
Defense Report

AUSA



Permission to Break the Law — It Sets a Dangerous Precedent

Almost two years ago Congress passed legislation to require young men to register for possible induction into the armed services through the Selective Service System. The legislation had been requested by President Carter, whose policies were anything but warlike but who had seen the need to have a way to get large numbers of people rapidly into uniform in the event mobilization became necessary. Although the legislation signed by President Carter made it very difficult to determine who had registered and who had not, a very substantial majority of eligible young men signed up in spite of the fact they knew they might not be detected if they failed to do so.

In his campaign oratory, President Reagan declared he was opposed to the draft and to peacetime registration, but at the same time he decried military weakness and pledged that the United States, under his leadership, would once again be a dominant power in the world. In post-election statements by the President and several of his advisors, however, we have seen some confusion in claims that draft registration was not necessary because of the present success of the volunteer system. They fail to see the difference between getting enough people for a peacetime situation and getting enough in a timely manner for a mobilization, which is the primary purpose of registration.

The Reagan Administration is now in the throes of deciding whether to let the registration authority expire. While that decision is pending, the Justice Department has postponed legal proceedings against identified nonregistrants, in effect telling young men that they need not register—in spite of the fact that the law clearly requires them to do so. This is tantamount to telling a criminal that it is alright to commit a certain crime because the law which describes the crime might be changed in the future.

Even more disturbing, however, is the precedent this sets for registrants if the President decides to renew registration now or if another President decides it is necessary in the future. From now on there will always be the question, "Do you really mean it?" It is not hard to visualize a situation in which the nation could not afford the time to answer that question.