
Defense Report

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The Courts and the Draft—One Judge Stands Out Among the Rest

When Congress approved President Jimmy Carter's request to reinstitute registration for Selective Service there was an initial period in which the courts and Congress could not agree about the need for registrants to report their social security numbers or other data that would make it possible to identify those who had failed to register. This has since been changed to require identification, but it is still not an easy task to determine who has registered and who has not.

The Justice Department has now brought charges against several non-registrants for violating the law. Those who have been brought to trial have had their defenses orchestrated by a variety of groups which encourage young men to resist the law. They have all claimed that they were singled out for prosecution because they had been vocal opponents of the registration law. In every case but one, the sitting judge has ruled that this was immaterial and that a violation of the law had occurred. The thrust of the judgments in these cases was that no person subject to the laws of the United States can selectively obey those parts of the U.S. Code with which they agree and ignore those they dislike.

But a federal judge in California has now dismissed charges against an acknowledged registration resister on the basis that he would not have been indicted if he had not publicly declared his refusal to fill out a registration form. The U.S. Attorney's Office in Los Angeles has asked the U.S. Circuit Court of Appeals to rule on the validity of the judge's findings.

We cannot help but wonder what the same judge's reaction would be to charges against an individual who had refused to pay income taxes and had stood on a street corner proclaiming his or her objection to contributing a share of income to the functioning of the government. If the judge dismissed the charges because the non-taxpayer had been unfairly singled out, there would be a rush of people to that same street corner in the hope of evading their tax burden. Voluntary self-incrimination cannot be the basis for escaping the burdens of citizenship.