

# 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”.

In support of President Obama’s Afghanistan occupation surge, the Army is currently undertaking one of the largest IRR recalls in history. Over the last eight years however, thousands of IRR Soldiers and Marines have questioned this “emergency” and have simply refused and ignored involuntary activation—with few 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 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”. 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. 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.

Note that this is a practical summation and not a legal declaration as military legal experts are divided on this question as a matter of law. The fact is that the military has never taken judicial action against an IRR resister, ever.

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 up to one year past their report date.

Half of all IRR members recalled do not initially report. Of those that do not report, most file for exemptions or delays. Many ignore the initial letters and phone calls, but are eventually intimidated into reporting. However, thousands have simply never reported. The military often 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—all for “plausible deniability”. If contacted by the military, family members 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 anyway. According to the Army, of the acknowledged 2,300 IRR “no shows” since 2004, only about one in five got a “bad” IRR discharge.

*“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, IRR former Marine



## 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 type of discharge one receives from the IRR has absolutely no impact on the individual’s honorable discharge from active duty.** One’s VA medical benefits and DD-214 remain unaffected. However, some benefits of the new “Post 9/11 GI Bill”—specifically, the **housing and books allowances**—are **currently being withheld** from some IRR refusers.

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

Nearly half of those recalled request a delay or exemption, known as a “D & E”. To apply, an exemption packet must be compiled with as much supporting documentation as possible—within 14 days of the date printed on their orders!

About half of those that request an exemption, and appeal if at first denied, get it. However, it’s becoming harder to win these exemptions. Exemption requests can be made for “extreme hardship”.

Individuals who apply for exemptions remotely via mail or fax prior to the recall date maintain the option of simply not reporting later. However, if an individual is told that they must physically report to “complete the process”, there is no “going back” after doing so.

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”), and those that can prove they are the sole caregiver of a dependent.



*“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



*“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)

## Courage to resist unjust war

We are unaware of any IRR resister who has faced legal consequences or a loss of benefits beyond the housing and books allowances provided by the “Post 9/11 GI Bill”. 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 politically charged 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 a bonus!”

IRR mobilization officer Maj. Nadine Kokolis recently admitted that the “culture and past management of the IRR has made it difficult for many to accept that call-ups will become common practice.” To address this, the Army is now relabeling IRR personnel “Individual Warriors” in hope of increasing “motivated participation”. This is not a new type of service, just IRR rebranding.

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

- If you decide that you require legal help, 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 **646-723-0989**.
- For general information about getting out of the military, call 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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