

# What should be done about Selective Service?

by Edward Hasbrouck and Matt Nicodemus

(members of the War Resisters League; public nonregistrants for the draft;

former co-editors of *Resistance News* and organizers with the National Resistance Committee)

Denver, CO, April 19, 2018

The opening of all military assignments to women in December 2015<sup>1</sup> eliminated the basis in military policy for requiring men but not women to register with the Selective Service System for a possible draft. If Congress does nothing, pending court cases<sup>2</sup> are likely to produce a ruling that male-only draft registration is unconstitutional.

Congress has thus been forced to consider whether to extend draft registration to women as well as men, or to end it for all.

In 2016, Representatives Jared Polis (D-Boulder) and Mike Coffman (R-Aurora) introduced legislation<sup>3</sup> to end draft registration, abolish the Selective Service System, and restore eligibility for Federal jobs, student aid, and other government programs to people who haven't registered for the draft. The Denver Post editorialized<sup>4</sup> [4], "It's time to abolish the Selective Service and end the draft."

Instead, Congress punted the question into the Trump Administration by creating a commission to study the issue and report back to Congress and the President by October 2020.<sup>5</sup>

That national commission will be in Denver April 19th for the second of its open-mic public hearings.<sup>6</sup>

We're here to point out that the Emperor has no clothes: Draft registration has failed. Widespread noncompliance has rendered it unenforceable. Any attempt at conscription would meet the same fate.

In the years after draft registration was reinstated in 1980, we worked as organizers with the National Resistance Committee and as co-editors of *Resistance News*, the national journal of resistance to draft registration.<sup>7</sup> We publicly refused to register and encouraged others to join us in resistance. Hundreds of thousands at first, and millions over the decades to follow, did so.<sup>8</sup>

Faced with far greater noncompliance than it had anticipated, the government tried to scare young men into registering by prosecuting a handful of vocal nonregistrants. One of us (Hasbrouck) was convicted<sup>9</sup> of refusal to register and served 4 1/2 months in a Federal Prison Camp in 1983-1984.<sup>10</sup>

---

1 <https://www.defense.gov/News/Transcripts/Transcript-View/Article/632578/department-of-defense-press-briefing-by-secretary-carter-in-the-pentagon-briefi/>

2 <https://www.courthousenews.com/judge-allows-men-to-challenge-male-only-draft/>

3 <https://www.congress.gov/bill/114th-congress/house-bill/4523>

4 <https://www.denverpost.com/2016/02/11/its-time-to-abolish-the-selective-service-and-end-the-draft/>

5 <https://www.gpo.gov/fdsys/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf#page=132>

6 <http://www.inspire2serve.gov/news-events/please-join-us-our-public-conversation-denver-colorado>

7 <http://resisters.info/nrc.html>

8 <http://resisters.info/prosecutions.html>

9 <https://www.nytimes.com/1982/12/16/us/massachusetts-man-is-guilty-of-not-registering-for-draft.html>

But show trials backfired. They made clear that there was safety in numbers and that only those who spoke up could be prosecuted. In 1988, after only 20 nonregistrants had been indicted<sup>11</sup>, the Department of Justice gave up on trying to enforce the registration requirement.<sup>12</sup>

Young men today have to register in order to be eligible for student aid and some other government programs, including drivers' licenses in some states including Colorado (although not others, including California). But there's no attempt to verify addresses. Men are supposed to tell the Selective Service System every time they move until they are 26, but almost nobody does. The only audit of the database, in 1982, found that 20 to 40 percent of the addresses were already outdated.<sup>13</sup>

Most of the people subject to draft registration have violated the law, and most induction notices would end up in the dead letter office. Noncompliance has made the registration database useless as the basis for a draft. Bernard Rostker, Director of the Selective Service System from 1979-1981, told an interviewer in December 2017, "It's a list that I'm sure the courts would throw out immediately because it's not accurate."<sup>14</sup>

Draft registration has continued only because there's been no face-saving way for the government to admit that its power to conscript is constrained by the willingness of potential draftees to submit.

The Commission is also supposed to report on, "the feasibility... of modifying the military selective service process in order to obtain... individuals with... medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) ... without regard to age or sex."<sup>15</sup> But it's absurdly naive to think that women or older health and IT workers would be more willing to submit to conscription than young men have been.

The commission should report to Congress and the President that, whether or not they agree with or understand the reasons for our resistance, a draft is not feasible and draft registration should be ended.

Edward Hasbrouck, San Francisco, CA

phone 415-824-0214

[edward@hasbrouck.org](mailto:edward@hasbrouck.org)

<http://resisters.info>

Matt Nicodemus, Boulder, CO

phone 720-979-9967

[mattnico8@yahoo.com](mailto:mattnico8@yahoo.com)

---

10 <https://www.nytimes.com/1990/12/09/opinion/l-let-s-be-serious-when-we-talk-about-war-we-still-won-t-go-965890.html>

11 <http://resisters.info/prosecutions.html>

12 <http://www.usnews.com/news/articles/2016-05-03/gender-neutral-draft-registration-would-create-millions-of-female-felons>

13 <http://archive.gao.gov/f0102/119502.pdf>

14 <https://www.washingtonpost.com/news/on-leadership/wp/2017/12/04/episode-12-of-the-constitutional-podcast-the-common-defense/>

15 <https://www.gpo.gov/fdsys/pkg/PLAW-114publ328/pdf/PLAW-114publ328.pdf#page=132>





## **HELL, NO! WE STILL WON'T GO!**

### **War Resisters League Calls for Renewed Resistance to Conscription and Militarism**

Even 45 years after its demise, the specter of the draft continues to haunt the United States. In much of the world, military conscription remains a cruel and heavy burden on the young. In the United States, conscription is a horror-movie corpse that won't stay dead. President Carter exhumed draft registration in 1980, and proposals for compulsory "national service" loom. The War Resisters League makes this statement to urge all of us not to praise the draft, but to bury it once and for all.

### **Resisting Conscription for 95 Years (and Counting)**

WRL was born out of draft resistance. It was founded in 1923 out of support circles for World War I conscientious objectors, especially those whose objection to military service was based on secular, rather than religious, principle. Many were still suffering social and criminal sanctions for their refusal to serve in the war that was to end all war.

Instead, the Great War set the stage for a greater war. Again, secular COs were jailed by the hundreds. This time, however, the most radical among them -- men like Dave Dellinger, Bill Sutherland, George Houser, Bayard Rustin, Lew Hill, Igal Roodenko, and Ralph DiGia -- came, sooner or later, to WRL. Their commitment to confronting racism and belief in the importance of nonviolent resistance helped set the stage for the social movements of the next half century.

Although more draft resisters were jailed during World War II (more than 5,000) than during the U.S. war against Vietnam (more than 3,000), WRL and anti-draft organization The Resistance helped build a mass movement against conscription and the Vietnam War that led to the abolition of the draft in 1973 and the eventual end of the war.

Because of our opposition to both militarism and injustice, even before the end of legal conscription, we became a prominent participant in the movement countering the "poverty draft": the targeting by armed services recruiters of young people of color in the inner cities and lower-middle-income youth, especially in the South and rural areas. WRL has also resisted and continues to resist other expressions of militarism such as militarized toys and games, ROTC and JROTC, and the Trojan horse Armed Services Vocational Aptitude Battery test, which masquerades as vocational guidance but has hidden inside it the Armed Forces Qualifying Test.

When draft registration was revived in 1980, many organizations supported the rights of draft registration resisters. WRL went further, as one of the few major organizations actually advocating draft registration resistance.

### **Coerced National Service: Thinly Camouflaged Militarism**

But ever since the first Gulf War, there have been periodic calls for a return to conscription. Some have advocated various "national service" schemes, some of them compulsory and therefore amounting to a draft. Others have argued that a draft would be more fair than the "poverty draft" relied on by recruiters for the present so-called all-volunteer military, or that more people would oppose war if they feared that they or their family members might be drafted.

As to the national service proposals, compelled or coerced labor is conscription, not voluntary service, regardless of the purpose for which people are conscripted or the work they are forced to do. Work for the military is service in neither the nation's interests nor those of humanity. We urge advocates of "service" to make it clear that their call for public and community service is a call for genuine volunteerism and to dissociate voluntary service proposals from any form of legal or financial coercion or linkage with military enlistment or military training.

As to the fairness arguments, we share the concern for the targeting by military recruiters of people of color and of low-income youth -- those with the fewest other options. It is a dramatic sign of social failure that, for many, joining the armed forces seems like the only path to financial security, personal growth, empowerment, and a sense of self-worth and belonging to a community.

But a draft will not solve those problems. As pacifists, in any case, we reject all proposals to turn anyone, volunteer or conscript, into cannon fodder. As observers of history, we also note that no draft has ever fairly and impartially taken the children of the rich as well as those of the poor. We urge all those who are concerned with fairness and justice, to focus



instead on investigating and overseeing recruiting practices and on creating alternatives to the military and to militarism (such as non-military vocational, violence reduction, and conflict resolution training, with financing that doesn't leave participants saddled with debt), rather than on trying to enlarge the pool of those subject to the abuses of the military.

Rather than find ways to force the unwilling to fight unpopular wars, we should find ways to prevent, end, and abolish all wars.

Congressional leaders have declared that they will never enact a draft. But they continue to authorize, fund, and maintain draft registration, the Selective Service System, and contingency planning for both a general draft and the Health Care Personnel Delivery System. We call on them to match their actions to their words and enact legislation to (1) repeal the Military Selective Service Act and presidential authority to order draft registration, (2) abolish the Selective Service System, (3) defund and forbid contingency planning for any form of draft, and (4) eliminate the section of the proposed DREAM Act which attempts to coerce undocumented immigrant youth into joining the military, while passing the portion that would smoothen the way for undocumented youth to attend college.

## We Resist

When draft registration was reinstated for young men in 1980, more than a million potential draftees born in 1960 and 1961 opted out by boycotting the initial mass registration periods. In the quarter-century-plus since then, more millions have declined to register. Almost no one complies with the requirement to notify the Selective Service System of address changes until reaching age 26. These acts of noncompliance amount to mass nonviolent direct action, which provided, and continues to provide, safety in numbers for resisters. Beyond mere protest, they have rendered draft registration unenforceable and might well prevent any draft from being enforceable.

The question is not whether Congress, the Pentagon, or the president want a draft, or believe it is necessary as a last resort. Whether there will be a draft rests with the people, not the Congress. This is a statement of fact, supported by history: Young people won't go, and the government can't make them. We urge Congress, the Pentagon, and the president to recognize the impossibility of a draft and to curtail their war plans accordingly. The draft is not an option, even as a last resort.

We urge health care workers, and others with special skills in particular demand by the military, to take encouragement from the successful resistance to reinstatement of a general draft and to resist any activation of the Health Care Personnel Delivery System or any other form of special skills draft. As with a general draft, there is safety, solidarity, and effectiveness in numbers, openness, and organization. Polls suggest that many health care workers would actively avoid being drafted, whether through legal or illegal means. We welcome and encourage that inclination towards resistance, which we believe would make a medical or special skills draft as unenforceable as a general draft.

We urge potential soldiers to reject both the carrot and the stick of military recruiting and conscription, and to refuse to be enlisted or to be inducted into any branch of the military or to work for the military as mercenaries or contractors.

In solidarity with Veterans for Peace and Iraq Veterans Against the War, we extend support to GI resisters and antiwar veterans who are struggling to end the current U.S. wars. Whether or not they have registered, we promise all who resist militarism the same support and solidarity we extend to GI resisters, whether that resistance takes the form of refusing to register, refusing to notify the Selective Service System of address changes, refusing to report for induction, refusing to be inducted, refusing to report for military duty, applying for conscientious objector status, obtaining discharge on other grounds, going AWOL, or refusing orders within the military.

We realize the Military Selective Service Act says that anyone who "knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces" is committing a crime (see [www.sss.gov/PDFs/MSSA-2003.pdf](http://www.sss.gov/PDFs/MSSA-2003.pdf), sec. 462, p. 39). We wholeheartedly counsel, aid, and abet such resistance. The War Resisters League has never let the machinery of war or coercive laws limit the scope of our nonviolent actions. We call it peacemaking. We believe war is the real crime. As we build on our legacy of resistance, we hope you'll join us.

*The War Resisters League affirms that all war is a crime against humanity. We are determined not to support any kind of war, international or civil, and to strive nonviolently for the removal of all causes of war, including racism, sexism and all forms of exploitation. War Resisters League, 168 Canal St, Suite 600. New York, NY 10013. phone 212.228.0450, [wrl@warresisters.org](mailto:wrl@warresisters.org). More about the draft, draft registration, and draft resistance: [www.resisters.info](http://www.resisters.info)*