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Not What You Signed Up For?

You saw the billboard.
You have questions.
You're not alone.



Screenshot detail of notwhatyousignedupfor.org, a new site assisting servicemembers being deployed to US. cities. See page 3.

EDITOR'S NOTE: ON DEPLOYMENTS AND OTHER EXTRAORDINARY ACTION BY THE TRUMP ADMINISTRATION

This issue of *On Watch* is published during an extraordinary time for the U.S. military and the nation. Since the last issue, the President has illegally deployed or attempted to deploy the National Guard to Washington, D.C., Memphis, Portland and Chicago. Some Guard members remain in Los Angeles. The President is now calling the Department of Defense the "Department of War." The Secretary of Defense is attempting to remake the military into an obedient homogenous force not subject to law. The President has begun an undeclared war on "cartels" in violation of international law.

The deployments of the National Guard to U.S. cities are discussed in depth in this issue. These deployments are unprecedented and illegal. The use of the National Guard for policing is prohibited by the Constitution and by statute. The purpose of these deployments is to intimidate lawful protestors from expressing opposition to the President and the actions of his administration. If they are allowed to continue, they constitute a grave threat to freedom and liberty. As stated by Judge Immergut, a Trump appointee in Portland, "this is a nation of Constitutional law, not martial law."

Within the military itself, the institution is being remade into a force to serve the whims of the President and Secretary Hegseth. One of the administration's first actions was to fire all the senior JAG officers, thereby removing those providing advice on how to follow the law. This was followed by the unconstitutional policy of immediately and involuntarily removing all transgender service members from the military, regardless of seniority or service record. Two judges found this policy to be unconstitutional; however, the U.S. Supreme Court allowed the policy to go into effect without providing any reason. Recently, Secretary Hegseth issued a series of memoranda to "Senior Pentagon Leadership." These are discussed by Kathleen Gilberd in this issue of *On Watch*. She concludes that these memos will make it more difficult for victims of discrimination, harassment, or oppressive military policies and practices to make complaints about their treatment while offering protections to those accused of abusive behavior.

Finally, Secretary Hegseth summoned all senior leadership to Quantico, Virginia to be lectured on ignoring the laws of war as follows: "We fight to win. We unleash overwhelming and punishing violence on the enemy. We also don't fight with stupid rules of engagement. We untie the hands of our warfighters to intimidate, demoralize, hunt, and kill the enemies of our country. No more politically correct and overbearing rules of engagement, just common sense, maximum lethality, and authority for warfighters." Later, the President followed with a rambling 70-minute stream of consciousness "speech" where he mused about "the enemy within" and proposed using U.S. cities as "training grounds" for the military.

Finally, the President has begun an illegal war on unnamed "cartels." This action constitutes violations of the United States War Powers Act, Article 2(2) of the United Nations Charter, the International Covenant on Civil and Political Rights, the Geneva Conventions, the United Nations Convention on the Law of the Sea, and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as well as customary international law. Numerous legal organizations including the International Association of Democratic Lawyers and the New York City Bar Association have issued

statements denouncing this development. The MLTF and other NLG committees are in the process of issuing a statement as well.

This publication contains information related to military law. Military law, as well as Constitutional, statutory and international law is being broken by this administration on a daily basis. If not stopped, the residents of the nation, both inside and outside the military, face losing their rights and the possible imposition of martial law. Nations around the world face a U.S. military poised for endless war and unconstrained by international law or the laws of war. The MLTF stands with all who resist these illegal policies. Those on the side of human and political rights must stand together in this critical battle to save them.

- October 18, 2025

MILITARY DEPLOYED TO U.S. CITIES

By Jeff Lake

In the last issue of *On Watch* I reported on the deployment of National Guard troops to Los Angeles. Since that time, troops have been deployed to Washington D.C., Memphis, and Chicago. There has been an attempted deployment to Portland. As this article goes to press, the situation is evolving on a daily basis. Clearly what was initially a single deployment in response to an isolated incident has been expanded to become national policy. The President has publicly admitted to contemplating using U.S. cities as “training grounds” for the military. This should alarm all those who value liberty and the rights enshrined in the First Amendment to the U.S. Constitution.

LOS ANGELES

As discussed in the last issue, the President deployed the National Guard to Los Angeles under the authority of 10 U.S.C. § 12406. This section states that the President can deploy the Guard “[w]henever . . . the President is unable with the regular forces to execute the laws of the United States.” Judge Charles Breyer in California immediately enjoined this deployment finding that this requirement was not met. However, the Ninth Circuit Court of Appeals dissolved the injunction.

Judge Breyer then held a three-day trial in August, 2025. The evidence showed that the Guard and Marines wore military uniforms which were green or multicamouflage. Some ICE agents wore camouflage uniforms as well, making it hard to distinguish between the two. The Guard and Marines were armed, carrying weapons with live ammunition. The Guard participated in DEA operations and in operations outside Los Angeles in Riverside County, Santa Barbara County and Ventura County.

On September 2, 2025, Judge Breyer issued an [Opinion Granting Injunctive Relief](#). This opinion found that the deployment of the National Guard and Marines (“Task Force 51”) was illegal. He wrote:

Indeed, Task Force 51 troops' conduct clearly qualifies as Posse Comitatus Act violations under the tests that courts use to apply the Act. Defendants' presence to bolster DHS and DEA operations and shows of force exercises regulatory, proscriptive, and compulsory power on the surrounding public, and their participation in operations in numbers that match or outnumber law enforcement agents pervade the activities of those civilian agents. This was intentional – Defendants instigated a months-long deployment of the National Guard and Marines to Los Angeles for the purpose of establishing a military presence there and enforcing federal law. Such conduct is a serious violation of the Posse Comitatus Act.

He went on, finding as follows:

Moreover, Defendants violated the Posse Comitatus Act willfully. Defendants knowingly contradicted their own training materials, which listed twelve functions that the Posse Comitatus Act bars the military from performing. They did so while refusing to meaningfully coordinate with state and local officials. And they 'coach[ed]' federal law enforcement agencies as to what language to use when submitting requests for assistance in an attempt to circumvent the Act. These actions demonstrate that Defendants knew that they were ordering troops to execute domestic law beyond their usual authority.

The fact that many of the Guard and all of the Marines have left Los Angeles did not dissuade Judge Breyer from issuing an injunction. He wrote:

Defendants mention that only 300 National Guard troops remained stationed in Los Angeles, suggesting that injunctive relief is unwarranted because their footprint is smaller than it was in early June. Their point is not well taken. Those 300 National Guard troops are set to remain deployed through November, see August 5 Activation Order, and they have already been improperly trained as to what activities they can and cannot engage in under the Posse Comitatus Act. Further, President Trump's recent executive orders and public statements regarding the National Guard raise serious concerns as to whether he intends to order troops to violate the Posse Comitatus Act elsewhere in California. See, e.g., Exec. Order No. 14,339 § 2(d)(ii), 90 Fed. Reg. 42121 (Aug. 25, 2025) (ordering the Secretary of Defense to ensure that state National Guard units are trained 'in quelling civil disturbances and ensuring the public safety and order whenever the circumstances necessitate'); C-SPAN, President Trump Holds Cabinet Meeting at 3:12:29-40 (Aug. 27, 2025) available at <https://tinyurl.com/bb6sa5bp> (regarding deployment and use of the National Guard in Chicago: 'I have the right to do anything I want to do. I'm the President of the United States. If I think my country is in danger, and it is in danger in these cities, I can do it.') Injunctive relief is therefore appropriate.

Judge Breyer then issued the following injunction:

[T]he Court **ORDERS** that Defendants are enjoined from deploying, ordering, instructing, training or using the National Guard currently deployed in California, and any military troops heretofore deployed in California, to execute the laws, including but not limited

to engaging in arrests, apprehensions, searches, seizures, security patrols, traffic control, crowd control, riot control, evidence collection, interrogation, or acting as informants, unless and until Defendants satisfy the requirements of a valid constitutional or statutory exception, as defined herein, to the Posse Comitatus Act.

This case is now on appeal to the Ninth Circuit. As Judge Breyer stated, National Guard troops are set to remain deployed through November. The President is now sending them to Portland, Oregon, despite a judge's ruling that there is no legal authority to use them there. (See below.)

WASHINGTON D.C.

On August 11, 2025, the President issued an Executive Order "[Declaring a Crime Emergency in the District of Columbia](#)." This order begins, "Crime is out of control in the District of Columbia." The Order calls for federalizing the Metropolitan Police Department.

On August 25, 2025 the President issued another Executive Order, [Additional Measures to Address the Crime Emergency in the District of Columbia](#), stating:

The Secretary of Defense shall, subject to the availability of appropriations and applicable law, immediately create and begin training, manning, hiring, and equipping a specialized unit within the District of Columbia National Guard, subject to activation under Title 32 of the United States Code, that is dedicated to ensuring public safety and order in the Nation's capital.

In addition, the Order states:

The Secretary of Defense shall immediately begin ensuring that each State's Army National Guard and Air National Guard are resourced, trained, organized, and available to assist Federal, State, and local law enforcement in quelling civil disturbances and ensuring the public safety and order whenever the circumstances necessitate, as appropriate under law. In coordination with the respective adjutants general, the Secretary of Defense shall designate an appropriate number of each State's trained National Guard members to be reasonably available for rapid mobilization for such purposes. In addition, the Secretary of Defense shall ensure the availability of a standing National Guard quick reaction force that shall be resourced, trained, and available for rapid nationwide deployment.

With this Order, the administration is attempting to expand National Guard deployments routinely to anywhere in the country when the administration determines that "circumstances necessitate." The idea seems to be to regularize the presence of the military on the streets of the country as if this was acceptable in an allegedly free society.

On September 4, 2025, the Attorney General of Washington, D.C. [sued to stop the deployment](#) of the National Guard. The lawsuit states that "[o]ver 2,200 National Guard troops from seven states and the District of Columbia are currently patrolling the streets of the District dressed in military fatigues, carrying rifles and driving armored vehicles."

The lawsuit details the command structure of this force. It states:

With the arrival of out-of-state troops, the Secretary of Defense consolidated all National Guard units present in the District under the command of the Joint Task Force-DC. Now, 2,290 Guardsmen are supporting the Joint Task Force-DC, of which 952 troops are from the DCNG and 1,338 troops are from other states' guards. Army Col. Larry Doane of the DCNG is the commander of Joint Task Force-DC. His chain of command leads through the Army Secretary and Secretary of Defense to the President. Accordingly, any units under the command of Joint Task Force-DC are now also under federal command and control. Demonstrating this federal command structure, the Secretary of Defense, at the behest of the President, has issued crucial orders through Joint Task Force-DC to the out-of-state troops. Most notably, on August 22, 2025, Defendant Hegseth directed Brigadier General Leland D. Blanchard II, the interim Commanding General of the DCNG, to authorize all National Guard members supporting the Joint Task Force-DC to carry their service-issued weapons – M17 pistols and M4 semiautomatic rifles.

In an ironic twist, the National Guard units have been “deputized” as U.S. Marshals. They have the alleged authority to “interdict” and “temporarily detain” individuals if they determine that a crime is in progress. This is literally a posse comitatus.

In announcing the lawsuit, Attorney General Brian Schwalb said the following:

Deploying the National Guard to engage in law enforcement is not only unnecessary and unwanted, but it is also dangerous and harmful to the District and its residents. No American city should have the US military – particularly out-of-state military who are not accountable to the residents and untrained in law enforcement – policing its streets. It's DC today but could be any other city tomorrow. We've filed this action to put an end to this illegal federal overreach.

CNN reports that this deployment costs about one million dollars per day. The force has reportedly been divided into serving the “safe and secure mission” and a “beautification task force.” Members serving in the latter are being referred to as “National Gardeners.” It is unclear how long this deployment will continue.

MEMPHIS

On September 15, 2025, the President issued a Memoranda entitled “[Restoring Law and Order in Memphis](#).” The memo establishes a Task Force to “end street and violent crime in Memphis to the greatest possible extent . . .” The Task Force shall coordinate with State officials in Tennessee and local officials in Memphis.

Section 3 of the memo requests the Governor of Tennessee to “make available National Guard units of Tennessee to support public safety and law enforcement operations in Memphis . . .”

Governor Bill Lee has stated that about 150 Guard troops would be deployed. There will not be tanks, and they will not be armed unless that is requested by local authorities. They will not make arrests.

According to the AP, Memphis Mayor Paul Young, a Democrat, has said Washington city officials told him the Guard functioned there more as “a large-scale neighborhood watch than frontline police officers.” The mayor also said he thinks the Guard can help Memphis the most through beautification: “clearing more vacant lots, removing more trash, and restoring more blocks.”

On October 10, 2025, National Guard troops appeared on the streets of Memphis.

PORTLAND

On September 28, 2025, the Secretary of Defense [issued a memorandum](#) deploying 200 members of the Oregon National Guard to Portland for a period of 60 days.

That same day, the Attorney General of Oregon filed a [Complaint for Declaratory and Injunctive Relief](#) from this deployment. The Complaint alleges violations of 10 U.S.C. § 12406, the Posse Comitatus Act, the Tenth Amendment of the U.S. Constitution, the Administrative Procedure Act and the Separation of Powers and Take Care Clauses of the U.S. Constitution. The Complaint requests a declaration that federalizing and deploying members of the Oregon National Guard is *ultra vires* and contrary to law. It also requests enjoining the federalization and deployment of the Guard.

On October 4, 2025, Judge Karen Immergut issued a [restraining order](#) against the deployment of the National Guard. She found that the situation in Portland did not justify invoking 10 U.S.C. § 12406(3) in that the evidence showed that the President can “execute the laws of the United States” without the use of the National Guard.

Judge Immergut wrote,

[...] the President’s own statements regarding the deployment of federalized National Guardsmen further support that his determination was not ‘*conceived in good faith*’ or ‘in the face of the emergency and directly related to the quelling of disorder or the prevention of its continuance.’

She continued:

In sum, the President is certainly entitled ‘a great deal of deference,’ in his determination that he ‘is unable with the regular forces to execute the laws of the United States.’ But ‘a great level of deference’ is not equivalent to ignoring the facts on the ground.

As to the other section of 10 U.S.C. § 12406(2), which requires a rebellion, Judge Immergut found that there was no such thing occurring in Portland. She stated:

Here, the protests in Portland were not ‘a rebellion’ and did not pose a ‘danger of a rebellion,’ especially in the days leading up to the federalization. As discussed above, Defendants presented evidence of sporadic violence against federal officers and

property damage to a federal building. Defendants have not, however, proffered any evidence demonstrating that those episodes of violence were part of an organized attempt to overthrow the government as a whole, and therefore, Defendants have failed to show that the President had a colorable basis to conclude that Section 12406(2) was satisfied.

Finally, Judge Immergut found that the actions of the President violated the Tenth Amendment. She concluded:

Because the President is federalizing the Oregon National Guard absent constitutional authority, his actions undermine the sovereign interest of Oregon as protected by the Tenth Amendment. Oregon has a Tenth Amendment power to control its National Guard to the extent that it is not cabined by the Militia Clause. And as discussed above, Defendants have acted outside the scope of this constitutional authority conferred by Congress. Put another way, Defendants ‘interfere[d] with the constitutional balance of power between the federal and state governments’ by federalizing state National Guardsmen for federal service when no statutory or constitutional authority permitted their federalization.

Having concluded that there were no grounds for federalizing the Guard, Judge Immergut granted a Temporary Restraining Order and temporarily enjoined the September 28, 2025 memorandum ordering the federalization and deployment of Oregon National Guard servicemembers to Portland. This Order was immediately appealed by the government.

The day after this ruling, the President attempted to send 300 members of the California National Guard to Portland. Governor Gavin Newsom of California called this a “breathtaking abuse of power.” The Plaintiffs then [applied for a second restraining order](#). This order was granted and the Court has now [prevented the deployment](#) of National Guard troops from any state to Portland. This order was not appealed.

On October 9, 2025, arguments were held before a three-judge panel at the Ninth Circuit Court of Appeals. The two Trump appointees seemed to have no problem with the use of the National Guard in Portland. The Ninth Circuit has now held that the National Guard in Oregon can be federalized. However, the Order restraining the Guard from being deployed was not appealed and is still in effect.

CHICAGO

As this issue of *On Watch* goes to press, the President has “authorized” the deployment of 300 National Guard troops to Chicago. According to a memo viewed by NPR, Guard members will be used to protect federal property as well as U.S. Immigration and Customs Enforcement and Federal Protective Service agents and other federal employees. They will be sent to places where there are “violent demonstrations” in the state or where they are likely to occur based on “current threat assessments,” the memo said.

The State of Illinois and the City of Chicago [immediately sued](#) to prevent this deployment. The Complaint states similar causes of action as the one filed in Oregon – violation of 10 U.S.C. § 12406, violation of the Posse Comitatus Act and numerous Constitutional violations.

The Court held arguments on October 7th and issued a restraining order on October 9th and a [written opinion](#) on October 10th.

In her opinion, Judge April Perry held that the situation in Chicago does not warrant use of the National Guard. She wrote:

[The Court] does note a troubling trend of Defendants’ declarants equating protests with riots and a lack of appreciation for the wide spectrum that exists between citizens that are observing, questioning, and criticizing their government, and those who are obstructing, assaulting or doing violence. This indicates to the court both bias and lack of objectivity. The lens through which we view the world changes our perception of the events around us. Law enforcement officers who go into an event expecting ‘a shitshow’ are much more likely to experience one than those who go into an event prepared to de-escalate it. Ultimately, this Court must conclude that defendants’ perceptions are not reliable.

Judge Perry found that there was no basis to use the Guard pursuant to 10 U.S.C. § 12406(2) as there is no rebellion in Chicago. She found that there was no basis to use the Guard pursuant to 10 U.S.C. § 12406(3) as this provision only applies when civil power has failed. She noted that law breakers can be arrested, the courts are open, and marshals can carry out sentences.

Judge Perry also found that the Plaintiffs were likely to succeed on their 10th Amendment violation claim. She made no decision on the Posse Comitatus violation claim as it is unclear what the National Guard was going to do in Chicago.

On October 11th, the 7th Circuit Court of Appeals [issued an Order](#) which allows for the National Guard to be federalized but forbids deployment.

As this issue of *On Watch* goes to press, the deployment of the National Guard in Portland and Chicago is enjoined pending further litigation.

MLTF RESPONSE

As discussed above, lawsuits challenging deployment of the National Guard to U.S. cities have been successful to date. These deployments are obviously unconstitutional and in violation of numerous statutes. For example, as pointed out emphatically by Judge Breyer, under the Posse Comitatus Act it is illegal for the military to be used for domestic law enforcement. Nevertheless, the President continues to do just that.

The governor of the State of Vermont has refused to allow deployment of his National Guard for use in aiding domestic law enforcement.

Local governments and their leaders have weighed in with an [amicus brief](#) to the Ninth Circuit opposing deployment of the National Guard to their jurisdictions.

The MLTF has prepared a Know Your Rights memo and a FAQ regarding Illegal Orders, which are on our website.

A new website notwhatyousignedupfor.org has been established for servicemembers to obtain information and advice about these deployments. The site has a link to the MLTF website, as well as About Face Veterans Against the War and the GI Rights Network. The group Win Without War has purchased billboards near military bases and rolling billboards publicizing the new website.

For NLG members, the MLTF is sponsoring a resolution opposing the illegal military occupations of American cities and the misuse of National Guard and other military personnel for these purposes. The full resolution is published immediately below. Voting is open until November 8.

For more information on how you can help, contact the MLTF at email@nlgmltf.org or by phone at (619) 463-2369.

Editor's Note: The following resolution was presented to the NLG Convention by the MLTF on September 27, 2025. Electronic voting is open to NLG members and closes on November 8, 2025.

NLG RESOLUTION ON DOMESTIC MISUSE OF THE MILITARY

WHEREAS the Trump administration is now misusing the military within the United States, with 2000 National Guard personnel conscripted into the current illegal occupation of Washington, D.C., and with explicit plans to expand the occupation to other cities;

WHEREAS the deployment of National Guard and other military personnel to quell mass mobilizations and civil unrest in the United States is a violation of the Posse Comitatus Act and an infringement of people's Constitutional rights;

WHEREAS the President's August 11 executive order to "clean up and beautify" the nation's capital, which included calling in the Guard can be seen as a precursor to possible full martial law if Congress and the Courts do not intervene to stop it;

WHEREAS the President's August 25, 2025, executive order, [Additional Measures to Address the Crime Emergency in the District of Columbia – The White House](#), states among other things:

"The Secretary of Defense shall immediately begin ensuring that each State's Army National Guard and Air National Guard are resourced, trained, organized, and available to assist Federal, State, and local law enforcement in quelling civil disturbances and ensuring the public safety and order whenever the circumstances necessitate, as

appropriate under law. In coordination with the respective adjutants general, the Secretary of Defense shall designate an appropriate number of each State's trained National Guard members to be reasonably available for rapid mobilization for such purposes. In addition, the Secretary of Defense shall ensure the availability of a standing National Guard quick reaction force that shall be resourced, trained, and available for rapid nationwide deployment,"

WHEREAS this order creates the basis for widespread and illegal domestic use of the National Guard and active military forces;

WHEREAS Secretary of War Hegseth is turning [Northern Command into the president's militia](#), and re[designating](#) servicemembers' duty status from Title 10 to Title 32 thus allowing them to participate in law enforcement activities;

WHEREAS [Trump has made clear](#) his intention to make such occupations national, stating "We have other cities also that are bad. Very bad. You look at Chicago, how bad it is. You look at Los Angeles, how bad it is. We have other cities that are very bad";

WHEREAS the occupations violate the Fourteenth Amendment, with the destruction of encampments for unsheltered people and Trump saying, "New York has a problem. And then, of course, you have Baltimore and Oakland. You don't even mention them anymore; they're so far gone," And with the Los Angeles ACLU [telling the Associated Press](#): "We've seen before how federal control of the D.C. National Guard and police can lead to abuse, intimidation and civil rights violations — from military helicopters swooping over peaceful racial justice protesters in 2020 to the unchecked conduct of federal officers who remain shielded from full accountability;"

WHEREAS the New York Times describes "National Guard troops, wearing camouflage uniforms and protective vests, [are] patrolling the paths along the National Mall," who occasionally detain someone who "the authorities say assaulted a U.S. Park Police officer" after "an altercation" but serve officially as backup when officers face someone fighting back;

WHEREAS the occupation of Washington, DC, now includes troops from other states including West Virginia, Ohio, South Carolina, Mississippi, Louisiana, and Tennessee;

WHEREAS the August 11 executive order empowers Secretary of War Hegseth to "coordinate with governors of states and authorize the orders of any additional members of the National Guard to active service, as he deems necessary and appropriate," but such "coordination" is not automatic; the governor of Vermont refused to send his state's National Guard to D.C, having already refused last month to order them to work in support of ICE operations;

WHEREAS there is already significant resistance underway, including ongoing litigation in Los Angeles and D.C. and organizing nationwide, including around the proposed use of the National Guard in Chicago;

WHEREAS NLG's Military Law Task Force is already working with partners like [About Face Veterans](#) against War Veterans for Peace, the [Chamberlain Network](#), and [Do Not Turn on Us](#) to reach National Guard personnel amid these unprecedented domestic deployments;

BE IT THEREFORE RESOLVED: The National Lawyers Guild opposes the illegal military occupations of American cities and the misuse of National Guard and other military personnel for these purposes.

AND BE IT FURTHER RESOLVED: The National Lawyers Guild pledges to support resistance efforts by National Guard and military personnel and by civilians through legal support.

IMPLEMENTATION: Military Law Task Force

SPONSOR: Military Law Task Force, Kathleen Gilberd, Executive Director:
email@nlgmltf.org; (619) 463-2369

ENDORSERS: NLG International Committee; NLG Mass Defense Committee

HEGSETH'S MONSTROUS MILITARY MAKEOVER

By Kathleen Gilberd

A group of memoranda from Secretary of Defense Hegseth were released on September 30 in conjunction with his unprecedented speech to military leadership, available at [Secretary of War Announced Memorandums](#). In addition to policies on training, grooming and fitness, five of the memos outlined policy changes to be made in Military Equal Opportunity (MEO) policy, Inspector General (IG) investigations, other investigation practices, effects of investigations on the 'rights' of the accused, and bullying and hazing policies.

Interestingly, these memos are not Directive-Type Memos, DoD Directives or DoD Instructions, and, with one exception, do not make any immediate changes to regulations; rather, they describe changes that are to be made in DoD and service regs. In most cases, those regs are not even referenced. Some, but not all, of the memos provide a timeframe for the required changes to be made. Until regulations are revised, the memos should not have any binding effect, although policy makers and local commands will undoubtedly understand their intent, and commands may informally act on them.

MEO POLICIES

The most detailed of the memos, entitled "Implementation of Military Equal Opportunity and Equal Employment Opportunity Reform Plan," will require changes to DoD Instruction 1350.02 and service

regulations on MEO, as well as DoD policies on civilian Equal Opportunity (EO) policies. No deadline is given for implementation of the changes.

Secretary Hegseth's September 30 speech noted that racism and sexual harassment are bad things, and this memo states that MEO and EO programs "are important for preventing and responding to incidents of discrimination and harassment." But the effect of the memo is to reduce complainants' rights, limit complaint procedures, and protect those accused of MEO violations, undercutting an already weak program.

The memo refers to Hegseth's April 23 memo, "Restoring Good Order and Discipline Through Balanced Accountability," which required the services to review MEO and EO programs. The services were to evaluate their policies and forward the results to DoD by mid-June for a DoD review. The September memo states that this was accomplished, though neither the services' reviews nor DoD's have been made public, and no changes to MEO regulations followed.

The new MEO memo directs the Under Secretary of War for Personnel and Readiness "to implement key reforms across the Department's MEO and EEO programs to optimize effectiveness, ensure readiness, and prevent abuse of process."

The reforms must ensure that:

- Complaints are promptly (within 30 days) addressed and dismissed if they lack actionable, credible evidence;
- Favorable personnel actions such as awards, promotions, and retirements, involving alleged offenders are only withheld where a preliminary or subsequent investigation indicates that the complaint is likely to be substantiated; and
- Those who knowingly submit false complaints and repeatedly submit frivolous complaints are held accountable, pursuant to applicable laws and regulations.

Specifically, the memo states that the option of anonymous MEO complaints will be ended, to be replaced by confidential complaint reporting to MEO professionals. This change includes a request that the Joint Service Committee on Military Justice consider a revision of Military Rule of Evidence 514, covering privileged communications for some victim advocates, to include communications with MEO professionals.

In addition, MEO complaint intake procedures are to be revised to "provide mediation as a first-line alternative to filing a formal MEO complaint." Informal procedures are, of course, already a preferred option under DoD and service MEO policies. The memo suggests that this method will be given greater emphasis or, perhaps, made a requirement in some or all cases.

The memo also states that:

Unless required by law, MEO complaints that lack sufficient merit to trigger an investigation will be systematically dismissed under new threshold criteria, ensuring that resources are directed

toward complaints containing credible evidence. Credible evidence will be defined in updated policy.

There is, of course, no explanation or definition of “merit.”

Revised MEO policy will require a “strict resolution timeline,” with commanders to dismiss unsubstantiated complaints within seven business days. There is no mention of appeal rights after such command action, though one might hope that normal MEO appeal processes would apply.

Finally, the memo requires that the Under Secretary amend DoD 1350.02 to include provisions clarifying that false complaints may constitute a violation of Article 107 of the Uniform Code of Military Justice,” adding that “[t]hese updates will reinforce the integrity of the MEO complaint process.” The memo does not explain how such an amendment will differ from the current language of the Instruction, in which warnings about false complaints are emphasized.

Some reports about this memo have said that Article 107 charges may also be brought for repeated or “repeated frivolous” complaints, but the memo mentions such charges only for false statements.

There is no doubt that the new MEO policies will have a chilling effect. Servicemembers have long considered MEO complaints to be ineffective and likely to result in retaliation. There will certainly be more cause for such concerns in the future. Attorneys and counselors representing those harmed by discrimination or harassment will need to assist their clients in deciding whether or not to use MEO procedures and, if so, how to navigate these regressive changes.

IG POLICIES

A separate memo, entitled “IG Oversight and Reform: Enhancing Timeliness, Transparency, and Due Process in Administrative Investigations,” requires the service Secretaries to work with the DoD IG office to implement a series of changes. While it does not mention changes to DoD Directive 7050.06 and related regulations, these may be affected as well. As with the MEO memo, there is no deadline for implementation.

Under revised policies, complaints made to IG offices will first receive a “credibility assessment,” to be conducted within seven days after the complaint is made. Unless the IG determines that there is credible evidence to support the complaint, it will be closed without investigation. As with closure of MEO complaints, there is no mention of appeal rights or procedures after such action. Credibility standards are not described in the memo, though it notes that:

[n]on-credible complaints include those filed more than a year after the alleged event, unless new compelling evidence is presented, and repeat submissions with no new facts, which should be labeled “duplicate,” linked to the original case, and the complainant notified.

The memo tasks the service departments to “explore the use of artificial intelligence with human oversight to classify and route complaints, enforce deadlines, protect privacy, and maintain audit logs.”

As in the MEO memo, subjects of complaints will not be flagged during initial review. And:

except in limited circumstances, the existence of an investigation alone shall not affect an individual's eligibility for promotion, enrollment in Professional Military Education, assignment opportunities, or other personnel actions.

The limited circumstances mentioned here are not defined in the memo.

IG offices already close or simply decline to accept complaints when IG staff decide they are not credible or appropriate for IG investigation; this is often done without any formal process. It is not clear whether or not the new requirements will limit such informal treatment.

The memo includes a curious section on opening criteria and standards:

As permitted by law, apply uniform, legally sound thresholds to ensure formal investigations are initiated only when clearly warranted. The seven duty day credibility assessment must remain distinct from the investigation to prevent unnecessary delays, personnel holds, or premature external notifications. An investigation should be initiated only if the complaint meets credible-evidence standard. Complainants who submit complaints that do not meet this standard should be provided guidance, assistance, or referral to another venue, as appropriate. Treat triage and fact-finding as preliminary steps, not triggers for formal action. Command directed investigations must be closed within 30 days from initiation, using standardized notifications, templates, and closure documentation. Ensure investigators are properly trained and credentialed in interviewing techniques, evidence handling, bias mitigation, and report writing to maintain consistent quality across all investigations.

Presumably, credibility standards in existing regulations will remain unchanged.

The memo also focuses attention on “repeat and serial complainants.” Revisions to IG policy must:

Establish clear and enforceable procedures to identify and manage complainants who submit multiple complaints without credible evidence, that are frivolous, or that knowingly include false information. Escalate reviews to higher authorities when necessary to maintain oversight and accountability. Track and maintain detailed records of repeat complainants, including linked case numbers and closure reasons, to identify patterns and improve complaint resolution processes. Ensure all actions safeguard due process, protect whistleblower rights, and uphold the fairness and impartiality of the investigation process. Article 107 of the Uniform Code of Military Justice (UCMJ) prohibits making a false statement with the intent to deceive or making a false swearing under oath. Individuals who violate Article 107 of the UCMJ will be held appropriately accountable.

These changes can be expected to discourage complainants and may lead to official or unofficial retaliation against those with very legitimate reasons for repeat complaints. Making IG complaints is already a common basis for retaliation, so that follow-up complaints about the retaliation are often necessary.

As with the MEO policy changes, these revisions to IG complaint procedures are very likely to discourage complaints and to increase retaliation against complainants. Here, too, advocates will need to explore

potential problems with clients considering IG complaints and to ensure that complaints are carefully crafted and well documented to avoid rejection or adverse response.

ADVERSE INFORMATION POLICY

The MEO and IG memos will lead to protection of the subjects of complaints against adverse action while complaints are investigated. This is given additional emphasis, and expanded, in a separate memo titled "Adverse Information Policy." It begins with a statement that:

[w]hile the Department of War remains firmly committed to upholding the highest standards of integrity and exemplary conduct, the current adverse information policy has too often resulted in unproven allegations being considered adverse information, cumulative penalties for a single event, procedural redundancies, and unnecessary administrative burdens.

To address this issue, the memo requires that policies be changed to ensure that a preponderance of evidence standard be used as "the minimum evidentiary threshold" for adverse information; an existing ten-year rule for use of "outdated adverse material" will be reinforced, with only narrow exceptions not described in the memo; promotions will not be denied due to "repetitive consideration" of adverse information, except as required by law; and the services' internal promotion policies will be considered valid and reliable alternatives to Special Selection Review Boards.

(SSRBs were established in 2021 to eliminate bias in promotions. A separate, extremely brief September 30 memo entitled "Policy Memorandum Revision," rescinds portions of Secretary of Defense Memorandum, "Special Selection Review Boards," of May 20, 2021, eliminating requirements for SSRBs. This is the only memo with immediate effect.)

The Adverse Information Policy memo states that it must be implemented within 45 days of publication.

HARASSMENT POLICIES

Finally, a very short memo titled "Review of Hazing, Bullying, and Harassment Definitions" states that these definitions are overly broad, "jeopardizing combat readiness, mission accomplishment, and trust in the organization." The memo does not say why that is the case. It calls for a 30-day review of DoD definitions by the Under Secretary for Personnel and Readiness, noting that:

[w]hen commanders face undue administrative burdens, it distracts from their core mission. This review aims to strike a balance, ensuring leaders have the tools necessary to foster a warrior ethos rooted in mutual respect and accountability, while also maintaining a lethal and ready Force.

The memo does not provide new definitions for hazing, bullying or harassment, nor does it explain how the current definitions harm such things as combat readiness or core missions.

Presumably, the memo refers to the definitions set out in DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," [DoDI 1020.03, "Harassment Prevention and Response in the Armed Forces," February 8, 2018; Incorporating Change 3 on January 17, 2025](#), discussed in a Military Law Task Force memo, [New Military Policy on Harassment](#). (Subsequent changes to the

Instruction, including Change 3 in January, 2025, have not affected its definitions of bullying, hazing or harassment.)

CONCLUSION

With the exception of policy on SSRBs, the September 30 memos only set out criteria—almost always in vague terms—for future changes to DoD Instructions, which will of course be followed by changes to implementing service regulations. While the language is for the most part unclear, the intent is obvious—these memos will make it more difficult for victims of discrimination, harassment, or oppressive military policies and practices to make complaints about their treatment, while offering protections to those accused of abusive behavior.

Even before the policies are changed, it is clear that commands, and offenders, will get the message. Protections won through years of effort and challenges by servicemembers, advocacy from organizations such as MLTF, public outrage and Congressional efforts are being undercut. Commands will have greater freedom to ignore or dismiss legitimate complaints, to determine that behavior does not really rise to the level of discrimination or harassment, and to punish those who dare to complain.

While this is extremely discouraging for servicemembers and their advocates, some rights certainly remain. It will be more important than ever that MEO and IG complaints be made with great care, and it will be equally important to consider other complaint mechanisms, such as complaints under Article 138 of the UCMJ, so far not attacked by Hegseth, Congressional inquiries and the like. As new policies are implemented, On Watch encourages readers to report the results of these changes for their clients and to discuss ways to avoid the problems inherent in the changes.

TRUMP AND HEGSETH TRY TO ERASE WOMEN FROM THE MILITARY

By Chris Lombardi

For women in the military, the rule of President Trump and his Secretary of War, Pete Hegseth, has been a nearly unending series of traumas. It's not just the forward-facing hyper-masculine imagery favored by the two confirmed rapists; it's policy decisions that have stripped all women from leadership, changed fitness standards and investigative processes re sexual harassment, and continued to erase women's military history from public view. He told troops in Qatar: "We're restoring the warrior ethos. No more political correctness, gender pronouns, DEI, CRT, or climate change. We're in the business of warfighting."

Last November, after Trump chose Fox News Pete host Hegseth—a former lieutenant in the Army Reserve and author of numerous books that claimed the military was harmed by gender equity --

headlines like [“Profound fear and anxiety among women in uniform”](#)¹ became common, especially after [police reports emerged](#) from a 2017 sexual-assault investigation during which Hegseth [paid the alleged victim \\$50,000](#).² Survivors of military sexual trauma [told *The War Horse*](#) they feared the worst.³ Meanwhile, the Military Freedom from Religion Foundation joined the chorus about Hegseth’s books -- especially *American Crusade*,⁴ which proposed a “holy war” against anyone who doesn’t believe in the Christian Bible. NPR’s Pentagon bureau called his ideology [“anti-woke”](#); others noted⁵ [the white-supremacist ties of his church](#), Pastor Doug Wilson’s Communion of Reformed Evangelical Churches (CREC).

As Associated Press explained [eight months later](#), “CREC ascribes to a strict version of Reformed theology — rooted in the tradition of 16th-century Protestant reformer John Calvin — that puts a heavy emphasis on an all-powerful God who has dominion over all of society.” [Christina Harvey at *Ms. Magazine*](#) adds, “CREC’s doctrine is clear: It [teaches that wives should submit to their husbands](#) and [allows male church members to cast church votes for the whole household](#). Wilson says that adopting the 19th Amendment—which granted women the right to vote — was a [“bad idea.”](#)

The AP and *Ms.* explanations appeared in August 2025, after Hegseth [posted a video](#) showing pastors from his church saying that women shouldn’t have the right to vote, adding the words “All of Christ for All of Life.”⁶ Pastor Wilson told the AP Hegseth’s post was an “Amen!” and that “he believes the 19th Amendment granting women the right to vote ‘was a bad idea.’” It took a week for Hegseth to get around to declaring [he still supports the 19th Amendment](#).⁷ None of which has surprised those of us following Hegseth’s misogynist policies.

As soon as he was confirmed, Hegseth began implementing Trump’s executive orders—banning transgender service and initiating the anti-DEI [“content refresh”](#) (covered in the summer *On Watch*) erasing Web content that affirmed the contributions made by female and BIPOC servicemembers. Even before then, Trump was busy firing women in leadership positions. As Tom Nichols [writes for *The Atlantic*](#):

Trump and Hegseth have been on a firing spree throughout the military, especially when it comes to removing women from senior positions. This past winter, the administration

¹ Jack Kletsch and Connor McLeary, “‘Profound fear and anxiety among women in uniform’: Pentagon reacts to allegations against Hegseth.” *Politico*, November 22, 2024.

² Tara Copp, “Hegseth told senator that he paid \$50,000 to woman who accused him of sexual assault in 2017.” *Associated Press*, January 23, 2025

³ Sonner Kehrt, “What Sexual Assault Survivors in the Military Say about the Next Four Years.” *The War Horse*, December 13, 2024.

⁴ Chris Rodd, “MRFF Exposes the Dangerous, Christian Supremacist Agenda in SECDEF Pick Pete Hegseth’s Book ‘American Crusade.’” November 26, 2024

⁵ Heath Druzin, “**Trump’s Defense secretary nominee has close ties to Idaho Christian nationalists.**” *Oregon Capitol Chronicle*, November 22, 2024

⁶ Konstantin Toropin, “Hegseth reposts video featuring pastors saying women shouldn’t be allowed to vote.” *Associated Press*, August 9, 2025

⁷ Haley Britzky, “Pentagon says Hegseth supports women’s right to vote despite sharing video saying otherwise.” *CNN Politics*, August 15, 2025

fired Admiral Lisa Franchetti, the first female chief of naval operations; Admiral Linda Fagan, the first female Coast Guard commandant; and Lieutenant General Jennifer Short, who was serving as the senior military assistant to the secretary of defense, all within weeks of one another. I taught for many years at the U.S. Naval War College, where I worked under its first female president, Vice Admiral Shoshana Chatfield. In 2023, she became the U.S. military representative to the NATO Military Committee—and then she was fired in April, apparently in part because of a [presentation](#) she gave on Women’s Equality Day *10 years ago*.⁸ [Chatfield’s firing](#) came after the conservative American Accountability Foundation sent a letter to Hegseth saying that “purging the woke from the military is imperative.”⁹

Replacing those women with compliant male officers may have enabled the next stage of Trump and Hegseth’s campaign — concrete efforts to erase decades of progress. In May, [Hegseth](#) ordered a review of all military equal opportunity programs, as well as the processes for reporting and investigating harassment allegations. According to *Business Insider*, Hegseth believed “the ‘no more walking on eggshells’ policy would ensure faster and more impartial investigations. ‘Too often at the Defense Department, there are complaints made for certain reasons that can’t be verified that have ended people’s careers,’ [he said](#) in an accompanying video, calling some complaints ‘nonsense’ and adding that the system had been ‘weaponized.’”¹⁰

While the Pentagon hastened to say that didn’t apply to military programs addressing sexual violence—like SAPR (Sexual Assault Prevention and Response) and SHARP (Sexual Harassment/Assault Response and Prevention Program), there’s reason for concern—given the February [suspension of SAPR trainings in response to DEI concerns](#)¹¹ and a June [update to the 15.6 regulations](#), which govern the process for investigating sexual harassment, toxic leadership, adultery, fraternization, cruelty and maltreatment of subordinates, violation of orders and regulations, misuse of government resources, and hazing. The update [emphasizes the possibility of false accusations](#),¹² and creates potential barriers to the appointment of a Special Victims Counsel. Together, the changes could already be discouraging victims from coming forward.

Meanwhile, the Pentagon keeps finding ways to exclude servicewomen from doing their jobs. All year, Hegseth’s “Secretary of Defense Assessment Teams” have been scouring military bases, training facilities (including the military academies) to “conduct a new review on Women in Combat (training/warfighting) Study.” That study has not produced much so far, called by experts a “solution in search of a problem,” given the gender-neutral physical-fitness standards for combat roles. But “I think

⁸ Tom Nichols, “The Administration Wants Military Women to Know Their Place.” *The Atlantic*, July 22, 2025

⁹ Lolita C. Baldor, “Trump administration fires senior Navy female officer at NATO. She appeared on a ‘woke’ list.” Associated Press, April 7, 2025.

¹⁰ Kelsey Baker, “Hegseth says the Pentagon is done ‘walking on eggshells.’ Women in uniform say it feels like a ‘slap in the face.” *Business Insider*, May 3, 2025

¹¹ James Queally and Sonja Sharp, “Military freezes sexual assault prevention training after Trump executive order on DEI.” *Los Angeles Times*, February 7, 2025.

¹² Patty Nieburg, “**Army will look for false accusations, consider ‘credibility’ in misconduct cases.**” Task and Purpose, June 8, 2025.

there is a kind of a lurking theory that the only kind of warrior is a 6-foot-4-inch male Christian guy from the South,” said former Air Force officer Chrissy Houlahan and member of Congress. Houlahan was [describing the stakes of the issue to *The Atlantic*](#): “We need to make sure that there isn’t some sort of surreptitious effort ongoing to try to narrow the people who are allowed to serve.”¹³

Not that surreptitious, it seems. After all, Hegseth’s earlier efforts to wipe DOD’s public-facing sites of “woke” content used keywords including “culture,” “racism,” “justice,” “dignity,” and “tolerance.” As Steve Beynon [pointed out for *Military.com*](#) about those keywords: “One of the most striking inclusions is ‘respect’--a word that is [one of the Army's own seven core values](#).”¹⁴ As has been widely reported, that order initially resulted in wiping mentions of Jackie Robinson, Harriet Tubman and Bea Arthur, all reversed after pushback. But still missing are images of women like like Kristen Griest, the first woman to graduate from the Army’s grueling Ranger School — servicewomen *right now* smashing barriers. Anything that might encourage young women to find themselves welcome in the institution.

This is, after all, the Department of War. Hegseth declared at the White House: “Maximum lethality -- not tepid legality. Violent effect, not politically correct. We’re gonna raise up warriors. Not just defenders.” It’s unclear what that means for the daily lives of millions of servicemembers, male and female.

¹³ Missy Ryan, “The Backdoor Way That Pete Hegseth Could Keep Women Out of Combat.” July 10, 2025

¹⁴ Steve Beynon, “**Army Deleting Online Content Related to Women, Minorities Using Key Words Like 'Respect' and 'Dignity.'**” March 2, 2025,

FUTURE OF SELECTIVE SERVICE REMAINS UNDECIDED

By Edward Hasbrouck

When the Federal government shut down some agencies and activities at the start of October 2025, the Selective Service System (SSS) stayed in operation. Maintaining a fiction of readiness to activate military conscription on command of Congress and the President is apparently considered “essential” to enabling planning for war without limits.

At the same time, major changes to Selective Service laws, regulations, and procedures under active consideration and possibly close to being finalized by Congress and the SSS remained undecided.

By the end of this year, we could see the most significant changes in Selective Service law, regulations, and procedures since 1980. Or pending decisions might be postponed, continuing the current decades-old stalemate between massive noncompliance¹ with the registration requirement and Congressional reluctance to admit the failure of the program and repeal the Military Selective Service Act (MSSA)².

Here’s what *might* be in the works.

(1) Changes in Selective Service law

A dangerous and unworkable proposal to have the SSS attempt to register all potential draftees “automatically” using other Federal databases has been approved by the full House of Representatives as part of this year’s annual National Defense Authorization Act (NDAA).

The proposed amendment to the MSSA included in the House version of the NDAA³ would give the SSS unprecedented authority to demand, copy, and aggregate any personal information from any other Federal agency or from potential draftees that the SSS believes might help the agency identify or locate potential draftees. Because whether an individual is required to register, under the current interpretation of the MSSA by the SSS, depends on both sex as assigned at birth⁴ and immigration and visa status⁵, the SSS would be authorized and required to collect information held by other federal agencies for other purposes and interrogate young people to try to create a master database of every young adult in the USA including their sex as assigned at birth, their immigration and visa status, and their address.⁶

¹ “Compliance, noncompliance, and enforcement of Selective Service registration: Compliance is low, and enforcement would be impossible.” <<https://hasbrouck.org/draft/compliance.html>>.

² “Repeal Selective Service Registration”, <<https://hasbrouck.org/draft/repeal.html>>.

³ “House committee revives proposal for ‘automatic’ draft registration”, <<https://hasbrouck.org/blog/archives/002790.html>>.

⁴ For related issues, see “Gender markers and draft registration”, <<https://hasbrouck.org/draft/advice/gender.html>>.

⁵ See, “Immigrants and Selective Service”, <<https://hasbrouck.org/draft/advice/immigrants.html>>.

⁶ “‘Automatic’ draft registration for a military draft: It’s a bad idea, and it won’t work.” <<https://hasbrouck.org/draft/automatic.html>> .

Screenshot detail of notwhatyousignedupfor.org, a new site assisting servicemembers being deployed to US. cities. See page 3.

The Department Of Government Efficiency (DOGE) has already gained access to the SSS registration database.⁷ There's no telling what damage DOGE would do with the additional data the SSS would be authorized and required to compile in order to try to register potential draftees "automatically".

The House version of the NDAA for Fiscal Year 2026, including the provision for attempted "automatic" Selective Service registration, was approved by the full House on September 10, 2025 and finally forwarded to the Senate, after clerical corrections, on September 30, 2025, just before the Federal government partially shut down.⁸ A bipartisan amendment to replace the provision for "automatic" draft registration with a provision to repeal the MSSA was introduced⁹, but the House Rules Committee choose not to allow a floor vote on this amendment.¹⁰

No comparable proposal for attempted "automatic" registration or expansion of SSS data-gathering authority is included in the version of this year's NDAA approved by the Senate on October 10, 2025. The fate of this provision as part of this year's NDAA will probably be decided during closed-door House-Senate conference negotiations, the outcome of which won't be known until late in the year.

Attempted "automatic" draft registration would mean many changes and many new questions to be addressed by draft counselors and draft lawyers, including the MLTF.¹¹

(2) Changes in Selective Service regulations

During the Biden Administration, the SSS conducted its first comprehensive review in decades of the regulations spelling out its contingency plans for a draft, if Congress were to authorize a draft without at the same time making any other changes to the MSSA.¹² The SSS was ready and planned to publish a Notice of Proposed Rulemaking (NPRM) for its revised regulations in early 2025. But this update to SSS regulations has been held back indefinitely by President Trump's ongoing freeze on promulgation of new Federal regulations.¹³ Little is known concerning the planned revisions to the regulations.

⁷ "DOGE gets access to Selective Service registration database", April 17, 2025, <<https://hasbrouck.org/blog/archives/002781.html>>.

⁸ H.R. 3838, <<https://www.congress.gov/bill/119th-congress/house-bill/3838>>.

⁹ "House considers whether to end or try to 'automate' draft registration, September 4, 2025, <<https://hasbrouck.org/blog/archives/002792.html>>.

¹⁰ "House Rules Committee blocks vote on ending Selective Service", <<https://hasbrouck.org/blog/archives/002793.html>>.

¹¹ See, "Draft Counseling and Decisions about Selective Service", <<https://hasbrouck.org/draft/advice/counseling.html>>.

¹² See the overview of current SSS structure, contingency plans, and regulations, "What is the Selective Service System?", <<https://hasbrouck.org/draft/advice/selective-service.html>>.

¹³ Executive Order 14219 of February 19, 2025, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative", 90 *Federal Register* 10583, February 25, 2025, <<https://www.govinfo.gov/content/pkg/FR-2025-02-25/pdf/2025-03138.pdf>>.

(3) Changes to draft boards

Lists of draft board members and draft board jurisdictions by county released in February and March of 2025 in response to one of my FOIA requests revealed that many local and appeal boards lack a quorum and/or lack a member from each county over which they have jurisdiction. As a result, they would lack authority to adjudicate claims for deferment, exemption, or classification and assignment to noncombatant or alternative service as a conscientious objector in the event of a draft.¹⁴

Within weeks after I reported on the implications of these draft board vacancies, the SSS quietly replaced the application for draft board membership on its Web site with a statement that, “The Selective Service System is currently reviewing the structure and operations of the Board Member Program. As part of this reassessment, we are temporarily pausing the acceptance of new volunteer applications.”¹⁵

No further information has been released concerning the reasons for the “pause” in accepting applications for draft boards. Current board members continue to serve until their terms expire or they resign or die, but the number of boards that lack a quorum and would be unable to function in the event of a draft will grow with attrition as long as no new board members are being appointed.

CONCLUSION

It’s unclear whether decisions will be made this year on any of these issues. But if not, these decisions will merely be carried over to, or reintroduced, next year. There is growing recognition that current SSS contingency plans for a draft, especially the registration program, are a “paper tiger” that won’t stand up to even cursory critical scrutiny. Sooner or later, something has to be changed.

¹⁴ See, “Know Your Draft Board”, <<https://hasbrouck.org/draft/advice/draft-board.html>>.

¹⁵ “Become a Volunteer: Notice: Board Member Program Application Pause”, <<https://www.sss.gov/volunteers/request-info/>>.

A RECRUITING CRISIS ON THE HORIZON

By Rick Jahnkow

In the last two years, most of the military's numerical goals for first-time enlistments were reached by lowering acceptance standards and using special pre-boot camp preparation programs that boost the acceptance rate of applicants who would have been rejected under past standards. While these measures have made recent recruiting goals reachable, Pentagon leaders are now expressing concern about a new possible recruiting crisis driven by societal trends, including a sharp drop in births that began in 2007. The impact of this population trend will be to further shrink the pool of eligible recruits, even with the lowered enlistment standards.

To address possible future recruiting challenges, Secretary of Defense (a.k.a. Dept. of War) Pete Hegseth issued a memorandum in June announcing the formation of a Military Service Recruitment Task Force. According to Hegseth, the task force's purpose is to analyze current recruiting efforts and trends and formulate "a targeted and strategic approach to strengthen recruiting efforts" across all military branches.

So far, none of the task force's reports have been made public. However, one controversial idea that has apparently been discussed by some Pentagon officials is a campaign to call on young people to "honor" Charlie Kirk's legacy by joining the military. As reported by NBC News on September 18, the campaign would include turning school chapters of Kirk's Turning Point USA organization into recruitment centers. According to NBC, however, there has been pushback by some Pentagon leaders and it's uncertain if the campaign will ultimately occur. According to an [Al Jazeera](#) report, a Pentagon spokesperson has told Fox News that no such plan is being considered.

While the shrinking demographics of military-age youth will present a difficult challenge to meeting enlistment quotas, other developments generated by President Trump and the Pentagon itself may become an even greater barrier to meeting enlistment quotas. These include anti-DEI measures like the removal of women and people of color from some military leadership positions, the banning of transgender enlistees, the termination of programs that were intended to address gender discrimination and military sexual assault, and the restoration of base names that honor pro-slavery leaders of the Civil War. These policy changes have the capacity to drive away people in communities that were previously deemed critical to meeting military force level requirements.

The Trump administration's decision to use military units to carry out immigrant deportations and support the aggressive actions of agencies like ICE will, no doubt, make it more difficult to recruit people with close ties to immigrant populations. People in such communities will now be confronted with the fact that if they enlist, they could wind up helping to deport people from their own neighborhoods -- maybe even their own relatives. Similarly, recruiting may be negatively affected by Trump's decision to use military forces to invade and occupy U.S. cities run by local governments he disagrees with. Views of Marines and National Guard troops facing down civilian protesters will convey a fascistic image hard for recruiters to dodge.

Another reason some young people will be dissuaded from enlisting is the belligerent rhetoric from Trump that suggests U.S. armed forces may be used to annex territory in specific places like Greenland, Gaza, Canada and Panama. There have even been hints of U.S. military strikes carried out in Mexico,

which could lead to heightened resistance to military recruitment among the Latinx community members who make up 19 percent of the U.S. population.

Already, counter-recruitment organizations have been strategizing ways to bring references to Trump administration policies into their educational messaging. One tool for this is a bilingual flier produced in March with the title, “Warning: Some Things You Should Know Before Joining the U.S. Military.” Produced by the Project on Youth and Non-Military Opportunities (Project YANO), it lists controversial actions that military members could be forced to carry out under the Trump agenda.

More groups are needed to take on counter-recruitment organizing. For information on resources that can be used for that purpose, contact the National Network Opposing the Militarization of Youth (nnomy.org).

MLTF ANNOUNCEMENTS AND NOTES

THE MLTF ORIGIN STORY

Howard DeNike reports that his book [They Also Served: Voices of the Overseas Law Projects from the Vietnam War](#), written with Judith Mirkinson, is now available in paperback format from Amazon’s Kindle on Demand Printing. It would be a wonderful tribute to the authors -- who have documented this little known history -- to have more MLTF members and friends review the book and share a link with interested networks and communities. You can also suggest that your local law library acquire a copy.

ADVICE FOR CONSCIENTIOUS OBJECTORS IN THE ARMED FORCES

The Center on Conscience and War has published a 24-page [guide for COs in the military](#) (PDF), available at centeronconscience.org. This is a really helpful overview of CO law and procedures, useful for counselors and attorneys as well as servicemembers considering conscientious objection. Donations for the guide are appreciated.

MLTF’S SERVICEMEMBERS’ KNOW YOUR RIGHTS FLYER

A new [printable Know Your Rights flyer for servicemembers](#) is now available for download on our website, nlgmllf.org. It includes a QR code linking to the our Frequently Asked Questions on Illegal Orders and to other information on the site.

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ABOUT THE MILITARY LAW TASK FORCE OF THE NATIONAL LAWYERS GUILD

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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.

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