

# RESISTING RECALL FROM THE INDIVIDUAL READY RESERVE (IRR)

**“If you get recalled my best advice is to follow your heart. Personally, I would not report.”**

—Former IRR trainer (anonymous)

The Individual Ready Reserve (IRR), sometimes called the Inactive Ready Reserve, is composed of former military personnel who still have time remaining on their enlistment agreements but have returned to civilian life. They are eligible to be called up in “states of emergency”.

Despite the recent inauguration of an “anti-war” president, the Army is currently undertaking the largest IRR recall since 2004. Over the last seven years however, thousands of IRR soldiers and Marines have questioned this “emergency” and have simply refused and ignored involuntary activation—without any real consequences.

The most common military enlistment is four years active or reserve duty, followed by an additional four years inactive. These “inactive” years are explained to enlistees as just that, “inactive”—just keep your uniforms, military ID card, and notify the military of address changes.

The current emergency that allows the Army and Marines to recall IRR members is the open-ended “Global War on Terror” that includes the occupation of both Iraq and Afghanistan. Many enlistees do not fully realize that most enlistments actually cover eight years of their life.

## Resisting involuntary activation

**Members of the IRR are not under the Uniform Code of Military Justice (UCMJ) until they report for the Army’s evaluation for activation.** Marines may receive orders during periodic musters, sometimes without prior warning.

Since IRR members are not subject to the UCMJ, **the military has no formal jurisdiction to take action against IRR individuals if they do not voluntarily report**—and there are no corresponding civilian laws requiring IRR individuals to report.

If an IRR member does report—even if only to apply for a waiver from activation—they can again be punished under the UCMJ for being absent without leave and unauthorized absence (AWOL/UA), missing movement, conduct unbecoming, etc. if they later decide to resist.



IRR insignia

IRR resisters (individuals who, for whatever reason, do not report) should **expect to receive threatening letters and phone calls from the military** for at least one year past their report date.

About a third of IRR members recalled do not initially report. However, many will be intimidated into eventually doing so. The military usually tells IRR members that a warrant for their arrest will be issued if they do not report. While it’s true that thousands of federal arrest warrants are issued annually for AWOL/UA active duty and reservists, this is simply not true for IRR resisters.

## Failure to contact

Thousands of IRR members have successfully refused involuntary recall in the last few years. They have done so by not reporting for activation and passively ignoring the military.

For example, they refuse to sign for certified letters and they do not take phone calls unless from a recognized caller. Many change their phone number, or at least their outgoing phone message to not include their name—all for “plausible deniability”. If contacted by the military, family members of the IRR individual often explain, “That person cannot be reached here, please do not call again. Good bye.”

If the military can’t contact an IRR individual, they file them away as a “failure to contact.” Usually, at the end the enlistment agreement, the resister will receive an honorable discharge from the IRR—but it really doesn’t matter.

## Types of discharge from the IRR

If the military believes that a no-show is due to something other than a “failure to contact”, the military is more likely to eventually discharge the individual under a “General” or “Other Than Honorable” classification from the IRR. This is more likely to occur to individuals who “make contact” with the military via phone or letters, but do not report—including individuals who publicly refuse IRR recall.

*“The question for IRR members is whether or not they should leave their new civilian lives behind so soon after being discharged to fight in illegal aggressions and occupation. The benefit is certainly not for vet who, if they have not already been so, stand only to get wounded, killed or sustain psychological trauma in the form of PTSD. I encourage all to start questioning what they are being told by a military system that will tell them anything to fill its quotas.”*

—Benjamin “Benji” Lewis, Marine IRR member facing June 2009



The type of discharge one receives from the IRR has absolutely no impact on the individual's honorable discharge from active duty. One's GI Bill education benefits, VA medical benefits, and DD-214 remain unaffected.

A "bad" discharge from the IRR may negatively impact an individual during an in-depth background check. These are done for job applicants applying for positions with the FBI, CIA, Homeland Security, etc.

## Requesting an exemption

Upon call up, individuals are usually screened for medical and "personal status" in order to qualify or disqualify them for activation. About 50% of those that report request a deferment or exemption. Many receive activation delays, and about 50% of those that request an exemption get it.

IRR members most likely to receive exemptions include those with medical disabilities rated at 30% or more by the Veterans Administration (or a claim pending for the same that is judged by the IRR mobilization authority as "likely to succeed"). For these cases, it is sometimes possible to receive an exemption without reporting.

Applying for an exemption usually means reporting for the evaluation, and that means real repercussions if an individual resists later. Whether or not to take the chance on an exemption is a huge decision.



# COURAGE TO RESIST

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## Courage to resist unjust war

Courage to Resist is unaware of any IRR resister who has faced legal consequences or a loss of benefits. That doesn't mean it is impossible for any particular case to be a first. However, it would seem that the most likely "worst case situation" is that a resister could somehow

be compelled to report for activation after initially refusing. The military is more interested in deploying NCO's (non-commissioned officers) than taking on questionable legal cases.

Soldiers and Marines even face aggressive and misleading recruitment tactics towards the end of their enlistments. Currently, the threat of an IRR recall is one of the most effective pitches.

It goes something like this: "If you leave now, we'll just recall you after you settle into civilian life. Reenlist to know who you'll be serving with and get that bonus you deserve."

One might expect a disclaimer here for IRR individuals to consult with an attorney before making decisions. The problem is that some resisters pay thousands in legal fees to lawyers with good-looking websites for little more than help assembling an exemption package.

- If you decide that you require legal representation, we suggest contacting the **National Lawyers Guild Military Law Task Force** at [www.nlgmltf.org](http://www.nlgmltf.org) or **619-463-2369** for a referral.

- Many IRR resisters are members of **Iraq Veterans Against the War**—[www.ivaw.org](http://www.ivaw.org) or **215-241-7123**.

- For general information about getting out of the military, contact the **GI Rights Hotline** at **877-447-4487**.

This overview is based on Courage to Resist's direct experience with dozens of IRR resisters, GI rights counselors across the country, and civilian lawyers specializing in military defense. This information may change. Updates can be found at:

[www.couragetoresist.org/irr](http://www.couragetoresist.org/irr)

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*"I served in the Army...until being honorably discharged last summer after over four years of service in Afghanistan, Japan, Europe and the Philippines.... I received a letter from the Army ordering my return to active duty, for the purpose of mobilization for Operation Iraqi Freedom.... This occupation is unconstitutional and illegal and I hereby lawfully refuse to participate."*

—Matthis Chiroux, outspoken recall resister currently contesting on principle his "General" discharge from the IRR



*"By refusing activation, I refused to participate in wars that serve the purposes of furthering the careers of politicians and high-ranking officers.... The military is a force that rules through fear of retribution for disobeying its will. In reality, more than a third of IRRs simply refuse to report to duty."*

—Brandon Neely, former

Army MP, Iraq veteran, recall resister discharged "honorably" from the IRR

*"Our mission was to receive, process, and retrain IRR soldiers who reported for duty. It was a nightmare. Many IRR soldiers no longer had their uniform issue and had to buy a new issue at a cost of several hundred dollars. The IRR soldiers were restricted to training areas and billets.... They were not too thrilled."*

—Former IRR trainer (anonymous)

