

ACLU PRESS RELEASE

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ACLU LAWSUIT SAYS SELECTIVE SERVICE SYSTEM VIOLATES RELIGIOUS RIGHTS

*Won't Allow Quaker to Claim Conscientious
Objector Status When he Registers for the Draft*

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The American Civil Liberties Union today filed suit on behalf of a young Quaker whose religious beliefs preclude him from registering for the draft because the Selective Service System refuses to record his claim of conscientious objection. The lawsuit, filed in federal court in Washington DC, asks the court to declare that he is not required to register unless the agency allows him to make his religious claim as part of his registration.

Tobin Dana Jacobrown, age 21, is a birthright Quaker and a conscientious objector to participation in any war. His religious beliefs forbid him to register for the draft unless he can include the statement that he is a conscientious objector and therefore wishes to be considered only for nonmilitary service. But the Selective Service System will not keep that simple fact in its files.

“According to my beliefs, I can’t offer myself up as a candidate for the military,” said Mr. Jacobrown. “Nonviolence a fundamental Quaker belief, and it’s also fundamental not to participate in or submit to a system that is unjust. The Selective Service System should let me register as a conscientious objector. If they won’t do that then I can’t, in good faith, submit to their system.”

When there was a functioning military draft, registrants could assert their “C.O.” status when they registered. But when draft registration was reinstated in 1980 that option disappeared.

Male U.S. citizens and residents are required to register for the draft when they turn 18. Failure to register is considered a felony and Mr. Jacobrown could be sent to prison. Unless the court rules in his favor, he will also be barred for life from employment with the U.S. government and most state governments, and from obtaining federal or state student financial aid for college.

The ACLU's lawsuit relies on a law passed by Congress in 1993 called the Religious Freedom Restoration Act. That law prohibits the federal government from imposing a substantial burden on a person's free exercise of religion unless that burden is the "least restrictive means of furthering [a] compelling governmental interest."

Arthur Spitzer, Legal Director of the ACLU of the Nation's Capital and lead attorney in the case, explained, "The Religious Freedom Restoration Act puts the burden on the government to prove that it can't accommodate Toby Jacobbrown's religious beliefs by allowing him to register as a conscientious objector. The Selective Service System won't be able to prove that, because people were able to register that way for many years."

"Congress passed the Religious Freedom Restoration Act to make federal agencies respect people's religious beliefs as generously as possible," Spitzer said. "It's sad that the Selective Service System thinks its own bureaucratic inertia is more important than a citizen's religious beliefs."

Mr. Jacobbrown added, "I love the principles the United States stands for, and I'd be happy to serve my country in a hospital, a school, or any other place where my religious beliefs are accommodated. I can't wait to register the moment I know that my claim to conscientious objection will be recorded."

In addition to Mr. Spitzer, attorneys on the case include Daniel Mach, Legal Director of the ACLU's Program on Freedom of Religion and Belief.

The case was assigned to Judge Ricardo Urbina. The government has 60 days to respond.

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