

Until last year, the law on conscientious objectors was quite clear, the Supreme Court in the 1965 case of *United States against Seeger* having interpreted the law and laid down some guidelines. But last year's amendments overruled the *Seeger* case, in effect, by eliminating the language on which the decision rested.

The old law granted conscientious objectors status to an individual who "by reason of religious training and belief is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a Supreme Being involving duties superior to those arising from any human relation."

In the *Seeger* case, the Supreme Court interpreted this language to mean "a given belief that is sincere and meaningful and occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption."

The new law eliminates the Supreme Being clause, thus implying that only an orthodox belief in God will qualify an individual for conscientious objector status. This apparently overrules the *Seeger* case. The Selective Service System has told its State and local boards that the change means a narrower definition of conscientious objector. This accords with the views of a majority of local board members in one State who, according to the Marshall commission report, feel that conscientious objectors should not be deferred at all. On the other hand, a number of lawyers experienced in this field believe the courts will still uphold *Seeger*, on the other grounds. But this important subject will be unclear until eventually resolved by the courts.

My bill would restore the language of the statute as in effect before the 1967 amendments. This would have the effect of reinstating the *Seeger* case as the controlling precedent.

UNIFORM NATIONAL STANDARDS

A consistent criticism of our present draft system is the utter lack of uniformity in its interpretation. The basic cause of this lack of uniformity is the wide variance in guidance the local boards receive.

That guidance comes in the form of the statute itself, regulations, operations, bulletins, local board memoranda, directives, and letters of advice. The State directors also may issue instructions to the local boards. As a result, local boards across the country receive varying amounts of guidance on the same subject and the guidance is often conflicting.

In 1966, 39 State directors issued 173 bulletins, directives, or memorandums to their local boards dealing with deferment policies. Some State headquarters sent no guidance; one headquarters sent 13 separate sets of instructions. The resulting potpourri of deferment policies should surprise no one.

Alabama and New York treated the results of the college qualification tests as mandatory; Idaho and Texas said they were only advisory.

New York City and Oklahoma defined "full-time student" as one taking 12 semester hours; Oregon and Utah used 15 hours; Florida adopted the definition of each individual college or university; Kentucky classified any registrant attending school "below college level" as 2-A—occupational deferment; Arkansas classified registrants in "business school or similar institution" as 2-S—student deferment; Kansas classified registrants in a "vocational, technical, business, trade school, or any institution of learning below college" level as 2-S;

Missouri and Illinois would not cancel induction orders if the registrant submitted a "pregnancy statement." New Mexico would;

Three civilian pilots doing the same job for the same airline were called for induction; one board deferred two of them, while another board classified the third as 1-A; and

Returning Peace Corps volunteers are put at the top of the list in some States, while others put them at the bottom.

Further examples of the variability of local board performance in applying our draft law are as numerous as there are boards making decisions. This variability is one clear reason why cynicism about the system is so rampant.

Dissatisfaction about the lack of uniformity is not limited to the registrant themselves. The Marshall Commission reports that 46 percent of local board members believe that more specific policies on occupational deferments are needed, and 40 percent believe that more specific policies on student deferments are needed. Once again, we find an anomaly in the operation of our draft system: The President has proposed "that firm rules be formulated, to be applied uni-