



The Reporter

for Conscience' Sake

The Center on Conscience & War

Working to defend and extend the rights of Conscientious Objectors to war since 1940

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US Militarism and the Draft: History Repeats Itself

It's up to us to see that it doesn't outdo itself.

By Bill Galvin, with Maria Santelli

As we worked this year to prevent efforts to expand the draft to women - advocating instead for repeal of the Selective Service System - we sought inspiration from the 1980s, when draft registration was reinstated following a five-year break at the end of the disastrous US war in Vietnam. While expansion of the draft didn't happen this year, the issue is certainly not gone (see full story on p. 12). We hope you, too, will be inspired for the work ahead, by reading about some of the acts of conscience and resistance made by those who believed then, as we do now, that no one should be forced to kill - or even register to kill - against their most deeply held beliefs.

The Nixon administration stopped drafting people early in 1973. Later that year the President's authority to draft people was allowed to expire, but registration continued. During the next two years noncompliance with the registration requirement increased significantly, and in March 1975, President Ford temporarily suspended the registration requirement. Initially, Selective Service was planning for a massive one-day registration in March of 1976. Instead, the Administration decided to put Selective Service into deep standby: it would become a "manpower" procurement planning organization – meaning that a small staff remained in Selective Service headquarters to process records and plan for a future return of the draft.

To 18 year-old men, it meant that they didn't have to register for the draft, and that was big! During the five years of deep standby, much of the Selective Service System (SSS) was dismantled. Although the law remained on the books, there were no longer draft boards or local Selective Service offices. But, there had been an active draft for the previous 33 years, and military planners had come to rely on the draft to meet personnel "needs." Numerous political leaders called for a return to the draft; they were skeptical that the strategists who had become dependent on conscription could carry on successfully with an all-volunteer military. In the end, the skeptics got at least part of what they wanted: prompted by the Soviet invasion of Afghanistan in December 1979, President Jimmy Carter proclaimed in his State of the Union address on January 23, 1980, his intent to "revitalize" Selective Service. The administration declared that reinstating draft registration was part of "a series of measured and calculated actions demonstrating our resolve and strengthening our defense posture." In other words, reinstating registration would send a message that the US was ready and willing to go to war – a message still repeated today as a reason to retain registration.

Prior to Carter's announcement, the Selective Service System reported its finding that registration was "redundant and unnecessary," able to deliver the first draftees only seven days sooner than registration at the time of mobilization.

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As a candidate for President, Carter ran on a platform of respecting human rights and ending US support of repressive military dictatorships. His Presidency claimed to usher in a new way of relating to the world, not unlike President Biden's promise to "close this era of relentless war ... opening a new era of relentless diplomacy." But US addiction to militarism is deep: Carter's response to the Iran hostage crisis was a failed military assault to rescue the hostages, and his response to the Soviet invasion of Afghanistan was to bring back draft registration. Is history repeating itself, as Biden ushers in "relentless diplomacy" by seeking to expand the belligerent posturing of the draft to women?

Resistance From the Very Beginning

Just five days after Carter's announcement, there was a demonstration opposing the draft in front of the White House. That same week a demonstration against draft registration brought over 800 people

to the front of Harvard's Widner Library, despite the bitter cold. Just two months later, on March 22, a march on Washington drew 30,000 people, including luminaries Peter Yarrow (of Peter, Paul and Mary), William Sloane Coffin, and Bella Abzug, and well known draft resisters such as Dave Dellinger and David Harris. A similar size gathering occurred in San Francisco. There were hundreds of smaller protests throughout the country in the months following Carter's announcement, many on college campuses, and many led by draft-age youth.

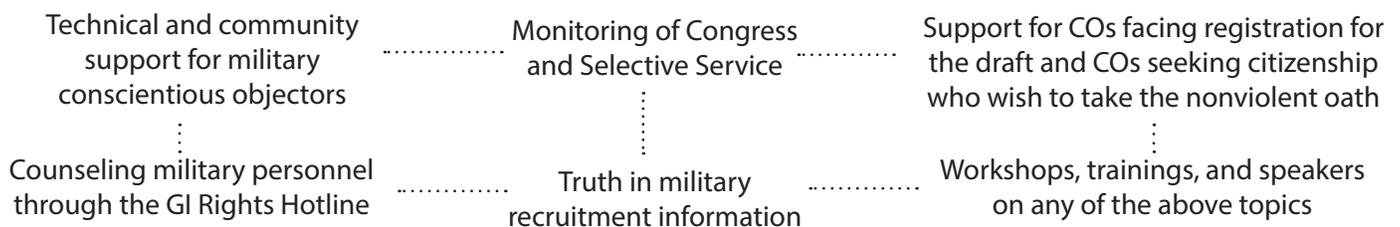
The US Student Association expressed its outrage, announcing that it would hold 'teach-ins' at college campuses and community meetings throughout the country, beginning in February and continuing for the next several months. The National Resistance Committee (NRC) was created in March 1980. The goals of the NRC were to resist current US preparations for conscription and war by

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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 the following services free of charge:





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encouraging those of draft age to refuse registration; to sponsor and promote nonviolent demonstrations and civil disobedience to oppose draft registration; and to build a grassroots movement by collecting pledges of nonregistration, distributing literature, holding public actions, forming support groups, and working with existing organizations to resist registration. NRC declared in a press conference that its membership believes “outright refusal to register for the draft is the most effective, and in fact, the only way to ultimately defeat mandatory draft registration.”

The National Council of Churches issued a statement opposing the resumption of registration saying it “represents one aspect of the growing militarization of the general population and of young people in particular.”

The US Catholic Conference of Bishops reaffirmed its opposition to “any reinstatement of military conscription except in the case of a national defense emergency,” and reaffirmed its support for selective conscientious objection (objection to a particular war, similar to Just War Theory, taught by the Catholic Church). Numerous other religious bodies spoke out against the registration in the months after Carter’s announcement, including Mennonites, Methodists, Quakers and Unitarians.

The Committee Against Registration and the Draft (CARD), a coalition of 55 national religious, peace, civil rights, student and women’s organizations opposed to the draft, had chapters throughout the country. The national CARD office lobbied Congress and announced a large scale campaign to register *against* the draft. Local CARD chapters organized publicity campaigns, demonstrations, and vigils at post offices around the country during the registration period.

The Committee to Aid War Objectors in Canada pledged its support for all those who would resist draft registration. Meeting on June 12, 1980, our board (known then as NISBCO) unanimously adopted a

statement affirming our position as “unalterably opposed to registration, conscription, and compulsory military service.”

On June 15, NISBCO issued the following statement: “NISBCO views with deep concern and sorrow the decision to reinstate compulsory draft registration. We stand ready to counsel a new generation of persons who cannot conscientiously register for the draft.” On July 20, thirty-six national religious leaders issued a *Call to Conscience* in which they called on young men “to consider seriously the moral implications of registration for the draft.”

Congress approved funding for registration in June of 1980, and the first round of registrations for those born in 1960 and 1961 was scheduled to occur from July 21 to August 2. A second round for those born in 1962 was scheduled for the first week of January 1981, and beginning that same January, all men would be required to register as they turned 18.

Declared moot when the registration ended, a Vietnam-era challenge to the male-only draft became active once again: on July 18, 1980 the US District Court from Eastern PA declared the male-only draft unconstitutional and issued an injunction to stop the registration, scheduled to begin just three days later. Walter Cronkite, “the most trusted man in America” announced on the evening news that young men would not have to register for the draft. However, the next day Supreme Court Justice William Brennan stayed the lower court’s decision, allowing registration to begin as planned.

When Congress was debating the funding for registration, several members introduced amendments to make the registration less harmful, including Senator Mark Hatfield (R-OR), who proposed to allow people to register as conscientious objectors.

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Anticipating vast resistance to registration, Hatfield asserted that allowing people to register as COs would increase compliance. He condemned the disregard for COs in Carter's plan: "Under all previous registrations, conscientious objectors could, after they had registered, go on to claim their CO status under ordinary Selective Service System procedures. Under the new system there will be no way to do this.... several witnesses before the Subcommittee anticipated that a number of young conscientious objectors will refuse to register because there is no other way for them to evidence their conscientious objector status." In fact, this was the case for two of the 20 non-registrants who were prosecuted. Kendall Warkentine and Steve Schlossberg were COs who would have registered had they been allowed to register as COs. Selective Service eventually allowed them to register as COs under pressure from the court, but Hatfield's amendment failed, as have similar efforts over the years, as SSS continues to oppose CO registration.

There is no doubt that noncompliance ranged in the hundreds of thousands, from the first week Selective Service began registering people. However, Selective Service controlled the data on how many people had registered and would claim different compliance rates, sometimes just days apart, when it fit their political agenda. At one point they even claimed "greater than 100% compliance." While it is true that "Michael Mouse" did register more than a few times, and some women who had gender neutral names, like Pat, registered as a way to monkey-wrench the system, these tactics in no way compensated for the many people who did not register.

The National Center for Education Statistics (part of the US Department of Education) surveyed the class of 1980 and found that 29.4% of the graduating class said they would try to avoid mandatory service—military or civilian.

During the initial two-week registration period in the summer of 1980, activists leafletted and provided on-the-spot draft counseling at hundreds of post offices throughout the country. There were demonstrations, and sit-ins, and hundreds of people were arrested for various acts of civil disobedience. Many activists leafletted in front of schools, and students at the

schools were able to leaflet inside and organize anti-draft meetings and clubs. Local actions often reflected the unique character of their community, for example, students at Princeton established a Draft Resisters Tea.

During the registration weeks, three members of San Diego Students for Peace were harassed and detained by police for driving around town in their anti-draft mobile to promote a rally at the post office and to raise public awareness about registration. Over the course of three and a half hours, they were stopped four times and given ten citations for vehicle code violations.

By September 3, 1980, a full month after the first round of registrations were to have been completed, the Carter administration said that only 80 percent of those required to register had done so. (Selective Service would claim a 93% compliance rate on September 4.) This meant that suddenly hundreds of thousands of men could be prosecuted and jailed for up to five years for this felony offense.

To put that into perspective, the federal prison population at the time was about 24,000.

The demand for draft counselor training kept trainers from groups like the Central Committee for Conscientious Objectors (CCCO) very busy through the next several years. By November of 1980 *Everybody's Guide to Non-Registration* by Carol Delton and Andrew Mazer was published, covering everything from how to navigate family pressures and build community support to FBI visits and what to expect in court.

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Ripple Effects and Waves of Solidarity

The harm to people of conscience extended beyond just those subject to draft registration. For example, when registration was reinstated in 1980, COs from the Vietnam era were working for the post office. Suddenly – against their most deeply held beliefs – they now were required to register people for the draft and were threatened with the losing their jobs if they didn't. Some accepted less desirable jobs at the post office that didn't require taking part in draft registration. A Quaker CO was fired and had to go to federal court to get reinstated.

Public opposition to the draft made it an issue in the 1980 presidential election, too. Republican candidate Ronald Reagan wrote to Senator Hatfield that "... the most fundamental objection to draft registration is moral..." And that in the absence of a "severe national emergency ... a draft or draft registration destroys the very values that our society is committed to defending." Asked if he would stop the registration by executive order, Reagan was vague, but critical, citing Carter's SSS director, Bernard Rostker, who concluded at the time – and still firmly asserts today – that the registration process was less efficient than registration after a draft mobilization. Reagan wondered, then, "why go to all this trouble?" In November CARD held a press conference to present 100,000 cards from those who had responded to their call to register against the draft. CARD reached out to Reagan after he won the election, urging him to follow up his campaign proclamations with real action, but he took no action, and registration (for men) has remained in effect for 41 years.

Also in November, Women's Pentagon Action brought 2,000 women to Washington to circle the Pentagon in a powerful witness for peace. They wrote, "We are gathering at the Pentagon on November 17 because we fear for our lives.... Every day while we work, study, love, the colonels and generals who are planning our annihilation walk calmly in and out the

doors of its five sides." And in their Unity Statement, they stated, "We do not want to be drafted into the army. We do not want our young brothers to be drafted. We want them equal with us."

Many other movements for justice, such as the Chicano movement, included ending the draft as an essential element of the just society they sought.

Enforcement and resistance

Struggling to find ways to enforce an unpopular law, SSS began purchasing lists of young people to identify suspected non-registrants; they performed cross checks with government databases, including most states' driver's license lists. Suspected non-registrants received progressively more threatening letters, but the SSS methods were less than perfect: once someone made up a name and birthdate to get a free ice cream, and that fictitious person got a reminder to register!

Early in 1981, an anti-draft conference in Detroit brought together a wide variety of people who were opposed to the draft. Besides many non-registrants, attendees included libertarians, members of the Socialist Workers Party, religious and secular pacifists, COs, lawyers and draft counselors. The Cold War nuclear arms race and US military interventions in Latin America were leading concerns for many peace activists in the 1980s. Many draft resisters were motivated by those concerns, and people from those movements quickly joined the anti-draft movement.

As has been true of diverse movements for decades, the Detroit conference was not without tension and conflict. Convicted draft resister Edward Hasbrouck has written about the tension in the movement:

This tension played out within anti-draft organizing, both nationally and in many localities. Resisters were often used as "poster children" and props for others' messaging, and often had to struggle (not least against ageism within the anti-draft movement) to speak for ourselves.

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Rather than celebrating the diversity of motives and forms of opposition and resistance to the draft and draft registration, many activists tried to impose their own ideas as to which motives, and which forms of anti-draft action, they believed to be the politically correct ones.

There is truth in Edward's words, and if I were a non-registrant attending the Detroit conference, I probably would have left it thinking that was a correct description of the conference. But that was not the entire story. Igal Rodenko, a draft resister from WWII who was on the staff of the War Resisters League, did an incredible job trying to reconcile some of the differences and get folks listening to each other. Important connections occurred despite the chaos, for example Joe Tuchinsky, co-author of *Guide to the Draft* (which was the definitive book on how to beat the draft during the Vietnam era), met with Bill Smith, a lawyer from Los Angeles with a long history of defending draft resisters. They began to plan for a new edition of the *Guide*.

Despite the inability of the Anti-Draft Movement to maintain a coherent and united front, local organizing and resistance continued throughout the country, and opposition to the draft permeated popular culture. In November of 1981, the National Resistance Committee once again appealed to President Reagan to end the registration. They announced that there would be protests at 26 federal courthouses across the country if anyone was indicted for draft resistance.

When the Chicago Sun-Times reported that 75 men in the area had been referred to the US Attorney's office for failure to register, representatives from 12 peace organizations met with the US Attorney on December 16, 1981. They made clear their support for resisters and that they had large, politically engaged constituencies. No one in the Chicago area was indicted. Similar groups met with US attorneys in many locations.

By the beginning of 1982, Selective Service acknowledged there were 800,000 non-registrants, and compliance with registration was 77 percent, the lowest it had ever been. On January 7, 1982 almost one year after the 'anti-draft candidate' Reagan became president, he announced he would continue the registration. At that point, Selective Service announced a 60 day grace period for those who hadn't registered to do so without fear of prosecution. After that, SSS pledged to work with the Department of Justice (DOJ) to "initiate appropriate enforcement action."

Because many public non-registrants were also active in other peace and justice movements, like the nuclear disarmament movement or the growing movement against the US wars in Latin America, and many from those movements also were also activists against the draft, the administration was concerned that the prosecutions could become rallying points for these movements. The anti-nuclear movement in particular was quite strong at the time. To try to mitigate that, the administration urged that prosecutions take place in more rural and conservative venues.

Throughout early 1982, with the threat of prosecutions in the air, organizing continued. Lawyers committees were organized to be ready to defend those who were prosecuted; defense funds were established, and plans were made for public witness at the anticipated trials.

In June 1982, the *Army Times* reported that DOJ was set to indict up to 225 non-registrants. Selective Service was confident that the prosecutions, combined with warning letters, would increase compliance to 98 percent.

On June 30, 1982 Ben Sasway was indicted in San Diego, and that prompted more than 100 demonstrations throughout the country, including 70 protesters who gathered at the Department of Justice in Washington, DC.

Next, Enton Eller was indicted in Roanoke, VA, and

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by the end of 1982, 12 people had been indicted – all of them publicly vocal about their refusal to cooperate with the draft. And there was public support for each of them. Besides maintaining a presence in the courtroom, a variety of public actions continued the resistance. When Gary Eklund was on trial in Des Moines, 200 people surrounded the courthouse. Twenty-one were arrested on federal charges for blocking the entrance to the courthouse.

When Edward Hasbrouck went on trial, three supporters chained themselves to the courthouse doors, and the night before his sentencing, someone locked the courthouse doors with U locks and filled the keyholes with glue.

A national anti-draft week was called by the National Resistance Committee for October 1982. On October 18, a demonstration and sit-in at Selective Service headquarters drew 200 and culminated in the arrest of 58. Lawyers from around the country joined together to defend draft resisters and their supporters, and the media reported on it all, including these statements from two of the resisters:

“This registration is an affront to freedom, born of a spirit of reckless militarism, and as such is completely immoral. I cannot with clear conscience be any part of it.” -Ben Sasway

“I am sad that I have to disobey an order of the US government, but in my striving to be faithful I have no choice except to obey Higher Authority of God. I view my action as constructive and positive, demonstrating in the best way I know the love and peace of God for everyone, even those threatening me with imprisonment.” -Enton Eller

Rusty Martin was student body president at the University of Northern Iowa in Cedar Falls when he was indicted. A clean cut, all American young man from the ‘heartland,’ he was on the evening news calling the draft “immoral” and “un-American,” declaring, “I refused to register because I saw draft registration as the first step toward another Vietnam in Central America.”

Paul Jacob went underground when he was indicted. “It’s important to show seventeen-year-olds and eighteen-year-olds who are about

In October of 1982, the SSS conducted a mobilization exercise called “Proud Saber” activating local draft boards, SSS area offices, alternative service offices and military reservists who would function as SSS staff during an actual draft. Role plays of expected incidents took place at all levels. Plans called for 400,000 men to be drafted during the first four months after mobilization. NISBCO responded by organizing “Proud Plowshare,” a gathering of counselors from more than 20 organizations to prepare for the response. Bill Smith, a lawyer from the Selective Service Law Panel of Los Angeles observed, “By the end of the year, there are going to be 12 million men registered for the draft. . . If they started the draft tomorrow, if 10 percent of those people wanted counseling, that’s a million two hundred thousand people. . . I’m not prepared, nobody is prepared to deal with that onslaught.”

to register that you can resist being a slave to the military. I’ve been a public resister and I’m still free. So, obviously, anyone who’s been a quiet non-registrant has nothing to fear.” Posters appeared around the country, “Paul Jacob is free!” He remained ‘free’ for two years. The day after he was arrested in Little Rock, Arkansas, graffiti demanding “Free Paul Jacob” appeared on the Selective Service headquarters building in Washington, DC.

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The publicity around the prosecutions – including the courageous and thoughtful testimonies of the resisters and the vocal support they received from a wide spectrum of society - inspired others to realize they, too, could follow their conscience, think critically about what they were being required to do, and act on their convictions. Draft resistance increased in places where there were prosecutions, even in conservative states like Iowa and military towns like San Diego. The plan to scare others into registering through selective prosecution had failed. So the government would devise another approach: punishment without prosecution.

Extra-judicial penalties

With prosecutions proving futile, the government turned to coercion to increase compliance with the draft law. Beginning in September 1982, Congress passed a series of laws requiring draft registration in order to be eligible for federal financial aid for college, federal job training, and most federal jobs. Selective Service lobbied many states to enact similar laws, conditioning eligibility for and access to certain public resources on SSS compliance. Most states and US territories have done so, with only a handful maintaining no registration requirement at all. A list of state laws is on our website. (See article on recent California victory in this issue, page 10.)

Despite these new extra-judicial punishments, grassroots resistance continued. The federal law requiring registration for college financial aid initially required all applicants for financial assistance to

assert that they were either registered for the draft, or that they were not required to register, and to check off the reason why they were not so required. In acts of solidarity, some women refused to assert that they were not required to register because of their gender—and were (at least initially) denied financial aid. There were lawsuits challenging these laws as “Bills of Attainder” – guilt assumed and punishment levied without trial or due process – but at the time, the non-registrant plaintiffs were still within the age limit to register, and because they had that remedy, the courts saw no constitutional conflict. No recent challenge has been made by a person over the age of 26 (when SSS

will no longer accept registration), though one could be, as many of these punishments are life-long. **The time may be ripe for another legal challenge.**

Remaining Steadfast
Eventually, fewer people had to appear in person at a post office to register, as registration was becoming a passive act, intended to circumvent the young person's conscience and register them automatically when they applied for financial aid or another resource.

In this day where cell phone cameras are ubiquitous, this is difficult to believe: When NISBCO heard that someone had been arrested for writing “Free Paul Jacob” on the Selective Service Headquarters the night Paul was arrested, Shawn Perry (Associate Director of NISBCO at the time) went over to take a picture of the message for *The Reporter*. Security quickly emerged from the building to inform Shawn that it is illegal to take pictures on federal property. So he stepped into the street, which is not federal property. He was then informed that it was illegal to take a picture of a federal building. That didn't seem right to him, so he took the picture anyway, which resulted in him being detained. He was released after a short while; of course it's not illegal to take a picture of a building. Just one more piece of evidence of absurdity of the SSS!

Many groups continued to reach out to high schools to provide students with reliable information. When the Committee Opposed to Militarism and the Draft (COMD) was stopped by the San Diego school administration from placing an ad in the school paper, they sued and won. When the Atlanta Peace Alliance was denied access to the schools by the Atlanta School

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Board (even though military recruiters and Selective Service information was plentiful in the schools), they sued and won. When the School Board appealed to the federal circuit, the Peace Alliance won the appeal, establishing the right of access throughout the Southeast.

Popular musicians incorporated anti-draft themes into their music, for example “The Call Up” by the Clash was released in 1980, with this chorus:

It's up to you not to heed the call-up
I don't want to die!
It's up to you not to hear the call-up
I don't want to kill!

Many hip-hop songs reflected an attitude of resistance. And at the height of his popularity in the 1980's Bruce Springsteen covered “War,” a Motown song protesting the Vietnam war by Edwin Starr, dedicating the performance to his drummer, who had been drafted and killed in Vietnam, and to “all the young people out there.”

While a vocal and visible anti-draft movement seemed to largely disappear by the mid-eighties, resistance has continued to the present.

Even today, with the coercive laws and penalties, ten percent of people required to register still have not done so, and seventy-five percent of those who did register were “passively” registered through the coercive laws. Additionally, registrants are required to notify Selective Service of their new address within 10 days of moving. It is estimated that only five-percent have complied. This is why Carter's SSS director, Bernard Rostker, said back then, and still maintains today, the list maintained by SSS is “less than useless.”

Still, as millions of men live under the heel of lifelong punishments imposed without due process, some in **Congress are pushing to extend this burden to**

women without any serious or public debate. Earlier this year, both the House of Representatives and the US Senate passed versions of the National Defense Authorization Act (NDAA) that included a provision to expand draft registration to women, but the provision was pulled from compromise legislation at the last minute, and we know this is not over. We saw little vocal opposition to expanding Selective Service in Congress, and most has come from a conservative position opposed to drafting women, but not opposed to drafting men. (See full article on the legislative process that unfolded this year in this issue, page 12.)

The upside of these efforts to change the Military Selective Service Act **is that it gives us the opportunity to bring the draft into the public consciousness in a way that has not happened in some 40 years.**

The efforts over the past year largely have been done without regard to public sentiment (which opposes conscription by a majority) and absent full and fair public hearings in Congress. If we are unable to repeal Selective Service, it is likely that it will be expanded to women in the near future. If that happens, it will be a major news event, and an opportunity for action. We know there will continue to be widespread noncompliance among men, as there always has been, and we suspect that there may be even more resistance among women. Opposition also will come from religious pacifist communities, some of whom already have stated publicly that they would refuse to cooperate with registration of women.

Ironically, support for expanding the draft has come from more progressive members of Congress who view it as a way of supporting equality for women. Some even claim to be motivated by feminism, even though NOW – the National Organization for Women – has opposed the draft since registration restarted in 1980, and many movements for peace and against war have been led by women, including the origins of Mother's Day, which Julia Ward Howe devised “to promote...the great and general interests of peace.”

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Members of a new generation of women are able to see through the thin veil “feminism” being used to justify advancing militarism. Mac Hamilton, Advocacy Director of Women’s Action for New Directions (WAND) has explained it very well. “Feminism is about addressing unjust systems, extending personal choice, and producing equal positive outcomes for individuals regardless of their gender....[R]equiring military service does the opposite, taking away personal choice and freedom.”

Forward

The questions for us, now, are these: How can we best support those who resist? How do we mobilize those who are finally becoming aware of the injustice that is conscription? And what can we learn from the past that may help us finally put an end to draft registration and get us one step closer to abolishing the draft, once and for **all**?

We believe it is important for us to look back at what others have done, to learn from successes and to ensure that we will not repeat the mistakes of our past, such as allowing divergent political perspectives to disrupt a solid movement against militaristic conscription. The next few months (or years) will show if we can work side by side with people we disagree with about many things but find common ground in opposing conscription, or if we will we allow those differences to disrupt a unified movement that clearly focuses on the injustice of even the notion of a draft. The threat of expansion to women may be the catalyst we need to finally end **this evil thing*** called conscription.

* * *

* We hope many of you recall the reference to the play, *This Evil Thing*, by our dear friend, Michael Mears, which he wrote and performed to honor Conscientious Objectors on the 100th anniversary of WWI. Learn more and find links to view this play and other of Michael’s works celebrating COs at michaelmears.org.

Draft Registration No Longer Required for College Aid in California

By Rick Jahnkowitz

This article first appeared in Draft Notices, the newsletter of the Committee Opposed to Militarism and the Draft, www.comdsd.org. It is reprinted with permission of the author.

California has now repealed its requirement that students comply with mandatory draft registration in order to be eligible for state-funded college financial aid. The repeal was accomplished via language added to an omnibus education funding bill, Senate Bill 169, that passed the state legislature with a unanimous vote on September 9, 2021. California Governor Gavin Newsom signed the bill into law two weeks later, on September 23.

The federal government’s own ban on student aid for non-registrants was repealed in a similar manner when the U.S. Congress passed an appropriations bill in December 2020. Language added to that legislation stated that “an individual shall not be ineligible” for federal financial aid because of a failure to register with Selective Service (H.R. 133, Consolidated Appropriations Act, 2021).

An analysis of SB 169 that was presented to the California legislature by its budget committee staff noted that the removal of the Selective Service registration requirement “aligns with” the changes enacted at the federal level. It is a key point that several activist groups in California were planning to make in a campaign to repeal the state law: i.e., why should there be a state financial aid ban on the books when the federal government had reversed its own position on the issue? As it turned out, the groups’ budding campaign became unnecessary when it was learned that their goal was about to be accomplished through an initiative coming from within the California legislature’s budget committee.

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This is no small development! The combined changes in the California and federal laws mean that students in the country's most populous state will no longer have to worry that their failure to register for the draft (whether intentional or not) will eliminate the possibility of college for them. There will be a time lag in revising the federal financial aid application form (FAFSA), which is universally used to evaluate eligibility for aid, but colleges must already change their advice to students about draft registration and financial aid.

Unfortunately, many other states still have bans on not only financial aid, but other public benefits as well. For example, some states deny unregistered people the eligibility to even attend a public college, or to receive a driver's license. All of this amounts to a system of coercion that has the greatest impact on youth in low-income communities. And soon, the number of victims of such nonjudicial punishments will greatly increase ... [if] the female population is required to register with Selective Service for the first time.

It is possible that the repeal of the federal and California financial aid bans may usher in a drop in draft registration rates, one that could become much more noticeable with campaigns for similar repeal legislation in other states. If this coincided with what might soon become a groundswell of resistance triggered by requiring women to register, it could significantly weaken the ability of Selective Service to carry out the basic task of conducting registration. That, in turn, would likely push more politicians toward supporting a goal that has so far not been feasible: complete termination of registration and the Selective Service System itself.

For a state-by-state breakdown of penalties to non-registrants, see our website: <https://centeronconscience.org/draft-registration-by-state/>. CCW hopes to support actions at the state levels, similar to what has been done in California, to overturn state-level education penalties. Please let us know if you are working on this in your state or would like to do so.

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the testimony we and others presented had an impact. In all of our conversations with lawmakers and the Commission, we unceasingly reminded them of the unjust, unconstitutional, often life-long, punishments levied against non-registrants. (The repeal bills would overturn all penalites.) In the final bill, Congress directs the SSS to report also on its "appeal" processes for non-registrants. This is a good step! **The current "appeals" process does not respect rights of conscience.** It is possible that we can support efforts to overturn these penalties, if we can provide evidence that they are in violation of the right to freedom of religion and belief. **If you are a CO who has been denied access to public resources because your beliefs prevented you from registering, please share your story with us soon!** The report will be due in 180 days from enactment of the law, and your story could help change this unjust policy!

This struggle is not done. We know that there are lawmakers who oppose drafting women, though they may not necessarily oppose drafting men, and now see repeal as their best option. We will continue to monitor and remain engaged in any attempts to alter SSS law and policy. **CCW remains committed to our mission to extend and defend the rights of COs.**





Legislative Updates on Expanding vs. Abolishing Selective Service

While there have been stand-alone bills to repeal the Military Selective Service Act in Congress for many years, including this year (HB 2509 and S. 1139), most of the activity to change the Selective Service System (SSS) has taken place through the National Defense Authorization Act (NDAA) process.

In anticipation of this year's NDAA, CCW and our allies held a webinar for the public and met with many Congressional staff members to share with them our concerns about Selective Service and to urge them to hold full hearings on the issue. We also made sure they were aware that repealing the Selective Service Act was the best way to protect the rights of conscientious objectors. (The two stand-alone repeal bills mentioned above include language to protect the rights of COs.)

Debate began at the committee levels in the US House and Senate in the spring, when provisions were introduced to require women to register for the draft. On the House side, a "hearing" was held in the Armed Services Subcommittee on Personnel, which included only testimony from members of the now-defunct National Commission on Military, National, and Public Service. (Please see the Fall 2020 *Reporter* for our overview of the Commission's three-year mandate.) The culmination of the Commission's work was to recommend that the draft be expanded to include women. No voices opposing conscription were heard from at that "hearing" or at any other time. In fact, the Senate passed its version without any debate at all.

To our dismay, but not really our surprise, provisions to expand the draft to women were approved in both the

House and Senate versions of the NDAA. Amendments to repeal the Selective Service System (SSS) were not even considered. The vote was bipartisan, confirming that militarism does seem to be the domain of both political parties.

At the 11th hour, as differences between the two bills were being worked out, the provision to include women in any upcoming draft was pulled - or more realistically kicked down the road once again.

The Commission was born of an earlier NDAA compromise, and was perceived at that time to be an attempt to defer a decision about the future of the draft. With women now in combat roles, a male-only draft is no longer legally justified, but lawmakers know that drafting women - and a draft in general - is unpopular in the US. CCW began reaching out to the Commission before they even had staff in 2017. We attended every public meeting and hearing they held. We met directly with Commissioners in December 2019, but it was clear by that point their minds were made up, and they were not interested in the data we presented about the failures and injustices inherent in the SSS (our website is rich with background info on this topic; search "selective service"). We shared the same information with members of Congress, and although it often felt our efforts were in vain, **there is some evidence in the final NDAA that says we did get through to at least some members.**

In the final NDAA, Congress directs SSS to provide assessments of "the SSS in its current organizational form," and "the SSS as a peace-time registration system." While this may just be another delay tactic, it also means that

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