

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.

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.

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](#)
American Friends Service Committee (AFSC) is a Quaker organization devoted to service, development, and peace programs throughout the world. Their work is based on the belief in the worth of every person, and faith in the power of love to overcome violence and injustice.



P.O. Box 120160, Nashville, TN 37212
Tel: 615.320.7142

AFSC National Office

1501 Cherry St.
Philadelphia, PA 19102

Website: <http://www.afsc.org/>

Phone: 215-241-7000

Southeast Regional Office

75 Marietta Street
Atlanta, GA 30303

Phone: 404-586-0460, **Fax:** 404-586-0465

- **[The American Legion of Tennessee](#)**

318 Donelson Pike
Nashville, Tennessee 37214

Website: <http://www.tennesseelegion.org/>

Phone: 615-391-5088, **Fax:** 615-391-5099

The American Legion of Tennessee is America's largest Veterans service organization.

- **[AMVETS National Headquarters](#)**

4647 Forbes Blvd.
Lanham, MD 20706-4380

Website: <http://www.tennesseelegion.org/>

Phone: 1-877-726-8387

E-mail: amvets@amvets.org

AMVETS aims to enhance and safeguard the entitlements for all American Veterans who have served honorably and to improve the quality of life for them, their families, and the communities where they live through leadership, advocacy and services.

- **[Blinded Veterans' Association](#)**

125 North West Street, 3rd Floor
Alexandria, VA 22314

Phone: 800-669-7079, **Fax:** 202-371-8258

E-mail: bva@bva.org

Blinded Veterans' Association promote the welfare of blinded veterans so that, notwithstanding their disabilities, they may take their rightful place in the community and work with their fellow citizens toward the creation of a peaceful world.

- **[Iraq and Afghanistan Veterans of America](#)**

Iraq and Afghanistan Veterans of America (IAVA) is the leading post-9/11 veteran empowerment organization.

National Headquarters

114 West 41st Street, 19th Floor
New York, NY 10036

Website: <http://iava.org/>

Phone: 212-982-9699, **Fax:** 917-591-0387

Washington, DC Office

777 North Capitol Street NE
Washington, DC 20002

Phone: 202-544-7692, **Fax:** 202-544-7694

- **[Military Order of the Purple Heart](#)**

5413-A, B & C Backlick Road
Springfield, VA 22151-3960

Website: <http://www.purpleheart.org/>

Phone: 703-642-5360, **Fax:** 703-642-2054

The mission of the Military Order of the Purple Heart is to foster an environment of goodwill and camaraderie among combat wounded veterans, promote patriotism, support necessary legislative initiatives, and provide services to all veterans and their families.

- **[National Gulf War Resource Center](#)**

1725 SW Gage Blvd.
Topeka, KS 66604

Website: <http://www.ngwrc.org/>

Phone: 866-531-7183, **Fax:** 785-235-6531

The purpose of the National Gulf War Resource Center is to provide education and support to benefit veterans, active duty personnel and their families.

- **[Paralyzed Veterans of America \(PVA\)](#)**

801 18th Street, NW
Washington DC 20006-3517

Website: www.pva.org

Phone: 800-424-8200

TTY: 800-795-HEAR (4327)

Healthcare Helpline: 1-800-232-1782

Donor Hotline: 1-800-555-9140

Benefits Helpline: 1-866-734-0857

Caregiver Support: 1-855-260-3274



P.O. Box 120160, Nashville, TN 37212

Tel: 615.320.7142

Paralyzed Veterans of American use expertise on a wide variety of issues involving the special needs of veterans of the armed forces who have experienced spinal cord injury or dysfunction. Expertise is used to be the leading advocate for quality health care, research and education addressing spinal cord injury and dysfunction, benefits and civil rights to maximize independence of members.

- **[Servicemembers Legal Defense Network](#)**
PO Box 65301
Washington, DC 20035-5301
Website: <http://www.outserve-sldn.org/>
Phone: 800-538-7418
E-mail: admin@outserve-sldn.org

OutServe-SLDN is the association for actively serving LGBT military personnel and veterans with a mission to bring about full LGBT equality to America's military and to end all forms of discrimination and harassment of military personnel on the basis of sexual orientation and gender identity.

- **[Society of Military Widows](#)**
Website: <http://www.militarywidows.org/home.aspx>

The Society of Military Widows (SMW) is a nonprofit organization that serves women whose husbands have died while on active military duty, of a service-connected illness, or during disability or regular retirement from the armed forces.

- **[Veterans For Peace](#)**
1404 North Broadway
St. Louis, MO 63102
Website: <http://www.veteransforpeace.org/>
Phone: 314-725-6005, **Fax:** 314-227-1981

Veterans For Peace is an international organization made up of military veterans, military family members and allies dedicated to building a culture of peace, exposing the true costs of war, and healing the wounds of war.

- **[Veterans of Foreign Wars \(VFW\)](#)**
Website: <http://www.vfw.org/>
Tennessee Contact
Phone: 615-242-5851
E-mail: tnvfw@worldnet.att.net

The VFW aims to foster camaraderie among United States veterans and overseas conflicts and to serve veterans, the military and communities.

- **[Vietnam Veterans of America, Inc.](#)**
8719 Colesville Rd., Suite 100
Silver Spring, MD 20910
Website: <http://www.vva.org/>
Phone: 301-585-4000 or 800-882-1316
Fax: 301-585-0519

Vietnam Veterans of America (VVA)'s goals are to promote and support the full range of issues important to Vietnam veterans, to create a new identity for this generation of veterans and to change public perception of Vietnam veterans.

Statewide Organizations

- **[Tennessee Department of Veterans Services](#)**
312 Rosa L. Parks Avenue
Nashville, TN 37243-1010
Website: <https://www.tn.gov/veteran/>
Phone: 615-741-2931

- **[Tennessee Disabled American Veterans](#)**
VA Regional Office
110 9th Avenue, South, Room C1668
Nashville, TN 37203
Website: <https://www.dav.org/>
Phone: 615-695-6384

The Disabled American Veterans (DAV) is a nonprofit charity that provides a lifetime of support for veterans of all generations and their families.

- **[Tennessee National Guard](#)**
3041 Sidco Drive
Nashville, Tennessee 37204-1502
Website: <http://www.tnmilitary.org/>
Phone: 615-313-0633, **Fax:** 615-313-3129
E-mail: tnpao@live.com



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