

War inflicts terrible, tragic consequences on all touched by it. Moral conscience should not be one of its casualties.

~ Truth Commission Host, Rev.
Herman Keizer, U.S. Army ret.

www.conscienceinwar.org



THE TRUTH COMMISSION ON CONSCIENCE IN WAR

A REPORT

Full Report available at www.conscienceinwar.org

*The United States of America is founded on principles of political and religious freedom. When we punish the soldier who heeds his or her moral compass, our democracy is in grave danger. We fail as American citizens and we fail as human beings. As a mother, an advocate, a teacher, a feminist, and a legal scholar, I testify that the first **Truth Commission on Conscience in War** is vital and timely.*

— Rev. Dr. Kaia Stern, Truth Commission Chair

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EXECUTIVE SUMMARY

War inflicts terrible, tragic consequences on all touched by it. Moral conscience should not be one of its casualties.

~Truth Commission Host, Rev. Herman Keizer, U.S. Army ret.

The ***Truth Commission on Conscience in War*** was created to address moral dilemmas created for members of the U. S. Armed Services by current regulations governing Conscientious Objection. It seeks to provide greater protection for religious freedom and the exercise of moral conscience in war and to educate the public about moral injury.

The Report of this Truth Commission on Conscience in War is issued as a result of:

- A public hearing March 21, 2010, at the Riverside Church, NY, which received testimony from veterans, a Gold Star mother, and expert witnesses on just war, the law, moral injury, and psychiatry, each of whom examined U.S. military regulations for Conscientious Objection that require objection to “war in any form;”
- A consultation March 22, 2010, at the Riverside Church among testifiers, commissioners, and expert witnesses in light of testimony from the public hearing and additional information about military regulations; and
- Conversations from March to September 2010 among commissioners, testifiers and their communities about moral conscience in war, as well as religious and moral criteria for just war and international agreements on the conduct of war that uphold moral conscience.

Recommendations:

To Our Nation’s Leaders

Revision of current U.S. military regulations governing Conscientious Objection to assure greater protection for religious freedom and moral conscience in war through the right to object to a particular war.

To Religious and Community Leaders

Education of our larger communities about criteria governing the moral conduct of war, about the needs of veterans and their families, including healing moral injury, and about the importance of moral conscience in war.

To Our Communities

Education about and support services to address moral injury and other needs of those serving in the U.S. military, veterans of military service, and their families.

STATEMENT OF NEED FOR THIS TRUTH COMMISSION

In his December 2009 acceptance speech for the Nobel Peace Prize, President Barack H. Obama used the moral criteria of just war to defend the rare necessity of going to war. Virtually every religious and philosophic tradition provides explicit guidelines for the moral conduct of war.¹

Western ideas of just war are grounded in Jewish, Christian, Muslim, and philosophical traditions and inform United Nations regulations, such as the Nuremberg Principles, on the conduct of war. To be regarded as just, a war **must pass all** the following criteria:

- It must be defensive, the principle of just cause;
- It must be declared by a competent authority;
- It must have the right intention to serve justice and lead to peace;
- It must have a chance to succeed in its intentions;
- It must uphold non-combatant immunity by protecting civilians;
- It must be a last resort after all other measures to resolve a conflict have been utilized; and
- It must be proportional and result in more good than harm.

THE RELIGIOUS AND MORAL DILEMMAS

Military regulations in the United States have long recognized an individual's right to refuse military service for reasons of faith or conscience.² President Obama's focus on the moral justification of war upholds the **military practice that trains members of the armed forces in the principles of just war**, both in basic training and at the war colleges. They are told that in war, especially, **keeping a moral compass is crucial**. They are expected to exercise individual moral conscience in war as defined in Nuremberg Principle IV, which states, "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."

However, current U.S. military regulations governing Conscientious Objection (CO) require objection to "war in any form." **This requirement creates a major, irresolvable conflict**. It denies freedom of religious practice and the exercise of moral conscience to those serving in the military who **object to a particular war** based on the moral criteria of just war, which the military itself teaches and upholds as important.

¹ www.mtholyoke.edu/acad/intrel/pol116/justwar.htm.

² In the colonial era, members of pacifist religious groups could be exempted from military service. During the Civil War, when the federal government issued the nation's first draft, it also formally recognized conscientious objectors (<http://www.pbs.org/now/shows/334/conscientious-objection.html>). Only members of certain religious groups known for their pacifist beliefs, including Quakers and Mennonites, could qualify for conscientious objector status.

In 1971, *Gillette v. United States*, 401 U.S. 437, broadened the criteria to include "deeply held beliefs" that did not require membership in a religious tradition but defined CO status for those with "deeply held beliefs that cause them to oppose participation in war in any form." See <http://supreme.justia.com/us/401/437/case.html>.

What the military teaches, therefore, it also punishes. Those who oppose a particular war have no legal basis for refusing to deploy, even if they believe participation implicates them in an immoral war or in war crimes. Instead, they face sanctions, and even court martial and prison for their refusal to serve. In other words, soldiers are taught to use moral discrimination in war, but they have to serve in all wars they are called on to fight, regardless of their moral evaluation of a particular war.

The United States takes pride in the integrity, loyalty to duty, love of country, and willingness to sacrifice of all who serve in the armed forces. To serve their country in war, members of the military should not be required to sacrifice their moral consciences and religious freedom.

THE IMPACT OF OUTDATED REGULATIONS: MORAL INJURY

The current regulations governing Conscientious Objection were written at the time of conscription during the U.S. War in Vietnam, and they have never been revised. The current suffering and moral dilemmas of the service men and women who morally object to the Iraq and Afghanistan Wars are evidenced in the large number of those in military service who have refused deployment, are in prison, have been dishonorably discharged, or have committed suicide. In addition to unprecedented suicide rates among active duty military, veteran suicides (6,000 a year or twenty percent of all U.S. suicides), have taken more American lives than the Afghanistan and Iraq wars themselves. Tragically, an average of eighteen veterans kill themselves each day, and from 2005-2007, *the suicide rate among younger veterans rose 26%*. Some of these deaths, perhaps a substantial number of them, occur because people are forced to fight wars they come to believe are morally wrong.³

When people in military service are forced to fight a war that violates their most deeply held moral beliefs, the aftermath can be severe. Indeed, new research is showing that war can bring long-lasting moral harm to veterans. VA clinical psychologists have identified a previously untreated and still rarely addressed hidden wound of war called “moral injury.” Moral injury comes from “perpetrating, failing to prevent, or bearing witness to acts that transgress deeply held moral beliefs and expectations.” The long-term impact can be “emotionally, psychologically, behaviorally, spiritually, and socially” devastating, sometimes lasting an entire lifetime. Or the impact of moral injury can foster internal conflict and self-condemnation so severe that their burdens become intolerable and lead to suicide.⁴

The formation of ethical sensibilities and the freedom to exercise moral choice are sacred dimensions of faith. Hence, religious communities must also take responsibility for what they teach about the moral conduct of war, become educated in and involved with healing the impact of current CO policies, and support expanding the right to moral conscience in war. As VA clinical studies indicate, the support and understanding of communities willing to listen to veterans experiencing moral injuries, to hear their confessions, and to help them heal is crucial to their recovery. While this healing is crucial, prevention of such injury is also of utmost importance.

³ (www.chron.com/disp/story.mpl/military/6809495.html).

⁴ (www.ncbi.nlm.nih.gov/pubmed/19683376).

Forcing service members to act against their own moral consciences denies them their religious freedom, a right of conscience the Supreme Court extended in 1971 to those whose moral conscience is not religiously based. In a December 27, 2009 letter to President Obama, the Truth Commission's Host, retired Army Chaplain (Colonel) Rev. Herman Keizer, Jr., Former Chair, National Conference on Ministry to the Armed Forces America, noted:

We do not honor the conscience of those we train ... Conscientious Objection only acknowledges the conscience of those who object to all wars and not those who object to a specific conflict. ... This is the dilemma faced by every soldier who holds to the "Just War" tradition. In my 34 years as a chaplain, I have seen injustice done to many soldiers who did not object to war, but objected to Viet Nam and now Iraq.

When members of the U.S. Armed Forces are called up to war, they must be free to exercise faith and to heed moral conscience.

DESCRIPTION OF THE TRUTH COMMISSION

The Truth Commission on Conscience in War addresses how religious freedom and moral conscience conflict with current Conscience Objection regulations and the tragic consequences of this conflict. It undertook this work in light of an all-volunteer military, widespread official religious judgments against the U. S. war in Iraq, and the need to heal moral injury and to reverse the rising suicide rates in the military and veterans. Its work to increase national attention to these concerns is supported by over 60 diverse organizations (listed in Appendix 1).

The TCCW continues to examine the impact of the current CO regulations on those who have served in war in light of:

- Religious and ethical distinctions between just war and pacifism;
- Requirements of international agreements such as the Nuremberg Principles and Geneva Conventions that draw from just war ideas;⁵
- Religious and moral concerns surrounding the justification and conduct of the Iraq and Afghanistan Wars; and
- The devastating impact on those who are required to fight wars that they morally oppose.

The TCCW Planning Committee (listed on p. 9 of this report), composed of six members who represented three organizations, was created in January 2008. Planning Committee members and all participants in the TCCW have donated their time to this project as a public service. The Emmy-nominated documentary, “Soldiers of Conscience,” which was made with the cooperation of the U.S. Army and which studies the moral decision-making process of eight soldiers serving in Iraq, inspired the concerns addressed by the TCCW, and the film production company provided administrative assistance to the committee to support the planning and implementation of the March 2010 events.

The Planning Committee designed the structure and process for the TCCW, secured a suitable site for a hearing, raised the funds to implement plans, and recruited the participants with the generous assistance of more than 60 co-sponsors. The Committee identified veterans who could testify about their service in war and the limits of current CO regulations. Some of the veterans who testified served willingly in war and were honorably discharged; others applied for CO status after joining the military and meeting the criterion of a “crystallization of conscience.” A Gold Star mother also testified on behalf of her deceased son who was the first Pennsylvanian National Guardsman killed in combat since World War II. In addition, a panel of expert witnesses from law, religion, medicine, philosophy, and journalism were invited to provide background information, and, in some cases, to testify to their own experiences in war and moral injury.

The public education phase of the TCCW’s work began with a hearing on March 21, 2010, at the historic Riverside Church in New York. Approximately 500 members of the public attended. This hearing introduced the issues before the commission through excerpts from the film, “Soldiers of Conscience,” which was made in cooperation with the U.S. Army. The TCCW then received testimony and launched six months of conversations among religious and

⁵ Texts of Nuremberg are available at <http://avalon.law.yale.edu/imt/imtconst.asp> and the Geneva Conventions at <http://www.icrc.org/ihl.nsf/CONVPRES?OpenView>.

community leaders across the country. These conversations, which will intensify with the release of this TCCW Report, began a process to:

- Build a national network committed to expanding current CO regulations for greater protection of moral conscience in war;
- Educate religious communities and the general public about religious ideas of just war, international agreements and laws, and the moral, legal, and spiritual implications of current CO regulations for soldiers and their families;
- Inform leaders and their communities about the need to heal the moral and spiritual injuries of war in veterans and in religious communities; and
- Bridge polarizations between pacifists and followers of just war traditions and between the military and religious leaders and organizations that have challenged the current wars;
- Demonstrate how the arts help further justice and bring people together to work for positive change.

THE TESTIFIERS

At the TCCW hearing on March 21, the public listened to testimony from the following. Their biographies are in Appendix 2 and their testimonies can be viewed at www.conscienceinwar.org.

Chaplain Nurah-Rosalie Amat'ullah, D.Min—Executive Director, Muslim Women’s Institute for Research and Development-MWIRD

Dr. Camilo “Mac” Bica —Professor of Philosophy, School of Visual Arts (NYC), former Marine Corps Officer and Vietnam Veteran

Mr. Tyler Boudreau —former US Marine Captain, Iraq War Veteran, and author of *Packing Inferno: The Unmaking of a Marine*

Mr. Joshua Casteel —Army Veteran and Conscientious Objector, former Army Interrogator at Abu Ghraib; featured in the documentary, *Soldiers of Conscience*

Mr. Jake Diliberto —OEF and OIF US Marine Veteran, Founder of Veterans for Rethinking Afghanistan, Fuller Theological Seminary

Mr. Chris Hedges —former war correspondent for the *New York Times* and author of *War Is a Force That Gives Us Meaning*

Rev. Herman Keizer —U. S. Army Chaplain, retired; Director of Chaplaincy Ministries for the Christian Reformed Church in North America; Former Chair, National Conference on Ministry to the Armed Forces America; Vietnam Veteran

Rabbi Douglas Krantz —Congregation B’nai Yisrael; Member, Executive Board, Jewish Peace Fellowship

Rev. Dr. Pamela Lightsey —Associate Vice President, Garrett Evangelical Theological Seminary, Army Veteran, expert in just war theories in Christianity, mother of a Veteran

J. E. McNeil—Executive Director, Center on Conscience & War, legal expert

Mr. Logan Mehl-Laituri —Army Veteran with service in Iraq during OIF II, and co-founder of Centurion’s Guild

Mr. Camilo Mejia —Army Veteran and conscientious objector, author of *Road from Ar Ramadi*, featured in the documentary, “Soldiers of Conscience,” Amnesty International Prisoner of Conscience

Dr. Jonathan Shay —VA clinical psychiatrist, national PTSD expert, MacArthur Genius winner, and author of *Achilles in Vietnam* and *Odysseus in America*

Rev. Dr. Kaia Stern —Director of the Pathways Home Project at the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School

Ms. Celeste Zappala —Member of Gold Star Families Speak Out; Mother of Sgt Sherwood Baker, Pennsylvania National Guardsman, killed in Baghdad, April 26, 2004, while searching for weapons of mass destruction

On March 22, 2010, testifiers and commissioners met in private session to create effective strategies for protecting moral conscience in war. Commissioners included prominent leaders from a variety of religious traditions, community activists, directors of nonprofit organizations, veterans, scholars, artists, and members of the media. They received briefing materials for understanding current U.S. regulations, varieties of approaches to just war, and the standards of Nuremberg and Geneva on the exercise of conscience in war. These briefing materials are found in Appendix 3.

An Accountability Committee—composed of a national group of graduate student commissioners, nominated and granted academic course credit by co-sponsoring schools—created the briefing materials, recorded the conversations on March 22, and helped to prepare this report. This course was taught by Professors Rita N. Brock of Faith Voices for the Common Good and Gabriella Lettini of the Starr King School for the Ministry at the Graduate Theological Union in Berkeley; Jake Diliberto, a Marine Veteran of Afghanistan and Iraq and a student at Fuller Theological Seminary, was the Teaching Assistant.

THE PLANNING COMMITTEE

Planning Committee Chair: Rev. Dr. Rita Nakashima Brock, Director, Faith Voices for the Common Good, fiscal sponsor, a 501(c)3

Convener of Commissioners: Rev. Dr. Gabriella Lettini, Director, Studies in Public Ministry and Religious Leadership for Social Change, Starr King School for the Ministry, Graduate Theological Union

Director for Staff Administration: Mr. Ian Slattery, Luna Productions

Members of the Planning Committee:

Director of Media Technology: Ms. Catherine Ryan, Producer, Luna Productions

Director of Communications and Web Services: Mr. Justin K. Waters, Assistant Director, Faith Voices for the Common Good

Director of Outreach and Press Relations: Ms. Erin Reece, Onsite Administrator for the Truth Commission, New York City

Site Hosts:

The Riverside Church: Rev. Dr. Bob Coleman, Ms. Carol Nixon

Union Theological Seminary: Rev. Dr. Serene Jones

National City Christian Church: Rev. Stephen Gentle, Rev. Steven Moore

RECOMMENDATIONS

The following recommendations reflect a consensus among the TCCW Commissioners. We reached these conclusions after receiving and discussing the testimony delivered at the public hearing and listening to expert presentations delivered on March 22, 2010 at the private meeting of testifiers and commissioners.

To Our Nation's Leaders

We recommend that the current regulations governing Conscientious Objection, written during conscription and the Vietnam War, be revised to respect the moral teachings of just war and religious and philosophical traditions that adhere to just war criteria. This change will assure greater protection for military teachings about moral conscience in war.

We ask all elected representatives to consult their own consciences and exercise moral judgment in declaring and/or funding any war. Their support for a war must be grounded in moral discernment, and they should grant the same freedom of conscience so crucial to democracy to those who are called on to fight in war.

To Religious and Community Leaders

We recommend that military chaplains, clergy, teachers, and community leaders be provided ample education about criteria governing the moral conduct of war in their traditions and lead conversations in their communities about such criteria. Anyone who provides spiritual or moral counsel to those considering joining the military, those in military service, veterans, or their families must have accurate knowledge of regulations governing religious liberty and moral conscience in war and be acquainted with various religious and moral traditions.

In counseling members of the Armed Forces and veterans, religious and community leaders must educate themselves and their members about the consequences of the physical and psychological wounds of war and the needs of those who struggle with lingering wounds. They must learn to listen to veterans about how to reintegrate them into their communities while not falsely valorizing or demonizing them or leaving them to suffer invisibly and in silence. They must, especially, educate themselves and their communities in how they can support those who suffer the wounds of moral injury.

To Our Communities

We recommend that communities provide education to all members about the demands of military service and about how to provide more adequate support services to address the needs of those serving in the U.S. Armed Forces, veterans of military service, and their families.

The absence of conscription and the current all-volunteer military has created a common perception that expanding regulations for Conscientious Objection are no longer relevant to those who serve in the military. In fact, whether people volunteer or are conscripted into military service, the need to protect religious freedom and moral conscience remains critical to our democracy.

Hence, the TCCW recommends greater community awareness and discussion of the issues raised in this Report.

APPENDIX 1

SPONSORS, CO-SPONSORS, AND OTHER CONTRIBUTORS

The Truth Commission was made possible by the generosity of our sponsors, co-sponsors, and donors, who believe conscience in war is a critical issue for our time. Their support has made its work possible and they urge discussion of the issues it raises. Their support made this Report possible, but that support does not mean they have officially endorsed its recommendations.

SPONSORS

Faith Voices for the Common Good, Oakland, CA

www.faithvoices.org

Faith Voices, an educational non-profit founded in 2004, is dedicated to greater public awareness of the country's diverse religious traditions and leaders. It sponsors educational programs, events, and other such activities: to engender new ideas that inspire new strategies for positive change; to strengthen networks of religious organizations and further common goals; and to identify and support new religious leaders committed to creating a just, sustainable, and peaceful world. Current projects are the Axis of Friendship with Iran and the Truth Commission on Conscience in War. In addition, Faith Voices is a cosponsor of the Poverty Truth Commission of the Graduate Theological Union in Berkeley, CA

Luna Productions, Berkeley, CA

www.soldiers-themovie.com

Luna Productions is an independent documentary company that specializes in award-winning full-length social issue documentaries for television, as well as short videos in support of foundations and non-profit organizations. Since completing the Emmy-nominated PBS documentary, “Soldiers of Conscience,” in 2007, Luna Productions has been working with faith, veterans, and advocacy communities around the country to use the film as a resource for enhancing public dialogue about complex, often taboo issues of conscience in war.

National City Christian Church, Washington DC

www.nationalcitycc.org

National City Christian Church, in Washington, D.C., is the “national cathedral” for the Christian Church (Disciples of Christ). It is held in trust by a national board on behalf of the denomination. The neo-classical sanctuary rises 200 feet above Thomas Circle and was designed by famed architect John Russell Pope. It houses one of the city's largest pipe organs. As an open and affirming congregation, it embraces peoples of many races, ages, cultures, economic circumstances, sexual/gender orientations, and physical or mental conditions, as well as many other distinctions in the rich tapestry of God's creation.

Riverside Church, New York, NY

www.theriversidechurchny.org

Founded in 1929, The Riverside Church is affiliated with the American Baptist and United Church of Christ denominations. It is regarded as one of the most important Protestant pulpits in the U.S.; past ministers have included Robert James McCracken, William Sloane Coffin, and James A. Forbes, Jr. On April 4, 1967, the Rev. Dr. Martin Luther King, Jr., delivered his noted speech, “Beyond Vietnam: Time to Break Silence” at an interfaith service which marked the founding of Clergy and Laity Concerned about Vietnam. Riverside continues to be one of the most important churches in progressive Protestantism, not only in the city of New York, where it is known for its diverse and effective programs in social witness, education, and pastoral ministries, but also across the country through the national visibility of its ministers and members.

Starr King School for the Ministry, Berkeley, CA

Program in Public Ministry and Religious Leadership for Social Change

www.sksm.edu and www.sksm.edu/academics/masc.php

Starr King School for the Ministry, has been educating Unitarian Universalist ministers and progressive religious leaders from different backgrounds since 1904. It is a member of the Graduate Theological Union (GTU), the largest and most diverse partnership of seminaries and graduate schools in the United States, pursuing interreligious collaboration in teaching, research, ministry, and service. The Master of Arts in Religious Leadership for Social Change (MASC) is a professional degree designed for those who ground their justice activism in a spiritual practice and work for the common good in secular or religious institutions. The program emphasizes integration between theological knowledge and practical experience in community organizing, media relations, non-profit management, political action and social service ministries.

Union Theological Seminary, New York, NY

www.utsnyc.edu

Founded in 1836 with a mission to pursue rigorous scholarship and a practical dimension to theological education, Union is the oldest nondenominational seminary in the nation and remains independent of any denomination or university. Grounded in a Christian heritage that is at once progressive and evangelistic, Union educates leaders for ministry in churches and related organizations and for theological education, extends the work of social justice, and enriches the academy through teaching and research. Education at Union is also significantly instructed by the insights of other faiths, making connections between them and the most profoundly challenging issues of our contemporary experience: the realities of suffering and injustice, religious pluralism, the fragility of our planet, and discoveries of modern science. Union alumnae and alumni bring a religiously grounded, critical and compassionate presence to the major personal, social, political and scientific realities of our time.

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- * Associated Mennonite Biblical Seminary | www.ambse.edu

- * Baptist Peace Fellowship of North America | www.bpfna.org
- * The Beatitudes Society | www.BeatitudesSociety.org
- * Buddhist Peace Fellowship | www.bpf.org
- * The Catalyst Project | www.collectiveliberation.org
- * Catholic Peace Fellowship | www.catholicpeacefellowship.org
- * Center for Justice and Peacebuilding at Eastern Mennonite University | www.emu.edu/cjp
- * Center on Conscience & War | www.centeronconscience.org
- * Centurion's Guild | www.centurionsguild.org
- * Chicago Theological Seminary | www.ctschicago.edu
- * Christian Peace Witness | www.christianpeacewitness.org
- * Christian Reformed Church in North America | www.crcna.org
- * Courage to Resist | www.couragetoresist.org
- * Disciples Justice Action Network | www.djan.org
- * Drew Theological School | www.drew.edu/theo.aspx
- * The Episcopal Church | www.episcopalchurch.org
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- * Exodus Transitional Community | www.etcny.org
- * Fellowship of Reconciliation | www.forusa.org
- * First Congregational Church of Berkeley | www.fccb.org
- * Friends for a Non-Violent World | www.fnvw.org
- * Graduate Theological Union | www.gtu.edu
- * Healing of the Nations Foundation | www.healingofthenations.com
- * Institute to Honor Freedom of Conscience | www.mennochurch.org/nathfc
- * International Veterans Fellowship of Reconciliation
- * Iraq Veterans Against the War | www.ivaw.org
- * Ithaca Veterans Peace Coalition
- * Jewish Peace Fellowship | www.jewishpeacefellowship.org
- * Judson Memorial Church | www.judson.org
- * Justice & Witness Ministries, United Church of Christ | www.ucc.org/justice
- * Mennonite Central Committee U.S. | www.mcc.org
- * Military Families Speak Out - New York City Chapter | www.mfsony.com
- * Mission and Social Justice Commission of The Riverside Church | www.theriversidechurchny.org
- * Moravian College United Student Government | <http://home.moravian.edu/students/org/usg>
- * Muslim American Society Freedom Foundation | www.masnet.org/freedomfoundation.asp
- * Muslim Women's Institute for Research and Development | <http://mwird.org>
- * National Council of Churches of Christ | www.nccusa.org

- * New York Faith & Justice | www.nyfaithjustice.org
- * New York Society for Ethical Culture | www.nysec.org
- * New York Yearly Meeting of the Religious Society of Friends | www.nyym.org
- * Oakland Peace Center, First Christian Church | www.fcc-oakland.org
- * Orthodox Peace Fellowship | www.incommunion.org
- * Park Avenue Christian Church | www.parkavenuechristian.com
- * Pax Christi USA | www.paxchristiusa.org
- * Presbyterian Church (U.S.A.) | www.pcusa.org/peacemaking
- * Presbyterian Peace Fellowship | www.presbypeacefellowship.org
- * Presbytery of New York City - Council for Witness in Society and the World | www.nycpresbytery.org
- * Progressive Christians Uniting | www.pcu-la.org
- * Semnani Foundation
- * The Shalom Center | www.theshalomcenter.org
- * Shomer Shalom Institute for Jewish Nonviolence | www.shomershalom.org
- * The Simple Way | www.thesimpleway.org
- * Society of Jesus, N.Y. Province | www.nysj.org
- * Stand with Honor | www.standwithhonor.com
- * Unitarian Universalist Association | www.uua.org
- * United Methodist Church - General Board of Church and Society | www.umc-gbcs.org
- * Witness Against Torture | www.witnesstorture.org
- * Women in Islam | www.womeninislam.org
- * World Christian Student Federation of North America | www.wscfglobal.org
- * Yale Divinity School | www.yds.edu

Contributors

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APPENDIX 2

BIOGRAPHIES OF HOST, CHAIR, TESTIFIERS

Honorary Host: Chaplain Herman Keizer, Jr., Colonel, United States Army (Retired), recently retired as the Director of Chaplaincy Ministries for the Christian Reformed Church in North America. He assumed that position in April 2002.

Chaplain Keizer has been a minister in the Christian Reformed Church in North America since his ordination in 1968. Commissioned as a Chaplain in 1968, his assignments include: service in Vietnam, where he was wounded twice: once in a rocket attack on a fire-base in Cambodia and once in a helicopter accident on An Khe; Officer in Charge of the Drug Abuse Prevention and Control Training Center, Germany; faculty member at the Chaplain School; Division Chaplain, 25th Infantry Division; Executive Director, Armed Forces Chaplains Board, Department of Defense; and Command Chaplain, United States European Command, Stuttgart, Germany. He reached mandatory retirement with 30 years in 1998. He was retired and was recalled to serve as Military Assistant for Leadership and Human Relations to the Assistant Secretary of the Army (ASAM&RA). In July 2000 he became the Military Advisor to the Ambassador for International Religious Freedom, Department of State. He has served as the chair of the National Conference on Ministry to the Armed Forces (NCMAF).

Chaplain Keizer's awards and decorations include the Defense Superior Service Medal (1OLC); Legion of Merit (4 OLC); Soldier's Medal; Bronze Star Medal (5OLC) and V Device; Purple Heart; Meritorious Service Medal (3OLC); and the Air Medal (3). He also received the Superior Honor Award from the Department of State. In May 2000, Calvin College in Grand Rapids, Michigan named him a Distinguished Alumnus, followed May 2003 by Calvin Theological Seminary. He is married to Ardis. They have two sons, Bryan Jay and Randall Lee.

Commission Chair: Rev. Dr. Kaia Stern, who, until July 2010, directed the Prison Studies Project/ Pathways Home at the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School. Her work focuses on transformative justice and education in prison. She has taught students from Emory University, Candler School of Theology, New York Theological Seminary, University of California and Harvard University as well as Norfolk, Framingham and Sing Sing prisons. Her work with the Green Haven/Vassar Prison Program, Vera Institute of Justice, Neighborhood Defender Service of Harlem, Kings County District Attorney's Office, Open Society Institute's After Prison Initiative, and Interfaith Justice Project at The Riverside Church has facilitated work in numerous prisons in various states over the last decade and a half. She holds a Ph.D. in religion from Emory University and a Masters of Theological Studies from Harvard Divinity School. Kaia is also ordained as an interfaith minister.

TESTIFIERS AND EXPERT WITNESSES (ALPHABETICAL ORDER):

Nurah W. Amat'ullah (Rosalie P. Jeter), founder and executive director of the Muslim Women's Institute for Research and Development (MWIRD), was born in Trinidad and Tobago and immigrated to the US in 1987. A graduate of Long Island University, Ms. Amat'ullah is a manuscript librarian in the Manuscript, Archives and Rare Books Division at the Schomburg Center for Research in Black Culture, a New York Public Library Research Center. In 2003, she earned a Graduate Certificate in Islamic Chaplaincy at Hartford Seminary and was one of a

dozen immigrant leaders to receive the 2003 Union Square Award. In 2005, she participated in an Interfaith Peace Delegation to Sudan, organized by the Muslim American Society's Freedom Foundation. As Director of MWIRD, Ms. Amat'ullah has developed a number of faith-based community development initiatives and participated in multi-faith and religious NGO efforts. She is also an executive committee member of the Consultation for Inter-faith Education.

Camillo "Mac" Bica, Ph.D., is a professor of philosophy at the School of Visual Arts in New York City. His philosophical focus is in social and political philosophy and ethics, particularly as it applies to war. As a veteran recovering from his experiences as a Marine Corps Officer in Vietnam, he founded, and coordinated for five years, the Veterans Self-Help Initiative, aka The HOOTCH Program, a therapeutic community of veterans suffering from Post Traumatic Stress Disorder, at the Department of Veterans Affairs Medical Center Brooklyn. Dr. Bica is a long-time activist for peace and justice and the Coordinator of the Long Island Chapter of Veterans for Peace. In addition to being a regular contributor to Truthout.org, articles by Dr. Bica have appeared in numerous on-line alternative news sites and philosophical journals. *There are no Flowers in a War Zone*, his book of essays and poems, will be published in 2010.

Tyler Boudreau grew up in the Boston area and graduated from high school in 1989. He served with the Marine Corps infantry from 1989 to 1993, left to attend college, and then returned to the infantry in 1997. He deployed to Iraq in 2004. In 2005 he resigned after twelve years of active duty. In 2008 Boudreau published *Packing Inferno: The Unmaking of a Marine* a memoir of his experiences in the Marine Corps and Iraq. He traveled to Jordan in the summer of 2008 to investigate the Iraq Refugee Crisis and in 2009 bicycled across the United States to meet with people and join discussions about the wars of our time. In addition to his book, he has written several articles for various publications including The New York Times, Boston Globe, Seattle Times, The Progressive, and others. He now lives in Western Massachusetts and continues to write and speak about the issues of war.

Joshua Casteel, raised as an evangelical Christian, first enlisted in the US Army Reserves at the age of 17 and received an appointment to the US Military Academy at West Point at 18. Less than 30 days after receiving his B.A., Joshua was called up from the Reserves to full Active Duty in the US Army. He trained first as an interrogator at Fort Huachuca, AZ and then spent one and a half years at the Defense Language Institute in Monterey, CA studying Arabic. From June 2004 to January 2005, Joshua served at the Joint Interrogation and Debriefing Center at Abu Ghraib, Iraq as a member of the interrogation units sent to overhaul the prison after the abuse scandal had become public. At 25, he was honorably discharged from Active Duty as a conscientious objector. During his time in service, Joshua studied Philosophy and Literature at the University of Iowa and Keble College, Oxford.

Shortly after his CO discharge, Joshua began writing and speaking widely in the US about his wartime experiences, serving on the board of directors of Iraq Veterans Against the War and chairing IVAW's Religious Dialogue committee. Joshua is currently a dual-MFA candidate at the University of Iowa Playwrights Workshop and the Iowa Nonfiction Writing Program, where he teaches Theatre History and Rhetoric. Joshua is also currently a student of Theology at the University of Notre Dame. In addition to two plays (*Returns: A Meditation in Post-trauma* and *Ishmael and Isa*) which chronicle his experiences in Iraq, Joshua is also writing

a memoir entitled *The Book of Joshua* which narrates his eight years spent in the US Army and eventual conversion from nationalist Evangelical Christianity to Catholic pacifism.

Jake Diliberto is a conservative Evangelical Christian. As a Marine Cpl., he served with the 26th Marine Expeditionary Unit during Operation Enduring Freedom in 2001 and served in security forces for the II Marine Expeditionary Brigade in Operation Iraqi Freedom in 2003. After his military service, Jake completed a B.S. in Political Science from Illinois State University and an M.Div. (Ethics and Theology) from Fuller Theological Seminary. Jake is a frequent commentator on Aljazeera news and CNN on 21st century conflict. He is a blogger for Huffington Post, and is the Founder of Veterans For Rethinking Afghanistan. Recent publications include "Just Peacemaking in Afghanistan" and "Globalization and Post-modern Conflict." He resides in Pasadena, CA.

Chris Hedges (born September 18, 1956 in St. Johnsbury, Vermont) is an American journalist, author, and war correspondent, specializing in American and Middle Eastern politics and societies. He spent nearly two decades as a foreign correspondent in Central America, the Middle East, Africa and the Balkans. He has reported from more than fifty countries, and has worked for The Christian Science Monitor, National Public Radio, The Dallas Morning News, and The New York Times, where he was a foreign correspondent for fifteen years. In 2002, Hedges was part of the team of reporters at The New York Times awarded the Pulitzer Prize for the paper's coverage of global terrorism. He also received in 2002 the Amnesty International Global Award for Human Rights Journalism.

Chris is known as the best-selling author of *War is a Force That Gives Us Meaning* (2002), which was a finalist for the National Book Critics Circle Award for Nonfiction. A quote from the book was used as the opening title quotation in the critically-acclaimed 2009 film, *The Hurt Locker*. The quote reads: "The rush of battle is often a potent and lethal addiction, for war is a drug." He is currently a senior fellow at The Nation Institute in New York City. His most recent book, which he discussed on CSPAN's Booktv, is *Empire of Illusion: The End of Literacy and the Triumph of Spectacle* (2009).

Chris has taught at Columbia University, New York University and Princeton University. He currently writes a column for Truthdig and is married to actress Eunice Wong. They have one son together and Hedges has two children from a previous marriage.

Rabbi Douglas E. Krantz has been Rabbi of Congregation B'nai Yisrael since 1979. He is active in social causes and was arrested while protesting both on behalf of Blacks in South Africa and Jews in the Soviet Union. In 1988 he traveled to the Soviet Union to meet with Jewish families in need of support from abroad. In 1987 he was appointed Vice Chair of the Centennial Endowment Fund of the Central Conference of American Rabbis, and in 1988 he became Chair of the Justice and Peace Committee of the Central Conference of American Rabbis, Vice Chair of the Social Action Commission of Reform Judaism. In 1990 he joined the Board of Directors of the American Friends of Israeli Civil Rights and Peace, now called Meretz USA, serving as Board Secretary in 1991 and President and Chair of the Board in 1992. In 1993 he completed the New York State course in the essentials of fire fighting and currently serves as a volunteer EMT-Firefighter in the Armonk Independent Fire Department.

In 2001 Rabbi Krantz was elected to the Board of Directors of American Friends for Peace Now. He also serves on the Rabbinic Advisory Council of J Street. He is married to Joan and they have three children and three granddaughters.

Rev. Dr. Pamela R. Lightsey is a native of West Palm Beach, Florida. She is an honorably discharged Army veteran and former civil service worker. Her family has record of extensive military service; her sister, late brother, former husband and son served in the US Army. While completing her doctoral course work, her son's unit, then stationed in Kuwait, was redeployed to serve in Iraq. He was there during that first year. This experience is what ignited her passion in just war theory and her deeper study of both the Hebrew Bible and Holy Qu'ran. The title of her dissertation is "Somebody Hits You: Towards a Pan African Perspective of Just War."

Dr. Lightsey is an ordained elder in the Northern Illinois Conference of the United Methodist Church, holds a PhD in theology and ethics from Garrett-Evangelical Theological Seminary, and is now employed there as the Associate Vice President for Student Affairs and Dean of Students. She is an author and scholar and enjoys teaching, lecturing and leading workshops. Her particular passions in addition to just war theory are Black liberation theology and Womanist queer theology. She is a recognized social justice activist and was awarded the key to the city of Columbus, Georgia for her social justice work on behalf of the citizens of that community. More information on Dr. Lightsey may be found at her website www.OneNabi.com.

J.E. McNeil, the Executive Director of the Center on Conscience & War, has been a practicing attorney for more than thirty years. Before becoming Executive Director, she worked with CCW/NISBCO on its legal committee, where she contributed to amicus briefs and represented conscientious objectors in court. She received the Alan Barth Service award of the National Capital ACLU in 1982 and the Washington Peace Center Peacemaker Award in 1987. McNeil has also represented military tax resisters and demonstrators. At the Center on Conscience & War, McNeil oversees the implementation of CCW's programs and is responsible for the fund raising.

Logan Mehl-Laituri spent over six years in the US Army at Fort Bragg, NC, and Schofield Barracks, HI, as an artillery forward observer. After a 14-month combat deployment in Operation Iraqi Freedom in 2004, he applied to return to Iraq as a noncombatant conscientious objector. Instead, he was honorably discharged in November 2006, being refused the opportunity to serve without a personal firearm in combat. In 2008, Logan worked with other service members and veterans to form Centurion's Guild in order to "protect and defend prospective, current, and former service members while bearing true faith and allegiance to God." In July 2010, with the help of the Post 9-11 GI Bill, he graduated from Hawaii Pacific University with a BA in Human Services, intending to pursue Masters level work in theology, focusing particularly on selective objection and the ethics of warfare.

Camilo Mejia served in the Army for nearly nine years. Staff Sergeant Mejia became the first known Iraq veteran to refuse to fight, citing moral concerns about the war and occupation, when he applied for a discharge from the Army as a conscientious objector in early 2004. His principled stand helped to rally the growing opposition and embolden his fellow soldiers. Despite widespread public support and an all-star legal team, Mejia was eventually convicted of

desertion by a military court and sentenced to a year in prison, prompting Amnesty International to declare him a prisoner of conscience. Released after serving almost nine months, the “celebrated soldier-turned-pacifist” told his own story in the book, *Road from Ar Ramadi: The Private Rebellion of Staff Sergeant Mejia*, from his upbringing in Central America and his experience as a working-class immigrant in the United States to his service in Iraq – where he witnessed prisoner abuse and was deployed in the Sunni triangle – and time in prison.

Jonathan Shay is Staff Psychiatrist, Department of Veteran Affairs Outpatient Clinic, Boston, Massachusetts. He is a clinical psychiatrist whose treatment of combat trauma suffered by Vietnam veterans combined with his critical and imaginative interpretations of the ancient accounts of battle described in Homer’s Iliad and Odyssey are deepening our understanding of the effects of warfare on the individual. His book, *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (1994), drew parallels between the depiction of the epic warrior-hero Achilles and the experiences of individual veterans whom he treats at a Boston-area Veterans Affairs’ Outpatient Clinic. In *Odysseus in America: Combat Trauma and the Trials of Homecoming* (2002), using Odysseus as metaphor, Shay focused on the veteran’s experience upon returning from war and highlights the role of military policy in promoting the mental and physical safety of soldiers. A passionate advocate for veterans and committed to minimizing future psychological trauma, Shay strives for structural reform of the ways the U.S. armed forces are organized, trained, and counseled. Respected by humanists and military leaders alike, Shay brings into stark relief the emotional problems faced by military combatants and veterans, ancient and modern.

Shay received a B.A. (1963) from Harvard University and an M.D. (1971) and Ph.D. (1972) from the University of Pennsylvania. Since 1987, he has been a staff psychiatrist at the Department of Veteran Affairs Outpatient Clinic in Boston, Massachusetts. In 2001, Shay served as Visiting Scholar-at-Large at the U.S. Naval War College, and from 2004 to 2005, he was Chair of Ethics, Leadership, and Personnel Policy in the Office of the U.S. Army Deputy Chief of Staff for Personnel.

Celeste Zappala, who lives in Philadelphia, PA, is the mother of Sgt. Sherwood Baker, who was killed in an explosion in Baghdad as he searched for weapons of mass destruction on April 26, 2004. Sherwood, a social worker, was the first PA National Guardsman killed in combat since World War II; he leaves a wife and young son.

Celeste, a United Methodist, is an active member of Military Families Speak Out and a founding member of Gold Star Families Speak Out, representing families who have lost a loved one in Iraq. Since losing Sherwood, she and her family have worked relentlessly to promote a peaceful end to the occupation of Iraq. She has spoken out in many US cities, was a featured speaker at a 2007 International Peace conference in Istanbul and at the 2008 Japan Mother’s Conference.

APPENDIX 3

COMMISSIONERS

(COMMISSIONERS' BIOGRAPHIES ARE POSTED AT WWW.CONSCIENCEINWAR.ORG.)

1. Sister Aisha al-Adawiya, Executive Director, Women in Islam, Inc.
2. Michael Baxter, National Secretary, Catholic Peace Fellowship
3. Michael Blake, US Army veteran, Board Chair and Program Manager, Veterans Sanctuary Inc.
4. Curtis Book, Peace and Justice Coordinator for East Coast Region, Mennonite Central Committee U.S.
5. Dr. Elizabeth Bounds, Professor, Candler School of Theology, GA
6. Rev. Dr. Rita Nakashima Brock, Director, Faith Voices for the Common Good, CA
7. Ernestine Buscemi, Presiding Clerk, New York Yearly Meeting of the Religious Society of Friends
8. Shane Claiborne, Founding Partner, The Simple Way Community, and author of *Jesus for President*
9. Thad Crouch, US Army veteran, Stand With Honor, Institute to Honor Freedom of Conscience
10. Kelly Denton-Borhaug, Associate Professor of Religion, Moravian College
11. Frederick R. Dettmer, Clerk, Witness Coordinating Committee, New York Yearly Meeting of the Religious Society of Friends
12. Dr. Glory Dharmaraj, Director of Spiritual Formation & Mission Theology, Women's Division of the General Board of Global Ministries of the United Methodist Church
13. Dr. Valerie Elverton Dixon, independent scholar, Just Peace Theory.com
14. Megan Dowdell, Ph.D. candidate in Ethics and Social Theory, Graduate Theological Union, Berkeley, CA
15. Tom F. Driver, The Paul J. Tillich Professor of Theology and Culture Emeritus, Union Theological Seminary in New York
16. Pieter Dykhorst, US Army veteran, Orthodox Peace Fellowship
17. Elizabeth Eggert, M.Div. Candidate, Andover Newton Theological School
18. Michael Ellick, Associate Pastor, Judson Memorial Church, NY
19. Mr. Ted Engelmann, Veterans for Peace, Denver, CO
20. Chaplain Judy Seicho Fleischman, Buddhist Peace Fellowship, NY
21. Rev. Dr. James A. Forbes, Jr., Founder and President, Healing of the Nations Foundation, Senior Minister Emeritus, Riverside Church, NY
22. Bill Galvin, Counseling Coordinator, Center on Conscience & War
23. Martha Gardner, National Executive Council member, Episcopal Peace Fellowship
24. Naomi Paz Greenberg, New York Yearly Meeting of the Religious Society of Friends (Quakers)

25. Dr. Mahjabeen Hassan, American Muslim Women's Association
26. Rev. Dr. Richard Hamm, Christian Churches Together
27. John Helmiere, M.Div. graduating student, Yale Divinity School, New Haven, CT
28. Monte Hillis, Park Avenue Christian Church, NY
29. Marinetta Cannito Hjort, International Trainer on Restorative Justice and Nonviolent Conflict Transformation, and former Baptist Chaplain at American University, Washington, DC
30. Dru Howard, Navy veteran and M.Div. candidate, Starr King School for the Ministry, Berkeley, CA
31. Rev. Margaret (Peggy) Howland, Presbyterian Peace Fellowship
32. Charon Hribar, Ph.D. candidate in Christian Social Ethics, Drew University, Madison, NJ and Curriculum Development and Replication Coordinator for the Poverty Initiative at Union Theological Seminary
33. Richard Hughes, Senior Fellow, Ernest L. Boyer Center, Distinguished Professor of Religion, Messiah College
34. Dr. George Hunsinger, Professor, co-founder of National Religious Campaign Against Torture, Princeton Theological Seminary, NJ
35. Dr. Alice Hunt, President, Chicago Theological Seminary, IL
36. Mark Johnson, Executive Director, Fellowship of Reconciliation, NY
37. Dr. Anne Klaeyen, Leader, New York Society for Ethical Culture
38. Imam Kasim Kopuz, Islamic Organization of the Southern Tier
39. Mark Koenig, Coordinator, Presbyterian Peacemaking Program, Compassion, Peace and Justice Ministry, General Assembly Mission Council, Presbyterian Church (U.S.A.)
40. Imam Kasim Kopuz, Islamic Organization of the Southern Tier
41. Rev. Peter Laarman, Director, Progressive Christians Uniting
42. Daniel Lakemacher, US Navy veteran and staff member, Center on Conscience & War
43. James Lavoy, graduating senior in Political and Social Theory, Moravian College, Bethlehem, PA
44. Rev. Dr. Gabriella Lettini, Professor, Starr King School for the Ministry, CA
45. Andrea Levine, Program Coordinator, Veterans Sanctuary Inc.
46. Nan Levinson, Writer and Lecturer, Tufts University
47. Daniel Maguire, Professor of Social Ethics, Marquette University, WI
48. Miriam Marton, Attorney, New York, NY and PhD Candidate, California Institute for Integral Spirituality
49. Ray McGovern, Veteran Intelligence Professionals for Sanity (VIPS), Washington DC
50. Rev. Rosemary Bray McNatt, Senior Minister, Fourth Universalist Society
51. Robert Emmet Meagher, Professor of Humanities, Hampshire College; Founder, The Nostoi Project: Stories of War and Return
52. Peter Vander Meulen, Coordinator, Office of Social Justice and Hunger Action, Christian Reformed Church in North America

53. Rich Meyer, Mennonite Church USA representative to the US-World Council of Churches Committee of the Decade to Overcome Violence; Member, Christian Peacemaker Teams
54. David Miller, Associate Professor, Associated Mennonite Biblical Seminary
55. Zachary Moon, VA chaplain and M.Div. candidate, Chicago Theological Seminary, Chicago, IL
56. Jim Murphy, International Veterans Fellowship of Reconciliation
57. Rev. T.K. Nakagaki, Sensei, New York Buddhist Church
58. Rev. Dr. Rebecca Parker, President, Starr King School for the Ministry, CA
59. Alexander Patico, North American Secretary, Orthodox Peace Fellowship
60. Dr. Jack Patterson, retired, Quaker United Nations Office
61. Titus Peachey, Director of Peace Education, Mennonite Central Committee, U.S.; Counselor, GI Rights Hotline
62. Garland Robertson, Pastor, Austin Mennonite Church, Institute to Honor Freedom of Conscience
63. Father Philip G. Salois, M.S., Vietnam Combat Infantry Veteran; Roman Catholic Priest; Chief, Chaplain Service-VA Boston Healthcare System; National Chaplain for Vietnam Veterans of America
64. Daniel A. Seeger, former Executive Director, American Friends Service Committee New York Metropolitan Region
65. Rev. Ken Sehested, Founding Executive Director, Baptist Peace Fellowship of North America
66. Dr. Donald W. Shriver, Jr., Professor of Ethics and President Emeritus, Union Theological Seminary
67. Dr. Peggy L. Shriver, retired executive, National Council of Churches of Christ
68. Rev. Sam Smith, Chicago Chapter Chair of Fellowship of Reconciliation; D.Min. candidate, Fuller Theological Seminary; and advocate for the I Will Not Kill Campaign
69. Mrs. Eda Uca-Dorn, United Church of Christ, Justice and Witness Ministries, Christian Peace Witness
70. Rick Ufford-Chase, Executive Director, Presbyterian Peace Fellowship and Co-founder of Community of Living Traditions
71. Jason Vance, Army National Guard veteran and M.Div. candidate, Associated Mennonite Biblical Seminary, Elkhart, IN
72. Jose Vasquez, Executive Director, Iraq Veterans Against the War; Veteran, US Army and Army Reserves
73. Rev. Dr. Traci West, Professor, Drew University Theological School, NJ
74. Jennifer Whitten, M.Div. candidate, Starr King School for the Ministry, Berkeley, CA
75. David Wildman, Executive Secretary for Human Rights & Racial Justice, General Board of Global Ministries of the United Methodist Church

APPENDIX 4

BRIEFING MATERIALS PROVIDED TO THE COMMISSIONERS

CONSCIENTIOUS OBJECTION AND THE LAWS OF WARFARE

by Miriam Marton and Jennifer Whitten

War is governed by international and domestic law. International war law is contained in agreements such as the Nuremberg Principles, the Geneva Conventions, the Rome Statute on the International Criminal Court⁶ and “customary international law,” those laws that have developed out of customs and practices among nations.⁷ Domestic war law is a nation’s own laws and military regulations. All of the above bind governments and individual soldiers. Logically, then, these laws and regulations should support the soldier’s refusal to serve a specific war on the grounds of conscience.

In the United States, however, to obtain conscientious objector status, a soldier must prove that h/she is opposed to “war in any form.”⁸ This is problematic for soldiers who come to view specific wars or military conduct as illegal and/or immoral. The situation is further exacerbated because a soldier may be prosecuted both for refusing to follow superior commands *and* for following legally questionable orders.

This paper briefly explores three issues that arise in the interplay of conscientious objection and the law of warfare. First, the standard and status of command responsibility; second, the standard and status of a soldier held liable for criminal acts committed in the execution of a command from a superior officer; and finally, a summary of the issue of crystallization of consciousness that may lead a soldier to apply for conscientious objector status.

To put the issue of conscientious objection in context, we note that experts have questioned the legality of the Afghanistan and Iraq wars as well as conduct of the American government in those wars. What, then, are the options and consequences for soldiers who believe that certain wars may be justified but find themselves in this morally troubling set of circumstances?

1) Individual Liability for Following Illegal Orders

A soldier is legally bound to follow lawful orders of h/her superior commander.⁹ A soldier is expected to disobey an order that (a) is either “palpably illegal;”¹⁰ or (b) a person of “ordinary sense and understanding” would know to be illegal.¹¹ Following such commands may

⁶ A treaty does not bind a state until it is ratified. The United States has not ratified the Rome Statute. Accordingly, the United States remains outside the jurisdiction of the International Criminal Court unless subjected to a resolution by the United Nations Security Council.

⁷ International & Foreign Legal Research: Researching Customary International Law and Generally Recognized Principles, <http://www.law.berkeley.edu/library/classes/iflr/customary.html>.

⁸ *Gillette v. United States*, 401 U.S. 437, 443 (1970).

⁹ 10 U.S.C. § 890.

¹⁰ *United States v. Calley*, 22 U.S.C.M.A. 534 (C.M.A. 1973).

¹¹ *Id.*

not be available as a defense to the soldier if the soldier is prosecuted for war crimes or other violations of the law of war.¹²

The courts and military regulations in the United States set forth ambiguous rules, however, in terms of the standard to which a soldier may be held as to knowledge of the illegality of a command. Thus, a United States soldier can be in an impossible double-bind in which refusing to follow an order the soldier believes is unlawful may lead to court martial while following such an order may lead to prosecution for violations of the law of war.

2) Command Responsibility

A commander may be liable to prosecution under international law for upholding American military policies.¹³ The standard that is supposed to be applied to a commander is whether the commander was in a position in which h/she knew or should have known what h/her troops were doing.¹⁴ However, the standard for command responsibility with respect to United States service personnel remains ambiguous.

According to the International and Operational Law Dep't, Law of War Handbook (2005) (hereinafter, the "Law of War Handbook"), in "domestic courts- martial," a commander must have "actual knowledge" of the actions of h/her command to be held personally liable for such actions.¹⁵ This conclusion is based on the only post- Nuremberg command responsibility prosecution in the United States – those that came out of the tragedy at My Lai. Given that United States Army policy dictates that United States soldiers are "tried in courts-martial rather than international forum,"¹⁶ the reasoning is slightly circular and self-serving. Notwithstanding such questionable conclusions, the Law of War Handbook then goes on to acknowledge that the "knew or should have known" standard remains "Army Policy."¹⁷

This ambiguity of command responsibility is exacerbated by the fact that the Law of War Handbook insists that there is "[n]o separate crime of command responsibility or theory of liability . . . in UCMJ."¹⁸ Moreover, although bound by international law,¹⁹ the United States has yet to apply the Nuremberg standard to a single American military defendant.²⁰ From these irreconcilable differences, a soldier could conclude that United States military commanders operate in a "climate of impunity."²¹ This, however, would be a dangerous conclusion because "nothing in U.S. military doctrine authorizes soldiers to commit human rights violations[.]"²²

¹² Department of the Army Field Manual, FM 27-10, § 509.

¹³ FM 27-10, §501.

¹⁴ Lawrence P. Rockwood, *Walking Away from Nuremberg: Just War and the Doctrine of Command Responsibility* 87 (2007).

¹⁵ The Law of War Handbook, at 221. (citing *US v Calley*, 46 C.M.R. 1131 (A.C.M.R. 1973); *US v. Medina*, C.M. 427162 (A.C.M.R. 1971). See also Major Michael L. Smidt, *Yamashita, Medina, and Beyond: Command Responsibility in Contemporary Military Operations* (2000);

http://www.au.af.mil/au/awc/awcgate/mil_law_rev/volume164_smidt.pdf, 167 (internal citations omitted).

¹⁶ See The Law of War Handbook, at 221.

¹⁷ *Id* at 222 (citing FM 27-10 §501).

¹⁸ The Law of War Handbook, at 221. "UCMJ" is the United Code of Military Justice.

¹⁹ See, e.g. Jordan J. Paust, *Beyond the Law: The Bush Administration's Unlawful Responses in the "War" on Terror* 20 (2007).

²⁰ Rockwood, *Walking Away from Nuremberg*, at 93.

²¹ *Id* at 178.

²² Rockwood, *Walking Away from Nuremberg*, at 177 (speaking of the Abu Ghraib human rights violations).

Accordingly, to the extent a commander finds h/herself in a questionably legal war, or to the extent a commander finds h/herself questioning the legality of the conduct of the United States military, the commander should understand that h/she may be held liable “as if he or she was a principal.”²³

In addition, because a commander is also a soldier given orders by h/her superiors, arguably a commander may also be subject to liability described in section 1) above with respect to following illegal orders.

3) **“Crystallization of conscience”**

Upon entering military service, the soldier may believe that war does not conflict with h/her moral conscience and/or religious beliefs, specifically if the soldier considers the war to be a “just war.” Indeed, given the continued propensity to connect war with patriotic duty, the fact that most enlistees were not raised in pacifist religions, and the preponderance of “just war” beliefs in mainstream religions, it would be highly surprising if there were many service members who entered the military “against conscience.”

However, imagining war and experiencing war are two different things. Reconciling moral and spiritual or religious beliefs with the actuality of combat can lead to a crystallization of conscience in which one realizes a new context for “conscience,” a new discernment about one's relationship to war, and a need to move away from the military paradigms which have been central to one's identity. Both “objectors to all wars” and “selective objectors,” or “objectors to particular wars,” must locate themselves within a complex construct of experiences, beliefs, and hypotheses regarding their likelihood to become involved in past or even hypothetical wars.

It is important to note that a “crystallization of conscience is equally valid in persons from particular faith traditions and those from no identified faith traditions.”¹ This extends to the atheist as well as to the Christian, Buddhist, Jew, Jain, or member of any other established religion. In the words of the 20th century Christian theologian Paul Tillich, each of us may have an “ultimate concern,” with which we are “concerned ultimately, unconditionally, infinitely.... If, in the power and passion of such an ultimate concern, we look at our finite concerns...everything seems the same and yet everything is changed.”²⁴ Tillich articulates a relationship to faith realization that applies universally. Any person may discover an ultimate concern, in as sure a conversion as the kind some Christians describe when they become “born again.” Realizing one's “ultimate concern” can be closely related to, and in some senses identical to, the crystallization of conscience, when that ultimate concern involves one's relationship to or beliefs about human life and war.

²³ The Law of War Handbook, at 218.

²⁴ Tillich, Paul, ed. F. Forrester Church. The Essential Tillich. University of Chicago Press, Chicago. 1999

THE TRUTH AND RECONCILIATION COMMISSION MODEL
WITHIN AN ONGOING PROCESS OF SOCIAL TRANSFORMATION

by Charon Hribar

The Truth and Reconciliation Commission (TRC) model, a justice model designed to investigate human rights violations, is a unique tool that emerged in the twentieth century to respond to the realities of mass atrocities, political violence, and systematic injustice. It is a model that has taken varying forms depending on the particular context in which it is implemented, but broadly speaking the TRC model has played an important role in publicly confronting the need for those to be heard who have been deemed voiceless in the midst of systemic injustice. As the model of the TRC continues to attract attention in political, religious, and social spheres as a tool to confront structural violence and inequity, it becomes important to reflect on the significance of the TRC model, to think about the lessons that have been learned from past commissions, and to put forth proposals for how such a model might continue to evolve in the future.

Aligned with the paradigm of restorative justice and often implemented as a tool of transitional justice in countries emerging from violent conflict, the TRC model has been used as a means to confront past abuses and to seek healing through truth-seeking processes. Whether talking about mass atrocities that have been committed by oppressive government bodies or the structural abuses of systematic injustices like racism and poverty, the possibility for social restoration and transformation in such contexts requires us to think beyond traditional models of retributive justice. While the truth commission model emphasizes the importance of truth telling as a prescript for reconciliation, the time restrictions and documentation objectives often imposed on the official truth commission process can place unintended limitations on the praxis of truth telling. In an attempt to systematize and affirm the findings of the truth commission, those implementing the TRC model must always be conscious of making room for the whole truth to be told – meaning that truth should not be restricted to specific events. Instead stories must explore the larger context, history, and consequences of harm and the human rights violations that have taken place.

As a tool of transformative justice, a justice paradigm closely aligned with restorative justice but that emerges in direct response to long histories of oppression and exploitation, the TRC model should, in the future, be recognized as part of an ongoing process of truth telling and reconciliation that is working to transform society and the oppressive environments in which human rights violations continue to take place. The TRC is not a process of forgiving and forgetting, but a model where truth telling can be initiated and legitimized as a step in creating a collective memory that is necessary if social transformation is to take place. Reconciliation cannot begin as long as systems that perpetually oppress members of our human family continue to be maintained. For the TRC model to be acknowledged as a viable tool for justice making, it must be situated within the paradigm of transformative justice – a paradigm working not to restore a harmony that never existed, but to create a new equilibrium where oppression and exploitation are overcome.

THE PURPOSE AND POWER OF TESTIFYING

by John Helmiere

Why do people choose to testify before a Truth Commission? Testifiers frequently speak in explicit terms about why they were motivated to testify and what they hoped to achieve by testifying.

Three dimensions surround the activity of testifying. Framed as questions, these three dimensions are as follows:

1. What values and purposes inspire or compel people to speak out about their hidden/silenced/repressed experiences?
2. What are the necessary and optimal conditions surrounding the bearing and receiving of testimonies that inspire or compel people to testify?
3. What are the most beneficial possible effects and what power is there in testifying?

The reasons why people tell their traumatic stories have much to do with the results. It is not simple to separate the purposes people testify from the power that the act of testifying carries. But, there is a distinction nonetheless. Many testifiers tell their stories for a particular reason and then are surprised to discover unexpected fruits from their actions.

The conditions surrounding testimony are deeply intertwined with the purpose and power of testifying. The conditions around which testimony takes place need to be aligned with the preliminary expectations of testifiers and conducive to the most beneficial potential effects of the testimony. Conditions that allow and encourage optimal testimony include:

The frameworks or purposes of testifiers include:

- Education of the public, especially in the face of officially sanctioned myths.
- Personal resolution through the breaking of silences and repressed memories.
- Creating change.
- Honoring/speaking on behalf of those who are dead or otherwise unable to speak.
- Inspiring others to speak out honestly.
- Claiming or re-claiming the power of one's voice and experience
- Need to atone for one's complicity or perpetration of crimes, and to make a society aware of its unconscious complicity in systemic problems.
- Expression of an individual or communal lament.
- Seeking redress or justice.

Conditions conducive to positive testifying experiences include:

- Maintaining the focus on the person (testifier) and his/her trauma, not a predetermined agenda.
- Coupling testimony with a lever (however effective) for reparation and change.
- An accepting, supportive, welcoming, grace-soaked atmosphere.
- A social-political context in which it is acceptable to say something different from what one has been trained and taught is expected.

- Legitimization of and space for real feelings (even of anger, guilt, or desire for revenge).
- Effective preparation before testifying from having already shared stories of trauma with a trusted person, competent to prepare testimonies before presenting them in public.

The potential power of testifying include:

- Personal and social catharsis.
- Personal and social transformation.
- Redirection of energies from internal repression or external oppression of others towards the work of healing/redeeming/reconciling.
- Pressure on people to act.
- Others following suit; breaking down the culture of silence on a topic; feeling less alone.
- The restoration of accurate history from history hijacked by a repressive regime.
- Giving new meaning to the words and statistics that wash over most people.

APPENDIX 5: ENDORSEMENTS

One of the issues we wrestled with throughout the apartheid years was that of military service (a minimum of two years required of all white male youths), as well as issues of just war, just revolution, and the defensive use of violence. One of the struggles that the End Conscription Campaign waged was to try and get the state to recognize the moral rights of persons who might not necessarily be pacifists, to refuse to fight in certain conflicts. I applaud the effort of the Truth Commission on Conscience in War and wish you every success.

—**Rev. Prof. Peter Storey**, appointed in 1994 by President Mandela to help create South Africa's Truth and Reconciliation Commission. Currently Chairperson, Governing Council, Seth Mokitimi Methodist Seminary, and former Chaplain at Robbin Island Prison; past President of the South African Council of Churches and head of the Methodist Church of Southern Africa, and a founder of the Methodist Order of Peacemakers and Gun Free South Africa.

I am heartened by this conversation between those whose faith commitment leads them to nonviolence and those who adhere to a just war ethic. This is not always an easy conversation, but it is a vital conversation for our common ground far exceeds our differences.

—**Rev. Dr. David B. Miller**, Professor, Associated Mennonite Biblical Seminary.

This Truth Commission, rather than focus on troop deployments or withdrawals, has been designed to step back and ask the most important questions: Are the wars in Iraq and Afghanistan just? Are they permissible under international law? Are they moral? And if they are not, ... what are the options for a person of conscience serving in uniform?

—**Mr. Chris Hedges**, Pulitzer-prize winner, war correspondent for *The New York Times* and author of *War is a Force That Gives Us Meaning*.

Giving testimony – and bearing witness. These are practices as old as the hills and as needed today, in the midst of two wars, as much as they have ever been. Let's hear the voices of the traumatized echo in our midst – and be moved to justice anew for all who serve in the armed forces and willingly sacrifice on our behalf.

—**Rev. Dr. Serene Jones**, President and Professor of Theology, Union Theological Seminary, author of *Trauma and Grace*.

Since the wars in Iraq and Afghanistan dominate much of current U.S. foreign policy, I cannot think of a more timely moment for this Truth Commission. It holds the promise of bringing moral ideas too often hidden in narrow academic circles into a setting of lively public discourse, thereby making a principled contribution to an urgent, fractious national debate. The focus on conscientious objection centralizes the core question of individual, citizen moral rights in relation to the practical interests of the nation-state.

—**Rev. Dr. Traci C. West**, Professor of Ethics and African American Studies, Drew University Theological School.

**APPENDIX 6: PUBLIC HEARING PROGRAM BOOK TEXT
(Participant & sponsor lists, provided above, deleted from text)**



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TRUTH COMMISSION ON CONSCIENCE IN WAR

Public Hearing: Sunday, March 21, 2010, 4 - 8pm

The Riverside Church

******WELCOME FROM THE TRUTH COMMISSION PLANNING COMMITTEE******

We welcome you to this Public Hearing of the Truth Commission on Conscience in War. Today, together, we will launch a process that will: 1) honor and protect freedom of conscience for our nation's service members; 2) bring diverse people into conversation to discover common ground; and 3) address the moral and spiritual injuries of war.

As you experience the testimony this evening, we ask you to do five things, four of them simple and immediate, and one longer term:

1. We ask, as you listen to the testimony at this hearing, that you receive it with open hearts and minds and reflect on what it means to you.
2. We ask that you tell others about what you heard and experienced here. Visit the Commission website for news about events where the conversations continue.
3. We ask that you donate to support the ongoing work of this Truth Commission (tax deductible contributions can be made on line at www.conscienceinwar.org or by check to Faith Voices). All contributions will go to the actual expenses of this Commission and not to salaries or overhead costs.
4. We ask that you register at the Commission website, www.conscienceinwar.org, to receive updates on the Commission's work after the hearing this evening. Look for the release of the Commission Report on November 11, 2010.
5. We ask that you organize a conversation in your congregation or community about issues of moral and religious conscience in the military. Let us know about your event and we

will help publicize your event on the Commission website and other venues. Email: rita@faithvoices.org. Educational resources – including video footage of today’s testimony – will be available on the Commission website to support your community gathering: www.conscienceinwar.org.

Tonight’s Public Hearing– originally inspired by the film “Soldiers of Conscience” - is the culmination of almost two years of visioning, planning, and hard work by volunteers. We have all, including the members of the planning team, the testifiers, and the commissioners, donated our time to this work as a public service. It is our small contribution to honoring moral conscience in the military.

We owe our appreciation to many for all they have done to make this Commission possible: especially to The Riverside Church and its ministers and staff, who made it possible for us to be in this historic space; to our donors and our over 50 wonderful co-sponsors; to the volunteers who worked for months on the ground in New York to make this happen; to Stuart Fabregas for organizing our reception; to the volunteers helping us today; and to those who are providing chaplain services. In addition, we thank the archive librarians of the Union Theological Seminary who will be gathering all documents from this Truth Commission for their collection.

And we thank you, especially, for being here and for being part of this important initiative.

In gratitude and hope,
The Planning Committee:

Rita Nakashima Brock, Director, Faith Voices for the Common Good
Gabriella Lettini, Professor, Starr King School for the Ministry
Catherine Ryan, Producer, “Soldiers of Conscience,” Luna Productions
Ian Slattery, Associate Producer, “Soldiers of Conscience,” Luna Productions

SCHEDULE OF EVENING

(Please silence or turn off cell phones)

Volunteers are offering Chaplain services tonight. They are wearing Light Blue armbands. Please feel to approach one of them if you need prayer or someone to talk to during or after the hearing. They come from a variety of traditions and are here to support everyone.

4:00 pm **PROCESSIONAL:** Host, Chair, Testifiers, and Commissioners
WELCOME: Chaplain (Colonel) Herman Keizer, Jr., U. S. Army Chaplain, retired; Former Director of Chaplaincy Ministries for the Christian Reformed Church in North America; Former Chair, National Conference on Ministry to the Armed Forces America
WELCOME FROM THE RIVERSIDE CHURCH: **Rev. Robert B. Coleman**, Chief Program Minister
INTRODUCTION TO PROCESS: **Rev. Dr. Kaia Stern**, Director of the Pathways Home Project at the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School
STATEMENT OF COMMITMENT:

Leader: To you who will testify tonight about what you know to be true, we thank you for your witness and your willingness to speak about difficult things.

Testifiers: We testify for many reasons, each of us from our own experience and knowledge. In all we say, we offer our testimony in respect for truth and in gratitude for all who have gathered here tonight to hear us speak.

Leader: To you who have committed yourselves to be Commissioners and have come tonight to listen carefully, to listen compassionately, to listen impartially, we thank you for your service to the work of this Commission.

Commissioners: We who receive this testimony tonight do so with the intent to do all we can in the days and months ahead to protect moral conscience in the military and to work together to heal spiritual and moral injury from war.

Leader: To all of you gathered in this sacred space that has long honored moral conscience, justice, and peace, we thank you for choosing to be here tonight.

All: We commit ourselves to listen carefully, to reflect on what we have heard, and to do what we can for conscience, for healing, and for peace.

4:20 **TESTIMONY:** from the Emmy-nominated documentary, “Soldiers of Conscience.” Presented courtesy of Directors Catherine Ryan and Gary Weimberg, and Associate Producer Ian Slattery (see them at the reception to schedule viewings in your community).

4:50 **PERSONAL TESTIMONY**

Camilo Mejia, Army veteran and conscientious objector, author of *Road from Ar Ramadi*, featured in the documentary, Soldiers of Conscience

Joshua Casteel, Army veteran and Conscientious Objector, former Army Interrogator at Abu Ghraib

Celeste Zappala, Member of Gold Star Families Speak Out; Mother of Sgt Sherwood Baker, Pennsylvania National Guardsman, killed in Baghdad, April 26, 2004, while searching for weapons of mass destruction.

Tyler Boudreau, former US Marine Captain, Iraq War veteran, and author of *Packing Inferno: The Unmaking of a Marine*

Jake Diliberto, OEF and OIF US Marine Veteran, Founder of Veterans for Rethinking Afghanistan, Fuller Theological Seminary

Logan Laituri, Army veteran with service in Iraq during OIF II, and co-founder of Centurion's Guild

6:00 **STATEMENT BY COMMISSION HOST: Chaplain Herman Keizer, Jr.**

6:15 **OFFERING AND SONG**

(Make tax deductible checks out to Faith Voices. If you wish to be listed in the historic archives as a supporter of this commission, please indicate on the memo line by writing PUBLIC.)

6:20

Intermission

6:40

EXPERT WITNESS TESTIMONY

Religious Understandings of Just War

Rabbi Douglas E. Krantz, Congregation B'nai Yisrael; Member, Executive Board, Jewish Peace Fellowship

Rev. Dr. Pamela Lightsey, Associate Vice President, Garrett Evangelical Theological Seminary, Army veteran, mother of veteran of Iraq

Ms. Nurah-Rosalie P. Jeter Amat'ullah, Executive Director, Muslim Women's Institute for Research and Development, Graduate Certificate in Islamic Chaplaincy, Hartford Seminary

Conscience and the Law

Ms. J. E. McNeil, Executive Director, Center on Conscience & War, legal expert

The Impact of War

Dr. Camillo "Mac" Bica, Professor of Philosophy, School of Visual Arts (NYC), former Marine Corps Officer and Vietnam Veteran

Dr. Jonathan Shay, Clinical psychiatrist, Boston VA, national PTSD expert, Macarthur Genius winner, and author of *Achilles in Vietnam* and *Odysseus in America*

Mr. Chris Hedges, former war correspondent for the New York Times and author of *War Is a Force That Gives Us Meaning*

7:50

CONCLUDING STATEMENT: REV. DR. STERN

7:55

RECESSIONAL

8:00

All are cordially invited to a reception in the Lobby of South Hall following the recessional.