**Conscientious Objector Script**

**PART I. PRELIMINARY PROCEEDINGS**

**IO:** I am [CPT IO]. I was detailed to be the investigating officer for this hearing and your Conscientious Objector packet by [SPCMCA], in accordance with AR 600-43. I will be enclosing my memorandum of appointment from [SPCMCA] as enclosure 1. Do you understand that?

CO: Yes/No

IO: In accordance with AR 600-43 and AR 15-6, you are entitled to fair and impartial hearing by a disinterested investigating officer in the grade of 0-3 or higher not in your chain of command. At this time, do you wish to make an inquiry or challenge to my appointment as investigating officer?

CO: Yes/No

IO: I have thoroughly reviewed all relevant regulations, examined your military records to determine if an application has been made for discharge under other Army regulations, as well as inspected packet provided to me by [CO, COMMANDER, CHAPLAIN, ETC.]. You may inspect these papers and personnel records. Do you wish to do so at this time? [Hand those documents are available to the CO for examination in your presence.]

CO: Yes/No

IO: I will attach the packet provided as enclosure 2. Is there any inquiry or challenge to attaching the packet as enclosure 2?

CO: Yes/No

IO: The purpose of today’s hearing is to establish the claim of Conscientious Objector by finding and recording all factual data that will provide the basis for my opinion. After this hearing, I will make a recommendation to the special court-martial convening authority, [XXX] for approval or disapproval. My recommendation will be based on all factual data provided in the packet, as well as the evidence and testimony provided in today’s hearing. The basis of my recommendation is to establish a sincerely held belief by clear and convincing evidence; that is by facts beyond a preponderance of evidence but below beyond a reasonable doubt. Do you understand this?

CO: Yes/No

IO: You are entitled to be represented by counsel at no expense to the Government. You previously indicated that you [DID/DID NOT] desire to be presented by counsel in the Conscientious Objector Hearing Memo dated [xxx]. I will attach this Conscientious Objector hearing memo as Enclosure 3. Do you wish to make an inquiry or challenge to Enclosure 3 or your right to counsel?

CO: Yes/No

IO: A verbatim record of the hearing is not required and the version of the hearing as recorded by me is final as to the testimony of any witnesses. However, you may make such a record at no expense to the government. If you do so, you must make a copy available to myself. Do you wish to make a recording?

CO: Yes/No

IO: This hearing is not governed by the rules of evidence employed by court-martial, except that all oral evidence will be under oath or affirmation. Any relevant information may be received. Statements received from persons not present need not be under oath or affirmation. If you, as the Conscientious Objector, fail or refuse to take an oath, or make an affirmation, as to the truthfulness of your testimony at the hearing, I may consider this failure or refusal to take an oath or make an affirmation in making my recommendation. Do you understand that failure or refusal to take an oath or affirmation may be considered against you?

CO: Yes/No

IO: Do you elect to take an oath or affirmation or decline an oath or affirmation?

CO: I elect/I decline

IO: I will now read you the oath. You will remain under oath for the duration of this hearing. Please stand and raise your right hand.

“Do you (swear) (affirm) that the statements you are about to make shall be the truth, the whole truth, and nothing but the truth (so help you God)?”

CO: Yes/No

IO: You may be seated. This hearing is now called to order.

**PART II. HEARING AND PRESENTATION OF EVIDENCE**

IO: At this time, do you wish to present any evidence in support of your application? You may produce statements, introduce facts or other matters for my consideration.

CO: I would like to introduce….

[CO continues until all evidence is presented. If need be, the IO can call a recess to review the new evidence, but must remind CO they are under oath when resume]

IO: If there are any witnesses you would like to call to testify for you?

CO: Yes/No

[If yes, then swear the witness in with:

 DO YOU SWEAR OR AFFIRM THAT THE STATEMENTS YOU ARE ABOUT TO GIVE ARE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD.

After sworn in, ask witness to state name, rank, place of duty OR for civilians, name, job title, hometown. ]

The CO gets to ask questions of witness first, and then IO second. After both sides are complete with the witness state the following: YOU ARE HEREBY DISMISSED. DO NOT DISCLOSE OR DISCUSS YOUR TESTIMONY WITH ANYONE.]

IO: Do you wish for me to reexamine any evidence already introduced?

CO: YES/NO

**PART III. IO INTERVIEW:**

The I/O will be required to conduct an interview with the applicant, (or at least attempt to do so) in order to give the applicant an opportunity to present any evidence he or she desires in support of their claim. The I/O should attempt to seek as much information as possible about the applicant prior to the interview. This information may come from commanders, supervisors, records, or any other source that may contribute to the final report and recommendation. For instance, how did the soldier become aware of c/o status? Has the soldier attempted to leave the Army by other means? Is the soldier working with a c/o group or website? In short the I/O must make reasonable inquiry to ensure that the applicant is sincere in his or her beliefs, and not making a c/o claim merely to avoid further service.

**PART IV. CONCLUSION**

IO: I have now heard all the evidence. You may make an argument on this evidence before I decide.

CO: [PRESENTS ARGUMENTS]

IO: This hearing is adjourned.