



Justice Talking Listening Guide

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THE DRAFT

The first lottery drawing to draft soldiers was held at the Selective Service National Headquarters in Washington D.C. on December 1, 1969. At this first drawing, 366 plastic capsules that each contained a different birth date were held in a large container and were drawn by hand to randomly determine who had to enlist. The first capsule chosen contained the date September 14, meaning all men between the ages of 18 and 26 born on that day were required to serve in the military.

The draft ended towards the end of American involvement in the Vietnam War in 1973, and mandatory registration for the draft ended in 1975. In 1980, President Jimmy Carter reinstated mandatory registration for all men ages 18 to 25, and it remains to this day.

Upcoming Tapings

June 20, 2005

5:00 PM - Energy Policy for a Gas-Guzzling Nation

7:30 PM - State of the Unions: Where Does the Labor Movement Go from Here?



The Stop-Loss Program: Necessary Orders or a Back-Door Draft?

Last August, a National Guardsman filed the first court challenge to the federal government's stop-loss program. The case challenged a presidential order mandating that some members of the military remain on active duty beyond the dates they were scheduled to be discharged from service. The military defends the program as the only way to ensure there will be enough troops to safely conduct the on-going wars in Iraq and Afghanistan. But those caught in the middle are doing all they can to end what they see as a back-door draft.

What did they say?

Terms and words that may be used in the debate

Stop-Loss Policy: The official name for an executive order which holds certain soldiers past the date they were contracted to leave the Army. Congress gave the military stop-loss authority after the Vietnam War, and stop-loss has been enacted many times since then. Most recently it was used to extend the service of "Try One" Army National Guard soldiers, who are active duty veterans enrolled in a trial year before deciding if they want to fully enlist.

Santiago v. Rumsfeld: Army National Guard Sergeant Emiliano Santiago sued the government when he was ordered to be on active duty and was sent to Afghanistan, despite the fact that his eight-year contract with the military had ended. The United States Court of Appeals for the Ninth Circuit sided with the military, saying the stop-loss policy is legal and that the president is authorized to "implement a stop-loss policy in order to prevent retirement or separation of reserve members who are essential to national security."

Qualls and John Does 1-7 v. Rumsfeld: Specialist David Qualls and seven other soldiers who wanted to remain anonymous (because they feared repercussions from the Army if they lost the suit and had to re-enlist) filed suit against the government, saying the stop-loss policy was a breach of contract. Qualls and John Does 1 and 2 had completed their time in the "Try One" program and argued that being forced to serve longer is unlawful. The government argued that the service extensions were lawfully authorized and necessary for military success. Qualls and the John Does lost the case.

Back-Door Draft: Critics of the stop-loss policy like Massachusetts Senator John Kerry and New Jersey Senator Frank Lautenberg call it a "back-door draft" because they believe the policy forces soldiers to serve involuntarily. They claim not honoring some soldiers' service contracts fails to maintain military strength, because it contributes to declining numbers in volunteer enlistment.

