

■ An Antidraft Call to Action

Date: 1967

Author: Anonymous

Genre: petition; political tract; address

Summary Overview

The document reprinted here is a petition addressed mainly to young men of draft age during the Vietnam War. It was intended to call potential draftees and citizens not only to protest, but to refuse the military draft. It outlines, in several numbered points, why the war in Vietnam could be considered illegal and immoral and why, therefore, it was appropriate to refuse to be a part of it. The document does not only call for people to speak up or to march as a means of demonstrating their opinion, but rather to actively go against the federal code in defying the requirement of military service. The actions proposed in the petition were illegal at the time, and anyone carrying them out could be, and usually was, prosecuted in a court of law by the United States government. The petition outlines ethical and moral objections to the Vietnam War that many of the war's opponents agreed with.

Defining Moment

This document was printed at a time when the war in Vietnam and the corresponding protests at home were increasing dramatically. More and more young men were needed to fight in Southeast Asia, and more and more people rebelled against conscription and the war in general. The draft laws required that any American male citizen between the age of 18 and 26 register and hold a draft card so that he could be selected, according to date of birth, to serve up to four years in the military. Avoiding registration, disregarding one's draft status, or fleeing military service if selected, were illegal acts and subject to a variety of punishments. Before 1967, there had been a few ways in which a person could legally avoid serving, but by the time the following call for resistance was printed, federal regulations had tightened,

significantly limiting those options. For example, college-aged students who planned to go on to graduate school could no longer claim exempt status on the basis of their educational path.

As this petition shows, many opponents began to believe that the draft during the Vietnam years was an abuse of power because it forced young men to fight in a war that was widely considered illegal and immoral. The perceived illegal role of the United States in the conflict in Southeast Asia lay at the heart of the antidraft movement and was pivotal to many of the antiwar protests taking place at this time. The petition is a well organized, well argued example of a statement by one of these protest groups—in this case, professors from all around the country. The document outlines the main issues arising from the Vietnam War and how potential draftees could address them.

Author Biography

This petition was put together in response to one of a number of changes to the United States' policy on draft exemptions, most of which narrowed the number of young men who could be exempted from service. A group of professors decided to speak out against this change. Named the University Committee on War and Peace, this "faculty antiwar group"—as the University of Pennsylvania newspaper *The Daily Pennsylvanian* called them—visited academic institutions as far apart as the University of California, Santa Barbara, and Harvard University in Massachusetts, bringing together students and professors to resist the draft and work toward a peaceful resolution of the war. The group worked to collect the draft card of any student who turned one in and to publicize the message that the act sent.

HISTORICAL DOCUMENT

To the young men of America, to the whole of the American people, and to all men of goodwill everywhere:

1. An ever growing number of young American men are finding that the American war in Vietnam so outrages their deepest moral and religious sense that they cannot contribute to it in any way. We share their moral outrage.

2. We further believe that the war is unconstitutional and illegal. Congress has not declared a war as required by the Constitution. Moreover, under the Constitution, treaties signed by the President and ratified by the Senate have the same force as the Constitution itself. The Charter of the United Nations is such a treaty. The Charter specifically obligates the United States to refrain from force or the threat of force in international relations. It requires member states to exhaust every peaceful means of settling disputes and to submit disputes which cannot be settled peacefully to the Security Council. The United States has systematically violated all of these Charter provisions for thirteen years.

3. Moreover, this war violates international agreements, treaties and principles of law which the United States Government has solemnly endorsed. The combat role of the United States troops in Vietnam violates the Geneva Accords of 1954 which our government pledged to support but has since subverted. The destruction of rice, crops and livestock; the burning and bulldozing of entire villages consisting exclusively of civilian structures; the interning of civilian non-combatants in concentration camps; the summary executions of civilians in captured villages who could not produce satisfactory evidence of their loyalties or did not wish to be removed to concentration camps; the slaughter of peasants who dared to stand up in their fields and shake their fists at American helicopters; these are all actions of the kind which the United States and the other victorious powers of World War II declared to be crimes against humanity for which individuals were to be held personally responsible even when acting under the orders of their governments and for which Germans were sentenced at Nuremberg to long prison terms and death. The pro-

hibition of such acts as war crimes was incorporated in treaty law by the Geneva Conventions of 1949, ratified by the United States. These are commitments to other countries and to Mankind, and they would claim our allegiance even if Congress should declare war.

4. We also believe it is an unconstitutional denial of religious liberty and equal protection of the laws to withhold draft exemption from men whose religious or profound philosophical beliefs are opposed to what in the Western religious tradition have been long known as unjust wars.

5. Therefore, we believe on all these grounds that every free man has a legal right and a moral duty to exert every effort to end this war, to avoid collusion with it, and to encourage others to do the same. Young men in the armed forces or threatened with the draft face the most excruciating choices. For them various forms of resistance risk separation from their families and their country, destruction of their careers, loss of their freedom and loss of their lives. Each must choose the course of resistance dictated by his conscience and circumstances. Among those already in the armed forces some are refusing to obey specific illegal and immoral orders, some are attempting to educate their fellow servicemen on the murderous and barbarous nature of the war some are absenting themselves without official leave. Among those not in the armed forces some are applying for status as conscientious objectors to American aggression in Vietnam, some are refusing to be inducted. Among both groups, some are resisting openly and paying a heavy penalty, some are organizing more resistance within the United States and some have sought sanctuary in other countries.

6. We believe that each of these forms of resistance against illegitimate authority is courageous and justified. Many of us believe that open resistance to the war and the draft is the course of action most likely to strengthen the moral resolve with which all of us can oppose the war and most likely to bring an end to the war.

7. We will continue to lend our support to those who undertake resistance to this war. We will raise funds to organize draft resistance unions, to supply legal defense and bail, to support families and otherwise aid resistance to the war in whatever ways may seem appropriate.

8. We firmly believe that our statement is the sort of speech that under the First Amendment must be free, and that the actions we will undertake are as legal as is the war resistance of the young men themselves. But we recognize that the courts may find otherwise, and that if so we might all be liable to prosecution and severe punishment.

In any case, we feel that we cannot shrink from fulfilling our responsibilities to the youth whom many of us teach, to the country whose freedom we cherish, and to the ancient traditions of religion and philosophy which we strive to preserve in this generation.

9. We call upon all men of good will to join us in this confrontation with immoral authority. Especially we call upon the universities to fulfill their mission of enlightenment and religious organizations to honor their heritage of brotherhood. Now is the time to resist.

GLOSSARY

draft: military conscription

conscientious objector: one who refuses to take up weapons in a military conflict or to serve in the military because of religious or moral objections

Document Analysis

This document is a petition, officially called “A Call to Resist Illegitimate Authority,” that circulated around many colleges and appealed directly to potential draftees—that is, young men between the ages of 18 and 26. The document focuses on two main issues: the immorality and illegality of the Vietnam conflict and the tension between guaranteed First Amendment rights and federal laws concerning draft service. By outlining personal freedoms and perceived illegal actions by the American government, the petition presents a many-layered picture of why this group was protesting the Vietnam War and why the collection and destruction of draft cards was central to its purpose.

The first major focus of the petition is the legality of the conflict and the personal morality of those drafted into service. As the petition states (in points two and three), those who signed their name to the petition did so to indicate that they no longer agreed that the United States was acting in a legal manner and in accord with the regulations set down by the United Nations and the Geneva Convention. The authors go so far as to compare the leaders and some of the soldiers with Nazi war criminals who were tried after World War II in the Nuremberg trials. Such strong statements demonstrate the contempt with which the authors held the US gov-

ernment and its involvement in Vietnam. They desire to have nothing to do with the conflict and encourage others to stand against it, too. They also state quite forcefully that the war as immoral, especially when it forces young men who object to the violence to participate in it. The authors believe that those who disapprove of the war on moral grounds should be exempt from service.

A second major focus is the tension between the petitioners’ First Amendment rights and the legal ramifications of not adhering to laws regarding the draft. While the ability to protest and speak out about a war deemed unjust and illegal is protected by the First Amendment (freedom of speech), the active avoidance of service as mandated by the government is punishable under federal law. The petition goes beyond simple objection to the laws covering the draft; it also calls on its readers to engage in acts of civil disobedience. In this case, such disobedience most often occurred when faculty members of the University Committee on War and Peace collected the draft cards of participating students and burned or otherwise destroyed them. For that reason, many of the authors and signatories were punished for their involvement. In the eyes of the law, they had crossed the line between speaking and acting in defense of their beliefs.

Essential Themes

The most enduring legacy of the document, and others like it, is the attention that came to be paid to the act of forcing young men (and women) to be soldiers. The draft was ended in 1973, and, today, the United States has an entirely voluntary military force. This change is partially owing to the decreased need for massive troop numbers in today's military and partially due to the increase in voluntary servicemen and servicewomen. But it is also partially owing to the very vocal, and occasionally violent, reaction to the draft during the 1960s and early 1970s. Some 210,000 Americans are thought to have evaded the draft then, 30,000 of them leaving the country to do so. Since that time, there has been a heightened awareness of the inequalities of the draft—most draftees tend to come from poor or working-class communities—just as there has been an increased awareness and respect for religious and moral objections to participating in combat.

Another legacy of the document, and those like it, is the continuing debate about the boundaries of freedom of speech and the First Amendment. What constitutes acceptable public protest, and when do matters shade into illegal actions? The limiting of draft exemptions provoked many citizens to take actions—burning draft cards and fleeing the country—that were considered illegal. The US Supreme Court, in *United States v. O'Brien* (1968), ruled that draft card burning was illegal; the decision was roundly criticized by legal experts. As a point of comparison, burning an American flag was also then illegal; yet that act was later labeled a form of free speech by the Supreme Court.

A related question is this: if a person considers the government's authority regarding a foreign war to be suspect or illegal, is not civil disobedience all that remains? How does a person or a group find an acceptable balance between individual ideals and the legal constraints of the situation? These types of questions continue to be a focus for activists of all types. The Vietnam War was not the first time that such questions were raised, but it was one of the most notable of such times in US history.

—Anna Accettola, MA

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