
Defense Report

AUSA



Punishment for Not Registering for the Draft — Suggestions from Both Ends of the Spectrum.

While we are at peace, the statutory penalty for failing to register for possible call-up under Selective Service — up to five years in jail and/or a \$10,000 fine seems excessive. After all, many people convicted of violent crimes against persons or property are sentenced to be locked up for shorter periods and refusal to register is more a crime against the concept of service to the nation than one against people or their property. In wartime, of course, it is another matter because one person's refusal to serve means someone else must be called to endure the risk.

The Association of the U.S. Army began calling attention to the impropriety of the penalty more than three years ago, recommending, instead, a loss of the privileges of citizenship for a period of time. Now other voices are being heard with the same criticism but with some very different solutions. We find Rep. Les Aspin (D-Wis.) thinks so little of the responsibilities of citizenship that he would reduce the crime of failing to register to the status of a misdemeanor and impose a maximum penalty of a \$200 fine.

In response to that proposal Rep. G. V. Montgomery (D-Miss.) said, "This proposal would be nothing more than asking our nation's young men to flout the law on a \$200 gamble that they would not be caught and prosecuted." Indeed, the fine is smaller than is often assessed for reckless driving.

A member of the Virginia House of Delegates has introduced legislation there to bar anyone who has refused to register from receiving any state benefits. The members of President Reagan's Military Manpower Task Force will soon be reviewing a staff proposal to make an individual who refuses to register ineligible for a wide variety of federally sponsored programs. These include education loans and grants, unemployment benefits, food stamps and ROTC scholarships. These proposals say very succinctly: "Those who will not honor the obligations of citizenship, will be denied its benefits."

This is an idea whose time has come. The statutory penalty has seldom been used in peacetime, so it is essentially meaningless. Far more appropriate punishment, that will insure that those who will not support our government are not subsidized by it, should be swiftly legislated.