



# Center on Conscience & War

## Board of Directors

*Rev. Chris Antal, Ellen Barfield, Dan Cole, Nolan Fontaine  
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December 27, 2019

The Center on Conscience & War is pleased that Rep. Peter DeFazio and Rep. Rodney Davis introduced H.R. 5492, which would repeal the Military Selective Service Act, and thereby terminate the registration requirement and end the penalties that have been imposed on those who have failed to register.

CCW urges the *Commission* to call on Congress to adopt of this legislation in its report.

While we appreciate that Selective Service is working to provide alternative service for conscientious objectors who would be drafted, and the current plans for placing conscientious objectors are better than how it was done previously, we believe shutting down Selective Service is the best way to support conscientious objectors who are affected by Selective Service law. Eliminating the penalties against people who have failed to register is the best way to support those conscientious objectors who see registration itself as a form of participating in war. This Bill accomplishes both of these things.

The Bill also eliminates and overturns penalties imposed on individuals who have failed to register, including those who have failed to do so for reasons of conscience. Eliminating penalties imposed on those who have not been convicted of a crime (or even charged with committing a crime) would go a long way towards restoring our confidence that the government is respecting the rule of law and following the Constitution. Enacting penalties without due process amounts to an unconstitutional bill of attainder.

We urge the adoption of H.R. 5492:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. Repeal of Military Selective Service Act.

(a) Repeal.—The Military Selective Service Act ([50 U.S.C. 3801 et seq.](#)) is repealed.

(b) Transfers in connection with repeal.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act ([50 U.S.C. 3809\(a\)\(4\)](#)), the Office of Selective Service Records shall not be reestablished upon the repeal of the Act. Not later than 180 days

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“Stopping war one soldier at a time”

after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services upon the repeal of the Act. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) Effect on existing sanctions.—

(1) Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(2) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a). In this section, "State" means a State, the District of Columbia, and a territory or possession of the United States.

(d) Failing to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a), shall not be reason for any entity of the U.S. government to determine that that said person lacks good moral character or is unsuited for any privilege or benefit.

(e) Nothing contained in this title shall be construed to undermine or diminish the rights of conscientious objectors under current laws and regulations of the U.S.

Thank you,

Bill Galvin

For the Center on Conscience & War