

First Draft Foes Convicted

The Higher Point of View

Bob Brubaker

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“Seen from a lower point of view, the Constitution, with all its faults, is very good; the law and the courts are very respectable; even this State and this American government are, in many respects, very admirable, and rare things, to be thankful for, such as a great many have described them; but seen from a point of view a little higher, they are what I have described them; seen from a point higher still, and the highest, who shall say what they are, or that they are worth looking at or thinking of at all?”

—Henry David Thoreau, “Civil Disobedience”

On August 17, 1982, conscientious objector Enton Eller was convicted in Virginia of refusing to register for the draft. Nine days later, Benjamin Sasway was convicted of the same offense in California. These two convictions, as well as numerous indictments now being handed down, signal a systematic effort on the part of the government to intimidate young men into registering for the draft and to save the faltering draft registration program.

According to Selective Service System estimates, 675,000 young men have failed to register; another 1,000,000 have changed their addresses since registering without informing the Selective Service of their present whereabouts, and thus also are in violation of the law. Faced with the greatest instance of civil disobedience since Prohibition, the S.S.S. is using selective prosecution of some of the most openly defiant young men to try to reverse the anti-registration trend.

Thus far, the S.S.S. refuses to concede failure. Their position is that the level of compliance, presently “acceptable,” will rise to 98% compliance—the level deemed essential to the effective and equitable functioning of the system—once greater educational efforts are undertaken and the effects of the prosecutions take hold.

Maj. Gen. Thomas Turnage, director of the Selective Service System, told the viewers of ABC-TV’s August 26, 1982 “Nightline” program that most of the young people who had not registered for the draft were merely ignorant of the law. This was particularly a problem, he stressed, in the inner cities and among non-English speaking communities.

He also said that some young people who had not registered were found to have already volunteered for the military—and thus would not be prosecuted. There is, undoubtedly, a grain of truth in Turnage’s statement. But we doubt his confident assertion that everything is under control and that the 98% compliance rate will be achieved sooner or later.

For one thing, Turnage himself told President Reagan’s Military Manpower Task Force in April that “We think a few cases will get the word out that we mean business,” (quoted in *The Guardian*, September 8, 1982, p. 4). If “ignorance” was the major reason for the low compliance rate, education, not intimidation, would be the likely course of action. But the most important evidence casting doubt on Turnage’s assessment is the testimony presented to Congress this summer by the General Accounting Agency, in which it was revealed that while the overall registration rate is 93%, the rate for men turning 18 in 1982 has fallen to 78%. It is highly unlikely that this year’s 18 year-olds

would be more ignorant of the draft registration laws than their 1980 and 1981 counterparts, now that the law has been in effect for two years.

Anti-registration can only be understood in the context of other forms of refusal—e.g. the decline in voting, the refusal of work discipline, the crisis of the educational system, the decline in the legitimacy of major social institutions such as business and the government, etc. Regardless of whether we understand these instances of refusal to be forms of social struggle against capital or merely signs of consumerist narcissism, it's clear that a climate exists in this country in which it is difficult to mobilize people to sacrifice.

(Even Christopher Lasch, one of the leading proponents of the narcissism thesis, observed in *The Culture of Narcissism* that “The ‘flight from politics,’ as it appears to the managerial and political elite, may signify...not a retreat from politics at all but the beginnings of a general political revolt.” Curiously, this insight, which appears in the preface to Lasch's book, is never integrated into his social analysis of narcissism, which otherwise characterizes every aspect of social life as a “struggle to maintain psychic equilibrium” in a society of bureaucratic omniscience.)

We do not wish to idealize the resisters or imply that their actions are unambiguously radical. But even those young men who never link their personal act to a larger context of resistance are helping the more overtly political—and vulnerable—young men to avoid being completely swallowed up by the state. Without the knowledge that hundreds of thousands of other draft-age men had also refused to register, principled people like Benjamin Sasway might have found their acts much more difficult to carry out, and the legal and political climate even more hostile than it is now.

The government has downplayed the political significance of the prosecutions, treating them as simple violations of the law, and dismissing as irrelevant—and refusing to allow the defendants to argue—questions of principle and morality. At the same time, in their zeal to make an example of “a few cases” so as to broadcast loud and clear the message that the many violators of the Selective Service Act will be punished, they have tacitly admitted that the prosecutions are fraught with political significance.

A spokesman for the Justice Department was quoted by the *New York Times* as saying that the selection of Eller and Sasway—both principled and articulate—proved the absence of any public relations scheme on the part of the government. In his words, “If we were as subtle as people sometimes give us credit for being, we would pick out some dumb plowboy and indict him.”

It seems more likely, however, that the government would prefer to prosecute an Eller or Sasway first, rather than “some dumb plowboy” who might arouse considerable sympathy as an unwitting victim. Furthermore, the prosecution of articulate college students is possibly designed to undercut lingering resentment about the ability of college students to legally avoid the Vietnam-era draft: this time, so goes the message, nobody will be able to avoid their obligation to the state.

As for our obligation to the government, we prefer the position of Thoreau, who wrote in his classic essay “Civil Disobedience”: “The only obligation I have a right to assume is to do at any time what I think right.” Thoreau stressed that government rests on the consent of the governed; accordingly, we reserve the right to refuse to consent to its policies, or to its continued existence.

There are those who would argue, as against the person who travels on the state's roads but refuses to pay the state highway tax, that we have accepted certain benefits—and corresponding obligations, just by living in this society. We can easily turn this argument on its head: a society that systematically destroys human life and nature across the globe, even to the point of undermining the human carrying capacity of the planet—is an abomination which could not possibly provide real “benefits” to its citizens. Our only obligation—to ourselves—is to destroy it before it destroys us.

Referring to the Thoreau quote at the head of this article, we consider the government's position on behalf of draft registration a product of the “lower point of view;” and our argument a product of the “point of view a little higher.” But in a sane world we shall have reached those vistas “higher still, and the highest,” where drafts, armies, wars, governments, and capitalism are but distant memories, hardly “worth looking at or thinking of at all.”

A note on the prosecutions...

San Diego, CA — On August 26, 1982, after only 40 minutes of deliberation, a jury returned a verdict finding Benjamin Sasway guilty as charged, of violating the Military Selective Service Act by “knowingly and willfully refusing to register.” U.S. District Court Judge Gordon Thompson, Jr. ordered Ben taken into custody immediately, denying him bail, saying that the “defendant would pose a threat to the community as he would very likely — continue to advocate a subversion of this country’s judicial process...which goes directly to the heart of our national interest.”

After being indicted on June 30, Ben’s lawyers attempted to have his case dismissed on such issues as selective prosecution, failure to allege an offense and the unconstitutionality of the Selective Service registration program, but the Court of Appeals refused to rule on the appeal. After Ben’s August 26th conviction, his lawyers once again appealed on his behalf, attempting to get him released on bail but the Appeals Court ruled against them, upholding the Judge’s decision that Ben be put in custody without bail pending sentencing.

The sentencing date was set for October 4, 1982 and until that time, Ben was held at the Metropolitan Correctional Center in San Diego. He was able to signal his appreciation of a candle-light vigil held outside the jail building on August 29th by about 600 supporters and friends. If you would like to write to support Ben, you may do so by contacting his parents as follows: Joseph and Dolores Sasway, 804 Ora Avo Drive, Vista, CA 92083.

FURTHER DEVELOPMENTS: The IRS has sent out 33,000 warning letters to persons suspected of not registering. From those who do not respond within 15 days, the IRS will reveal to the Selective Service System the addresses of 200 persons randomly selected and these names will then be turned over to the Justice Department.

Civil disobedience at the Selective Service System Headquarters in Washington, DC is currently scheduled for Monday, October 18 beginning with a march and an all-day picket and demonstration. For further information, contact: October 18th Resistance Campaign, c/o Washington Peace Center, 2111 Florida Ave. NW, Washington, DC 20008, phone: 202/546-0200.

Our thanks for this information to the *Resistance Bulletin*, which is prepared by the National Resistance Committee, who can be contacted for an update on other indictments by writing: NRC at P.O. Box 42488, San Francisco, CA 94142; phone: 415/524-4778.

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