

# MILITARY, DRAFT REGISTRATION AND VETERAN RIGHTS

## RIGHTS OF ACTIVE DUTY PERSONNEL

Most military law matters are not civil liberties issues. ACLU does not generally handle cases involving military law proceedings such as court-martial. Service members charged with acts such as going AWOL or desertion, or who simply want to get out of the service, should contact a military or civilian attorney.

Military personnel do not have as much freedom on the job as do most government employees. This is because of what is called a "readiness standard." The military contends that because it must be ready at all times to deploy troops and/or fight, it must maintain a high level of discipline. With the need for readiness in mind, the courts have given the military broad power in developing its policies concerning the rights of personnel.

However, military personnel do not shed their constitutional rights upon enlistment. The Uniform Code of Military Justice (UCMJ) is not supposed to be in conflict with the Bill of Rights or Constitution of the United States. Courts have held that basic constitutional rights are enforceable in the military. To the extent the UCMJ does conflict with the Constitution, the UCMJ provision is invalid, though courts do give deference to military necessity. Thus, armed forces personnel cannot be deprived of a "fair trial." Likewise, military personnel retain many privacy and first amendment rights.

The Manual for Courts-Martial (MCM) is promulgated by the President and has the force of law in the military, unless a court has deemed it inconsistent with the UCMJ or the Constitution. Servicemen may be subject to Court Martial for offenses that are related to a legitimate military interest. The Supreme Court case *O'Callahan v. Parker* held that the act must be "service-connected."

Generally, military personnel can choose their military lawyer by requesting an attorney. The military judge advises at the beginning of trial that the defendant has the right to select any military lawyer in the armed forces, provided that they are "reasonably available." If you choose a civilian lawyer, the assigned military defense lawyer will stay on the case as well. If the requested military lawyer is not made available, a military lawyer may be assigned to the case.

Individuals who face disciplinary action or separation for having tested positive on a urine screen for drugs may be eligible for the military equivalent of public defense through the "JAG" office (Judge Advocate General). Service members who have already been discharged on the basis of a positive drug urinalysis result are considered veterans and are not eligible for JAG services.

## DRAFT REGISTRATION

Men are required to register for the draft within 30 days of their 18th birthdays. Registration is at any local post office. Those who are considering conscientious objector (C.O.) status are still legally required to register. They should be advised to see a draft counselor as soon as possible, since C.O. regulations are very complex.

## "DON'T ASK, DON'T TELL"

ACLU opposes the "don't ask, don't tell" policy and has participated in legal challenges to the policy, and continues to lobby to ensure equal treatment of gays in the military.

## VETERANS' RIGHTS

Veterans commonly request ACLU assistance to upgrade bad discharges. The upgrading of a "less-than-honorable" discharge (which is often given on an unreasonable basis) can help a veteran obtain benefits from the V.A. (Veterans Administration), find a job, or get paroled from prison. There are a number of organizations and support groups listed below which assist veterans trying to upgrade their discharge status. We do not generally handle these cases.



P.O. Box 120160, Nashville, TN 37212

Tel: 615.320.7142

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07/09

## RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

### Nationwide Organizations

- [\*\*American Friends Service Committee\*\*](#)  
*AFSC National Office*  
1501 Cherry St.  
Philadelphia, PA 19102  
Phone: (215) 241-7000  
Fax: (215) 241-7275  
Email: [afscinfo@afsc.org](mailto:afscinfo@afsc.org)  
  
*Southeast Regional Office*  
92 Piedmont Avenue, N.E.  
Atlanta, GA 30303  
Phone: (404) 586-0460  
Fax: 404-525-4728  
Email: [bknott@afsc.org](mailto:bknott@afsc.org)  
Dedicated to peaceful resolution of conflict. Supports conscientious objectors.
- [\*\*The American Legion of Tennessee\*\*](#)  
215 Eighth Avenue North  
Nashville, Tennessee 37203  
Phone: (615) 254-0568  
Fax: (615) 255-1551  
<http://www.tennesseelegion.org/index.shtml>  
<http://www.legion.org>  
Patriotic association of wartime veterans who provide mutual assistance and community service.
- [\*\*AMVETS National Headquarters\*\*](#)  
4647 Forbes Blvd.  
Lanham, MD 20706-4380  
(877) 7-AMVETS  
Represents veterans of the Armed Forces, Reserves or National Guard since 1940. Offers assistance with entitlements and benefits, VA medical care, health care reform, the POW/MIA issue, homeless veterans issues, veterans employment preference, and legislation regarding veterans' rights and benefits.
- [\*\*Association for Service Disabled Veterans\*\*](#)  
110 Maryland Ave., NE, Suite 100  
Washington, DC 20002  
Phone: (202) 543-1942  
Fax: (202) 543-5398
- [\*\*Blinded Veterans' Association\*\*](#)  
477 H St. NW  
Washington DC 20001  
Phone: (202) 371-8880 or (800) 669-7079  
Fax: (202) 371-8258  
Email: [bva@bva.org](mailto:bva@bva.org)  
Information, support, and outreach to blinded veterans. Help in finding jobs, information on benefits and rehab programs.
- [\*\*Central Committee for Conscientious Objectors\*\*](#)  
*CCCO National Office*  
1515 Cherry St.  
Philadelphia, PA 19102  
Phone: (215) 563-8787  
Fax: (215) 563-8890  
Works with people facing the draft, as well as people already in the military. Cofounder of the GI rights hotline, which deals with military discharge and complaints.
- [\*\*Iraq and Afghanistan Veterans of America\*\*](#)  
292 Madison Avenue, 10th Floor  
New York, NY 10017  
Phone: 212-982-9699  
Fax: 212-982-8645  
*Washington, DC Office*  
Phone: 202-544-7692  
Fax: 202-544-7694
- [\*\*Military Order of the Purple Heart\*\*](#)  
5413-C Backlick Rd.  
Springfield, VA 22151  
Phone: (703) 354-2140  
Fax: (703) 642-2054  
<http://www.purpleheart.org/Membership/Default.aspx>  
Represents veterans' interests before Congress, Department of Veterans Affairs, Department of Defense, and elsewhere, and provides services for veterans and their families.



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- **National Gulf War Resource Center**  
 1403 Southwest Blvd  
 Ste 2B  
 Kansas City, KS 66103  
 Phone: (913) 831-7183 or (866) 531-7183  
 Fax: (913) 831-7184  
 International organization providing advocacy for Gulf War veterans. Provides info about Gulf War Illness, toxin-induced illnesses, Traumatic Brain Injury, and Post-traumatic Stress Disorder.
- **Paralyzed Veterans of America (PVA)**  
 801 18<sup>th</sup> St. NW  
 Washington DC 20006  
 Phone: (800) 424-8200  
 TTY: (800) 795-4327  
 Serves veterans with spinal cord injury or disease with information, advocacy, local chapters, and support services.
- **Servicemembers Legal Defense Network**  
 PO Box 65301  
 Washington, DC 20035  
 Phone: (202) 328-3244  
 Fax: (202) 797-1635  
 Email: [sldn@sldn.org](mailto:sldn@sldn.org)  
 A national legal aid and watchdog organization that assists men and women targeted by military policies on gay and lesbian personnel. Complainants are encouraged to call for assistance.
- **Society of Military Widows**  
 5535 Hempsted Way  
 Springfield, VA 22151  
 (703) 750-1342  
 (703) 354-4380  
 Support and assistance for widows and widowers of uniformed service members.
- **Veterans For Peace**  
 216 South Meramec Ave  
 St. Louis MO 63105  
 Phone (314) 725-6005  
 Fax (314) 725-7103
- **Veterans of Foreign Wars (VFW)**  
 406 West 34th Street  
 Kansas City, Missouri 64111  
 Phone: (816) 756-3390  
 Fax: (816) 968-1149  
 Lobbies Congress for better veterans' health care and benefits and assists veterans with their disability claims. Also has many community service programs.
- **Vietnam Veterans of America, Inc.**  
 8605 Cameron St., Suite 400  
 Silver Spring, MD 20910  
 Phone: (301) 585-4000 or (800) 882-1316  
 Fax: (301) 585-0519  
 Promotes physical and cultural improvement, growth, development, and usefulness of veterans. Attempts to eliminate discrimination against veterans. Conducts research and studies proposing legislation concerning veterans. Assists disabled and needy war veterans and their dependents, and widows and orphans of deceased veterans.

### Statewide Organizations

- **Tennessee Department of Veterans Affairs**  
 215 Eighth Avenue North  
 Nashville, TN 37243-1010  
 Phone: (615) 741-2931
- **Tennessee Disabled American Veterans**  
 War Memorial Bldg Room G-22  
 Nashville, TN 37243  
 Phone: (615) 242-7328  
 Fax: (615) 255-6525
- **Tennessee Military Department**  
 Houston Barracks  
 3041 Sidco Drive  
 Nashville, Tennessee 37204-1502  
 Phone: (615) 313-3001  
 Fax: (615) 313-3100, DSN: 683  
 Headquarters for TN Army and Air National Guard and the TN Emergency Management Agency.



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