

SURVIVING SONS

“Only Sons” and the draft

Contrary to popular belief, “only sons,” “the last son to carry the family name,” and “sole surviving sons” must register and they can be drafted. However, they may be entitled to a peacetime deferment if there is a military death in the immediate family.

Provisions regarding the survivors of veterans were written into Selective Service law after World War II. Details have varied over the years, but the basic premise remains the same; where a family member has been lost as a result of military service, the remaining family members should be protected insofar as possible.

It is important to keep in mind that the provisions are directly related to service-connected deaths. The mere fact that a man is the only child or only son does not qualify him for consideration - he must be the survivor of one who died as a result of military service.

The present law provides a peacetime exemption for anyone whose parent or sibling was killed in action, died in line of duty, or died later as a result of disease or injury incurred in line of duty while serving in the armed forces of the United States. Also included are those whose parent or sibling is in a captured or missing status as a result of service in the armed forces during any period of time. This is known as the “surviving son or brother” provision. A man does not have to be the only surviving son in order to qualify; if there are four sons in a family and one dies in the line of duty, the remaining three would qualify for surviving son or brother status under the present law.

The surviving son or brother provision is applicable only in peacetime. It does not apply in time of war or national emergency declared by the Congress.

The original law, passed in 1948, exempted the sole surviving son of a family where one or more sons or daughters died as a result of military service. No restriction existed at that time to limit the exemption to peacetime. The provision was intended to protect families which had lost a member in World War II.

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In 1964, recognizing that sons of World War II veterans were reaching draft age, Congress changed the law to include the sole surviving son of a family where the father, or one or more sons or daughters, died as a result of military service. At this time the peacetime-only restriction was also added to the law.

A further change was made in 1971, expanding the exemption to any son, not necessarily the sole surviving son, of a family where the father, brother or sister died as a result of military service. This provision was recently expanded to include mothers.