



Refuse to Register
NO REGISTRAR
CONSCRIPCION NO

*poster by Fred Moore for the
National Resistance Committee*

Resisters.info

Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110

+1-415-824-0214
edward@hasbrouck.org

<https://resisters.info>

**Additional public comments and legislative recommendations to the
National Commission on Military, National, and Public Service (NCMNPS)**

23 December 2019

Members of the Commission:

I urge the Commission to include H.R. 5492, in its entirety, in the legislation you recommend in your Final Report. H.R. 5492,¹ the text of which is attached, was introduced in the U.S. House of Representatives on 19 December 2019 by Representatives Peter DeFazio (D-OR) and Rodney Davis (R-IL). This bipartisan bill would accomplish exactly what I and other anti-draft and anti-war organizations and activists have recommended to the Commission.

In my testimony at your formal hearing on 25 April 2019,² and in a conference call between members of the Commission and anti-draft and anti-war activists on 13 November 2019,³ I asked the Commission to recommend that the requirement for young men to register with the Selective Service System be repealed; that all Federal sanctions for nonregistration be repealed; and that all state sanctions for nonregistration be preempted by Federal statute.

These same legislative recommendations were also made by other organizations that participated in the conference call with the Commission on 13 November 2019, and by other organizations and activists who have submitted written comments to the Commission.

1. See bill info at <<https://www.congress.gov/bill/116th-congress/house-bill/5492>>. Because the text of H.R. 5492 is not yet available at Congress.gov, and may not be posted there until after the deadline for submission of public comments to the Commission on 31 December 2019, I have attached a copy of the bill as part of this submission to the Commission.
2. See written testimony at <<https://inspire2serve.gov/api/files/225>>.
3. See written statement at <<https://inspire2serve.gov/api/files/381>>.

H.R. 5492 provides a model for legislation to implement these recommendations.

While there has not been time for most organizations to consider formal endorsements of H.R. 5492 in the brief time between the introduction of this bill and the deadline established by the Commission for public comments, I believe that H.R. 5492 accurately reflects the consensus of recommendations made to the Commission by anti-draft and anti-war activists and organizations and by the tens of thousands of signatories of petitions submitted to the Commission asking that draft registration be ended entirely.⁴

H.R. 5492 is the first, and to date the only,⁵ legislative proposal introduced in Congress or submitted to the Commission that includes Federal preemption of state sanctions for failure or refusal to register with the Selective Service System as required by Federal law, regulations, and Presidential proclamations.

As I discussed in my earlier written statement⁶ to the Commission and during our conference call on 13 November 2019, this Federal preemption provision is essential to provide closure to this issue and to avoid a lifetime of continuing and inconsistent state sanctions against nonregistrants, costly and distracting state-by-state litigation with respect to their continued validity, and continuing state and Federal legislative debate about them.

I expect that the Commission may recommend a package of legislation including measures to address other issues, such as to provide additional funding for voluntary service programs. However, I urge you to incorporate the provisions of H.R. 5492, in their entirety, in your Final Report as your recommendations with respect to the Selective Service System.

Peace,

Edward Hasbrouck

Attachment: Text of H.R. 5492 as introduced in the U.S. House of Representatives

-
4. See petition with 25,497 signatures, “Don't Force Women to Register for the Draft, Dump the Draft Entirely”, which I delivered to Commission Chair Heck and Commission staff at the Commission’s public event at California State University, Los Angeles, 20 September 2018; available at <<https://hasbrouck.org/draft/petition-signed-all.pdf>> but not yet included in the public comments posted on the Commission Web site or released in response to my FOIA requests.
 5. To the (incomplete) extent that, months after the deadlines for responses to Freedom Of Information Act requests, the recommendations received by the Commission have been posted by the Commission or disclosed in response to FOIA requests. See my FOIA requests and Commission responses at <<https://hasbrouck.org/draft/commission-foia.html>>.
 6. See written statement at <[https://inspire2serve.gov/ api/files/381](https://inspire2serve.gov/api/files/381)>.

.....
(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To repeal the Military Selective Service Act, and thereby terminate the registration requirements of such Act and eliminate civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System.

IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on _____

A BILL

To repeal the Military Selective Service Act, and thereby terminate the registration requirements of such Act and eliminate civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPEAL OF MILITARY SELECTIVE SERVICE**
4 **ACT.**

5 (a) REPEAL.—The Military Selective Service Act (50
6 U.S.C. 3801 et seq.) is repealed.

1 (b) TRANSFERS IN CONNECTION WITH REPEAL.—
2 Notwithstanding the proviso in section 10(a)(4) of the
3 Military Selective Service Act (50 U.S.C. 3809(a)(4)), the
4 Office of Selective Service Records shall not be reestab-
5 lished upon the repeal of the Act. Not later than 180 days
6 after the date of the enactment of this Act, the assets,
7 contracts, property, and records held by the Selective
8 Service System, and the unexpended balances of any ap-
9 propriations available to the Selective Service System,
10 shall be transferred to the Administrator of General Serv-
11 ices upon the repeal of the Act. The Director of the Office
12 of Personnel Management shall assist officers and employ-
13 ees of the Selective Service System to transfer to other
14 positions in the executive branch.

15 (c) EFFECT ON EXISTING SANCTIONS.—

16 (1) Notwithstanding any other provision of law,
17 a person may not be denied a right, privilege, ben-
18 efit, or employment position under Federal law on
19 the grounds that the person failed to present himself
20 for and submit to registration under section 3 of the
21 Military Selective Service Act (50 U.S.C. 3802), be-
22 fore the repeal of that Act by subsection (a).

23 (2) A State, political subdivision of a State, or
24 political authority of two or more States may not
25 enact or enforce a law, regulation, or other provision

1 having the force and effect of law to penalize or
2 deny any privilege or benefit to a person who failed
3 to present himself for and submit to registration
4 under section 3 of the Military Selective Service Act
5 (50 U.S.C. 3802), before the repeal of that Act by
6 subsection (a). In this section, “State” means a
7 State, the District of Columbia, and a territory or
8 possession of the United States.

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

16 (d) CONSCIENTIOUS OBJECTORS.—Nothing con-
17 tained in this Act shall be construed to undermine or di-
18 minish the rights of conscientious objectors under laws
19 and regulations of the United States.