

## **Fifty Years Later:**

Thoughts on the Decision in the Case of  
the *United States of America vs. Daniel A. Seeger*

By Daniel A. Seeger

On March 8, 1965 the United States Supreme Court greatly expanded the number of American citizens qualified for classification as conscientious objectors to military service. It did this by striking down the requirement that a conscientious objector must affirm belief in a Supreme Being and must derive his conscientious claim from that belief.

I am grateful to the staff members of the Center for Conscience and War for noticing that the anniversary of the decision is occurring.

The case was argued on a *pro bono* basis by attorney Kenneth Greenawalt. Out-of-pocket court costs, which were considerable, were paid through the American Friends Service Committee's Rights of Conscience Fund and by the donations of various individuals. Staff and committee members of the Central Committee for Conscientious Objectors offered advice and support. Many mainstream religious denominations and organizations filed *amicus* briefs in my defense.

Now that, amazingly, fifty years have elapsed since the rendering of the verdict in the case of the *United States of America vs. Daniel A. Seeger* it is useful to reflect on its meaning. I am, perhaps, the least qualified to do this on account of being too personally enmeshed in the matter. However, I will try to offer some perspectives from the point of view of the defendant:

- 1) When the effort to challenge the constitutionality of Section 6(j) of the Universal Military Training and Service Act of 1948 was launched in the late 1950's, no one had any idea that a war in Vietnam was in our future. By the time the case was decided in 1965, the first stages of the War in Vietnam were underway, and the catastrophe was rapidly to escalate into a major national crisis. Conscription meant that many thousands of individuals and families were impacted by the war policy. And so the *Seeger* case had far more impact than one supposed it could have had when the effort was first launched, since so many young people were forced by circumstances to think deeply about the implications of the conscription system in the context of our country's misguided military policy, and were inspired to seek exemption from military service. To this day I still meet people who, when they learn my name, exclaim that my case was the reason they did not have to go to Vietnam, or to jail, or to Canada.
- 2) Although, as a result of the case, many conscientious objectors with unorthodox

religious beliefs were enabled to do alternative service rather than join the military, the case did, nevertheless, have its limitations. I was (and am) an absolute pacifist, that is, I am opposed to all wars in any form. So the decision in my case allowed only others opposed to all wars in any form to qualify for alternative service. But this benefit did not extend to people who would fight in some wars but not others. Although I disagree with people who think that some wars can be justified, I also fail to see why, because one regards some wars as necessary, one loses one's right to decline to serve in a war one sees as unjustified and/or foolish. There are enough instances in United States history, from the invasion of Mexico to the War in Iraq, which do not pass any reasonable "just war" test, that there seems no logic to the idea that in a free country one must fight in every war just because one might regard a particular war as unavoidable.

- 3) Personally, when I first filed my claim for conscientious objection back in the late 1950's, I felt somewhat diffident about my own action. While my sense was overpowering that entering the military and getting trained to kill people would be deeply and profoundly wrong, I was nevertheless also somewhat awed by what seemed to be a universal consensus that war is often an inevitable necessity. After fifty years of observation, I am more than ever convinced that all military endeavors are utterly immoral and monumentally foolish, and I would probably be much more acerbic expressing a conscientious claim today, and perhaps, therefore, less successful in gaining the sympathy of people who disagree with me, including judges and other government officials.
- 4) I believe I can honestly say that the movement of the heart which first motivated me to file my conscientious claim was compassion – compassion for my fellow human beings who were the victims of war, both civilians and soldiers, who lost their lives, who were maimed, who became dislocated refugees, who lost loved ones, and who suffered economic hardship. My strong sense that war cannot achieve any decent political or social goal, and that the cost is never commensurate with the results, came later. Today I would express the element of compassion more broadly. True peace requires of us compassion not only for our fellow humans, but for the entire biotic community which inhabits planet earth. True peace will only come when we learn to live graciously with the animals and plants which are part of the earth's normally balanced ecological system. In destroying the earth's many species and their habitats we certainly will end up destroying the human estate itself. But a true decency of spirit will sense a reverence and a love for the community of nature, and will not seek to preserve it merely as a matter of self-interest. We see this enlargement of spirit beginning to take hold among some of our fellow citizens when they seek to restore monarch butterflies and communities of wolves. In the meantime, the degradation of the earth, and the loss of such resources as

pure water, are the seeds of future wars. Nor will any hidden hand of the marketplace let economic entities know when it is time to stop over-exploiting the earth or its working people.

- 5) In many respects the unfolding of the case of the *United State of America vs Daniel A. Seeger* showed our country governance system at its best. Lots of bad things were happening in the country at the same time. After all, lynchings occurred as late as 1968. The Stonewall Riots, which only began the gay liberation movement, occurred in 1969, and we still do not have an equal rights amendment addressing women's issues. Nevertheless, in the *Seeger* case, a thoughtful review of a Congressional action was implemented by the courts about the sensitive matter of who should and should not be conscripted for war, and in an admirable example of the separation of powers, the Supreme Court upheld the rights of a small minority in the face of an act of Congress. In spite of all the problems the country faced regarding issues of discrimination and injustice internally, and in spite of the misguided foreign policy which allied us with despots around the globe so long as they announced themselves to be against Communism, it seemed possible to hope that things could be set right through persevering in social action and in the conscientious practice of democratic principles. But things have progressed very far downhill since. International trade deals are exacerbating the mal-distribution of wealth. Campaign costs and financing methods have made of elected government officials the paid lackeys of the super-rich and of the corporations. Voter ID laws and the gerrymandering of districts effectively disenfranchise millions. The media, too, have lost all independence. As a consequence, the American electoral system, the foundation of any democracy, seems hopelessly and irreversibly corrupt. Whether a similarly delicate issue as the *Seeger* case represented could find a fair resolution in today's circumstances is not at all clear to me.
- 6) What about God? After all, the case was as much about religion as it was about pacifism. The outcome hung on my statement of agnosticism given on Form 150, the Special Form for Conscientious Objectors. The first question on the Form was: "Do you believe in a Supreme Being?" followed by a checkbox for a "yes" answer and another for a "no" answer. I drew a third checkbox and referred to "attached pages," where I offered an essay on the knowability and unknowability of God.

Fifty years later, I remain convinced that we are better off acknowledging that we face great and awesome mysteries when it comes to questions of origins, of life, and of death, than we are by claiming to know too much. We can develop a reverence for what is sacred without making extravagant dogmatic claims – claims which always flaunt and fail. While I have become an avid reader of

devotional literature from Christian and other traditions, and while in the course of my life and work I have met many God-fearing people whose purity of spirit has been truly uplifting to encounter, I am also increasingly wary of the dangers of religious fanaticism, an age-old problem in every spiritual culture – a problem which manifests itself with particular virulence today.

I am equally wary of dogmatic atheists. It is only in recent times that whole societies have been organized on atheistic principles, as with the Soviet Union and China. There is little to inspire confidence here.

The idea that reason and empirical observation will eventually solve all the mysteries of existence, a claim which seems to be being made by some of the “new atheists” in Europe and the United States, strikes me as extraordinarily naive. Every deductive reasoning process begins from some unpremiered first premise – some sort of unexplainable principle. And regarding ethics, it is impossible to argue from what *is* to what *ought to be* following scientific and rational procedures.

The scientific view of reality we are offered is certainly less satisfying than is that given in the Book of Genesis. We are to believe that a big bang magically emerged from some sort of nothingness, that space is curved and time is elastic, and that we change something merely by observing it. Most of the matter in the universe is invisible matter, or dark matter, because if it wasn't there exerting a gravitational force, the universe would not behave as we observe it to do. Space itself is expanding even though there is nothing for it to expand into. String theory now proposes that there are many parallel universes. Thus, scientific hypotheses (they can hardly be called discoveries) tend to raise many more questions than they solve. One longs for arguments about angels dancing on the head of a pin. Is it not clear that we are dealing with limitations in the human perceptual apparatus? We are like goldfish trying to figure out the economy of the household based on observations made from inside their bowl, or lobsters speculating about fire.

We do know that we are the stuff of stars, that this universe through some mysterious Creative Process generated us, and that we have a kinship with all that exists. Francis of Assisi, as legend has it, recognized this when he sang of Brother Sun and Sister Moon. Jesus recognized this when, in his final sermon in the Gospel of John, said he came “so that all may be One.” Religious people who acknowledge that all speech about God is misleading, and secularists who nevertheless have mystical experiences in which they feel the exaltation of a loving sense of unity with all that exists, are not that far apart.

So, although we are surrounded by mystery, happily, we live in an island of light.

The most worthwhile endeavor the human spirit can address today is the search for a way in which decency and humanity can be identified and defended in an uncommonly degraded age. We know we live in a time of profound transition – a time when the world’s habitual way of doing things has outlived its usefulness, has exhausted itself, and is foundering on its own internal contradictions. The job that is given to us – we did not choose it – is to lay the foundations for a new civilization. This is a task not to be undertaken with sadness, resignation, anxiety or desperation, for that would taint the result, but should be addressed with joy, confidence and hope. Truth is never without its witnesses; there are always people who are discriminating and independent, yet communicative and responsive, and willing to join with others in the decent management of our common human affairs. We must persevere in our work, planting seeds whose fruits we will not live to see. The arc of history is unmistakable – whatever good things folly threatens to dissolve will, over the very long run, be restored through the practices of reconciliation and love.

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