

# Concerned Officers Movement

## NEWSLETTER

\*\*\*\*\*

Third Issue

Washington, D.C.  
July, 1970

### POLICY STATEMENT

The Concerned Officers Movement (COM) is made up of active duty officers in the armed forces who want to express responsible dissent on the Indochina war. We believe that such expressions of our convictions are within our rights, and that in expressing them, we are following our obligations as officers to defend the Constitution. The First Amendment to the Constitution protects the free expression of views, both for and against the war.

The armed forces officially encourage servicemen to express their views. The Armed Forces Officer (Department of the Army Pamphlet 1-38) insists that a good officer "has honor if he holds himself to a course of conduct because of a conviction that it is in the general interest . . . he has veracity if, having studied the question to the limit of his ability, he says and believes what he thinks to be true even though it would be the path of least resistance to deceive himself and others." Admiral Moorer, Chairman of the Joint Chiefs of Staff, stated recently in a memo to all Navy personnel that "public dissent and debate, including public assembly and protest, are part of the American way of life.. We teach our citizens to have convictions. We urge them to voice these convictions." Many officers disagree with our policy in Vietnam, but remain quiet to avoid controversy, slipping into apathy and counting the days until their obligated service is completed. We are convinced that officers should not be passive and unquestioning, afraid to speak out because of legal or extra-legal harassment, submitting to what seems to be an overwhelming environment.

The regulations governing free speech in the armed forces vary from service to service, and few of them have been examined or questioned by the Department of Defense, the Congress, or the courts. We have sought guidance from the military on how we can responsibly express our dissent and have met only vague threats and unofficial disapproval. Several of us have been separated from active duty despite our objections in the past weeks. It is more than coincidental that this should have happened after we announced our association with COM. We feel that the military must recognize the right of free expression of views by active duty servicemen. The present regulations are adequate neither for the times we live in, nor for the expectations that officers have a right to hold in these times.

We have examined our obligations as officers and our convictions about the Indochina war and feel that it is both right and necessary that we voice these convictions. The war is a ruinous failure. Its devastating effects on our society and on the

people of Indochina cannot be justified by any strategic goal. The war will not stop until Americans who are deeply committed to the concepts of duty, honor and loyalty freely voice their convictions that the Indochina war is a tragic error. In doing so, we are not encouraging a general contempt for obedience and discipline. All of us have served honorably in the armed forces. Many of us have served in Vietnam. We are only challenging encrusted traditions which have worked to make servicemen afraid to form and express their views on national problems.

To this end, we propose the following program:

1. To support the right of all servicemen to publicly express their views on matters of national concern.
2. To give speeches and join in debates in the community in which active duty officers express their opposition to the war.
3. To encourage all officers to join us in expressing their views on the war to the community and to the Department of Defense.
4. To seek support from civic leaders, retired officers, Senators and Congressmen.

#### COM AND THE NAVY: ACTION AND REACTION

In its first two newsletters, COM attempted to describe 1) the reasons which led to its formation, 2) personal views on the war in Indochina, and 3) many of the problems which individual members have encountered. However, little time was devoted to explaining what COM, as a group, has done, or is contemplating doing. During the past two months COM has explored various methods of establishing the right of free speech for active duty servicemen. This is the keystone freedom, the crucial right which must be established before any other military reform is possible. The armed forces are an insulated and protected world; forces of change must come from within.

COM has contacted several Senators, Congressmen and other committee staff members seeking advice and support. At present, it appears that formal consideration will begin in the fall in Congress of the basic question of free speech in the military and the constitutionality of certain actions taken by the military to suppress it. Certain retired officers have been approached, such as LtCol Edward King, whose article, "Making It in the Army", in the New Republic on May 30 paints a chilling picture of the Army's repression of dissent "in obedience to its own protective self-deceptions." Contacts have been developed with the press, both locally and nationally. The statement of policy above has already been sent to many of you.

Primarily, however, our discussions concern the problems COM faces and how they are to be handled. Responsible dissent can and must be allowed to exist in the military, if it is to keep pace with the times in which we live. The services, however, predictably feel that establishing such a policy would lead to disruption of the system. In this way, they are able to rationalize the existence of individual injustices. Critical thought and individual expression are discouraged in both hostile and subtle fashions. The military seems to believe that an officer's loyalty should be to his service, since any other loyalty -

whether it be political, social, or ideological - is not consistent with service to his country, and will not serve to keep the military qualities of unity and obedience at the forefront.

It is this traditional military conception of duty and loyalty that COM is confronting. The military feels that the traditional narrow definition of this concept is still realistic; but COM feels it is only habitual: a kind of ritual appropriate to a time long past. Allowing free expression of views does not represent any threat to good order and discipline, and could well aid servicemen in their efforts to better understand their role in society. Foremost, however, expressions of criticism or dissent on the Indochina war put service to our country above all else. It is vitally important to show the public that the military is not a monolith in which every man is convinced that the Vietnamese war is a necessary crusade to stop Communism before it reaches the shores of California. Many members of COM have been to Vietnam and have seen men and money squandered for an ill-defined, ill-conceived strategic goal. To do nothing, to become apathetic, to be silent is intolerable. The common excuse of deferring to those with higher knowledge and wider access to the facts is a farce. Composed of military officers, COM has first-hand knowledge of military policies and their implementation. It is important for the public to know that there are no crucial and determining secrets hidden from them, which might justify the tragedy of the war in Indochina.

These are the kinds of discussions COM holds weekly. Each officer has to decide for himself what he must do. He must decide what his conscience compels him to do, with full knowledge that if he decides to positively assert his rights of free speech, he will face resistance and harassment from the military.

For example, in early June Lts.(j.g.) Gordon Kerr and Jim Pahura were removed from their jobs as intelligence briefers for the Chief of Naval Operations after informing their superiors of their association with COM. At the same time, articles appeared in local papers, and one of the weekly meetings was shown on a CBS morning news program. Following their reassignments, Kerr and Pahura, and consequently the group itself, received nationwide media coverage. The group then met with a representative of the officer performance section of the Bureau of Naval Personnel. He promised that he would arrange meetings for the Navy personnel in COM with higher Navy officials up to and including the Secretary of the Navy. During that meeting, he said that the Navy was extremely upset with the publicity COM had received, and indicated that they were considering such things as early release, requesting resignations, or court martial on unspecified charges.

The meeting with the Secretary, or any higher Navy official, was never arranged. Queries from Capitol Hill on behalf of Kerr and Pahura were unproductive. A letter from their attorneys requesting a meeting with the Secretary went unanswered. In early July, Kerr, Pahura, and Randy Thomas (one of the founding members of COM) all received orders for separation from active duty no later than 31 July, under the guise of a budget adjustment program. All three appealed for reconsideration and requested that they be kept on active duty, stating that they believed they were being

released soley because of their association with COM. Two days after their requests for retention were submitted, they received word that they were to be separated immediately. In a matter of only a few hours, they were inactive reservists, after unsuccessfully requesting a temporary restraining order from the Federal District Court and then the Federal Court of Appeals. They intend to continue their fight.

The Navy's action in these cases is indicative of the military's response to COM. Nevertheless, they seem reluctant to take any type of disciplinary action. The lawyers that were consulted during the hearings of Kerr, Pahura, and Thomas are convinced that everything COM has done thus far is not sufficient basis for any charge under the UCMJ. The services are, hence, understandably loathe to press such an action. Instead, they may continue to rely on their traditional weapons - discharging or separating from active duty all those who publicly assert their rights of free speech.

\*\*\*\*\*  
\*  
\* "I see no strategic or other reason for maintaining \*  
\* a base in Vietnam...Our anti-Communist adventures \*  
\* bring us no return, while social programs suffer at \*  
\* home and twenty million of our citizens are in such \*  
\* despair that there is rioting in the streets." \*  
\*  
\* RADM Arnold E. True, USN(Ret) \*  
\*  
\*\*\*\*\*

#### LETTER FROM A VIETNAM VETERAN

(The author of the following article, which appeared in the Saturday Review of September 20, 1969, is Dr. Gordon Livingston, formerly a major in the Army Medical Corps and now an active COM member. After graduating from West Point, he served for two years as an infantry lieutenant with the 82nd Airborne Division. He was then granted a five-year leave of absence to attend medical school at Johns Hopkins, from which he graduated in 1967. In 1968 he volunteered for Vietnam and was assigned to the 11th Armored Cavalry Regiment ("Blackhorse") operating near Bien Hoa and then commanded by Col. George S. Patton III. Dr. Livingston now practices medicine in Baltimore, Md.)

Public disaffection with the war in Vietnam is now general, and as a result the American agony there may be near an end. But several of the fundamental reasons for our failure there are not widely acknowledged. Thirty-thousand dead Americans and countless dead Vietnamese require some sort of an accounting.

It is difficult to summarize the experiences that led to my expression of disaffection with our effort. In the end what I objected to was not so much individual atrocities, for these can be found in any war; war itself is the atrocity. What compelled my stand was the evident fact that at an operational level most Americans simply do not care about the Vietnamese. In spite of

our national protestations about self-determination, revolutionary development, and the like, the attitude of our people on the ground, military and civilian, is one of nearly universal contempt.

This arrogant feeling is manifested in a variety of ways, from indiscriminate destruction of lives and property to the demeaning handouts that pass for civic action. The Vietnamese, a sensitive and intelligent people, are well aware of our general lack of regard and generally reward our efforts with the indifference or hostility that they deserve. We in turn attempt to create the illusion of progress by generating meaningless statistics to support predictions of success which have proved invariably incorrect. And the dying goes on...

Specific examples of our disregard for the Vietnamese are legion. At one point the corps commander issued a document entitled "U.S.-Vietnamese Relations" detailing many of these instances. It represented official acknowledgment of the problem, but its exhortation to "avoid creating embarrassing incidents" was an exercise in futility. Numerous examples are available from my own experience including the running down and killing of two Vietnamese women on bicycles with a helicopter (the pilot was exonerated); driving tracked vehicles through rice paddies; throwing C-rations cans at children from moving vehicles; running truck convoys through villages at high speeds on dirt roads (if the people are eating rice at the time it has to be thrown away because of the dust.)

Another example of the dehumanization of our relationships with the Vietnamese is evident when a civilian is admitted to one of our military hospitals. He is given a new name. In the place of a perfectly adequate, pronounceable Vietnamese name, he is given an appellation that is easier for Americans to remember. The nature of some of the designations chosen reveals their impact and intent - "Bubbles," "Ohio," and "Cyclops" for a soldier who had lost an eye...

Finally, one need only listen to a conversation between Americans concerning Vietnamese to appreciate the general lack of regard. The universal designation for the people of Vietnam, friend or enemy, is "gook" (also "slope" and "dink"). On the whole, this has no conscious pejorative connotations as used casually, but it does say something about our underlying attitude toward those for whose sake we are ostensibly fighting. How we can presume to influence a struggle for the political loyalties of a people for whom we manifest such uniform disdain is to me the great unanswered indeed unanswerable, question of this war...

And then there is the military. Gen. David Shoup has spoken on this issue more convincingly than I ever could. Vietnam provides a case study of how inimical to the goals of the nation can be the individual self-interest of its soldiers. Col. Patton may be a case in point. He received numerous decorations while pursuing unrelentingly the one major criterion by which a commander's performance is judged: the body count. He was able to make the appropriate public noises about the importance of civic action, but he was never more honest than the night he told his staff that "the present ratio of 90 per cent killing to 10 per cent pacification is just about right." In my experience, Patton was neither the best nor the worst of the military there. He is simply the product of the

misbegotten and misguided idea that a single-minded dedication to destruction is to be highly rewarded. That he was unable to grasp the essentially political nature of the war is not surprising. What is surprising is that our society should expect its soldiers to function in a political role and believe them when they say they can....

Meanwhile the war ground on. My views were well known in the unit. I felt, however, that my ability to influence events by individual persuasion was insignificant when the self-interest of everyone lay in the direction of more war, more death. Even the regimental chaplain endorsed the standing order of the unit when he prayed for "wisdom to find the bastards and the strength to pile on"

I finally felt I must protest. The occasion presented itself on Easter Sunday at the change of command ceremony for Col. Patton, which was attended by General Abrams and some twenty other general officers. It was a true dance of death, with Patton recounting his successes and Abrams awarding him the Legion of Merit as "one of my finest young commanders." As the ceremony concluded with the chaplains benediction, I passed among the guests handing out copies of the "Blackhorse Prayer" (see below), about two hundred in all.

The reaction was immediate. I was relieved of my duties and confined to my trailer for forty-eight hours. I then received a psychiatric evaluation (a routine preliminary to judicial action), and a formal investigation was performed. It was elected not to initiate court martial proceedings; instead I received a letter of reprimand and was transferred to the 93rd Evacuation Hospital at Long Binh. I worked there in the emergency room for one month until the decision was made by the USARV commander to send me back to the U.S. as an "embarrassment to the command." A request from me that I be allowed to complete my tour at the 93rd Evac was refused. I returned to the States on May 17. An amusingly ironic footnote to my expulsion was provided when, shortly before my departure, I was awarded the Bronze Star for an action that had occurred four months previously.

Upon my arrival in the U.S., I submitted my resignation stating my intent to speak out publicly - in or out of the military. Even though I had some four-and-a-half years of obligated service remaining, the Department of the Army elected to accept the resignation and I received a general discharge on July 17, 1969.

That in essence is my story. I tell it both in sorrow and with hope. I believe that this nation and its institutions are capable of better direction given better information. Mine was a limited view as is that of any one person; I make no claim as to the whole truth, but this is what I saw.

#### THE BLACKHORSE PRAYER

God, our heavenly Father, hear our prayer. We acknowledge our shortcomings and ask thy help in being better soldiers for thee. Grant us, O Lord, those things we need to do thy work more effectively. Give us this day a gun that will fire 10,000 rounds a second, a napalm which will burn for a week. Help us to bring death and destruction wherever we go, for we do it in thy name and therefore it

is meet and just. We thank thee for this war fully mindful that while it is not the best of all wars, it is better than no war at all. We remember that Christ said, "I came not to send peace, but a sword," and we pledge ourselves in all our works to be like Him. Forget not the least of thy children as they hide from us in the jungles; bring them under our merciful hand that we may end their suffering. In all things, O God, assist us, for we do our noble work in the knowledge that only with thy help can we avoid the catastrophe of peace which threatens us ever. All of which we ask in the name of thy son, George Patton. Amen

\*\*\*\*\*

\*

\* "I believe that if we had and would keep our dirty, \*  
\* bloody, dollar-crooked fingers out of the business of \*  
\* these nations so full of depressed, exploited people, \*  
\* they will arrive at a solution of their own...And if \*  
\* unfortunately their revolution must be of the violent \*  
\* type because the 'haves' refuse to share with the \*  
\* 'have-nots' by any peaceful method, at least what they \*  
\* get will be their own, and not the American style, which\*  
\* they don't want and above all don't want crammed down \*  
\* their throats by Americans."

\*

Gen. David M. Shoup, USMC \*

\*

\*\*\*\*\*

#### WHAT GOES ON: PAST DISCUSSIONS AND FUTURE ACTIVITIES

COM's Wednesday night meetings are generally attended by a group of 16 to 25 members, about the capacity of the small apartment in which the gatherings are held. The views represented are diverse and the discussion is open and free. About the only common factor is a universal opposition to the Vietnam war and some degree of personal alienation from military life.

The basic question that underlies every meeting is that given our desire to end the Indochina conflict as rapidly as possible, what can we do about it? The first goal has been to enlist as much support as possible from fellow officers who feel the same way. The second goal has been to convey our feelings to "middle America", to show that many irrefutably loyal patriotic Americans are fervently opposed to our involvement in Vietnam. A means toward meeting both goals has been publicity.

Following Navy Lt. Jim Crawford's public resignation from the Navy in protest over the Cambodian operation, the media came to us, with resulting nationwide Associated Press and CBS-TV coverage. A second round of publicity followed the transfer of two COM members from their jobs as intelligence briefers to the Chief of Naval Operations. The response to this coverage, mostly from other officers around the world, has been tremendous; but the problem remains--how to sustain our effectiveness in anti-war activity? COM's mere existence is no longer news--publicity will only come if there are newsworthy activities or else official repressions.

Some of the proposals for action put forth at meetings have been: a speakers' bureau for active duty officers and Vietnam veterans to convey their ideas to the community; a campaign to encourage groups of officers to write letters about Vietnam to the Department of Defense via their commanding officers; and active congressional liaison to convey to Capitol Hill the depth of antiwar feeling in the military. The speaker's bureau is already in the planning stage. There appears to be no problem in getting businessmen's groups, Rotary clubs and other community organizations interested. The second program of letter-writing has been put forth independently, for example, by a group of 20 officers on board the aircraft carrier USS Hancock, with widespread publicity. Not only is the publicity valuable but hopefully the eyes of senior military officials will be opened in the process. Congressional relations unfortunately is a difficult legal area; there being regulations against military men attempting to influence legislation and the like. If direct lobbying is avoided, legal contacts with Congressmen could prove to be a highly effective option. Another plan is to take out ads with COM position statements in major newspapers. This is being worked on, but requires money and lists of signatures, both of which take time to raise.

Numerous other issues besides expressions of anti-Vietnam attitudes have been discussed at meetings. One is whether COM should be actively involved with criticizing and making suggestions about various aspects of military life. More than a few members have joined COM because of bad experiences with "the military way". A group of Navy members drew up a list of suggestions in this area to be offered at a meeting with senior Navy officials that never materialized. Legal ground here is also very shakey. One officer has been told by superiors that his open questioning of the need for stirring and saluting was prejudicial to good order and discipline. General criticism of officer-enlisted relationships is also a potential target for Art. 134. Therefore, an unofficial decision has been reached that comments relating to military discipline will be forwarded first through normal channels for appropriate action before they are made public in the newsletter or anywhere else. It is our obligation to at least try to work within the established system at first. In any event, there are some members who view concern about the more minor conditions of military life as being insignificant before the major issue of ending the war. This remains an open question.

Another issue discussed has been whether COM should remain an exclusively officers' group. The majority view remains that COM should be all-officer, but for tactical rather than ideological reasons. It is felt that we have a greater credibility and influence both with the public and with the military if we continue as an officers' group. Besides, numerous enlisted organizations and publications exist, most of them considerably more radical than COM. It is realized that we leave ourselves open to charges of being elitist but again tactical considerations prevail. We are still open to cooperation with GI movements and programs and are considering setting up a joint study group on G.I. rights. (Interestingly

enough, most radical enlisted groups are not interested in officer participation and are fundamentally anti-officer.)

There are other points often debated, some resolved, some still open, that are best just listed:

1. Whether COM should become a formal incorporated organization.
2. Whether COM should seek sponsors from senior military officers (active and retired).
3. Whether COM should put forth more specific programs about ending the war, reforming military justice, improving military life, etc.
4. Whether we should be less paranoid about observing regulations.
5. Whether COM should actively support conscientious objector claims.
6. Whether we should actively assist in forming COM chapters on military bases throughout the world.

It is important that readers of the newsletter participate in COM meetings in absentia by sending in suggestions on these or any issues. Ideas relating to what COM's main direction and future activities should be are especially appreciated. All comments will be considered; COM is open and fluid almost to the point of being anarchic.

#### CONSCIENTIOUS OBJECTION: THE RIGORS OF MORAL DECISION IN THE MILITARY

Filing an application as a conscientious objector is no easy endeavor. It is important to understand both the personal and procedural difficulties involved. It may well prove to be the most exacting individual action you have ever undertaken. It is not a capricious decision but one which requires total honesty and self-evaluation.

You can never be told that you are a Conscientious Objector. This primary statement can only be made by yourself. It may come as a sudden awakening, or dramatic thought eruption, or a slowly rationalized deduction. In any event, the conclusion is the same, you are forced to stand literally before the world and state emphatically, "I am a Conscientious Objector. I will not kill and refuse to contribute my energies to any organization that has as its function the perpetration of violence." You will feel that if you do not make a statement, you are a coward. It is indeed, a powerful feeling. You have brought yourself to that dreadfully wonderful point - to love all men, as suggested by Martin Buber. No matter what path you have followed, this will be your conclusion.

Now will begin the more external manifestations of your beliefs: you must begin preparing the actual application. Each service component has a specific regulation regarding the form of the application; generally they are similar. The application consists of answering several questions that can be divided into two parts, those of the factual autobiographical type, and those dealing with your

beliefs. The latter will take considerable thought. You must articulate your views as lucidly and strongly as possible as to the type of CO you are. Are you a universal CO opposed to all wars (which according to regulation is necessary for filing), or are you a selective CO, opposed to only a certain war such as that in Vietnam? (This position is presently not officially recognized; the Supreme Court will rule on it in the fall.) Are you a pacifist with regard to violence itself? Is violence absolutely abhorrent to you, or is it justified under certain circumstances? These issues must be resolved in your claim. A lawyer can be useful in weighing the legal ramifications of what you've written. The most important consideration, however, is that these are your own personal thoughts and beliefs.

You should also gather letters of support (from teachers, clergymen and friends, both military and civilian), even though these letters are not specifically required. Also include any other documents that might be relevant, such as public statements. Because you are already in the service, you will have to demonstrate that these beliefs developed since you entered active (or reserve) duty. Thus, it is preferable that you include people that have known you during this period of "crystallization".

The completed document will then be submitted, in toto, to your commanding officer who will then endorse it with his recommendation. Whether pro or con, this endorsement is not the deciding factor. Whatever the reaction, be patient with your superior officers and remain passively firm. It is important that you see a lawyer, preferably a civilian lawyer who is knowledgeable in military law as well as interested in your case. This may well be the first time you have had occasion to turn to an attorney, but this assistance can be extremely important.

Your commanding officer will then forward it all through the proper channels. A letter will be returned several days later stating that a chaplain's and psychiatrist's interview are being scheduled for you. The purpose of these is to demonstrate your sincerity, religiously and/or (most recently) morally, and your mental health. You will also be asked if you would like the opportunity to have a hearing before an officer in the grade O-3 or above to submit additional evidence for your claim. If handled properly, this meeting can be very beneficial. You should then enter the hearing with your lawyer, to insure your rights; witnesses, to add further credence to your claim; a court reporter, for a definite legal record of the proceedings and, your honesty, this clearly is what the hearing officer will be searching for, if he is objective.

The hearing officer will then add his endorsement to the application, which is sent to the responsible service component in Washington. A decision will be returned after an extended period of time, usually one to five months. If you are found a CO, you will be discharged accordingly with an honorable discharge, or a general discharge, neither of which should hinder your future plans.

If the application is disapproved, your lawyer, with application and the O-3 hearing transcripts in hand, will approach the federal district courts. This is where the majority of cases are won at the present time. It might be settled at this level, or sent

to a higher court, with various channels and writs in between. The courts will examine all the materials to judge your sincerity, this being the prime factor regarding your petition. The application, with all its endorsements, and the transcript are legal documents that cannot be altered or taken out of context.

There are several factors that are not directly associated with the proceedings of your application. Some of the tangential effects include the changes in interpersonal relationships. Many will doubt your sincerity or question your aims, but many of your friendships will deepen into levels you never would have previously imagined. Your new-found integrity and sincerity will carry over into many parts of your life. Another effect is that your private dealings might come under investigation. Your service may attempt various ploys to discredit your sincerity; you must be on guard. In many instances you will have to delay an action until you have consulted your attorney. Remember also that a CO application is an entirely legal civil action, and you have every right to submit one.

This article is not included to promote conscientious objection in the Armed Forces, but to relate the basic procedures, precautions and pitfalls that are connected with this action.

"If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away."

Henry David Thoreau

\*\*\*\*\*  
\*  
\* "I agree with U Thant that this is a war of national \*  
\* independence, not a case of Communist aggression.... \*  
\* I think we ought to get out the way we went in - unilater- \*  
\* ally. \*  
\* Brig. Gen. Hugh B. Hester, USA \*  
\*  
\*\*\*\*\*

Many officers have written in inquiring about forming COM chapters in various parts of the world. This Grand Forks AFB press statement is just a typical example of what can be done:

NEWS RELEASE

The tragedy of America's military involvement in Indo-China has generated organized dissent from many areas of American society. To this time, the military ranks, especially the Officer's Corps, has remained silent. News-media reports of the Concerned Officers Movement (COM), which was founded in Washington, D.C., spurred a group of active duty junior officers to form a local chapter at Grand Forks Air Force Base, North Dakota. This chapter of COM was completely spontaneous in its organization. Within a two-week period, 35 members made their presence known, with 20 signing the open letter of group policy and aims. They all feel that it is no longer possible

to be passive and silent about U.S. activities in Vietnam and Cambodia, and have organized their efforts towards affecting a change in American policy in Southeast Asia.

In an open letter to the editors of various newspapers, all U.S. Senators and many U.S. Congressmen, the overall objectives of the group were stated:

- (1) The US government must re-evaluate its policies in Southeast Asia and work towards rapid disengagement of military personnel.
- (2) Concerted efforts must be made to work toward solutions to the immediate problems of the unlimited arms race and domestic policy.
- (3) Military personnel must have the freedom to dissent in a responsible manner within the military system without fear of reprisal or harrassment.

The first project of COM will be an effort to help register military voters through applications for absentee ballots. Encouragement of others to know the issues and vote will be individually stressed by each member.

The members of the Concerned Officers Movement realize that such an organization would have been impossible to create even ten years ago in the U.S. military. It is only due to the recent application of personal constitutional rights to military personnel that they can have less fear of reprisal for expressing personal opinions which are not in accord with official military thought. COM is a challenge to see if responsible organized dissent of established national policies can be tolerated from within the military structure and hopefully heard and respected in the Government.

#### LAW AND PEACE II

Since the last newsletter one of those little-known regulations has received substantially more attention. Several of our members have been warned that they were liable to possible prosecution for violation of Navy Regulation 1247 which prohibits "combinations of persons in the naval service for the purpose of influencing legislation, remonstrating against orders or details to duty, complaining of particulars of duty, or procuring preferences." The regulation is ambiguous; combination is not defined; influencing legislation could be interpreted to encompass any political act, and particulars of duty is a catch-all phrase. Any interpretation of the regulation must deal with the Constitutional rights of "freedom of speech" and "the right of the people peaceably to assemble and to petition the government for a redress of grievances." Eventually a court will decide the issue. It should be stated, though, that COM was not founded for any of the purposes mentioned in the regulation. We exist to exercise the right of free speech. By openly discussing our views on the war, we hope to bring peace to South East Asia and to our own country. Knowledge of the law is simply an aid to effective communication between servicemen and society. However, since the Armed Forces regularly use numerous extra-legal means to discourage dissent, knowledge alone will not protect an individual. To guarantee the Constitutional rights of servicemen and to ensure their dignity, a network of people in the media, civilian lawyers,

and officers who will guard against injustice is necessary. If harassment, intimidation, reassignment, and unfavorable performance evaluations for those who speak out are opposed and publicized, the freedom of us all will be safeguarded.

The difficulties an officer of integrity faces in opposing injustice while in the service should of course not be underestimated. The acceptable means of dissent is always around the corner. Legal officers have not been trained in Constitutional law and are often unfamiliar with most of the applicable civil liberties sections of military law. Unofficial counselling by senior officers will elucidate the need for unanimity within the service, for uncritical support of the civilian administration, and for the silent acquiescence to everything that supposedly becomes an officer. Social pressures, especially at small commands, can be enormous. Accusations of embarrassing the command, ostracism from social affairs, and frustrations in daily working relations can all be anticipated.

In spite of this, the irrefutable fact that our nation and South East Asia are in torment necessitates reform. First of all, a DOD directive recognizing the Constitutional right of the serviceman to speak freely, singularly or with others, in an unofficial capacity should be proclaimed. When the American public learns the truth of this war from those who were there they will end it.

#### THE STRUGGLE OF DAVID BORST

Of all the letters we have received, David Borst's is probably the most powerful. It follows here in its entirety:

My name is David Borst. I am a Lt(jg) in the USNR now on active duty, stationed at the Naval Inshore Operations Training Center (NIOTC), Mare Island, Vallejo, California. On 6 May 1970 I was sentenced to a dismissal from the Navy by a General Court Martial. For me, this sentence was both an end and a beginning. It signified a culmination of the events since I began questioning my role in the military and marked the starting point of what I hope will be a meaningful future.

For my first fourteen months in the Navy I served as DCA aboard a Type I Reserve Destroyer, homeported in Galveston, Texas. Both the nature of my billet and the location of my ship were obviously far removed from the Vietnam conflict. In June 1969 I received orders to NIOTC for ten weeks training before further assignment to Cosron I, Cam Ranh Bay, Vietnam for duty as OIC of a PCF (swift boat). My reaction to these orders was two-fold. On the one hand I was finding it increasingly difficult to relate my growing commitment to non-violence to what was suddenly about to be active participation in a war I questioned. But, as an officer in the United States Navy was I not equally committed to fulfill my obligations to my superiors, and perhaps more importantly to my peers-those other junior officers, already serving in the war zone?

During a thirty-day leave period I reflected on my dilemma and after much soul searching, concluded that I would report to NIOTC with as close to an open mind as I could muster.

NIOTC exists because of Vietnam. More specifically, nearly every

Naval Officer or Enlisted man ordered to an in-country Vietnam billet is trained at these facilities. Their sole purpose for being, therefore, is to train riverine warfare crews for eventual assignments in the "Brown Water" Navy.

In my first week of counter-insurgency lectures and briefings I became disillusioned, both with the historical inaccuracies presented and the totally warlike atmosphere of the command. Unable to reconcile these inconsistencies and aware of the growing questions of my own ability to participate in a war I viewed unjustified, I went UA.

As factual hindsight, it was a mistake. I was not aware of my legal options nor alert enough to seek religious or psychiatric relief, however temporary. I can only say that I felt I could not come close to resolving, what was fast becoming an all-consuming personal problem, in the completely hostile atmosphere of NIOTC.

I spent approximately ten days with various American Deserter Committees in Canada, before returning to this country. I came back, not because I rejected all of the exiles' goals but because I knew there must exist some meaningful method of resolving my dilemma within the framework of a twentieth century military structure, based on a democratic system. Besides, this is my country and I saw little disparity between its principles and my own.

After consultation, I surrendered at NIOTC with my attorney. At this time I submitted my application for discharge as a Conscientious Objector to war and was optimistic of a fair hearing by rational men. I had been gone for twenty-four days.

At this point my case progressed along two separate channels. Administratively I was removed from training and placed in a "hold" status until my asserted beliefs could be sustained or denied. Legally, my Command brought UA charges against me which eventually resulted in a special court martial where I pleaded guilty and received what I considered a token punishment of a \$600 forfeiture of pay and a letter of reprimand. As 1970 approached I still had faith that I could resolve my conflict to both the Navy's and my own satisfaction.

Classification as a Conscientious Objector is covered in DOD Directive 1300.6. It does not make provision for selective objection. Thus, although I had reservations about our presence in Vietnam, I was forced to assert that I opposed all war to be classified as a C.O. Similarly my grounds for such classification had to be based on religious convictions, not moral, philosophical or personal beliefs. Although my formal religious training was not well documented, I felt that my apprehensions were strong enough to allow for my classification as a C.O. I was strengthened in this assumption by a psychiatric hearing report and a chaplains' statement attesting to the sincerity of my beliefs. An O-3 hearing report and my Command's endorsement, however, recommended denial of my claim, stating that my beliefs were personal and philosophical rather than religious. Thus it came as no surprise when BUPERS denied my claim.

At the end of January the Bureau, knowing my beliefs, still ordered me to re-enter training for duty in Vietnam. This I did while simultaneously filing a writ of Habeus Corpus in the U.S. 9th District Court. I eventually lost in the federal courts and after much deliberation disobeyed a direct order to resume training

for Vietnam. This latter action resulted in the aforementioned general court martial and subsequent dismissal.

What does it all mean? Why does an officer, who in good conscience states that he has serious reservations about actively participating in what he considers an unjust war, meet nothing but misunderstanding and blank stares? When a man can be censored by his superiors and face many years in prison for an act which isn't even a crime in civilian courts? When an opportunity for meaningful dialogue is actively suppressed? When letters of protest and even resignation are pigeonholed before ever reaching the end of the chain of Command, or even worse when they fall on deaf ears? It means for one thing, I am afraid, that a frightening polarization has developed within the officer ranks of our profession.

Throughout the seven months of my recent experience I have often been accused of being motivated only by fear. I make no denials, I am afraid. I am as afraid as any man to fight, be wounded and perhaps die. But as an officer, that unique individual who must go into battle, continuously inspiring his men to greater heights, I am more fearful. Fearful that I am ordering my men to kill, in a war in which I, his superior, have lost faith.

In retrospect, I feel that I was forced into a General Court Martial by an uncompromising Command. Yet, if it was now September, 1969, and such was my only recourse from self-hypocrisy, I would again act as I have. But ask yourself why is it necessary.

Let me cite one example of the total incomprehension that one is up against. On an officers performance evaluation report of fitness report there is a category entitled moral courage, defined by the Navy as doing what you believe is right in regardless of the consequences to yourself. My grade on the most recent fitness report for moral courage was unsatisfactory.

#### CORRESPONDENCE

The amount of mail we have received in response to our first two newsletters has far exceeded our wildest dreams. Letters have ranged in content from detailed accounts of personal experiences to requests for information about COM, from expressions of interest from known peace groups to actions anticipated by other groups of officers. There is even a letter from "a career officer with over 27 years [service] who supports the aims of COM and has expressed a desire to join the movement."

Many letters discussed a feeling all of us have experienced at one time or another during our military careers: as an officer in the Armed Forces, I am all alone in my opposition to the Vietnam war, like a "blackberry in a saucer of milk", as one letter describes it. The sheer number of positive responses our newsletters have provoked strongly proves that you are not alone. You are neither a traitor, nor a coward. Rather you are probably a rational and compassionate individual, for whom the killing of another human being must be proven to be absolutely necessary before you will even tacitly condone it. And as you and I already know, U.S. involvement in Vietnam has never been justified and never will be.

"I read with pleasure your first issue and agree almost entirely with your stated aims. I believe that reform of the military "to

make it more humane and reasonable" is a first step, but I am opposed to the military existing at all. American militarism is probably the major source of American decline into decadence and repression. It began with the rape of the Indians and has continued in the oppression of blacks, browns and other minority groups, finally spreading around the world. It now drains nearly half the yearly budget, the young and promotes organized murder as a way of life." [Lt/USNR]

"What a cheering thought....social and moral conscience from within the military, speaking out. Time long stowed away with regrets, dusted off and given a purpose. I'm with you, brothers. Enthused....A better life for human beings should be our headstone....

This headstone does not mark our grave, but rather the foundation of personal effort to put the military to work. Building, cleaning and policing our world of its impurities. Imagine the resources of the military implemented to save lives, cure disease and educate man...Scattered thoughts...granted. But all of us have a vision." [1st Lt/US Army]

"Even though I went the EM route, I think it's a wonderful thing that officers, too, are brave enough to tell the truth and question the policy in Vietnam." [Sp5 USA]

"I think COM and all its people are beautiful. I would like to start a chapter here in Pensacola. I feel like a silent convict. Help!" Ens. USNR

"You can believe that you can and should reform the military and save it as a peace/war organization. I don't wish to save it or keep it at all. But enough of that. Too many people in the movement are emphasizing their differences rather than their common concernees and this is where I am with you all the way." [Lt.(jg)/USN, USNA graduate]

"The in-service voices of reason and compassion have been too few and too small in recent years." [Capt/US Army]

KEEP IN TOUCH:

Feel free to contact any of the following members:

Mike Burns Lt(jg) USNR (newsletter) 202-333-0197

Mike Green 1Lt. USAR (public affairs) 301-685-0588

Lawrence Wasser, Cpt. MC USAR 703-354-1882

Ed Fox, Cpt. USAR 301-776-4687

Gordon Kerr, Lt(jg) USNR\* 703-931-4394

James Pahura Lt(jg) USNR\* 202-547-4842

Phil Lehman Lt(jg) USNR\* 202-544-6230

\* denotes inactive reserve

**DISCLAIMER:** The views expressed in the COM newsletter are obviously not the official views of the Department of Defense or of any of the individual services. Furthermore, the opinions expressed herein are not necessarily those of every COM member.

The Concerned Officers' Movement is an entirely independent organization; it has no affiliations with any other group. COM is composed exclusively of active duty and inactive military officers, with those on active duty forming the large majority of membership.

COM does not actively solicit funds from outside sources. Costs have been borne primarily by a hard core of Washington members. However, contributions are not discouraged. One overseas member, for example, has volunteered to give his hostile fire pay to COM.

If you have not responded previously, please fill out and return the following. We are now preparing lists of COM contacts in various parts of the country, on ships and overseas to make it easier for people to get together.

-----

- Consider me a member of COM and keep me informed of its activities.
- Hold my name to the mailing list.

NAME \_\_\_\_\_ RANK \_\_\_\_\_ BRANCH \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GRAFFITI \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail to COM, 503 G Street, S.E., Washington, D.C. 20003