



The Center on  
Conscience & War

# The Reporter for Conscience' Sake

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## Selective Service Registration, the Draft, and the Right of Conscience

### Congress and Conscription

By Bill Galvin, with contributions from CCW staff

As we go to press, four bills have been introduced in this session of Congress that relate to the draft and national service. One bill would require women to register with Selective Service. Another would create a mandatory national service program, which would include options for both military and civilian service. A third bill—our favorite—is the one that proposes to “deauthorize,” or suspend, Selective Service except in times of national emergency when a draft would be initiated. The final bill is a generic bill to improve the functioning of governmental “Inspectors General” in various government agencies, including the Selective Service System. The bill proposes to give the Inspector General of the Department of Defense the authority to oversee and investigate programs and operations within the Selective Service System.

This is troubling.

#### *A Fox in the Henhouse?*

HR 314, the Inspector General Improvement Act, was introduced in January by Representative Jo Ann Emerson (R-MO), who resigned from Congress just days later to become a lobbyist! This bill has no co-sponsors, and although it has been referred to the Committee on Oversight and Government Reform, it seems unlikely that a bill with no advocate in Congress will go anywhere. Still, any proposal like this does raise some concerns; primary among them is preserving the independence of the Selective Service System and its distance from the Department of Defense (DoD).

From its inception, the Selective Service System has been independent from the military. By law, neither active duty nor retired military personnel can serve on draft boards. Selective Service does not report to the Armed Services Committees, as the DoD is required to do. Rather, Selective Service oversight comes from the Subcommittee on Veterans’ Affairs, Housing and Urban Development, and Independent Agencies. And those who violate the draft law, such as conscientious objectors who refuse induction after their CO application is turned down, are tried in the civilian judicial system, not by military court-martial. This was a significant victory for CO rights, established in law in 1940, in part because of the dreadful treatment WWI conscientious objectors received by military tribunals.

Even though, at this time, it does not seem to be a serious threat, the fact that a proposal has surfaced to bring the Selective Service System under the oversight of the DoD causes us some concern. It demonstrates that our vigilance in monitoring Selective Service, in order to protect the rights of COs that our forebears worked so strenuously to secure, is still essential.

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#### *Drafting Women and Mandatory National Service*

Rep. Charles Rangel (D-NY) has introduced HR 747, proposing to expand current Selective Service registration to include women. Rangel’s bill states that his initiative comes “in light of the Department of Defense’ elimination of the rule excluding women from

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*Founded in 1940, the Center on Conscience & War works to extend and defend the rights of conscientious objectors to war. In pursuit of this mission, the Center provides these services free of charge:*

- Counseling military conscientious objectors.
- Monitoring Congress and Selective Service to extend and defend the rights of conscientious objectors.
- Support for COs who refuse to register for the draft through F.E.A.T student loans.
- Counseling military personnel on the GI Rights Hotline with accuracy and honesty.
- Military counter-recruitment information.
- Workshops, training, and speakers on all of these issues.

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direct ground combat assignments in the Armed Forces.”

Rangel also introduced HR 748, the Universal National Service Act, which would amend the Military Selective Service Act to include the registration of women and requires “all persons in the United States between the ages of 18 and 25 to perform national service.” While military service is clearly an option, other services one could be “inducted” into include “civilian service in a . . . government program or with a community-based agency or community-based entity that, as determined by the President, is engaged in meeting human, educational, environmental, or public safety needs” (Sec. 101(4)(B)).

Even after speaking with Rep. Rangel’s staff, key aspects of the bill remain unclear: this bill claims to require service of *all* young people, yet it establishes a *random* selection system for determining who should serve. How mandatory service within community organizations would be funded is not defined, nor is

the process by which community entities would qualify to host workers inducted into service.

This much is clear and makes this bill worthy of our continued monitoring and opposition: HR 748 authorizes the use of the Selective Service System to implement its national service program, thus changing a system that, at present, is largely theoretical, existing mainly on paper, and activating it “to the extent determined appropriate by the president.”

Does this enabling legislation bring us closer to implementing an actual draft?

Mr. Rangel has for many years felt that our current all-volunteer military puts an excessive burden on those who *volunteer* for the military—a population comprising only about one percent of the overall population and which is largely poor or otherwise disadvantaged. Representative Rangel believes it would be more fair to share the burden of military service across society. He also feels that conscription would make it less likely that the U.S. government would be so hasty to initiate or engage in war, especially if the children of the privileged, including the children of members of Congress, were at risk. Although CCW contends, based on our organization’s experience, that Mr. Rangel is wrong to think that a draft could ever be fair or that it

*Mr. Rangel is wrong to think that a draft could ever be fair or that it would rein in the U.S. government’s proclivity for war.*

would rein in the U.S. government’s proclivity for war, we do understand that Mr. Rangel’s ultimate goal is to spark public debate on these very important issues—a worthy and necessary objective, if misguided in its approach.

\* \* \*

## *“Deauthorizing” Selective Service*

Representative Mike Coffman (R-CO) offers a different and appealing approach to the discussion of Selective Service and the draft. HR 978, the National Emergency Selective Service Act, introduced by Rep. Coffman, has three co-sponsors: Rep. DeFazio (D-OR), Rep. Holt (D-NJ), and Rep. Roby (D-AL). This bill proposes to “deauthorize” Selective Service, ending registration and all draft board activity except in times of “national emergency declared by the president.” It also proposes to suspend federal sanctions for those who refuse or fail to register for the draft, including the denial of federal student aid and federal jobs, currently used as punishment for non-registrants.

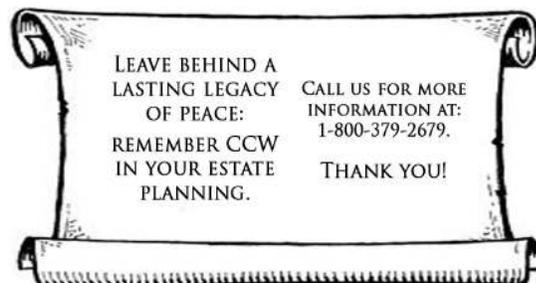
The bill does not specifically address the penalties imposed at the state level for non-registrants, but most of those laws apply to those who are required to register and who do not. If there is no registration requirement, those state penalties also should be lifted.

Overall this bill looks pretty good. The elimination of penalties imposed on non-registrants who cannot in good conscience register for the draft is a very positive step forward in the struggle to protect the rights of conscience!

Still, this bill does raise some concern:

Section 3(b)(1) states that, whenever the Selective Service operations are suspended, “the Secretary of Defense shall assume responsibility for security of Selective Service System databases.” This is another way the firewall that was

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created decades ago between the Pentagon and Selective Service, as we discussed earlier, would be compromised.

Also, the term “deauthorize” is vague and could be interpreted differently in practice than the sponsor intends, particularly with regard to protection for military conscientious objectors. **The Selective Service law is the only place in U.S. law where the right of conscientious objection is specified. Current military policy for discharging those who become COs is based on this law.** So is the current United States Citizenship and Immigration Services (USCIS) policy for conscientious objectors, which allows immigrants who identify as COs to take an alternative oath of citizenship that excludes the following lines: “*that I will bear arms on behalf of the United States when required by law; that I will perform noncombatant service in the Armed Forces of the United States when required by law. . .*” The Religious Freedom Peace Tax Fund bill, to be introduced once again this year by Rep. John Lewis (D-GA), also relies on the protections in the Selective Service law as it proposes to extend the right of conscientious objection to military taxation.

It is critical that, in an effort to rethink the archaic notion of a military draft, we do not sacrifice the slim protections for conscientious objection that currently exist in the law. To that end, CCW is working in collaboration with our partners in the “historic peace churches” and the peace and justice community. As we go to press, we have requested a meeting with Representative Coffman and the co-sponsors of HR 978. With this meeting, we will seek clarification on the sponsors’ intent and make clear to them our concerns as we work together to further our shared objective: *to extend and defend the rights of conscientious objectors.*

Each of these bills has been referred to committee, but to date, no further action has been taken on any of them. CCW will continue to monitor these bills and other legislative actions as they relate to conscience and war.

You can learn more about and track these bills—and all the legislative activity in Congress—by searching the Library of Congress at <[www.thomas.gov](http://www.thomas.gov)>. Call or email our office for more information, or sign up for our email list through our website to stay informed.

Do you know of a community of people you think may enjoy hearing about the victories and the value of Conscientious Objection today? Please consider inviting us to speak or lead a workshop or join a panel discussion! Give us a call to discuss the possibilities. Help us spread the word about our work and build a larger base of support for our Conscientious Objectors.

Thank you!



## CCW Updates

Despite the snow falling outside this morning, as we go to press our thoughts still turn toward spring and the increased activity we look forward to and are planning for the upcoming warm and busy seasons.

\* In April, Bill and Maria are hitting the road to be part of a couple of great conferences:

Maria will be presenting on “The Value of Conscientious Objection Today,” drawing the connections between moral injury, CO, and our modern movement for peace at the Benjamin V. Cohen Peace Conference at Ball State University on April 6.

Also on April 6, Bill will be presenting on “Conscientious Objection: Then and Now” at the Historians Against the War Conference.

\* Maria was invited to do a review of an upcoming book on conscientious objection among Pentecostal and Holiness communities. The short piece will appear on the jacket of the book, due to reach bookshelves in September.

This is not only very exciting exposure for our work and for conscientious objection, but it is also a timely reminder that conscientious objection was a more widely and publicly held position during the 19th and 20th century U.S. wars than we have been led to believe. This research into CO history, by co-authors Jay Beaman and Brian Pipkin, only strengthens our belief that conscientious objection to war and violence is the natural position of humanity. The military knows this and has formulated its training and programming accordingly; those of us working for peace should work equally diligently to integrate this knowledge into our communities.

\* We have joined the planning committee for the War Resisters League (WRL) 90th anniversary conference, taking place here in Washington, DC in August. We are very excited for this great opportunity to renew our historic alliance with WRL and to build on our modern efforts in support of conscience. Maybe we’ll see you there!



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The young man turned 16 and excitedly began the process to apply for his learner’s permit in his home state of Virginia. His parents needed to sign, giving him permission to obtain the permit, of course, but they found that their signature would have an unexpected side effect: registering their son for the draft.

As people of faith, pacifists, and as parents, they did not want to make such an important decision on behalf of their son, specifically because he had no legal avenue by which to provide or withhold his own consent. Making the decision to register on his own, they believe, is part of their son’s responsibility of citizenship *and of conscience*.

And why would Selective Service need his information now, anyway—two full years before he is even required to register?

This scenario—and others similar to it—play out in most of the states across our union. States are doing the enforcement work of Selective Service, using coercive and punitive measures by which individuals are denied certain rights and privileges simply because they are called to follow their conscience.

In our post-draft society, we are sometimes questioned about our support for COs who refuse to register with Selective Service: “Just register,” people say. “What’s the big deal? There will never be a draft again anyway.”

Selective Service Registration has only one purpose: to create a registry of individuals who would be drafted into the military to fight a war. *For many people of conscience, simply registering for the draft is cooperation with war and violence.* Something their conscience’ will not allow them to do. Even our elected officials have equated registering with the Selective Service as compliance with war policy, similar to comparisons made between paying taxes and complicity with war.

So there it is. For almost 73 years, our mission at the Center on Conscience & War (CCW) has been to extend and defend the rights of

conscientious objectors to war. In addition to supporting those members of the armed forces who have a crisis of conscience and seek discharge from the military, CCW also monitors the actions of the Selective Service System, in defense of those individuals for whom any cooperation with the machine of war-making is a transgression against their conscience.

So what’s a young man of conscience to do, faced with the choice between following his conscience or obeying his legal obligation to register for the draft? Get informed! Call or write to us for information and to learn what the specific requirements and penalties are in your home state. CCW also offers support to those young men who choose not to register through the Fund for Education and Training, which provides student loans to COs ineligible for Federal or State Student Aid.

And, as always, we do it all with your help! Thank you for your support of our work and your support of all Conscientious Objectors to war and violence.

IT’S TAX TIME! PLEASE CONSIDER BALANCING OUT THE TAXES YOU INEVITABLY PAY TO WAR EACH YEAR WITH A GIFT OF PEACE IN SUPPORT OF COs! MAYBE YOU’RE GETTING A REFUND--GREAT! CAN YOU SHARE A BIT OF YOUR WINDFALL WITH THOSE SEEKING THE PATH TO PEACE?



WHEN YOU REDIRECT YOUR TAX DOLLARS TO SUPPORT COs, YOU ARE ENGAGING IN A **REAL** CHALLENGE TO WAR--WITH MEASURABLE RESULTS--ONE EX-SOLDIER AT A TIME! THANK YOU!