



Center on Conscience & War

Board of Directors

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American Civil Liberties Union
125 Broad Street, 18th Floor
New York NY 10004
ATTN: Vania Leveille, Senior Legislative Counsel

To the staff and board of the ACLU,

December 12, 2016

This letter is written with serious concern about your organization's decision to join a coalition of groups urging the ranking members of the House and Senate Armed Services Committee to include language requiring women to register for the draft in the 2017 National Defense Authorization Act (NDAA).

We trust that you are aware that the NDAA passed by Congress does not call for the registration of women, and instead establishes a National Commission on Military, National, and Public Service with a mandate to study whether "there continues to be a continuous or potential need for a military selective service process . . . and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex."¹

We hope after reading this letter, your organization will reconsider your previous action and publicly step back from encouraging the extension of the registration requirement to women. Instead, we urge your organization to support H.R. 4523 to put an end to the Selective Service System altogether.

As communities committed to civil and human rights, the rule of law, and equality for all, our task must be to challenge the registration system, not add women to the group on which the registration requirement is imposed.

On February 10, 2016, HR 4523 was introduced in the House. It would repeal the Military Selective Service Act, and abolish the registration requirement for everyone, while requiring that "a person may not be denied a right, privilege, benefit, or employment position under Federal law" for having refused or failed to register before the repeal. This denial of rights, privileges, and benefits amounts to extrajudicial and unconstitutional punishments endured by individuals who were never charged with a crime, never prosecuted or convicted, and never afforded the opportunity to mount a robust defense for their actions. They are facts of life for millions of men today who are not registered with Selective Service, and they particularly target people who are economically

¹ 2017 NDAA Conference Report, sec. 555(c)(2)(A)

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Executive Director: Maria Santelli Counseling Coordinator: Bill Galvin

"Stopping war one soldier at a time"

disadvantaged, as well as conscientious objectors who believe that registering with Selective Service is a form of participating in war.

The penalties for failure to register are potentially quite severe: it is a federal felony carrying a penalty of up to five years in prison and a fine of up to \$250,000. But instead of affording violators their right to due process, the federal government, beginning in 1982, enacted punitive legislation and policies designed to coerce men to register. These laws, commonly called “Solomon” laws after the member of Congress who first introduced them, mandate non-registrants be denied the following:

- federal financial aid to college students;
- federal job training;
- employment with federal executive agencies;
- citizenship to immigrants.

Many states have followed with similar laws that deny non-registrants access to state government employment, state institutions of higher learning and student aid, and state issued drivers’ licenses and IDs.

Selective Service has said consistently that their goal is to increase registration rates, not prosecute non-registrants. They happily accept late registrations until a man turns 26, after which time it is no longer legally or administratively possible to register. Because there is a five-year statute of limitations for violations of the Selective Service law, once a nonregistrant turns 31 he can no longer be prosecuted, **yet the denial of some federal and state benefits extends throughout his life.**

Former Selective Service director Gil Coronado once observed, “If we are not successful in reminding men in the inner cities about their registration obligation, especially minority and immigrant men, they will miss out on opportunities to achieve the American dream....Unless we are successful in achieving high registration compliance, America may be on the verge of creating a permanent underclass.”²

The extrajudicial penalties imposed upon those who choose not to or fail to register make life more difficult for many who already are marginalized. If the registration requirement is extended to women, so too will the penalties for non-compliance. Inevitably, young women will join the “underclass” of men across the country already denied access to opportunities, citizenship, and drivers licenses or state-issued identification cards. In the age of Voter ID requirements, the latter may result in stripping many more already marginalized people of a most fundamental right of democratic expression: the vote.

The argument that extending the registration requirement to women is a way to help reduce gender-based discrimination is specious. It does not represent a move forward for women; it represents a move backward, imposing on young women a burden that young men have had to bear unjustly for many decades – a burden that no young person should have to bear at all. Even more disturbing, this argument fails to acknowledge or address the pervasive climate of sexism and sexual violence that is the reality of military life for many women who serve.

² FY 1999 Annual Report to the Congress of the United States, from the Director of Selective Service, p.8.

If the argument for requiring registration of women as well as men, often framed erroneously as an argument for “equal rights,” prevails, our society’s already swift move toward normalizing military violence for youth and young adults in general, will gain a particular focus on women’s participation in military violence. We believe that those responsible for military recruitment understand this very well, and that the push to extend the registration requirement to women is made – at least in part – because it will become a facilitating factor for recruiting more people to fight our current endless wars. At the very least, it serves as one more avenue by which militarism continues to invade civil society.

We urge your organization to engage in a serious and forthright discussion of these concerns, with the hope that you will rescind support for extending to women the requirement to register for military conscription. We hope that such a change of position would be announced through a press release, posted on your organization’s website, and made clear to all of your organization’s state and local branches.

If it hasn’t already, we hope also that your organization will publicly support ending the registration for men and Congressional proposals to abolish the Selective Service System (H.R. 4523 and S. 3041 in the current Congress).

Thank you for your consideration of these concerns and requests. Please feel free to be in touch with questions, responses, and requests for more dialogue about this matter.

With best wishes, and gratitude for your organization’s good work,

Alternatives to the Military (Lincoln, NE)
American Friends Service Committee (AFSC)
Kathy Barker, Washington Truth in Recruiting
Brethren Volunteer Service
Center on Conscience & War
Committee Opposed to Militarism and the Draft
Nancy Cruz, Board of Trustees, Project YANO (Youth & Non-Military Opportunities)
Friends Committee on National Legislation (FCNL)
Fox Valley Citizens for Peace and Justice, Elgin, Ill
Jewish Peace Fellowship
National Network Opposing the Militarization of Youth
Northwest Suburban Peace & Education Project (Ill)
Presbyterian Peace Fellowship
Bill Scheurer, Executive Director, On Earth Peace
Stop Recruiting Kids Campaign
War Resisters League

CC: Daniel Mach, Director, Program on Freedom of Religion and Belief

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