation but we believe further that if this splendid record is to be continued we must now grant amnesty to the 2,400 men still in prison and to the 4000 in Civilian Public Service camps.

"The fact that technically the end of the national emergency has not been declared does not justify the retention in peacetime of more than 6000 citizens whose only crime was conscientious objection to war and conscription. This seems especially true in view of the fact that amnesty has already been granted to almost one million political prisoners in Japan and to countless numbers in Germany. Surely at least equal leniency should be shown to our own dissenting citizens whose loyalty was never under question.

"We urge you, Mr. President, to take immediate action to grant amnesty to all conscientious objectors still in custody and to return them to full citizenship. We are convinced that such action would be welcomed by the American people as a symbol of this country's determination to defend the rights of minorities at a time when the democratic faith is being contested in so many parts of the world."

Representative Coffee recently stated in a letter to President Truman that by freeing conscientious objectors

"we can at home show we are applying those principles of civil and religious liberty which we insist other nations should observe. Let us practice what we preach before we attempt to be presumptuous to the other countries of the world. Let us demonstrate within our own boundaries our adherence to the lofty principles and noble ideals to which we profess to adhere."

In an attempt to call attention to our predicament, eight of us are now participating in a "fast for freedom," although we are now being given forced feedings of fluids daily.

Conscientious objectors can be released from prison by an amnesty or by commutation of sentences. Administrative personnel reply to requests for our release with the announcement that a parole plan for conscientious objectors is working out well. Parole releases some men from prison under such restrictions as to

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constitute a modified form of imprisonment. Because we do not feel we should cooperate in the punishment of prisoners of conscience, we would not comply with the conditions of parole if it were offered. Parole does not meet the basic issues nor is parole applicable in a considerable number of cases, including our own, and thus some must serve their entire sentences.

The President has it in his power to grant an amnesty which will release all those imprisoned for adhering to their conscientious beliefs. We hope that you will do what you can on this problem of human rights. Perhaps it would be best to bring before the Economic and Social Council the larger problem of the necessity for freeing all political prisoners yet remaining in prisons in this and some other countries. Perhaps you would wish to suggest to some non-governmental organization that it make representations on behalf of political prisoners in this country, principally objectors to war. We can only present the problem here and trust that you will see some bit of helpful action which you will wish to take.

Yours sincerely,

Walter Gormly
Charles Worley
Henry Dyer
William P. Taber
Richard Zummwinkle

Malcolm Parker
David Jensen
Glenn Hutchinson
Igal Roodenko
John E. Hampton

Walter Gormly
Charles Worley
David Jensen
Bill Taber
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Henry Dyer
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Igal Roodenko
John E. Hampton

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Conscientious Objectors

Office of the Attorney General
Washington, D.C.

July 29, 1946.

Many thanks
Sent copy to person
who wrote

Mrs. Eleanor Roosevelt
Val-Kill Cottage
Hyde Park, Dutchess County
New York

My dear Mrs. Roosevelt:

In your letter of June 27 you inquired concerning the conscientious objectors in prison and I have delayed my reply in order to obtain the most recent information for you.

There are at present only about 175 persons in prison for violating the Selective Service Act who claim to be conscientious objectors, and not all of these can be described as bona fide conscientious objectors. Many of these were sentenced comparatively recently and most have not been in prison as long as they would have been required to serve in the armed forces or in alternative civilian service if they had complied with the law.

In considering this question, it is very important to know the specific individuals who are involved and the facts in their cases. The factual situations vary widely, thus making it extremely difficult to consider or deal with them as a class. If you have any specific persons in mind we would be very glad to review their cases and advise you regarding them.

In addition to those mentioned above who claim to be conscientious objectors, there are now approximately 1,250 Jehovah's Witnesses in prison for violating the Selective Service Act. As you no doubt know, the Jehovah's Witnesses deny that they are conscientious objectors and refuse classification as such. We have made every effort to get them to accept civilian work assignments, such

as work in hospitals, but they refuse civilian work as well as military service.

When I took office a year ago, there were about 3,200 persons in prison who were Jehovah's Witnesses or who claimed to be conscientious objectors. In addition, during the past year there were about 500 new convictions in these categories. However, the number now in prison has been reduced to less than 1,500 and many more will be released in the near future.

Since V-J day I have given careful consideration to the possibility of a general amnesty, but a review of all the factors has indicated that such action would be inappropriate at this time. In the first place, men who complied with the law are still serving in the armed forces and in alternative civilian service. Those who violated the law could hardly expect to return to their homes before the veterans. In the second place, men are still subject to induction. Thus, many of those in prison would be called again for service if they were released. In the third place, it is necessary for the Department of Justice to continue to enforce the Act. A general amnesty for violators would seriously handicap proper future enforcement. In the fourth place, there are a number of old violations pending in various stages of litigation in court. In the fifth place, it is difficult to conceive of just how you would describe the group to be covered by a general amnesty. Lastly, a general amnesty is not necessary to bring about early release from prison in meritorious cases, since such releases can be brought about under the parole provisions.

During hostilities, conscientious objectors and Jehovah's Witnesses were required to perform some type of civilian service, such as work in a hospital, as a condition of parole. In fact, such parole was available after 60 days. This seemed like a reasonable proposition, but it developed that the Jehovah's Witnesses and some of the conscientious objectors would not accept parole under these conditions. I therefore suggested to the Parole Board late last year that those who have served one-third of their sentence, who are not insincere, and who are no longer subject to induction be given parole

without any requirement of civilian service. The Parole Board adopted this suggestion and consequently most of those in this category have been released. This accounts in part for the large decrease in the number in prison in recent months.

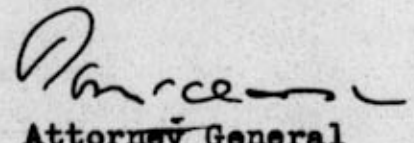
There is a small group of conscientious objectors in prison who refuse to accept parole. We are working on this problem and may soon be able to find a solution. The largest group remaining in prison is composed of Jehovah's Witnesses who are still subject to service upon their release. This group of young men without children presents the most perplexing problem. Permitting them to return to their homes would likely result in their being called up again and it would also be difficult for their neighbors who are still in service or being inducted to understand the situation. Nevertheless, I am continuing to study the problem presented by this group so that they may be released when such action would not interfere with the future administration and enforcement of the Act. Any suggestions you may have as to this special problem would be deeply appreciated.

I hope that I have been able to give you some insight as to the number of conscientious objectors and Jehovah's Witnesses in prison and what we are doing to bring about their early releases. The fact that the Committee on Amnesty stated in a letter dated July 6, 1946, to the Editor of the New York Times and published July 14, 1946, that there are 2,100 conscientious objectors in prison discloses that even some of those most interested have failed to keep up with the large number of releases in recent months.

Please let me know if there is any way in which I can be of further assistance to you. I want to assure you that your interest in writing about this matter is appreciated.

With kind personal regards,

Sincerely yours,



Attorney General

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7-25-46

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Chrono
Mr. Elliff
Miss Healy

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