

United States of America versus Daniel A. Seeger

Brief Summary of the Case:

<p>Petitioner: United States</p> <p>Respondent: Daniel A. Seeger</p> <p>Docket no.: 50</p> <p>Decided by: Warren Court</p> <p>Lower court: United States Court of Appeals for the Second Circuit</p> <p>Citation: 380 US 163 (1965)</p> <p>Argued: Nov 16 - 17, 1964</p> <p>Decided: Mar 8, 1965</p>
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Facts of the case:

Seeger was convicted for refusing to be inducted into the armed forces. He argued that he was subject to the exemption under Section 6(j) of the Universal Military Training and Service Act, which provides that conscientious objectors need not serve in the armed forces if they have a specific religious training or belief that is related to a Supreme Being. Seeger was a genuine pacifist who made his objection in good faith, but he was denied the exemption because he did not believe in a Supreme Being, since he was agnostic about the existence of God. On the other hand, the root of his objection was based on religious study and faith rather than his personal morals. He argued that the provision containing the exemption was unconstitutional because it required proof of a belief in a Supreme Being.

The Court examined this law during a period of unprecedented opposition to the draft, with rising numbers of individuals seeking exemptions under Section 6(j). Throughout the history of the United States, there have been varied views and opinions regarding the desirability of national conscription, yet until the Vietnam War, conscientious objection levels had always been relatively low. There was less than one conscientious objector exemption per 100 inductions during World War II and World War I. In 1970, there were over twenty-five conscientious objector exemptions for every 100 inductions. By 1972, there were over 130 conscientious objector exemptions for every 100 inductions. In addition, for the first time in the history of American conscription, the vast majority of those seeking exemptions were nonreligious conscientious objectors, or objectors from nonpacifist churches.

Question:

Was the exemption provision unconstitutional for requiring proof of a Supreme Being?

Conclusion:

A person can have conscientious objector status based on a belief that has a similar position in that person's life to the belief in God.

In a unanimous decision authored by Justice Clark, the Court ruled that the statute was constitutional. Since

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there are over 250 religious groups in the United States, the Court reasoned, Congress could not be expected to specifically cover each of them in this federal law. In general, a conscientious objection is based on a religious belief rather than political, sociological, or philosophical views. The term "Supreme Being" should be interpreted to cover all types of faith, and the defendant's belief system fell within them, so it qualified for the exemption. However, the statute was held to be constitutional on its face.

(The decision was unanimous, with the majority opinion written by Associate Justice Tom C. Clark. He was joined by Chief Justice Earl Warren, and Associate Justices Hugo Black, William J. Brennan, Arthur J. Goldberg, John M. Harlan, Potter Stewart, and Byron White. A separate concurring opinion was written by Associate Justice William O. Douglas).

Full Supreme Court Decision:

The full Supreme Court decision can be accessed on this website (after viewing the decision, use your browser's back arrow to return to this website).

Best Summary for Lay Persons:

The best case summary for lay persons may be found in the book *The Selective Service Act: A Case Study in the Governmental Process* by Clyde E. Jacobs and John F. Gallagher (New York: Dodd, Mead & Company, 1967), pages 139 through 189. The material is provided on this website to allow research for non-commercial purposes only. (After viewing the material, use your browser's back arrow to return to this website).

Oral Arguments:

Audio recordings of the oral arguments, and written transcripts of the Supreme Court proceedings, can be accessed at <https://www.oyez.org/cases/1964/50>.

Human Interest:

An account of the case focused more on human interest than on legal technicalities may be found in the book *The Courage of Their Convictions* by Peter Irons (London: Collier Macmillan Publishers, 1988). The chapter on the *Seeger* case is provided on this website to allow research for non-commercial purposes only. (After viewing the material, use your browser's back arrow to return to this website).

Citations in Other Cases and in Law Journals

The *Seeger* case has been often cited in court proceedings and scholarly journals when issues of the "freedom of religion" and the "separation of church and state" clauses of the First Amendment to the United States Constitution are in focus. People with access to the LexusNexus database can identify these citations readily. They are too numerous to list on this website.

Original Documents

Original documents related to the case may be found at the Swarthmore Peace Collection, Swarthmore College, 500 College Avenue, Swarthmore, Pennsylvania 19081-1399. (610) 328-8557.
<https://www.swarthmore.edu/library/peace/>

News Clippings

An incomplete collection of news clippings about the *Seeger* case is available on this website. (After viewing the material, use your browser's back arrow to return to this website).

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Recent Reflections

Reflections on the *Seeger* case by Daniel A. Seeger were offered on the occasions of the decision's thirtieth and fiftieth anniversaries. These reflections are available on the present website. Also available is a law journal exchange regarding the difficult matter of how religion can be defined so as to meet the practical needs of law and of governmental administration. This exchange appeared in *The North Dakota Law Review*, Volume 83, Number 1 and *The North Dakota Law Review*, Volume 84, Number 1. This material is provided on this website for the purposes of non-commercial research only. (After viewing the material, use your browser's back arrow to return to this website).