

*Please be clear that at the present time, April 2006, there is no military draft. These guidelines would only take effect if and when a procedure for non-volunteer military enlistment (draft) is established by the United States Congress.*

*Church of the Brethren, Selective Service, and War*  
**How the Draft Would Work and Conscientious Objection**  
by John Hartsough, Manchester, Indiana

Although the United States has maintained its perceived need for military readiness with volunteers in recent years, the need for extra people in the military can be filled quickly with Congressional approval of a Presidential initiative. The mechanism of the draft system, used in some form for certain periods during the past 60 years, has continuously been maintained and is functional under two different Procedure Manuals of the Selective Service System (SSS). This includes the maintenance of local boards, the members of whom are volunteers, approved by the President. These members receive annual training. It is expected that if, or when, an active draft is reestablished that area offices of the Selective Service System would be staffed within three days, and SSS would provide, to the United States Department of Defense (DOD), tens of thousands of new inductees within weeks or months.

Law requires young men who are United States citizens, or resident aliens to register their names and addresses with the SSS during a sixty-day period beginning thirty days before their eighteenth birthday. Registration can be done at a U.S. Post Office on Form SSS 1, over the SSS website, or by telephone. Many eighteen-year-old men will receive, by mail, SSS Form 1 directly from SSS. The SSS has many sources of names for its mailing lists including Social Security records, public school records, the Department of Education, federal job training forms, state driver's license records, and the DOD. The DOD shares name lists with SSS which have been collected, by DOD, for the purpose of recruitment. The DOD has similar sources of names, including lists provided by companies in the private sector. The responsibility to register and to maintain current records with SSS lies with the individual. When a young man registers with SSS, he will be assigned a ten digit selective service number (SSN), different from and not to be confused with the nine digit social security number (SSN also). In past history there has never been a registration and draft of females for the U.S. Military.

Penalties for not registering include a maximum of six years imprisonment and a \$250,000 fine, although the maximums have yet to be utilized. SSS estimates that twelve to fourteen percent of eligible people do not register, either because of ignorance or conscience. There is no intention, at this time, for SSS to energetically prosecute nonregistrants. Presently, the most detrimental aspects of nonregistration have to do with the Solomon Amendments. These amendments were riders on appropriation bills, which prevent nonregistrants from receiving federal student financial aid to colleges and medical schools, and prevent nonregistrants from participating in federal job-training programs. As response to the Solomon Amendments, some churches have educational funding for which a noncooperator may apply. The Thurmond amendment prevents nonregistrants from obtaining employment with any federal executive agency, which includes most federal jobs. There are some penalties at the state level. Presently 27 states do not issue driver's licenses or ID's for nonregistrants, and some state laws mirror the Solomon and Thurmond amendments, while some go beyond those amendments by refusing admission of nonregistrants to state supported educational institutions.

If a draft is reestablished, the order in which the draft eligible population is inducted will be determined by a lottery consisting of numbers 1 through 365 randomly paired with days of the year. Young men are called for induction based on the day of their birth in the order of the randomly sequenced numbers beginning with one. The lottery is separate for each age group of the eligible population, and is redone annually. Each year the twenty-year-old group is the first from which inductees will be obtained. Twenty-year-olds not inducted from the twenty-year-old-group will be retained for ninety days into the next year by placing them in the Extended Priority Selection Group (EPSG), even if they are twenty-one years old. This extends the chances of being drafted as a twenty-year-old. Only after ninety days into the new year will they be placed in the twenty-year-old group. If an inadequate number of inductees are available from the twenty-year-old group and the EPSG, then inductees will be drawn from the twenty-year-old group, and so on up through twenty-six years of age, then back to nineteen years of age, and lastly, from the eighteen year old group. SSS has learned that in order to get the number of inductees called for by the President, about three times that number of induction orders need to be sent. Presently, SSS calculates there to be about two million young men in each age group from which inductees can be drawn.

Potential inductees, chosen through the lottery system, would be sent SSS Form 252 "Order to Report for Induction." This form orders the inductee to appear at the nearest Military Entrance Processing Station (MEPS). Since there is no way provided for a Conscientious Objector to War (CO) to state his belief on SSS Form 1, the first time a CO can make his position known to SSS is after receiving SSS Form 252. Within ten days following the receipt of SSS Form 252, and only within that ten-day period, the CO must contact his local board and request SSS Form 8, "Claim for Reclassification". The CO will return SSS Form 8, indicating a desire to be reclassified as a CO. SSS will then send SSS Form 22, "Claim Documentation Form Conscientious Objector." All documentation supporting the CO position must be included with the return of Form 22 to SSS local boards.

There are variations to this induction plan depending on which Procedures Manual is followed by SSS. It could be that the ten-day period for reclassification would occur after the physical examination at the MEPS. The CO will need to consider counseling with someone knowledgeable with SSS rules upon receipt of an induction notice in order to determine which Procedure Manual is being used. The CO should not depend on SSS to provide the necessary information and details surrounding timing of the request for reclassification, nor the consequences of not reporting to the MEPS. The CO who waives his MEPS exam waives his right to any other claims for reclassification in the future. SSS is trying to get all CO's, to take the physical exam.

The CO will be required to appear personally before the local board. The requirements of a valid CO claim are (1) to state that he is a CO; (2) to demonstrate that his position is based on religious training and belief; (3) and to demonstrate that he is sincere. The first requirement must state that the CO is opposed to participation in war in any form. SSS urges the local boards to determine if the CO candidate opposes participation in only a particular war, or all war. The wording and concepts of the second requirement have been tested in many court cases. The Seeger case in 1965 and the Welsh case in 1970 show that SSS, for all practical purposes, makes no distinction between moral and ethical beliefs, or religious beliefs. The third requirement relies on documentation of a consistent lifestyle, including testimonies about the CO by people who know him. It is wise for the CO to keep in mind that local boards, although civilian, will tend to be motivated by patriotism and sympathy with the military, and that activation of the local board will happen, most probably, under a Congressional Declaration of a national emergency. That will not

be favorable for a calm and dispassionate assessment of the CO. However, board members are not free to reject beliefs because they find them incomprehensible. They cannot favor one religion over any other, and no belief, whether based on morals, ethics or religion can be given preferential consideration. The CO is not expected to express his beliefs in other than commonly understood language, and his written and oral usage of the language should be consistent. As a cautionary note, the appearance before the local board is a method by which a young man has the right to express his beliefs, but should not be used as a platform from which an attempt is made to change the board member's own beliefs.

Conscientious Objectors in the United States have a legally sustained position since the laws creating SSS say that citizens of the United States who sincerely hold beliefs that it is wrong for them to participate in war cannot be drafted and forced to go into the military and fight. On the other hand, they are not exempted from the draft, so they will be drafted to serve in a noncombatant military role, or as a civilian in SSS approved alternative service. These options are SSS classifications 1-A-O, and 1-O respectively.

**It should be understood that information contained in this paper is based upon the present laws. Congress, during a declared national emergency, could act very quickly in ways that could affect SSS and the draft.**

## **References**

- The Draft Counselors Manual, Sixth Edition*, Bill Galvin and J. E. McNeil, Center on Conscience and War, 1830 Connecticut Avenue NW, Washington D.C. 20009
- Center on Conscience and War website [www.nisbco.org](http://www.nisbco.org)
- Selective Service System website [www.sss.gov](http://www.sss.gov)
- Selective Service System Information telephone: 703-605-4100

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