
Defense Report

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Draft Registration for State Scholarships—Illinois Makes First Correct Move

A recent law passed by the Illinois General Assembly deserves consideration in the nation's 49 other statehouses. The Illinois law requires draft-age male students to register with the Selective Service System before receiving favorable consideration for any scholarship funded by the state. Legislative proposals containing similar provisions are known to have been introduced in Virginia, Tennessee, California, Oklahoma and Mississippi. In Massachusetts, such a law passed both the Senate and the House only to be later vetoed by the governor.

The law enacted in Illinois is timely and entirely appropriate—a logical and desirable extension of the law passed by Congress in 1982 denying federal loans to students who fail to register for the draft.

Opponents of such legislative proposals have put forth the same basic argument used to challenge the federal law. They claim the bills violate constitutional guarantees of personal freedoms and that they unduly entangle schools in the enforcement of draft registration legislation. Supporters of these laws argue that constitutionality is not an issue. Freedom of speech, religion, assembly and property ownership are rights under the Constitution, they say, but no one (especially a lawbreaker) has a "right" to a taxpayer—federal or state—subsidized college education.

Supporters further point out that there are many precedents for legislation in one area to enforce laws in another. For example, colleges and universities receiving public funds are governed by laws barring discrimination on the basis of race, national origin or sex. The federal law barring financial aid to nonregistrants is currently enforceable, although the Supreme Court has agreed to rule on its constitutionality. The effective federal law sets a precedent and an incentive for all state legislatures to follow the course set by the Illinois General Assembly.

Some say that enactment of legislation to reinforce the present law is symbolic because the draft registration rate nationwide is over 97 percent. Agreed, but the symbol would be a good one worthy of emulation by Illinois' sister states.