

# ALL-AMERICAN DRAFT RESISTER

AN INTERVIEW WITH  
PAUL JACOB  
BY JAMES W. HARRIS

American military draft-conscription practices have always generated controversy and dissent. During the War of 1812 fiery New England orator Daniel Webster denounced in Congress a proposed draft as "despotism" and "murder." Throughout the Civil War, antidraft riots raged in New York City. Draft protesters were jailed and deported during World War I. The Vietnam War draft tore families apart, sent young Americans fleeing the country and caused tremendous social upheaval. And now, with U.S. military interests eyeing the Middle East and Central America, the draft is again emerging as a burning issue.

Currently there is no draft in America, although draft legislation is pending in Congress. Mandatory draft registration exists, reinstated by President Jimmy Carter in 1980 and continued by the Reagan Administration today. Like the draft itself, registration has produced a wave of opponents and dissenters.

Since 1982, 20 young men—virtually all outspoken conscientious objectors to registration and the draft—have been indicted for refusing to register. Fourteen have been convicted, with seven having served prison sentences averaging several months in length.

One of the most vocal protesters is Paul Jacob, who was 20 years old when President Carter resumed draft registration. Like hundreds of thousands of other young men, he didn't register. Unlike most, however, he did more: He spoke out publicly against registration. In speeches, at demonstrations, in interviews and articles, Jacob denounced registration and the draft as unjust and a violation of individual freedom. He openly refused to register and urged others to do the same.

In September 1982 Jacob was indicted for failing to register. Unlike every other nonregistrant to date, however, he refused to meekly submit to what he considered an unjust and unconstitutional law. Instead, he went underground—becoming the first underground draft resister since the Vietnam War.

For more than two years Jacob eluded the FBI. He crisscrossed the country, staying with sympathizers and working at odd jobs under assumed names. During this time he continued writing articles, giv-

ing occasional newspaper interviews, calling radio stations in his hometown of North Little Rock, Arkansas, and publishing an anti-registration newsletter. He spent his last year as a fugitive in North Little Rock, living quietly with his wife and child until his arrest on December 6, 1984.

Released on bail, Jacob continued antidraft work until his widely publicized July 1, 1985, trial. He was found guilty of willful failure to register, which carries a maximum penalty of five years in prison and a \$250,000 fine. He was given a five-year sentence, with 4½ years suspended on the condition he perform two years of community service.

Jacob doesn't fit the stereotype of the typical draft protester. A Libertarian, he favors a free market, acknowledges the need for a capable military defense and has repeatedly declared his willingness to defend America in case of attack. His objection to the draft, he says, is rooted in his love for America and its political heritage of personal freedom.

"There is a time when it's both the right and the duty of a patriot to resist the law," Jacob says. In his view, that time is now.

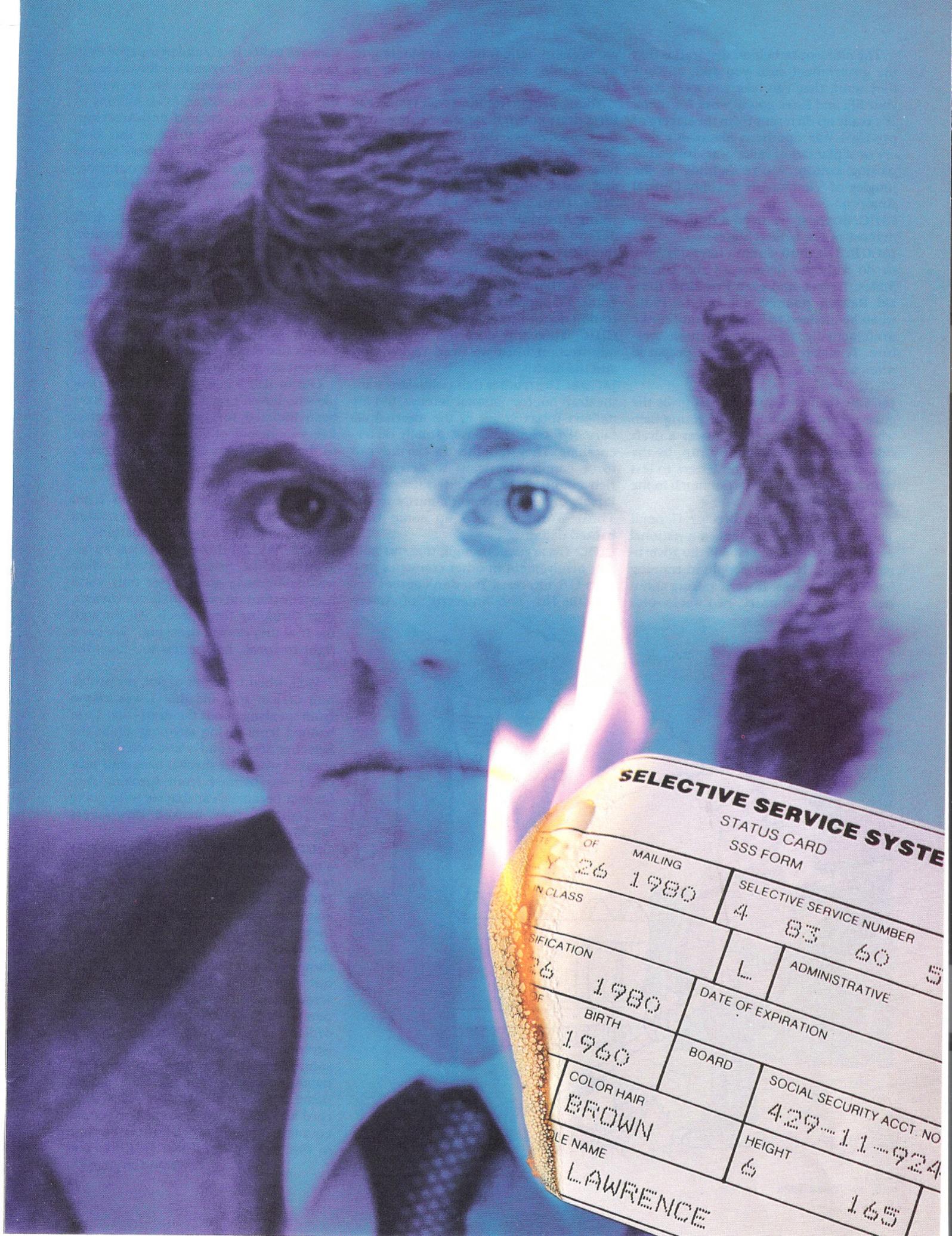
**CHIC:** You've spent the past five years fighting draft registration and the draft. Why?

**JACOB:** First, let me make it clear that I'm not a pacifist, I'm not a Communist, and I'm not afraid to fight for my country. I love this country, and I believe we need a military to defend it. If we were threatened, I'd be the first in line to sign up to fight.

In fact, that's what I feel I've been doing these past few years—fighting for my country. The draft is definitely not the way to defend the United States. It's not only ineffective, it's immoral. It perverts everything our country is supposed to stand for.

**CHIC:** In what way?

**JACOB:** The draft is wrong in a number of areas. Most seriously, it's slavery—involuntary servitude.



**SELECTIVE SERVICE SYSTEM**  
STATUS CARD  
SSS FORM

OF MAILING Y 26 1980	SELECTIVE SERVICE NUMBER 4 83 60 5
IN CLASS	L ADMINISTRATIVE
SIFICATION 26 1980	DATE OF EXPIRATION
OF BIRTH 1960	BOARD
COLOR HAIR BROWN	SOCIAL SECURITY ACCT. NO 429-11-924
OLE NAME LAWRENCE	HEIGHT 6 165

The philosophy behind the draft is that the government *owns* you and, anytime they want, they can take you away from your life and force you to work for them. It's really no different from the slavery of pre-Civil War Southern blacks—it's slavery on a plantation called war. Instead of picking cotton, you're fighting in the jungles of Vietnam—or possibly Central America.

**CHIC:** Suppose we need a draft for the defense of the United States?

**JACOB:** The draft doesn't have anything to do with the defense of the United States. In fact—and even President Ronald Reagan pointed this out in 1980, when he pledged to halt registration—the draft actually *hurts* our defensive posture. It makes us think we're prepared when we aren't.

**CHIC:** How?

**JACOB:** Draft registration just gives the government a mailing list of young men who might or might not answer a draft call—a mailing list so poorly run, by the way, that you can only get letters to less than half of them. That's not much in the way of preparedness.

The Selective Service director, General Thomas Turnage, says that in a national emergency the list will enable the government to put 100,000 people in training bases in two weeks. If we're talking about defending our country, two weeks—plus

six weeks of basic training—is too long to wait while someone's gobbling up Florida.

Young people wouldn't wait two weeks for a draft notice if someone threatened the United States—they'd sign up the next day. Not just 100,000 either, but millions. They're not going to sit at home and watch our country go down the drain. Draft registration is an insult to young American men—it says they won't defend their country unless they're threatened with prison.

If we need more training, then let's have a voluntary civilian-training program. I'd support that. But draft registration doesn't train anyone.

**CHIC:** Then why does the Reagan Administration insist we need registration and the draft?

**JACOB:** The truth is that politicians want the draft not for national defense, but for military intervention in the internal affairs of foreign nations—a totally different thing. They want the draft so they can force young Americans to defend the rich countries of Western Europe and Japan, or to intervene militarily in the Third World to prop up some U.S.-backed dictator.

**CHIC:** It's argued, though, that our military involvement in other countries protects U.S. interests. You don't agree?

**JACOB:** No. The "interests" of Ameri-

cans are to live freely and prosperously in peace. Military intervention abroad hasn't served these interests. We've wasted thousands of American lives, billions of dollars and only created anti-American feelings abroad and strife in our own country. Our interests overseas should be to make friends and to trade our products, not to determine by force how other nations should live.

**CHIC:** Don't you also argue that the draft and draft registration seriously threaten free speech in America?

**JACOB:** Every draft in the United States has gone hand in hand with an abridgment of freedom of speech. Take the present draft registration. It's obvious that the government is only prosecuting people like myself who have publicly spoken out against the draft.

Out of half a million to a million people who haven't registered, only 20 have been indicted for refusing to register. Every single one of those 20 either wrote to the government, refusing to register, or spoke out in public. Every one was an outspoken opponent.

**CHIC:** When you were released from prison, was there a free-speech-related restriction placed on your probation?

**JACOB:** Yes. All through my trial we argued that the Selective Service system was deliberately going after only vocal nonregistrants in order to silence dissent, thus abridging free speech. All through the trial they denied it, saying, "He has a right to speak, but he has to follow the law."

Well, when I got out of jail, my probation officer told me that I was *banned* from speaking about the draft—that I was banned from saying anything about the Selective Service and *related topics!* If I did speak, I would be thrown back into prison. I was banned from speaking out. Once it became clear that we were going to fight it, they backed down very quickly.

**CHIC:** You said there are half a million to a million nonregistrants. Doesn't the Selective Service claim there are far less?

**JACOB:** The Selective Service won't count anyone as a nonregistrant unless they've failed to register for more than two years, because, of course, that would show that there are a lot more resisters out there than they claim. They use screwy census data that systematically undercounts the number of young people ordered to register. And they count registration from women, armed-forces personnel—anyone who can scribble their name on a piece of paper. If I sign my name as Mickey Mouse on a registration card and send it in, the Selective Service counts it as another registration. Because of this, during World War II, Korea and

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# RESISTER

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Vietnam, official registration rates were always more than 100%—sometimes more than 105%.

Actually, resistance is higher now even than during Vietnam. The resistance rate is higher than it's ever been in history. Naturally, the Selective Service doesn't like to bring that out. So they cook up a figure and use it instead. Then General Turnage travels around the country saying, "Young people support draft registration. Ninety-something percent have registered."

When the truth is, those who have registered did so only *after they were threatened with prison and bribed with student aid*. Take away the penalties, and *then* tell me how many people show their approval by registering.

They're very clearly using registration as a test for reinstatement of the draft. Of course, they want a test by which they can force results in their favor. There are a lot of people in and out of government calling for reinstatement of the draft. The truth is that they can't do it. Standing in their way is a tremendous amount of resistance from young people. Also—and this is very important—there's a tremendous amount of resistance from a generation that went through Vietnam.

That generation saw in their own lives that when you give politicians that kind of power, they send people across the globe to fight stupid wars in which there's no goal that can be obtained, in which there's only a lot of bloodshed and misery for both countries. They're smart enough to realize they don't want that to happen again. There's so much resistance to registration that the government can't go any further. To me, that's our victory.

**CHIC:** What do you think usually motivates young men who are not registering?

**JACOB:** I think most of them just don't see anything in it, either for themselves or for their country. A lot of them are patriotic. Like me, they love their country, and they'd fight to defend it. If they thought the draft was the best thing for America, they'd probably register. The only thing it does is send a message to Washington to get us involved in some senseless, unjust war.

**CHIC:** It's ironic that Reagan actually ran in 1980 on a campaign pledge to abolish draft registration. Now his administration is jailing young men who simply took him at his word.

**JACOB:** Yeah. Reagan said that the draft and draft registration—and he very clearly included draft *registration*—destroys the very values that our society is committed to defending. That's my belief exactly! Not only did he make an argument

against the draft and draft registration, he made the *best* argument: It's morally wrong. By using a draft, we become the same as countries we're trying to fight. If we're going to accept the Communist way of raising an army, then what are we really defending? Just because they violate people's rights is no justification for it to happen here. We are *different* from those other countries, and we should be very, very *proud* of those differences.

**CHIC:** What's the alternative to the draft?

**JACOB:** The volunteer-military system works much better. Volunteers tend to be better-motivated soldiers than conscripts. We have 2 million soldiers now and an improving reserve. They're all volunteers. They're being used at present to defend Western Europe, South Korea, Japan, Australia, the Middle East, North and South America and parts of Africa. I think they could more than handle their only legitimate role: the defense of our country.

If we think we'll need still more men, say for emergencies, then let's offer voluntary military training so that people who want to defend the country in case of emergency will be ready.

**CHIC:** All other registration resisters to date have voluntarily presented themselves to the courts for arraignment and other proceedings. Yet after your indictment you chose to go underground. Why?

**JACOB:** Well, I think if you voluntarily present yourself for arrest and go to court, you're almost saying, yes, let's both go to court; that's where we go to settle issues. You're pretty much saying you'll accept the ruling of the court. That's not where I wanted to settle the issue. That's *their* court system.

**CHIC:** What do you mean?

**JACOB:** Look: There aren't many criminals that are worse than Richard Nixon. Nixon sent thousands of people to be killed or maimed in Vietnam and Cambodia. He lied constantly to the American people. There are tapes of him on the phone with H. R. Haldeman, hiring thugs to go beat up antiwar demonstrators. As far as I'm concerned, Nixon is the lowest scum in the world.

Yet this guy, this king of corruption, appointed four Supreme Court justices! A lot of judges have been appointed by people like Nixon and Lyndon Johnson. And Ford and Carter and Reagan are not great guys either.

So I don't see that the court system is our forum. They're part of the power structure in this country, part of what we're fighting against.

The forum that I've wanted all along is the public. I have a lot more faith in the American people than I do in politicians and the judges appointed by them. So one of my main goals before and during

my trial was to get publicity—to expose the evil of the draft, to put the draft on trial. I think I succeeded to a substantial degree. In fact, I was told after the trial that the jury thought that what I did was right and that they basically agreed with my philosophy. But the jury instructions were such that those jurors felt they had no choice but to find me guilty. So I had to serve the time, but I think the draft lost.

**CHIC:** You're still active in antidraft activities, aren't you?

**JACOB:** Yes, chiefly with the Libertarian Party and with Volunteers for America, an organization I co-founded that aims to provide people with the facts about the volunteer system and its superiority over the draft. We also want to offer a support system for resisters—to let them know they're not alone.

**CHIC:** How are you doing that?

**JACOB:** We have a toll-free telephone number: 1-800-SLAVERY. Anyone can get in touch with the antidraft movement and get our free newsletter each month. We're planning to advertise that number, and we're organizing seminars and other ways to educate people on the issue.

It's important that people realize that you can be against the *draft* without being against the *military*. Volunteers for America is pro-American. We're pro-military, but we want a military that defends *our*

country, keeping with the values of individual freedom so important to the U.S.

**CHIC:** Obviously, not all young men are going to want to follow your route of open protest and civil disobedience. What advice would you give young men of draft age?

**JACOB:** Let me point out that, because of probation restrictions, I could be thrown back in jail if I tell people not to register for the draft. So I'm specifically not going to do that. However, short of that, I'm going to be as forthright as I can be. Most young people can make up their own minds, and I think if they see the facts and follow their consciences, they'll do the right thing.

I know a lot of people who didn't register for the draft. Their experience is significantly different from mine. They stayed quiet about it. They never publicly stated that they hadn't registered. *Nothing* has happened to them.

If you don't register, you have to be willing to do without student aid. That can be a significant bribe. But you can go to school without student aid. If you're willing to do that, in my opinion, there is *no threat* of being prosecuted if you don't register. No threat at all.

**CHIC:** What makes you so sure?

**JACOB:** First of all, the Justice Department of the United States virtually said so. When the Selective Service turned the

names of 200,000 nonregistrants over to the Justice Department for prosecution, David J. Kline—a Justice Department attorney in charge of prosecution of nonregistrants—said in a letter to the Selective Service that the chances of these nonregistrants being prosecuted were *about the same as being struck by lightning*.

**CHIC:** Have they prosecuted any of those 200,000?

**JACOB:** Not one. There hasn't been a single indictment for anyone who hasn't spoken up publicly.

**CHIC:** Why?

**JACOB:** For one thing, if someone is a quiet nonregistrant, what kind of evidence is the Selective Service going to introduce to prove that he *knowingly* and *willfully* refused to register? They can't possibly prove that.

**CHIC:** So a nonregistrant would just have to say, "Gee, I didn't know anything about this registration stuff."

**JACOB:** Right. That's all they'd have to do, in my opinion, and the case would be thrown out of court. So I'm here to tell you that if you quietly don't register, as far as I can tell, there is virtually no chance you will be prosecuted. If by some chance lightning strikes and you *are* taken to court, the chances of your being convicted are nil.

Anyway, the government can't possibly go after several hundred thousand quiet resisters. Mass prosecution would shut down the prison and legal systems. The total federal prison population is around 36,000. If they prosecute just 10.7% of the half-million nonregistrants, we're talking about more than *doubling* the prison population. The courts couldn't possibly handle the cases—they're backed up as it is.

Mass prosecution would also outrage Americans as they saw their friends and children being prosecuted for failing to sign a piece of paper. Public opinion would shut down the law. That's why the Selective Service has been trying to silence vocal nonregistrants, because their only hope is to hide the massive noncompliance and frighten people into signing. Otherwise, short of creating a police state, registration is simply unenforceable. By the way, there's something else I would tell young men of draft age.

**CHIC:** What's that?

**JACOB:** I think it's clear to anyone who studies history that we might still be in Vietnam today if people hadn't resisted the draft during the Vietnam War. If people hadn't fought that law, hadn't been willing to put themselves on the line, another 50,000 young American men—not to mention thousands of Vietnamese—might have been killed. Resistance to the draft in Vietnam stopped the war. That's a victory. □