PEACE
FREEDOM SURVIVAL

EDWARD JOHN HASBROUCK
1130 TREAT AVENUE
SAN FRANCISCO, CA 94110
U.S.A.

+1-415-824-0214
edward@hasbrouck.org
http://resisters.info

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National Commission on Military, National, and Public Service (NCMNPS)
Attn: RFI COMMENT — Docket 05–2018–01
2530 Crystal Drive, Suite 1000, Room 1029
Arlington, VA 22202

Via e-mail: national.commission.on.service.info@mail.mil

Re: Request for Information on Improving the Military Selective Service Process and Increasing Participation in Military, National, and Public Service

The comments below are submitted in response to the notice and request for comments, "Request for Information on Improving the Military Selective Service Process and Increasing Participation in Military, National, and Public Service", NCMNPS Docket No. 05–2018–01, FR Doc. 2018–0326, published at 83 *Federal Register* 7080-7081, 16 February 2018.

This Commission has been directed by Congress to "conduct a review of the military selective service process (commonly referred to as 'the draft')"[1], including, "A detailed analysis of the current benefits derived... from the Military Selective Service System".[2] The Commission has also asked, "Is a mandatory service requirement for all Americans... feasible?"[3]

I welcome this inquiry and thank this Commission for the opportunity to submit these comments. In the 30 years since the failure of draft registration and the abandonment of any attempt to enforce the requirement for young men to register with the Selective Service System, there has been far too little attention paid to the (un)feasibility of a draft based on the current registration database, or to the implications for military policy of the failure of draft registration and the unavailability of a draft as a realistic policy option, even as a last resort.

I urge this Commission to report to Congress and the President that no public benefit is being derived from the operations of the Selective Service System, because: (1) most people subject to the registration requirement do not comply, (2) the registration requirement is unenforceable and has proven to be so for decades, (3) the current Selective Service registration database could not be used as the basis for a workable draft, and (4) compliance with orders to report for induction would be even lower than compliance with registration, and even harder to enforce.

1 Public Law 114–328, Sec. 551(a)(1)
2 Public Law 114–328, Sec. 552(b)(1)
3 83 *Federal Register* 7181, also available at <http://inspire2serve.gov/content/share-your-thoughts>

I urge this Commission to recommend repeal of the Military Selective Service Act, abolition of the Selective Service System, expungement of the Selective Service registration database, and restoration of eligibility for Federal jobs, student aid, and all other Federal programs for individuals who have not registered with the Selective Service System.

These recommendations are based on practicalities, not political opinions, informed by intimate personal experience in, and intimate familiarity with the documentary record of, the history of compliance with and enforcement of draft registration since 1980.[4]

Beginning with the resumption of draft registration in 1980, and continuing through the U.S. proxy war in Afghanistan in the 1980s and the U.S. invasions of Kuwait and Iraq in 1991, I served as an (unpaid) organizer with the National Resistance Committee and as an (unpaid) co-editor of *Resistance News*, the national journal of resistance to draft registration.[5]

In 1983-1984, I served 4 1/2 months in the custody of the U.S. Attorney General, most of that time in a Federal Prison Camp, for my willful refusal to submit to registration with the Selective Service System, and for organizing and encouraging resistance to draft registration.[6]

Today, I serve as (unpaid) editor and maintainer of Resisters.info, a Web site about the draft, draft registration, draft resistance, and health care workers and women and the draft.[7]

There is no other service I have done in my life of which I am more proud.

When President Carter proposed to reinstate draft registration in 1980, he described it as a response to Soviet intervention in Afghanistan. But if the U.S. had sent draftees my age to Afghanistan in the 1980s, which side would we have been fighting on?

It should not be forgotten that when draft registration was reinstated, the U.S. was arming and funding the warlords and "mujahideen" who were then fighting against the USSR, and would later turn against the U.S. The U.S. government put me in prison for refusing to agree to fight on the side of the people who would later become the Taliban and Al Qaeda!

It's no wonder that people of my generation and after have no faith in the ability of the U.S. government to decide for us in which wars, or on which (if any) side, we should fight.

But it's not necessary for this Commission, the Congress, or the President to agree with or even to understand the reasons why some people resist the draft and draft registration[8] to assess whether a draft would be feasible – and to conclude, on the evidence, that it would not.

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4 See, "The History of Draft Registration and Draft Resistance Since 1980", <http://resisters.info/background.html>

5 See, "About the National Resistance Committee and Resistance News", <http://resisters.info/nrc.html>

6 See, "Prosecutions of Draft Registration Resisters", <http://resisters.info/prosecutions.html>. For more about my personal biography and philosophy, see "Who Is Edward Hasbrouck? (and why is he bucking the system?)", <https://hasbrouck.org/bio/whoami.html>.

7 <http://www.resisters.info>

8 For some of those reasons, see "Why do some people resist the draft?", <http://resisters.info/why.html>, and my chapter, "Draft Resistance and the Politics of Identity and Status", in *We Have Not been Moved: Resisting Racism and Militarism in 21st Century America*, edited by Elizabeth Betita Martínez, Mandy Carter, and Matt Meyer, PM Press and the War Resisters League, 2012, ISBN 9781604864809, available at <http://resisters.info/draft-identity-status.pdf>.

Before Congress reinstated Presidential authority to order draft registration in 1980, Congress received clear and explicit warning, from the most knowledgeable of experts, as to exactly what would happen, and in the event did, if and when it tried to resume registration.

On 14 April 1980, while legislation to reinstate presidential authority for draft registration and to bring the Selective Service System back from "deep standby" was pending in Congress, the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary held the first of a series of hearings on, "The Civil Liberties and Administration of Justice Implications of Draft Registration".[9]

The hearing opened with a prescient statement by Curtis W. Tarr, who had been the Director of the Selective Service System from 1970-1972:

> "My judgment is that in this national climate, offenders would constitute a significant portion of the total pool.
>
> "If a person were apprehended for failure to obey the law, the next problem would be prosecution.... I doubt whether U.S. Attorneys or Federal Judges would attempt to convict young people in numbers that would ensure reasonable compliance with the law. Reacting to that laxity, counselors would soon advise young people not to register since the penalty would be inconsequential in the unlikely event that the offender were caught.
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> "Once registration has taken place, then records must be maintained. Enforcing a requirement to notify selective service of a changed address would be even more difficult than enforcing the duty to register. Again, courts would not wish to treat this failure as a serious transgression, a further encouragement to non-compliance.
>
> "Thus I foresee the possibility of evasion by large numbers that would overwhelm the agencies for law enforcement and the judiciary."

At the same series of hearings, the Subcommittee heard testimony from opponents of draft registration who described plans and preparations for organized resistance to draft registration. They introduced into the hearing record the founding "Call for Resistance" to draft registration which had been issued earlier that year by the National Resistance Committee, the organization with which I was then working, and which had been distributed at the national "Mobilization Against the Draft" marches against draft registration by tens of thousands of people in Washington, DC, and San Francisco, CA, on 22 March 1980.[10]

Congress and the President ignored Dr. Tarr's warning, but noncompliance with the registration and change of address notification requirements, and the eventual

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9 "Judiciary implications of draft registration – 1980, 96th Congress, 2nd session, April 14 and May 22, 1980." Scanned copy of committee print available at <http://hdl.handle.net/2027/pur1.32754077953648>

10 Reproduced at pp. 130-131 of the committee print, note 9, *supra*. Also available at <http://resisters.info/draft/NRC-call-to-resistance-2MAR1980.pdf>

unwillingness of the Department of Justice to continue prosecutions that were failing to deter widespread noncompliance, unfolded exactly as Dr. Tarr had predicted.

This Commission, and the Congress and President who will consider its recommendations, should not make the same mistake that Congress and the President made in 1980 of failing to look backward at history and forward to the foreseeable future to assess, realistically, the feasibility of enforcing draft registration and a draft based on it.

When men born in 1960, 1961, and 1962 were ordered to register at Post Offices during mass registration weeks in 1980 and 1981, far more of us stayed home than even the most optimistic supporters of draft resistance had hoped for.

Over the next year, widespread publicity about the extent of noncompliance created an increasing crisis of public legitimacy for draft registration and the Selective Service System.

In July 1982, less than a month after the first indictment for violating the new draft registration requirement, Justice Department officials were called before the same Subcommittee of the House Judiciary Committee to answer questions about whether or how they planned to enforce draft registration in the face of the widespread noncompliance.[11]

David J. Kline, Senior Attorney with the General Litigation and Legal Advice Section of the Criminal Division, and Lawrence Lippe, Chief of the General Litigation and Legal Advice Section, appeared before the House Subcommittee on behalf of the Department of Justice. Even when specifically asked, they declined to tell Congress what prosecution policy had been decided on by the Department of Justice or what instructions had been given to U.S. Attorneys.

But internal Department of Justice documents describing and discussing those policies were disclosed to indicted nonregistrants a few months later during pretrial discovery.

The enforcement strategy adopted by the Department of Justice was explained in a memo drafted by Kline and sent over Lippe's signature to D. Lowell Jensen, Assistant Attorney General for the Criminal Division:[12]

> "The total number of nonregistrants will doubtless remain very high when measured against the Department's prosecutive resources.
>
> "However, an initial round of well-publicized, successful prosecutions should have a dramatic effect in further reducing the number of non-registrants....We first would have to accept the simple fact that, although some persons will be prosecuted, there will be others who are neither registered nor prosecuted. Nevertheless, such a policy, geared to present funding levels, might well yield sufficient general deterrence so that the Selective Service system receives sufficient registrations to maintain the credibility of the system."

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11 "Selective Service Prosecutions -- 1982: Oversight hearing before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, House of Representatives, 97th Congress, 2nd session, July 28, 1982." Scanned copy available at <http://hdl.handle.net/2027/pur1.32754075288385>.

12 Kline, memo over Lippe's signature to Jensen, 11 January 1982

Kline's plan was approved, and he instructed all U.S. Attorneys accordingly:

> "We request that United States Attorneys assign any non-registration matters in their districts to experienced Assistant United States Attorneys and ensure that such matters are handled on a priority basis. If the non-registration matters pending within your district can be sufficiently investigated within a short period of time, indictments should be sought before the end of June [1982]."[13]

But prosecutions of selected nonregistrants failed to "yield sufficient general deterrence so that the Selective Service system receives sufficient registrations to maintain the credibility of the system." Compliance *declined* following the prosecutions, for at least three reasons:

First, the overwhelming majority of U.S. Attorneys to whom nonregistration cases were referred ignored their instructions from Washington and chose not to seek indictments -- exactly as former Selective Service Director Tarr had predicted to Congress in 1980.

Hundreds of cases of nonregistrants, possibly as many as 2,000, were referred to U.S. Attorneys between 1980 and 1988, when prosecutions were suspended.

Only 20 of these cases – perhaps as little as 1% of the total – led to indictments.[14]

These were easy cases. Almost all of the nonregistration cases cases referred to U.S. Attorneys were of people who had informed the government of our refusal to register, usually by writing to the Selective Service or other officials, and/or who had publicized our refusal.

Some young men undoubtedly took the opportunity to register without penalty once they were visited by the FBI and told that if they didn't register, they might be indicted. But many, probably at least several hundred, still refused to register. In the overwhelming majority of these cases, U.S. Attorneys exercised their discretion not to prosecute.

Second, the prosecutions of self-identified nonregistrants did nothing to intimidate the much larger numbers who had quietly ignored registration. The Supreme Court upheld the legality of selecting nonregistrants for prosecution on the basis of whether we had spoken out about our resistance, on the theory that locking up the "most vocal" nonregistrants would have the greatest deterrent effect on others.[15] But that theory was proven wrong.

Nonregistrants weren't fools. They got the message, loud and clear, that there was safety in silence as well as safety in numbers, and little or no risk of prosecution unless they chose to single themselves out in the most flagrant possible ways. The selective prosecutions, and the publicity about selective prosecution, reassured and encouraged quiet nonregistrants.

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13 Kline, Telex to all U.S. Attorneys, 14 June 1982. The first indictment was returned 30 June 1982 against Ben Sasway in San Diego, generally perceived at the time as a pro-military "Navy town". The case against me was assigned to an inexperienced Assistant U.S. Attorney in Boston, Robert S. Mueller III, and I was indicted in one of the Federal districts least likely to be sympathetic to the prosecution of draft registration resisters. This apparent disregard in my case for the recommendations from Main Justice appears to reflect AUSA Mueller's personal animus (as a Marine combat veteran) toward draft resisters and his willingness, and that of U.S. Attorney William F. Weld, to allow their personal political opinions to influence their exercise of prosecutorial discretion. The case was Mueller's first high-profile prosecution.

14 "Prosecutions of Draft Registration Resisters", <http://resisters.info/prosecutions.html>

15 Wayte v. U.S., 470 U.S. 598 (1985)

Third, the government had to prove actual knowledge of the requirement to register. That ensured that nonregistrants would get a "last chance" to register after being given personal notice of their duty to register, and could wait to register until then with impunity.

In the one case in which the government picked out and indicted a nonregistrant who hadn't publicized or informed the government about his knowledge of the registration requirement, the prosecutor had to drop the charges in embarrassment when it became clear that the man indicted hadn't known that he was required to register.[16]

In the one case of a vocal nonregistrant who chose not to concede the element of knowledge and willfulness at trial, the conviction was eventually overturned because the trial judge had failed to instruct the jury adequately about the government's burden of proving actual knowledge of the registration requirement.[17]

To the extent that they heard about these cases, men subject to draft registration learned that if they were singled out for possible prosecution, they would have to be offered a "last chance" to register without penalty after they were personally advised of their legal obligation to register. Unless and until they were given such a "final warning" in person by the FBI, they could quietly ignore registration without incurring any real risk of prosecution.

It became clear that for someone who wanted neither to be drafted nor to be jailed, the safest course of action was, as it still is today, to quietly ignore registration.

In 1988, the Department of Justice threw in the towel and suspended prosecutions of nonregistrants – a suspension that has continued to this day, 30 years later.

The 1988 decision to suspend prosecutions was publicly disclosed by a Selective Service System spokesperson in a 2016 interview with *U.S. News & World Report*:[18]

> "In the late '80s the Justice Department discontinued prosecutions. Dick Flahavan, a spokesman for the Selective Service who was with the agency at the time, recalls the Justice Department 'decided that since there was no draft and there was high compliance, there are limited resources and the FBI's time would be better spent chasing white collar crime than some Mennonite kid through Pennsylvania.'
>
> "'We said, "Fine, we understand," and that's why it ended in '88,' he says. 'The agency [Selective Service System] did agree to what the Justice Department proposed, a suspension of prosecutions [during peace time]. Since they did the prosecutions we didn't have much leverage anyways....'

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16 See list of all 20 indictments for nonregistration since 1980 and summaries of outcomes including dismissals or verdicts and sentences in all cases at "Prosecutions of Draft Registration Resisters", <http://resisters.info/prosecutions.html>

17 U.S. v. Kerley, 838 F.2d 932 (7th Cir. 1988)

18 "Gender-Neutral Draft Registration Would Create Millions of Female Felons", by Steven Nelson, U.S. News & World Report, 3 May 2016, <https://www.usnews.com/news/articles/2016-05-03/gender-neutral-draft-registration-would-create-millions-of-female-felons>

"Flahavan says the Selective Service had hoped for a much stronger approach from federal prosecutors, but was rebuffed....

"If someone registered just before trial, the prosecution would be dropped, Flahavan notes, making the pursuit of resisters 'really a losing proposition for the feds" and often "a big waste of time.'

"In 1987 a Justice Department spokesman told The New York Times it was preparing a policy through which the Selective Service System would periodically refer 200 names for prosecution. But that never happened.

"'I think they were happy to walk away from it and we understand why,' Flahavan says. 'It was very labor intensive and very little came of it, although the government won [in the sense that most of the 20 men indicted were convicted].'"

Any plan to continue draft registration, expand it to women and/or to individuals with specified skills, and/or use it as the basis for a draft or compulsory "service" would either have to include a plausible plan for enforcement of registration or acknowledge that individuals can opt out of registration without risk of prosecution, as long as they do so quietly.

But nonregistration is only the tip of the iceberg of noncompliance with draft registration. Nonregistration is neither the most common form of noncompliance with draft registration, the most difficult to enforce, nor the most significant in the effect it would have on any attempt to use the current registration database as the basis for a draft.

Most young men, although far from all (and far fewer than is generally assumed), register with the Selective Service System at some time, at some address.

Most often this is either because they live in a state that links draft registration to obtaining a drivers license or to other state programs, because they are seeking Federal financial aid or loan guarantee for education or job training, or because draft registration is a condition of U.S. residency or naturalization as a U.S. citizen.

It's important to note, however, that a substantial portion of the U.S. population lives in states including California where there is no linkage of draft registration to any state program. Use of drivers' license funds for draft registration or other purposes unrelated to motor vehicle operations would violate California's state Constitution, and the California legislature has voted repeatedly against bills to link drivers' licenses to draft registration.

It's also important to recognize that if the only reason people have registered with the Selective Service System is in order to obtain a drivers' license or a student loan, the fact that they are registered says nothing about whether they would be willing to be drafted.

But draft registration is a continuing obligation, not a once-in-a-lifetime act. All male U.S. citizens or residents are required to notify the Selective Service System each time they change their residence until they reach their 26th birthday.

Compliance with this requirement to notify the Selective Service System of changes of address is extremely low. Most men subject to draft registration have moved without notifying the Selective Service System. Most addresses on file with the Selective Service System are obsolete. If a draft were to be conducted based on the current registration database, most induction notices would either wind up in the dead letter office, or would be delivered to former addresses, most likely parents' addresses at which registrants lived when they were 18.

There has been no independent audit of the accuracy of the Selective Service registration database, including the accuracy of registrants' addresses, since 1982. But already by 1982, only two years after the first registrations were submitted, the GAO found that 20% to 40% of the registrations on file with the Selective Service System contained obsolete addresses. "Also, we estimate that the percentage of outdated addresses at the end of the second through the fifth years following registration would be 32.5, 41.1, 52.8, and 61.6 percent respectively. Furthermore on the basis of Census data for older persons within the draft-eligible ages we estimate that about 75 percent of the addresses provided to the Selective Service at the time of registration would be outdated by the end of draft eligibility."[19]

Bernard Rostker, Director of the Selective Service System from 1979-1981 during the attempt to resume draft registration, discussed some of the legal problems that this would cause in the event of a draft an interview with the *Washington Post* in December 2017:

> ROSTKER: The list that they have I doubt could pass the legal definition of a complete and objective list, because it is structurally flawed and Selective Service knows it.
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> CUNNINGHAM: Many young men don't ever actively register for the draft themselves. Their states automatically send their information to the Selective Service when they get a driver's license. But if they move apartments -- or across the country -- the information doesn't necessarily get updated. And what about the men without driver's licenses? Or the ones who live in states that don't automatically register them?
>
> ROSTKER: It's a list that I'm sure the courts would throw out immediately because it's not accurate.[20]

Obsolete addresses would make it difficult to enforce induction orders, even if the courts didn't find that the registration list was too inaccurate to provide for due process.

Because it it would be impossible to prove that registrants knew they were supposed to notify the Selective Service System of changes of address, or to prove that they had received induction notices unless they signed for them, registrants could and would safely avoid induction simply by not signing for any certified letters from the Selective Service System.

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19 "Failure Of Registrants To Report Address Changes Would Diminish Fairness Of Induction Processing", General Accounting Office report FPCD-82-45, 24 September 1982, <https://www.gao.gov/assets/140/138752.pdf>

20 "On Leadership: Episode 12 of the Constitutional podcast: 'The common defense'", by Lillian Cunningham, Washington Post, 4 December 2017, <https://www.washingtonpost.com/news/on-leadership/wp/2017/12/04/episode-12-of-the-constitutional-podcast-the-common-defense/ >

They could neither be inducted nor prosecuted unless and until they had been tracked down and notified in person by FBI agents that they would be prosecuted if they did not report for induction. As with registration itself, they could ignore the draft with impunity until then.

As for induction notices delivered to registrants' parents, many parents would choose to destroy them rather than forwarding them to their children. Yes, destroying an induction notice, if provable, could itself be a crime. But many parents would, in such a situation, choose to shift the risk of prosecution for violating the draft law from their children to themselves.

Whether or not they have registered, the feasibility of any draft or any system of compulsory service depends critically on whether draftees will submit to induction.

It is clear from the history of draft registration since 1980 that young men will not comply voluntarily. Is it realistic to assume that women would be more willing to submit to draft registration and/or an actual draft then men have been?[21] Or that health care workers or other older women and men with specialized skills would be more willing to submit?[22]

Draft resisters are often accused of being naïve and unrealistic. But the naïveté is on the part of those who assume that people who have registered with the Selective Service System only as an automatic corollary of obtaining a driver's license, in order to obtain student loans or job training, or to avoid prosecution, would necessarily submit to induction if ordered.

Having told young men for decades that, "It's just registration, not a draft," it would be the height of self-delusion to interpret registration as an indication of willingness to be drafted.

Having adopted an explicit policy and practice of prosecuting only those who spoke out about our refusal to register, it would be the height of self-delusion to interpret the resulting silence as an an indication that there is no opposition to draft registration or the draft.

There is currently no national organization the primary focus of which is opposition to the draft or draft registration. But that doesn't mean that there is no opposition, or that there would be no resistance to any effort to expand registration or to resume inductions.

The tendency to ignore or minimize the significance of silent noncompliance has been criticized as follows by the political anthropologist and scholar of resistance James C. Scott:

> "Much of the active political life of subordinate groups has been ignored because it takes place at a level we rarely recognize as political. To emphasize the enormity of what has been, by and large, disregarded, I want to distinguish between the open, declared forms of resistance, which attract most attention, and the disguised, low-profile undeclared resistance.... For many of the least privileged minorities and marginalized poor, open political action will hardly capture the bulk of political action.... The luxury of relatively safe, open political opposition is rare...

21 See, "Women and Draft Registration", <http://resisters.info/women.html>, and links from that Web page including, "Dump draft registration, don't extend it to women" Op-Ed, San Francisco Chronicle, 4 June 2016, <https://www.sfchronicle.com/opinion/article/Dump-draft-registration-don-t-extend-it-to-7964100.php>

22 See, "Health Care Workers and the Medical Draft", <http://www.medicaldraft.info>

"So long as we confine our conception of the political to activity that is openly declared we are driven to conclude that subordinate groups essentially lack a political life.... To do so is to miss the immense terrain that lies between quiescence and [open] revolt and that, for better or worse, is the political environment of subject classes.... Each of the forms of disguised resistance... is the silent partner of a loud form of public resistance."[23]

"Desertion is quite different from an open mutiny that directly challenges military commanders. It makes no public claims, it issues no manifestos, it is exit rather than voice. And yet, once the extent of desertion becomes known, it constrains the ambitions of commanders, who know they may not be able to count on their conscripts.... Quiet, anonymous,... lawbreaking and disobedience may well be the historically preferred mode of political action for... subaltern classes, for whom open defiance is too dangerous."[24]

In addition to questions about the military draft and draft registration, this Commission asks, "Is a mandatory service requirement for all Americans... feasible?"

Leaving aside for a moment the contradiction between "mandatory" and "service", I have to point out that a requirement applicable only to certain age cohorts would be neither "universal" nor applicable to "all Americans". That a program which would likely be age-specific (and, to be more precise, youth specific) can be described as applying to "all" is symptomatic of the profound depths of unconscious ageism in which conscription is rooted.

But not all opposition to military conscription is focused solely on its military purposes. Most draft resistance is not pacifist, and much of it has been motivated by anti-imperialism rather than anti-militarism. There is also opposition to conscription in itself, independent of its use for military purposes, and to the unfairness in its application including its ageism.[25]

Regardless of the age or age range to which such a mandatory requirement might be applied, it would face such widespread resistance as to render it unenforceable and unfeasible.

Practical issues of <u>compliance, noncompliance, and enforcement</u> are likely to be dispositive of whether any continuation, modification, or expansion of draft registration, or any conscription or compulsory "service" program, will be feasible.

Accordingly, I urge this Commission to devote at least one of your current series of panel discussions, and one of your planned later formal hearings, solely to these essential practical issues, and to include panelists and witnesses from within the Resistance. Don't make the same mistake that Congress made when it ignored the evidence before it in 1980 that widespread noncompliance would make draft registration unenforceable, as in fact it did.

I would welcome an opportunity to meet with members and/or staff of the Commission, to participate in one of its panels, and/or to testify at one of its formal hearings.

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23 James C. Scott, Domination and the Arts of Resistance, Yale University Press, 1990, pp. 198-199

24 James C. Scott, Two Cheers for Anarchism, Princeton University Press, 2012, pp. 10-11

25 Note 8, *supra*.

The Commission also want to know what the government could do to encourage "service", particularly by young people. Here are some preliminary answers:

1. "Compulsory service" is, by definition, slavery. If you want to encourage any positive definition of service, it must be voluntary, and completely separate from any system of conscription. You cannot have a system that serves both conscription and positive "service". If you are doing something because of the carrot of financial rewards or the stick of threatened prosecution or other punishment, it's servitude, not service.

   After my conviction for refusal to register for the draft, I was initially sentenced to six months' incarceration, suspended on condition that I perform 2,000 hours of "service". Although my probation officer testified – quite courageously – that she believed that my antiwar and nuclear disarmament work satisfied the conditions of my sentence, the judge later revoked my probation and ordered me locked up because he disagreed with the political statement made by my work.

   It was a lesson in the relationship between conscription and compulsory "service", and of the politicization of the definition of acceptable "service".

2. "Military service" is, by definition, service to the cause of war. If you want to encourage any non-warlike notion of "service", you need to separate it completely from military recruiting, military training, or incentives for military enlistment.

3. People can best "serve" by making their own choices. "Service" should not be limited to options approved by the government for nonprofit status. We need youth leadership to save us from the threats of nuclear and climate-change calamities that we older people have created. We need to allow young people to lead, not force them to follow. Accepting youth leadership means allowing young people to make choices that older people would not have identified for them.

4. The greatest limitation on the ability to "serve", especially for young people, is student debt that forces people to seek higher-paying jobs. This is the new form of the "channeling" of young people's choices by the Selective Service System.[26] The best way to enable more people to "serve" is to free them from student and vocational-training debt by recognizing education as a human right and shifting funding for education and job training from loans to grants.

Peace,

Edward Hasbrouck
San Francisco, CA
19 April 2018

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26 See the leaked 1965 Selective Service System memorandum, "Channeling", available at <http://resisters.info/channeling.html>

San Francisco Chronicle, Tuesday, June 07, 2016

OPEN FORUM *On Selective Service Registration*

Don't extend draft to women — end it

By Edward Hasbrouck

Congress is now debating amendments to a pending defense bill to either extend Selective Service System registration to women or end it entirely. Congress should drop this costly and inevitably futile attempt to extend draft registration to women and, instead, end the draft registration altogether.

The debate was prompted by the change in policy that allows women in combat. If all combat assignments are open to women, then it follows that there is no longer a basis in military policy for requiring men but not women to register for the draft. If Congress does nothing, pending court cases are likely to produce a ruling that the men-only draft registration requirement is unconstitutional.

Those who believe in treating women and men equally include those who would register both men and women for the draft and those who wouldn't require anyone to register. Missing from this debate has been whether it will even be possible to get women to register.

President Jimmy Carter's proposal to reinstate draft registration in 1980, after a five-year hiatus, initially included men and women. Some of the strongest opposition came from women. The National Resistance Committee was founded at the Women's Building in San Francisco within weeks of Carter's announcement.

Carter's rationale for bringing back draft registration was to prepare for U.S. intervention in Afghanistan in support of the fighters who were then referred to as "mujahedeen," and who later became the Taliban and al Qaeda. (The U.S. government put me in prison in 1983-1984 for refusing to agree to fight on the side of the Taliban and al Qaeda.)

In the early 1980s, the government tried to scare young men into registering by prosecuting a handful of vocal nonregistrants. But the show trials backfired. They called attention to the resistance and made clear that there was safety in numbers. Enforcement of draft registration was suspended in 1988, and never resumed.

Young men today have to register in order to be eligible for student aid and some other government programs, but there's no attempt to verify their addresses. The only audit of Selective Service, in 1982, found that 20 to 40 percent of addresses on file already were outdated. Noncompliance has made registration unenforceable and the registration database useless as the basis for a fair or inclusive draft.

Any realistic budget for the expansion of draft registration to women would need to include the cost to track down, prosecute and imprison those who resist.

Young women have the same reasons as young men to oppose draft registration, and will undoubtedly have other reasons of their own. A petition to end draft registration entirely, started last month by a draft-age San Francisco woman, Julie Mastrine, got more than 10,000 signatures in its first week. The petition quotes the young feminist writer Lucy Steigerwald, "You don't stop the runaway truck of U.S. foreign policy by throwing a man in front of it, and you definitely don't stop it by throwing a man and a woman, just to make things equal."

The federal government doesn't do well at acknowledging that its power is limited by the willingness of the people to carry out its orders. But draft registration has failed. The only realistic choice is to end it.

Edward Hasbrouck is a travel writer and human rights activist in San Francisco. His website about the draft, draft registration and draft resistance is at Resisters.info.