

## **EFFECTS OF MARRIAGE AND FATHERHOOD ON DRAFT ELIGIBILITY**

### **AFTER WORLD WAR II TO TODAY**

If Congress and the President were to reinstate a military draft, Selective Service procedures currently in place would not treat married registrants, or those with a dependent child, any differently from men who are single. Regardless of marital or parental status, a man who will turn 20 years old during a year when a draft is in operation, and whose birthday draws a low lottery number, will probably receive a draft notice. Being married or being a parent will not, by itself, be grounds for a III-A “hardship to dependents” deferment, nor will it place a man in a lower priority of call.

Consideration given to a man’s marital or parental status in a draft has varied since the Second World War:

#### **Paternity Deferments—**

Under the Selective Service Act of 1948, Executive Order 9988 (April 22, 1948) provided that husbands who maintained a bona fide family relationship with their wives or children were deferred in Class III-A. But on September 25, 1951, Executive Order 10292 changed the status of childless husbands. They were no longer deferrable in Class III-A, except in cases where they could prove that their induction would cause extreme hardship for their dependents. Fathers maintaining a bona fide family relationship with a child continued to be deferred in class III-A (paternity deferments).

Executive Order 10469, July 11, 1953, did away with paternity deferments, except for those men who filed evidence showing paternity before August 25, 1953. Men whose induction would cause extreme hardship to dependents could still qualify for a Class III-A deferment.

From March 14, 1963 to April 23, 1970, the III-A classification was broadened to include all men who were fathers. President Kennedy issued Executive Order 11098 on March 14, 1963, to expand entitlement to this paternity deferment. For a man to qualify for a III-A

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*February 19, 2004*

deferment as a “Kennedy father,” there had to be a “bona fide family relationship in their home” between the father and child. The definition of a man’s “child” in the regulations of the period included “a legitimate or illegitimate child from the date of its conception.” Therefore, the III-A classification could be granted during his wife’s (or significant other’s) pregnancy. The III-A classification also remained available to men, married or single, whose induction would be a hardship to their dependents.

Eligibility for the III-A classification on the basis of paternity ended in 1970. President Nixon issued Executive Order 11527 on April 23, 1970, which terminated the availability of the Class III-A paternity deferment for new fathers if the child was conceived on or after that date. Class III-A remained available for fathers of children conceived prior to that date, and for men who could prove hardship to dependents.

#### **Effects of Marital Status on Induction Priority—**

Executive Order 10001 (September 17, 1948) provided that men in Class I-A or I-A-O would be selected for induction in the order of their dates of birth, with the oldest being selected first.

On February 15, 1956, Executive Order 10659 made changes in the order of induction within Class I-A or I-A-O. Men who were married but did not have children were selected for induction in the same order as single men. Men who became fathers after August 25, 1953, had a lower priority of call within Class I-A or I-A-O. They could only be called after men without children (single or married, 19-26, oldest first).

Executive Order 11119 (September 10, 1963) changed Selective Service System regulations. Married men without children were placed **one step lower** in the order of call than single men. The local boards were then required to select men for induction in the following order: delinquents, volunteers, and I-A single men (19-26, oldest first), before calling these “Kennedy husbands.”

The effect of a man’s marital status on his draft priority was further modified by President Johnson’s Executive Order 11241 in 1965. It provided that men who married after August 26, 1965, and had no children, were again **considered the same as single men in Class I-A** with regard to the order of call. However, childless men married prior to that date remained in the fourth order of call in Class I-A in accordance with the “Kennedy husband” rule. They could be drafted only after all delinquents, volunteers, and single and newly married men (19-26, oldest first) in Class I-A were selected for induction. President Johnson did not change eligibility for the III-A classification, which still applied to fathers and to men who proved hardship to dependents.

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Assigning different priorities of call for men within Class I-A on the basis of their being single or married ended with an amendment to Selective Service System regulations (38 Federal Register 13485) on May 23, 1973. Marital status alone no longer affected priority of draft call. Unless revised by Congress or a change in Selective Service System regulations, these rules would apply in a future draft.