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AFGHANISTAN: WHEN WILL THEY EVER LEARN?

BY DAVID GESPASS

Where have all the flowers gone?

Pete Seeger asked that question some 66 years ago. The answer, I fear, is that too many have not learned and those who have are fine with allowing history to be repeated as they enrich themselves at the expense of millions who suffer and die. It has been said about most wars that they are old people's wars and young people's fights. I would say they are, more to the point, rich people's wars and poor people's fights. More on that later, but what lessons should be (re)learned from the Afghanistan debacle (by "debacle," I refer to the last twenty years, not just the last couple of weeks)?

Lesson 1: The mistake was arming and funding the Mujahidin in the first place

Those who read "Charlie Wilson's War" or saw the movie will remember that the idea behind supporting the Mujahidin in Afghanistan was to oppose Soviet aggression and occupation. The CIA's "Operation Cyclone," aimed solely at getting the Soviets out of Afghanistan, lasted for ten years under presidents Carter and Reagan. Never mind that Afghanis generally, and women in particular, enjoyed unprecedented freedoms. Never mind that Afghanistan is halfway around the world from the US and that the former Soviet Union bordered on Afghanistan, ***U.S. security interests were at stake!***

And, of course, the way to protect those national security interests, whatever they were, was to arm fundamentalist warriors who were, regardless of their ideology, fighting to remove foreigners from their homeland. It mattered not that they sought to establish a theocracy or that their ideology was diametrically opposed to all that the US *claims* to stand for. The enemy du jour was the Soviet Union and all else was irrelevant. The decision was portrayed in this country as a spectacular success because it was a factor leading to the demise of the Soviet Union. No thought was given to what the Mujahidin stood for or how they would rule, and they became the Taliban. Turned out – will wonders never cease? – they didn't like the US any more than they liked the Soviets.

Lesson 2: US intervention has never produced a good outcome at least since Vietnam if not since WWII

There are those who, suffering from INS ([Indispensable Nation Syndrome](#)), think there is no problem in the world that cannot be solved by US armed intervention. It is past time to get over that absurd belief. Parenthetically, as utterly destructive as Donald Trump was to this country's internal affairs and politics, it is likely the rest of the world breathed some sighs of relief at his scream-at-the-top-of-his-lungs-and-carry-a-little-twig policy of not deploying U.S. troops at the drop of a hat, even if he continued to utilize drones and special ops. A Hillary Clinton presidency would almost certainly have been far bloodier around the world.

Anyway, a survey of US interventions does not show much success. The Korean "conflict" is still going on. Vietnamese, generations after the war, are still suffering from the effects of Agent Orange and the U.S. eventually had to, in Lyndon Johnson's less than memorable phrase, tuck tail and run. It is hard to see what value there was to the invasion of Granada, except to help us recover from "Vietnam Syndrome," which recovery has now resulted in our tucking tail and running from Afghanistan. The

overthrow of Muammar Gaddafi in Libya plunged that country into chaos from which it has yet to recover. Iraq, as discussed below, was a disaster from beginning to end. And the less military interventions in Latin America – Cuba, Nicaragua, Venezuela – have produced considerable suffering with little to show for it even by the twisted priorities of US foreign policy.

The closest to success from military force the U.S. has come is in the Balkans, an intervention I supported at the time, at least before the bombing of Serbia, but about which I have more and more misgivings as time has passed. U.S. and UN support for Bosnia was tepid and ineffective. Bosnians received the bulk of their support from Muslim countries and Bosnia's cities were transformed from proudly multi-ethnic to predominantly Muslim. That was likely inevitable as Yugoslavia disintegrated into warring sections defined by nationality and religion.

But the major U.S. military intervention in the Balkans was in support of the Muslims of Kosovo against the then-dominant Serb minority. And while there is no doubt the Serbs oppressed the Kosovar Muslims, the only change with the new regime was that the majority Muslims, led by criminal gangs, became the oppressors. In the meantime, the U.S. bombed the Chinese embassy in Belgrade, hardly an action calculated to advance U.S. interests or garner respect in the eyes of the world.

In the end, as painful as it is to see suffering, death and destruction in other lands, and as strong as the urge is to do something, if doing something involves acts of war (in which I would include crippling sanctions) against a sovereign state, it is almost inevitable that the something done will result in a worse outcome than *laissez-faire*.

Lesson 3: It is impossible for invaders to win a war against determined resistance by people in the country.

You can bomb, you can kill, you can denude the land, but you can never win. This should have been clear after Vietnam. Indeed, it was clear long before that war ended, as the Pentagon Papers revealed. All the “best and the brightest” knew that war was unwinnable, yet tens of thousands more American lives, and countless Vietnamese lives, were sacrificed in the vain pursuit of some kind of “honorable” outcome. In fact, the attempt to assert one's will on another country is fundamentally dishonorable. The war was dishonorable, and the U.S. loss was well-deserved.

Amazingly, John Sopko, Special Inspector General for Afghanistan, in an interview on NPR, said we need to learn lessons from Afghanistan, so we do not repeat them. One would have thought that whoever was the Special Inspector General for Vietnam would have drawn those lessons decades ago in hopes that we would not repeat them. But after the “victory” over Grenada, it was proclaimed that we had recovered from Vietnam Syndrome, which had made U.S. presidents hesitant to commit more troops overseas. Evidently, not only were our leaders no longer feeling constrained, they chose to ignore or forget all they said they learned from Vietnam. The best and the brightest once again turned out to be neither.

Nor does it help to impose a government. Even if it is led by citizens of the country, a puppet government is still a puppet. George W. Bush, when running for president, argued that nation building was an impossible task for the U.S. He then went all in on nation building in Iraq, resulting in one disaster after another. Whatever one says about Saddam Hussein, Iraqis had livelihoods, health care, education and some stability. Even those who hated Saddam acknowledge that things were better when he was in power.

As for this country, part of the reason for this truth is that, despite its protestations, the U.S. does not act out of benevolence or principle, but only out of what is deemed to be its self-interest. Biden was forthright enough to admit this in his August 16 statement. As far as he was concerned, building a stable, democratic Afghanistan is not in our “national interest” and, therefore, not something we should engage in. His claim that, somehow or other, we accomplished our goals for invading Afghanistan by killing Osama bin Laden a decade later in Pakistan, might be subject to debate, but his frank assertion that the U.S. acts in its own security interest only is refreshing in its honesty. It is an admission that the U.S. is not a bastion of freedom and democracy that is showing the way to all and sundry. On the contrary, its motives are self-interested, self-serving and, therefore, entirely selfish. That, of course, is what the U.S. accuses China, Cuba and others of, while claiming it is somehow different -- benevolent and magnanimous. We should at least be grateful to Biden for acknowledging what is well known to all targets of U.S. foreign policy but somehow not to many of our own citizens.

Which leads to. . .

Lesson 4: The US is not to be trusted

It should be recognized that no puppet regime will last once the puppeteer is gone. The Afghan government lasted for three years after the Soviet Union withdrew. The Ghani government didn't even last through the withdrawal. The former (purported) Afghan government was supported almost entirely by U.S. funds and relied on U.S. military support to preserve whatever legitimacy it could claim, with its authority mostly confined to cities. Without the U.S., it was doomed. It is universally acknowledged, that the only question was how long it would last. The best that the Biden administration could have hoped for was an interval long enough for it to separate itself from the ultimate fall.

That was obviously a vain hope, but hardly surprising. As George Santayana pointed out, those who do not learn from history are doomed to repeat it. The images of helicopters flying away, of desperate people trying to get onto planes and out of the country are virtually identical to the images of the U.S. departure from Vietnam. It is truly wondrous that better preparations were not made. That is not a “failure of intelligence,” but a complete lack of historical intelligence.

Left behind are countless Afghans who assisted the US as interpreters, drivers, office workers and in other ways. Many have been trying for years to get visas they earned by providing services to the U.S. occupiers, at substantial risk to themselves. They were promised such refuge and many of the Americans they worked for and with have advocated for them to no avail. Difficulty of verifying claims, overwork and bureaucracy are blamed for their problems but, to those waiting for visas, the reasons are immaterial. All they know is they were promised something and the US has not delivered.

Now, there are many more who have not yet applied for visas and who are left to the tender mercies of the Taliban. The Taliban has offered amnesty to them all. *If* that offer of amnesty is honored, it would prove the Taliban more reliable than the U.S. So the lesson in that case would be not just that the U.S. cannot be trusted but that the U.S. is less trustworthy than the Taliban. If, on the other hand, the Taliban does not keep its word, then it will share equally with the U.S. responsibility.

Lesson 5: The United States is a neoliberal imperialist power and acts only on that basis

Though this is probably the most important lesson, even if not news, I will not belabor the point, preferring a couple of references to excessive prolixity. US foreign policy has, for decades, been

dominated by the military industrial complex Eisenhower warned of in 1961. Since then, it has only grown larger and more powerful. These companies are run by the [Masters of War](#) who enrich themselves at the expense of everyone else. They are not mere monopoly capitalists, but the most retrograde, uncaring and dangerous of the monopolists who are defiling the earth and spending billions of dollars to fly into space while billions of human beings lack such basics as food, clothing and shelter.

This is the world we live in now, a world where the Boeings and Lockheed-Martins and Bechtels amass fortunes as purveyors of death and destruction on a scale unprecedented in human history. They were happy to sacrifice young men and women in the armed forces in a hopeless and hapless adventure in Afghanistan. It was not, in their view, hopeless because it was profitable, and in their world profit is all that matters. They care nothing of the immiseration of the Afghani people, and less for their hopes and aspirations. They certainly care nothing about freedom or democracy. So long as they guide U.S. foreign policy, we are doomed to repeat errors of the past because, to them, they are not errors, they are sales and profits. For them, wars are good business and the longer they last, the better.

In analyzing the events in Afghanistan, Jeff Halper pointed out that “we are all trapped in a world system dominated by predatory capitalism whose other components -- countries, states, local and regional markets, foods, livelihoods and ways of life that genuinely mean something to the local and regional peoples -- have been buried under corporate interests and, worse, we’re all trapped in the unescapable economic determinism of neoliberal globalization, which decimates all opposition.” I do not have a link to the entire statement, which Jeff posted on his Facebook page, but would recommend that you find and read it if you can. The tragedy in Afghanistan, like the tragedies in Iraq, Libya, Vietnam, is a symptom of the economic system that dominates the world, one based on profit for the few and misery for the many.

It’s not important that Biden and Trump were both right that the U.S. staying in Afghanistan indefinitely would not change the outcome, but would simply waste more time, money and people. It’s not important that the execution of the withdrawal was bungled. It’s not important that much Republican criticism of Biden is hypocritical. The analyses of the talking heads on the corporate media and the “experts” they call on are worse than useless because they detract and deflect from the real and ongoing dangers the masters of war pose. It is not just Afghanistan, but the human race that hangs in the balance.

MILITARY COVID-19 VACCINATION POLICY

BY JEFF LAKE

In August, 2021, the U.S. military announced that it would mandate vaccinations against COVID-19 for all servicemembers. This article will discuss the current state of the implementation of this policy and the potential consequences for those in the military who resist vaccination.

POLICY ORIGINS

In 2020, a novel coronavirus, later to be called COVID-19, began to spread in the United States. As of the date of this article, over 600,000 Americans have died of the disease. Within the military, 436 servicemembers, dependents, civilians and contractors have died and 4,849 have been hospitalized. In the summer of 2021, a new variant of the virus emerged which appears to be more transmissible and deadlier than the original.

In late 2020 and early 2021, vaccines were developed which safely and effectively either neutralized the virus within the body or greatly diminished its symptoms in infected people. This also had the effect of reducing transmissibility throughout the population where vaccination rates were high.

Given this background, on August 9, 2021, the Chairman of the Joint Chiefs of Staff announced that the Secretary of Defense was going to mandate vaccinations against COVID-19 for all servicemembers. The Chairman stated: "Mandating vaccines in the military is not new. Since the first days of basic training and throughout our service, we've received multiple vaccines. We have proven processes with trusted and skilled medical professionals."

Following this announcement, on August 24, 2021, the Secretary of Defense did indeed issue a memorandum with the subject: "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members." The memorandum states, "I therefore direct the Secretaries of the Military Departments to immediately begin full vaccination of all members of the Armed Forces under DoD authority on active duty or in the Ready Reserve, including National Guard, who are not fully vaccinated against COVID-19." The memo goes on to state: "Mandatory vaccination requirements will be implemented consistent with DoD Instruction 6205.02....The Military Departments may promulgate appropriate guidance to carry out the requirements set out above."

Thus, it is now the policy of the United States military that all active duty, reserve and National Guard servicemembers be fully vaccinated against COVID-19.

VACCINATION PROCEDURES

As stated in the memorandum issued by the Secretary of Defense, vaccination procedures are governed by DoD Instruction 6205.02 – "DoD Immunization Program." This instruction was effective July 23, 2019 – prior to the emergence of the COVID-19 virus in the United States. As alluded to by the Chairman of the Joint Chiefs, the U.S. military has always had a vaccination program for servicemembers. Mandatory vaccines are not new. The DoD Instruction mandates annual seasonal influenza immunization.

The general military regulation regarding immunizations is AR 40-562. This regulation lists 17 types of immunizations which may be given to military personnel. Now we have the 18th – COVID-19.

Under the regulation, there are several types of exemptions. These are:

1. Medical Exemptions - See AR 40-562 para. 2-6 (a). These exemptions are recognized by medical staff and then documented in the soldier's record. The medical provider can insist on getting a second opinion and the exemption can be revoked once the medical circumstance that would prevent vaccination no longer exists (i.e. a pregnant soldier who is told by her doctor that she should not receive a particular vaccine during pregnancy might be exempted from the vaccine during pregnancy but not after).

2. Administrative Exemptions -See AR 40-562 para. 2-6 (b) - This includes all non-medical exemptions, which include:

a. Separation or retirement - If there are only 180 days left on a contract, a servicemember can be exempted from deployment-related immunizations- see AR 40-562 para. 2-6(b)(1) - One side note, the provision for separation within 30 days, found at para. 2-6 (b)(2), only applies to military contractors.

b. Religious exemptions - Vaccine exemptions are treated largely the same way as other religious accommodations. See AR 40-562 para. 2-6 (b)(3), but see discussion below.

c. Other exemption categories - This is just an administrative procedure, that allows the military not to have to count as unvaccinated, soldiers who are POW, on emergency leave, etc. - See AR 40-562 para. 2-6 (b)(4). A read of this regulation would be that the military could not punish a soldier who was already on such leave and then failed to get vaccinated --- but of course this exemption would disappear once the soldier left emergency leave.

Regarding religious exemption rules, AR 40-562 para. 2-6 (b)(3) provides as follows:

1. Requests for religious exemption must comply with the provisions of the applicable policy and/or regulation for the Servicemember requesting religious accommodation. For the Army, religious accommodation policy is provided in AR 600–20. For the Navy and Marine Corps, waivers are granted on a case-by-case basis by the Chief, Bureau of Medicine, and Surgery. For the Air Force, permanent exemptions for religious reasons are not granted; the MAJCOM commander is the designated approval and revocation authority for temporary immunization exemptions. For the Coast Guard, CG–122 is the designated approval and revocation authority for religious immunization exemptions. USCG requests must be forwarded through the appropriate chain to Commandant CG–122 via CG–112.

Three things that are mentioned in AR 40-562 are of note:

1. Those who are seeking the status must be counseled by a military doctor, must receive specific information regarding the benefits of vaccines and risks of infection and be instructed that if they get this status, that it may affect their ability to be promoted and do certain duties,

2. Those who have begun the process of seeking an exemption may receive a temporary exception for a "pending religious exemption" under para. 2-6 (b)(3)(a)(4), and

3. Any religious exemption can be revoked under para. 2-6 (b)(3)(a)(5): "Religious exemptions may be revoked, in accordance with Service-specific policies and procedures, if the individual and/or unit are at imminent risk of exposure to a disease for which an immunization is available."

Thus, the Army could require any servicemember who has a known COVID exposure to be vaccinated, even if they have a recognized religious exemption.

Practically speaking, servicemembers who wish to receive a religious exemption should expect significant scrutiny, especially if their religious scruples about vaccines are new or inconsistent (i.e. they got other vaccines already and raised no concern), much in the same that CO applicants face extra scrutiny for recent religious conversions or lifestyle inconsistencies. [Editor's note: It remains to be seen if DoDI 1300.17 will have any impact here. (See next article.)]

DEADLINES

The Secretary of the Navy has issued a directive, dated August 30, stating that all active duty servicemembers must be fully vaccinated within 90 days and all Reserve Component servicemembers are to be fully vaccinated within 120 days. It seems like the other services will also adopt these deadlines.

COMPLIANCE

As noted above, the military has had a long history of vaccinations and has a robust immunization program. One would think that adding a vaccination against a highly transmissible and deadly virus would be non-controversial. However, the fact that this article had to be written at all is an indication of what unusual times we live in. The sad fact is that this disease was politicized from the outset and efforts to promote public health were dismissed as over-reactions or as an attack on the then-President. Fear and misinformation have spread wildly on social media. For these reasons, there is expected to be not insignificant resistance by servicemembers to taking a vaccine that would protect them from serious illness or death.

Also not helpful is a bill pending in Congress, H.R. 3860, which states, "No Federal funds may be used to require a member of the Armed Forces to receive a vaccination against COVID-19." In addition, the bill goes on to state: "The Secretary concerned may not take any adverse action against a member of the Armed Forces because such member refuses to receive a vaccination against COVID-19." Interestingly, vaccines protecting against other viruses are not mentioned, illustrating again the political nature of this disease. This bill, of course, will probably not even receive a vote in the House, but gives political cover to those servicemembers who will resist taking the vaccine.

The recent communication from the Secretary of the Navy states the following:

The order to obtain full vaccination is a lawful order, and failure to comply is punishable as a violation of a lawful order under Article 92, Uniform Code of Military Justice, and may result in punitive or adverse administrative action or both. The Chief of Naval Operations and Commandant of the Marine Corps have authority to exercise the full range of administrative and disciplinary actions to hold non-exempt Service Members appropriately accountable. This may include, but is not limited to, removal of qualification for advancement, promotions, reenlistment, or continuation, consistent with existing regulations, or otherwise considering vaccination status in personnel actions as appropriate.

Thus, the military is threatening to use administrative, punitive and disciplinary actions against those who fail to comply with the vaccine mandate. It seems that this could include non-judicial punishment or court-martial for refusal.

In response to this position, the military may well be faced with a high number of requests for exemptions. However, these exemptions are limited. The most common request may turn out to be one based on religion, but, as noted above, these will be highly scrutinized and the granting of exemptions will probably be rare.

There has been a report in the military press concerning an information paper produced by the Army dated June 13, 2021 entitled "Vaccine Refusal and Exemption Procedures." According to the Army Times, "The document says commanders can order refusing soldiers under their court-martial authority to receive 'involuntary vaccinations' when 'conditions of imminent threat exist (where the threat of naturally occurring disease or use of biological weapons is reasonably possible).'" The paper goes on to say, "unit personnel will only use the amount of force necessary to assist medical personnel in administering the immunization." This language comes from the Army Command Policy – AR 600-20.

It remains to be seen how widespread resistance to the vaccine mandate will be within the military and how the military will deal with resisters in order to get them to comply.

CONCLUSION

The U.S. military has now adopted a COVID-19 vaccine mandate. This mandate has the effect of a lawful order and non-compliance is subject to military discipline. There are narrow exemptions available for those who believe they apply and can meet the qualifications. It remains to be seen if this mandate can be carried out successfully given how protection against the virus has become so politically polarizing. As always, the editors of *On Watch* will continue to follow developments in this area and will report on them in future issues.

RELIGIOUS LIBERTY IN THE MILITARY SERVICES: A FIRST LOOK AT DODI 1300.17*

(*revised eff. 9/1/2020)

BY DEBORAH H. KARPATKIN

The Stars and Stripes headline sums it up nicely: “Pentagon unveils new religious liberty policies after pressure from conservative lawmakers.”¹

What provoked this? Three complaints from the [Military Religious Freedom Foundation](#) (MRFF) in April and May 2020 about the religious activities of servicemembers and military chaplains:

- military chaplains sharing faith-based videos on their brigade’s Facebook page (removed after the MRFF complaint).
- an Air Force officer holding “Sunday Christian Porch Preaching” from his barracks to a captive audience on COVID lockdown (relocated after the MRFF complaint); and
- a Chaplain sharing an online book from a Christian preacher who claimed that “some people would contract COVID-19 as a “specific judgment from God” due to sinful behavior (under investigation).

The political response was swift. In a May 14, 2020 letter to Defense Secretary Mark Esper, some members of Congress protested what they characterized as attacks “preying on military chaplains,” and criticized the military’s response as “knee-jerk” reactions to “anti-religion activists” and “conced[ing] to a third party’s baseless demands.”²

The Defense Department response was equally swift. What followed, less than four months later: the revision to DoDI 1300.17, now styled “Religious Liberty in the Military Services.” Perhaps the former name (“Accommodation of Religious Practices in the Military Services”) wasn’t sufficiently on message?

The Instruction, focusing solely on the Free Exercise Clause of the First Amendment, implements the requirements of the Religious Freedom Restoration Act (RFRA),³ and sets forth the following as “Policy:”

- Service members have the right “to observe the tenets of their religion or to observe no religion at all.”
- The military must “accommodate individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs) which do not have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety.”
- Chaplains may not be required to perform any “rite, ritual, or ceremony that is contrary to the conscience, moral principles or religious beliefs of the chaplain.”

¹ <https://www.militarytimes.com/news/your-military/2020/09/18/pentagon-unveils-new-religious-liberty-policies-after-pressure-from-conservative-lawmakers/> (last visited 8/17/21).

² <https://lamborn.house.gov/sites/lamborn.house.gov/files/05.14.20%20Member%20Letter%20to%20Sec.%20Esper%20%28Military%20Chaplains%29.pdf> (last visited 8/17/21)

³ 42 U.S.C. §2000bb-1.

- The military has “a compelling governmental interest in mission accomplishment ... including ... military readiness, unit cohesion, good order and discipline, and health and safety.”
- The military “will normally accommodate the religious practices of a service member based on sincerely held religious belief.”
- Accommodation can include excusing a Service member from an otherwise applicable military policy, practice or duty, if it “substantially burdens a Service member’s exercise of religion,” and can only be denied if the policy, practice, or duty “is in furtherance of a compelling governmental interest” and “is the least restrictive means of furthering that compelling governmental interest.”

Here are some questions MLTF practitioners may want to consider in advising military personnel on religious accommodation, including, in particular, conscientious objectors.

1. Does the Instruction meet RFRA standards?

While purporting to apply RFRA, no court to date has considered the key RFRA questions as applied to military service members: what “compelling governmental interest” would be sufficient to override a Service member’s request for accommodation? What does – or does not – have an “adverse impact on military readiness, unit cohesion, good order and discipline, and health and safety?”

2. How will the Instruction apply to military conscientious objectors?

The updated Instruction is of particular interest to those who represent military conscientious objectors. As RFRA gains judicial traction, lawyers for CO applicants have argued that consideration of CO applications must meet RFRA standards.⁴ Will the CO regulations be revised to comply with this Instruction? Will the military claim that the “clear and convincing evidence” proof standard applicable to CO claims (but not accommodation claims) is consistent with RFRA? Will courts be amenable to the contrary argument?

In addition to these general questions, the Instruction presents other more specific implications for CO applicants, including these:

Which policy applies? To the extent that a CO applicant is requesting accommodation for religious practices, will this Instruction’s detailed procedures and standards apply, or those specifically applicable to COs? Or both? Will practitioners representing COs be able to invoke DoDI 1300.17 if advantageous to them, or will the CO-specific policies and instructions apply?

Will the “Substantial Burden” definition help COs? The Instruction states that a governmental act will be a “substantial burden” on a Service member’s exercise of religion if it “requires participation in an activity prohibited by a sincerely held religious belief” or “prevents participation in conduct motivated by a sincerely held religious belief,” or “places substantial pressure on a Service member to engage in conduct contrary to a sincerely held religious belief.”

⁴ For a discussion of how RFRA may impact military conscientious objectors, see the Spring 2016 issue of On Watch, Karpatkin and Goldberger, “*Hobby Lobby and the Religious Freedom Restoration Act: New Arguments for Military Conscientious Objectors*,” <https://nlgmtf.org/military-law/2016/hobby-lobby-and-the-religious-freedom-restoration-act-new-arguments-for-military-conscientious-objectors1/>,

Is this a concession that a CO's sincerely held religious beliefs meet the "substantial burden" RFRA test?

Must a "sincerely held religious belief" also be "fixed, firm, and deeply held?" These latter qualifications are required for CO applicants,⁵ but notably not for applicants seeking accommodation under this Instruction. Will COs be able to argue that the more restrictive definition of "sincerely held religious belief" does not conform to RFRA and should no longer apply?

Is requesting accommodation under DoDI 1300.17 a wise strategic step for CO applicants? Will CO applicants seeking to prove "sincerity" (with or without the requirement that their beliefs are "firm, fixed, and deeply held") be supported by evidence that they first or also sought accommodation under DoDI 1300.17? And more worryingly, will a CO applicant who does not seek accommodation under DoDI be considered less "sincere?"

Nonconflicting duty? CO applicants may request nonconflicting duty while their CO application is being considered, pursuant to DoDI 1300.06 ¶ 4.4i. How does this align with accommodation requests pursuant to this Instruction, which requires those seeking accommodation to "continue to comply with the policy practice or duty from which an accommodation has been requested unless and until ... the request has been approved by the appropriate authority?" (¶ 3.1a).

Alternative/least restrictive means? The Army's Conscientious Objector Regulation (AR 600-43) states that a CO applicant seeking 1-O status "will not be granted 1-A-O status as a compromise." How does this align with the Instruction's direction that requests for accommodation may be granted "in whole or in part," and that action on requests for religious accommodation must include consideration of "alternative means available to address the requested accommodation," that is least restrictive to the requestor's religious practice and that does not impede a compelling governmental interest?

Will the mandated training make a difference? The Instruction requires the development and provision of education and training on accommodation of religious practices. Will this training make a difference to the commanders and chaplains who consider CO applicants?

3. What about ethical/moral accommodation requests? Practitioners representing COs know that a CO's beliefs may be premised on "personal beliefs that are purely moral or ethical" if they "occupy ... a place parallel to that filled by more traditional religious convictions."⁶ Will this standard also apply to requests for moral/ethical accommodation under DoDI 1300.17? Will such requests also have to meet the "parallel place" standard? For example, how will it apply a Service member who seeks accommodation for vegan "separate rations" pursuant to DoDI 1300.17 ¶3.3.b because of their sincerely held moral/ethical opposition to eating animal products?

4. What about the Establishment Clause?

The events prompting the MRFF complaints raised concerns about "establishing religion" in the military

⁵ See DoDI 1300.06 at ¶3.1.c.

⁶ DoDI 1300.06 ¶3.2a.

in violation of the Establishment Clause of First Amendment. The new DoD policy does not address the Establishment Clause, consistent with a growing political (and legal) preference for the protection of the “free exercise” of religion, and diminished political (and legal) protection from governmental “establishment” of religion.⁷

5. What about religious objections to the Vaccine Mandate?

On August 24, 2021, the Secretary of Defense issued a Memorandum mandating COVID vaccines for all active duty, ready reserve, and National Guard members.⁸ The Vaccine Mandate Memorandum does not explicitly permit religious exemptions, except that the mandatory vaccines will be “subject to any ... administrative or other exemptions established in Military Department policy.”

The Vaccine Mandate may be an early test of DoDI 1300.17’s accommodation policy. The Instruction provides (at ¶ 3.3c) that “A Service member’s religious practices will be considered in acting on a request for exemption from required medical practices.” Such requests must be “consistent with mission accomplishment, including consideration of potential medical risks to other persons comprising the unit or organization.”⁹

6. Rescinding Accommodations

Once granted, the accommodation follows the Service member “for the duration of [their] military career,” including after promotions, reenlistment, or commissioning. However, the accommodation may be rescinded, in whole or in part, based on a determination of changed circumstances. Importantly, however, the Military Department of Service – *not the Service member* – bears the burden of initiating and substantiating a proposal to review and rescind the previously granted accommodation.

7. Process Points

The Instruction contains detailed procedures for seeking accommodation, and for acting on requests for accommodation. Practitioners may wish to make particular note of the following:

- *Time periods.* The Instruction includes specific timeframes for action on requests for accommodation.
- *Written notice.* Accommodation requests must be responded to in writing.
- *Records.* Pursuant to ¶3.2.a, “records concerning requests for accommodations will be maintained in accordance with DoD Instruction 5400.11.” (DoD Privacy and Civil Liberties Programs). Will such records be available in discovery or pursuant to a FOIA request?
- *Appeals.* The Instruction allows a Service member to appeal the denial or limited grant of a request for accommodation, to an “official in the chain of command or chain of supervision above the officer or official who took final action on the request.” Will denial of such an appeal allow the Service member to pursue habeas corpus relief in civilian courts?

⁷ See, e.g., *Espinoza v. Montana Department of Revenue*, 591 U.S. ____ (2020)

⁸ <https://media.defense.gov/2021/Aug/25/2002838826/-1/-1/0/MEMORANDUM-FOR-MANDATORY-CORONAVIRUS-DISEASE-2019-VACCINATION-OF-DEPARTMENT-OF-DEFENSE-SERVICE-MEMBERS.PDF>

⁹ See the discussion of the religious exemption for vaccines in this issue of On Watch.

CONCLUSION

DoDI 1300.17 presents many questions and may also present opportunities and risks for CO applicants. Practitioners and advocates will want to keep careful watch on how it is applied, collect available data, and, if warranted, consider test litigation.

HOUSE AND SENATE ARMED SERVICES COMMITTEES VOTE TO MAKE WOMEN REGISTER FOR THE DRAFT

BY EDWARD HASBROUCK

On September 1st the House Armed Services Committee joined the Senate Armed Services Committee in voting 35-24 to expand registration for a possible military draft to include young women as well as young men.¹

New edition of Draft Counselors Manual now available. See page 22.

Following this House committee vote and an earlier Senate committee vote in July (before Congress's summer vacation), the versions of the annual "must-pass" National Defense Authorization Act (NDAA)² to be considered later this fall in both the House and Senate will include provisions requiring women to register for the draft within 30 days of their 18th birthday and report to the Selective Service System each time they change their address until their 26th birthday, as young men have been required to do since 1980.

An alternative compromise amendment³ to suspend draft registration unless the President declared a national emergency and put the Selective Service System into standby was submitted before the House committee session but ruled out of order on the basis of arcane PAYGO procedural rules.⁴ Under the same rules, the amendment to the NDAA to expand draft registration to women was ruled in order, considered, and adopted without any antiwar opposition from members of the committee.

Floor amendments may be proposed when the NDAA is considered by the full House and/or the Senate to repeal the Military Selective Service Act⁵, end draft registration entirely, abolish the Selective Service System, or put Selective Service into "standby"⁶ as it was from 1975-1980. But even if such amendments are proposed and put to a vote, they have little chance of success in either the House or the Senate.

1 <https://hasbrouck.org/draft/BILLS-117-HR4350-H001085-Amdt-835.pdf>

2 <https://armedservices.house.gov/ndaa>

3 <https://hasbrouck.org/draft/SelectiveServiceStandby-SPEIER.pdf>

4 <https://budget.house.gov/publications/report/faqs-paygo>

5 <https://hasbrouck.org/draft/repeal.html>

6 <https://hasbrouck.org/draft/standby.html>

It's now overwhelmingly likely that the Fiscal Year 2022 NDAA to be adopted in late 2021 or early 2022⁷ will authorize the President to order women to register for the draft at age 18, starting in 2023 with women born in 2005 and after.

It's time to shift our anti-draft focus from Congressional lobbying to resistance.

In the most obvious sense, the attempt to get young women to register for the draft and report changes of address to the Selective Service System is bound to fail. Few young men comply with the registration and address reporting requirements⁸, and even fewer young women are likely to do so. Widespread noncompliance has rendered registration of men unenforceable, and the proposed legislation to expand draft registration to women includes no plan or budget for enforcement.

Women have all the same reasons to oppose the draft as men do, plus additional reasons of their own. As I pointed out in my testimony⁹ in 2019 to the National Commission on Military, National, and Public Service¹⁰ (which invited no draft-age women to testify about whether they should or could be forced to register), "Both feminist and anti-feminist women will be more likely to resist being forced into the military than men have been, and more people will support them in their resistance. There's a long tradition of antiwar feminism that identifies militarism and war with patriarchy.¹¹ Women have been an important part of draft resistance movements even when only men were being drafted and when most public attention has been on male resisters."

Now the tables are turned, and it's time for men to support young women in their resistance to the expansion of draft registration, just as it's time for older people to support young people as allies in their resistance to an age-based¹² draft.

But if expanding draft registration to women is bound to fail, draft registration is already unenforceable and has been so for decades, an attempt to bring back the draft is unlikely, and the registration database would be "less than useless"¹³ (in the opinion of a former Director of the Selective Service System) for an actual draft, why should we care about draft registration or make it a priority to support draft registration resistance?

The flaw in the thinking behind this question is the mistaken assumption that the primary goal of anti-draft activism is to protect young people from being drafted.

It should go without saying — but unfortunately doesn't — that the primary victims of a U.S. draft are not draftees but the much larger numbers of people, mainly civilians, against whom draftees are deployed to wage war around the world, and the civilians at home, especially women and children, who are impacted by the violent masculinity in which soldiers are trained. That this is not taken for granted, and that draftees are conceptualized primarily as passive victims of the draft rather than as potentially empowered agents of obstruction of the war machine, is symptomatic of the ageism of most observers,

7 <https://hasbrouck.org/draft/calendar.html>

8 <https://hasbrouck.org/draft/compliance.html>

9 <https://hasbrouck.org/blog/archives/002342.html>

10 <https://hasbrouck.org/draft/NCMNPS/>

11 <https://hasbrouck.org/draft/women/feminism.html>

12 <https://hasbrouck.org/draft/ageism.html>

13 <https://hasbrouck.org/blog/archives/002344.html>

even otherwise progressive ones. The ageist conceptualization of young people as passive “victims” of the draft denies them agency and blinds older people to the success of their nonviolent noncooperation with a system that seeks not only to oppress them but to use them to oppress others.

Since 1980, resistance to draft registration has won a profound victory over the state and the war machine: It has rendered draft registration unenforceable and prevented a draft.

But that victory is only partial. The function of draft registration is not so much to enable an actual draft as to enable war planners to pretend that the draft is a viable policy option, so that they can contemplate and commit the U.S. to larger, longer, less popular wars without having to consider whether enough people will volunteer to fight them. The real victory of draft resistance will be when the failure of draft registration and the consequent unavailability of a draft as a military “fallback” option is widely enough recognized that U.S. war planning and war making begin to be constrained accordingly.

The failure of older allies to publicize and follow through on the success of draft registration resistance in preventing a draft, and thereby to realize the potential of that resistance to rein in military planning and adventurism, is directly attributable to their ageism.

Misconceiving their goal from the start as protecting vulnerable (read: powerless) young people from the draft rather than helping young people protect the world from wars that depend on young people as warriors, ageist anti-draft activists have assumed that as long as the threat of a draft has been eliminated, there is no further need or reason for anti-draft activism. As a result, many of them redirected their energy and their priorities for activism away from the issue of the draft, just when the success of draft registration resistance had brought it to the brink of a larger victory over planning and preparation for unlimited war(s).

Since the government has not yet been forced to admit that draft registration has failed, it has continued to plan and initiate one war after another on the assumption that, if it needs to do so, it can always fall back on a draft.

Draft resistance is not a lobbying strategy but a tactic of nonviolent direct action. Its success does not depend on Congress. Just the reverse: the government’s ability to wage war depends on the willingness of (young) people to fight. Young people have the power to prevent wars by opting not to fight them — and now young women are about to be given that power as well.

As Congress moves toward a vote to expand draft registration to young women as well as young men, it’s time to support all young people in their resistance and to educate, agitate, and organize against the draft and draft registration. There will be much for lawyers and legal workers to do.

CHALLENGING SELECTIVE SERVICE REGISTRATION BASED ON FREEDOM OF RELIGION AND BELIEF

BY MARIA SANTELLI, CENTER ON CONSCIENCE AND WAR

If Selective Service registration is expanded to women, we hope it will inspire a broad national debate about the draft that is not limited to the artificial arguments we are hearing now about “equality.” Resistance will take a variety of forms, including refusing to comply by not registering at all; delaying registration until just days or weeks before the age of 26, when they would no longer be subject to the draft; or complying with the registration requirement, but entering a statement of conscience along with the registration form. (There is no formal process at this time to register as a conscientious objector.)

CCW has updated
their draft
counselors manual.
See page 22.

Certainly with Solomon-type laws in place in more than 44 states and US territories, and at the federal level, resistance is more complicated than it was when registration was reinstated in the 1980s. We have long opposed these extra-judicial penalties being imposed not only on people of conscience, but on anyone who fails or refuses to register for any reason. In our ongoing efforts to end draft registration, we have consistently pointed to the denial of due process for violators as a reason to abolish registration once and for *all*.

The recent proposals to expand draft registration to women have included a “due process” clause. If the proposals become law, anyone denied access to a resource, such as a driver’s license or entry to state college or university, could eliminate the barrier by registering at any time, even if they have passed the age by which the law requires them to be registered.

This meaningless window-dressing is certainly not “due process” nor does it address the violation of conscience in those for whom even registration is cooperation with war.

Without any accommodation for conscientious objectors, if women are required to register, the new level of public awareness could present an opportunity for legal action to challenge Selective Service registration under the Religious Freedom Restoration Act (RFRA). The Center on Conscience and War (CCW) routinely receives calls from young men grappling with the decision to register, but we have not yet encountered anyone willing to take their case to court. We hope that if the expansion passes, young women of conscience will begin exploring their options, including legal action. If that happens, we hope the MLTF and other allies in the legal community will be standing by to take their cases!

MILITARY MEDICAL MALPRACTICE CLAIMS

BY JEFF LAKE

In its 1950 decision in *Feres v. U.S.* 340 U.S. 135, the United States Supreme Court insulated the military from liability from injuries to servicemembers “where the injuries arise out of or are in the course of activity incident to service.” In the generations since, many have attempted legal and legislative actions to reverse or limit this judicially created rule.

In recent years there has been publicity regarding the most outrageous cases where the *Feres* doctrine has been used to deny liability. For example, the case of Captain Heather Ortiz was covered in *On Watch* in 2016. (<https://nlgmtf.org/military-law/2016/when-the-mothers-military-status-punishes-the-child-supreme-court-watch-on-the-feres-doctrine-and-the-ortiz-case/>) Most recently, on May 3, 2021, Justice Thomas dissented (https://www.supremecourt.gov/opinions/20pdf/20-559_e2p3.pdf) from a denial of certiorari in *Doe v. United States* 593 U.S. ___ and stated, “Perhaps the Court is hesitant to take up this issue at all because it would require fiddling with a 70-year-old precedent that is demonstrably wrong. But if the *Feres* doctrine is so wrong that we cannot figure out how to rein it in, then the better answer is to bid it farewell.”

Under pressure, Congress has finally enacted legislation as part of the National Defense Authorization Act for 2020 that would allow servicemembers or their representatives to file administrative claims for personal injury or death caused by a Department of Defense (DoD) health care provider in certain military medical treatment facilities.

On June 17, 2021, the Department of Defense published an interim final rule regarding Military Malpractice Claims. This rule became effective July 19, 2021. It can be found here: <https://www.federalregister.gov/documents/2021/06/17/2021-12815/medical-malpractice-claims-by-members-of-the-uniformed-services>

The new rule is codified at 32 CFR Part 45.

What kind of claims are covered?

Section 45.2 recites what claims are payable and not payable in general. Basically, payable claims are tort claims “based on national standards consistent with generally accepted standards used in a majority of States in adjudicating claims under the FTCA [Federal Tort Claims Act].” Claims that are not payable are cases where there is “an act or omission of a DoD health care provider, exercising due care, in the execution of a statute or regulation or based upon the exercise or performance of any discretionary function or duty on the part of DoD or a DoD health care provider.” In addition to the due care exception, the quarantine and combatant activities exceptions also apply. Claims based on intentional infliction of emotional distress, other intentional torts, wrongful death/life, strict liability, products liability, informed consent, negligent credentialing, or joint and severable liability theories and breach of medical confidentiality are not payable. Consistent with the FTCA, interest prior to judgment and punitive damages are not available.

Who can file?

Section 45.3 sets out who can file a claim. Active duty members of the uniformed services or an authorized representative on behalf of a member who is deceased or otherwise unavailable to file the claim due to incapacitation may file claims. In some circumstances, a claim may be filed by or on behalf of a reserve component member if the claim is in connection with a personal injury or death that occurred while the member was in a Federal duty status. In cases of members of the National Guard, the member must have been on Federal duty status and not under State control. Claims by family members or survivors alleging a separate injury are not allowed.

When can a claim be filed?

Under section 45.2(c) there is a two-year statute of limitations. The claim must be received by DoD in writing. For mailed claims, timeliness of receipt will be determined by the postmark. The claim accrues as of the latter of (1) the date of the act or omission by a DoD health care provider that is the basis of the claim or (2) the date on which the claimant knew, or with the exercise of reasonable diligence should have known, of the injury and that malpractice was its possible cause.

What should a claim contain?

Section 45.4(b) states what claims must contain. These are:

1. The factual basis of the claim, including identification of the conduct allegedly constituting malpractice (e.g., the theory of liability and/or breach of the applicable standard of care);
2. A demand for a specified dollar amount;
3. If the claim is filed by an attorney, an affidavit from the claimant affirming the attorney's authority to file the claim on behalf of the claimant;
4. If the claim is filed by an authorized representative, an affidavit from the representative affirming his/her authority to file on behalf of the claimant;
5. If the alleged malpractice is not within the general knowledge and experience of ordinary laypersons, an affidavit from the claimant or attorney that he/she consulted a health care professional who opined that a DoD health care provider breached the standard of care that caused the alleged harm.

Is discovery allowed?

Section 45.4(e) is entitled "No discovery." However, claimants are entitled to their DoD personnel and medical records. DoD may require additional information DoD believes is necessary for adjudication of the claim, *including the submission of an expert opinion at the claimant's expense*. A claimant must provide medical release(s) upon DoD's request, enabling DoD to obtain a claimant's outside medical records.

What are the elements of a payable claim?

Sections 45.5, 45.6 and 45.7 lay out the elements of a payable claim. Under section 45.5, the health care

involved must occur in a covered military medical treatment facility (MTF) and be provided by a DoD health care provider acting within the scope of employment. Section 45.6 mandates that “a member of a uniformed service (“claimant”) allegedly harmed incident to service must prove by a preponderance of the evidence that one or more DoD health care providers in a covered MTF acting within the scope of employment had a professional duty to the patient involved and by act or omission breached that duty which proximately caused injury or death.” Finally, section 45.7 states, “In a case otherwise payable under this part, a claimant must prove by a preponderance of evidence that a negligent or wrongful act or omission by one or more DoD health care providers was the proximate cause of the harm suffered by the member.”

What types of damages are available?

Under the rule, three types of damages are available. The first, discussed in section 45.8 is for a disability. These damages are calculated using the DoD Disability Evaluation System or otherwise established by the VA. Disabilities are given a percentage under the VA Schedule for Rating Disabilities (VASRD). The section states, “DoD is required to use the VASRD for assessing the degree of disability of a member under the Disability Evaluation System.” The degree of disability is “the Government’s estimate of the lost earning capacity attributable to an illness or injury incurred during military service.”

The second category of damages is economic damages which are discussed in section 45.9. These are limited to the following: Past medical expenses; Future medical expenses; Past lost earnings; Loss of earning capacity; and “Compensation when the claimant can no longer perform essential household services on his or her own behalf, including activities of daily living.” The claimant has the burden to prove the amount of economic damages by a preponderance of evidence.

Finally, the rule allows for non-economic damages as stated in section 45.10. These are limited to “Past and future conscious pain and suffering by the claimant” and physical disfigurement. These non-economic damages are currently capped at \$500,000. Once again, the claimant has the burden to prove the amount of non-economic damages by a preponderance of evidence.

In a concluding section on damages, section 45.11 states that any damages awarded will be reduced by “offsetting most of the compensation otherwise provided or expected to be provided by DoD or VA for the same harm that is the subject of the medical malpractice claim. The section lists 15 different categories of payments as examples of offsets. However, there are also seven categories of payments which are not offset, so attention should be paid to those if the claimant is receiving any of them.

How is the claim decided?

Sections 45.12, 45.13 and 45.14 discuss how a claim is decided. Section 45.12 begins with a recitation of how claims will be rejected – for insufficiency, failure to state a claim or absence of an expert report. For claims that are deemed insufficient or do not contain the required report, the claimant can attempt to fix the problem. For denials based on failure to state a claim, the claimant must appeal under section 45.13 discussed below. If there are no problems with the claim, the DoD issues a written “Initial Determination.” This can be either a grant of a claim and an offer of a settlement or a denial of the claim. If there is a clear error in the calculation of damages (such as a typo), a claimant can respond and the DoD can issue an “Initial Determination on Reconsideration.” Otherwise, the claimant can proceed to an appeal.

Appeals are discussed in section 45.13. Appeals must be received within 60 days. They will be decided by an "Appeals Board administratively supported by the Defense Health Agency." This group "will consist of not fewer than three and no more than five DoD officials designated by the Defense Health Agency from that agency and/or the Military Departments who are experienced in medical malpractice claims adjudication." As usual, the claimant has the burden of proof by a preponderance of evidence that the "claim is substantiated in the written record considered as a whole." The Appeals Board will provide a written Final Determination which is final and conclusive.

Section 45.14 contains some interesting provisions regarding final settlement of claims. Part (a) makes clear that any settlement is not subject to review in any court. There is no federal court jurisdiction over claims. Part (b)(1) states that no attorney may receive fees in excess of 20% of any claim payment amount. Finally, part (b)(2) clarifies that any settlement agreement will include a provision that it "bars any other claim against the United States or DoD health care providers arising from the same set of facts."

Thus, the DoD controls the entire decision-making process both initially and on appeal. There is no Federal Court jurisdiction over claims.

Finally, the NDAA passed in 2020 contains a provision whereby a substantiated claim under \$100,000 will be paid by DoD. Claims over that amount will be reviewed and paid by the Treasury Department.

Conclusion

As with all new policies and rules, time will tell if the new rule allowing for military malpractice claims will be effective and provide adequate compensation for servicemembers injured by DoD medical personnel. In a preface to the rule, the military states that it anticipates about 50 claims per year will be filed. Any *On Watch* readers who are involved in filing a claim are encouraged to let the editors know how the experience went and if you have any tips for practitioners in this area. Finally, as always, look to future issues of *On Watch* for updates concerning this and other *Feres*-related developments.

ANNOUNCEMENTS

NEW DRAFT COUNSELORS MANUAL

The Center on Conscience & War announces the publication of its newly revised *Draft Counselors Manual*, current as of August 2021. It covers a wide range of information about Selective Service, including registration and non-registration, extrajudicial penalties for failure to register, induction processing, classification procedures, and placement of conscientious objectors into alternative service.

This version is electronic and is available by contacting ccw@centeronconscience.org. The Center is not charging for this valuable resource, but contributions to support their work are greatly appreciated.

NEW DISCHARGE UPGRADE MANUAL

The American Bar Association has just published the *Military Discharge Upgrade Legal Practice Manual*, by Margaret Kuzma, Dana Montalto, Elizabeth R Gwin, and Daniel L Nagin. This landmark publication—the first of its kind in 30 years — enables advocates to represent veterans who unjustly received less-than-honorable or other stigmatizing discharges. Written by attorneys from the Legal Services Center of Harvard Law School’s Veterans Legal Clinic and Connecticut Veterans Legal Center, this book helps bring honor and life-altering benefits to veterans. It's available at [Military Discharge Upgrade Legal Practice Manual \(americanbar.org\)](#). The cost is \$99.95 for ABA members, and \$109.95 for non-members

MLTF EVENTS DURING NLG VIRTUAL CONVENTION

MLTF membership meeting. The Task Force will meet on Monday, October 18, from 9 a.m. to noon, Pacific time/Noon to 3 p.m. Eastern, to talk about our work and plans for the coming year. Zoom link and other information will be sent to MLTF members before the [convention](#) begins.



MLTF CLE. Introduction to military law, and supporting Black Lives Matter and other progressive dissent in the military. Free to conference attendees.

Tuesday, Oct. 12

Session #1 - An Introduction to Military Law for Leftist Lawyers

2:00-3:30 pm Eastern / 11 am-12:30 pm Pacific

15-minute Break

Session #2 - Defending military servicemembers who want to participate in Black Lives Matter and other movements against oppression

3:45-5:15 pm Eastern / 12:45-2:15 pm Pacific

ABOUT THE CONTRIBUTORS

David Gespass is a co-founder of MLTF and has formerly served both a member of the Military Law Task Force Steering Committee and President of the National Lawyers Guild.

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THE MILITARY LAW TASK FORCE OF THE NATIONAL LAWYERS GUILD

ON WATCH is published quarterly by the Military Law Task Force of the National Lawyers Guild. Subscriptions are free with MLTF dues (\$25), or \$20 annually for non-members.

We welcome comments, criticism, assistance from Guild members, subscribers and others interested in military, draft or veterans law.

For membership info, see our website, or contact us using the info below.

Each issue is made available to the public on our website approximately one month after distribution to subscribers. A digital archive of back issues of this newsletter can be found on our website. See nlgmtf.org/onwatch/.

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The National Lawyers Guild's Military Law Task Force includes attorneys, legal workers, law students and "barracks lawyers" interested in draft, military and veterans issues. The Task Force publishes On Watch as well as a range of legal memoranda and other educational material; maintains a listserv for discussion among its members and a website for members, others in the legal community and the public; sponsors seminars and workshops on military law; and provides support for members on individual cases and projects.

The MLTF defends the rights of servicemembers in the United States and overseas. It supports dissent, anti-war efforts and resistance within the military, offering legal and political assistance to those who challenge oppressive military policies. Like its parent organization, the NLG, it is committed to the precept that human rights are more sacred than property interests.

To join, or for more information, contact us by email or phone, or visit our website or social media pages.

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HOW TO DONATE

Your donations help with the ongoing work of the Military Law Task Force in providing information, support, legal assistance and resources to lawyers, legal workers, GIs and veterans.

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Thank you!