



# Center for Military Readiness — Policy Analysis —

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## Senate and House Should Oppose Selective Service Registration of Women for Draft and Push for National Service

Recommendations of the 3-year, \$45 million **National Commission on Military, National, and Public Service** did not meet expectations for a thorough analysis of the consequences of registering women with Selective Service, including the impact on readiness if women are treated like men in the combat arms during a time of catastrophic national emergency.

### *The Issue is National Security, not “Women’s Rights”*

The **Selective Service** system is a relatively low-cost insurance policy that backs up the **All-Volunteer Force (AVF)**. In a future national emergency beyond the capability of the AVF, full national mobilization could make it necessary to re-activate the Selective Service system.

- In the **Army** and **Marine Corps**, the largest communities are **infantry**. The purpose of conscription is not to induct support troops; it is to provide an effective system for rapidly replacing casualties fallen in battle to fight and win a nation-threatening war.
- Any call-up of men conducted for purposes of “**equity**” would, by definition, include equal numbers of young women. The few women who meet minimum standards would be trained and ordered not into support jobs, but into combat arms units such as the infantry, where the critical need to fight and win is greatest.

A misguided quest for “equality” in Selective Service would disproportionately hurt women and undermine military readiness.

- Due to physical differences that will not change, the Selective Service system would have to divert scarce time and resources trying to evaluate and train thousands of women — just to find the small percentage who might be minimally qualified for the combat arms.
- Even though some exceptional women may be able to meet minimal standards, the fact remains that most women cannot meet combat arms standards while most men can. There is no justification for ordering all women of draft age to register with Selective Service.
- As Law Professor Emeritus **William A. Woodruff** has explained in a detailed [analysis](#), if Selective Service called up women and men ages 18-26 in roughly equal numbers, the administrative burden of finding the theoretical one-in-four woman who might be qualified would make it more difficult to find and mobilize better-qualified persons.
- A “gender-neutral” Selective Service call-up that ignores unchanging physical differences between men and women would jam up and slow the induction system during a time of catastrophic national emergency, creating a political crisis and a paralyzing administrative overload that would weaken our armed forces at the worst possible time.

- Some men favor such a policy because they resent women or feminist activists. This cohort of men, sometimes called “**hostile proponents**,” forget that civilian and military women have always volunteered to serve in times of national emergency. There is no reason to believe they will not do so again.

### *The Case for Co-Ed Conscription Has Not Been Made*

The National Commission called for imposition of Selective Service obligations on women for the lamest of reasons: “*The time is right.*” (p. 122) However, the time is never right for Congress to vote for ill-advised policies that harm women and weaken national defense.

- Today – no less than when the Supreme Court issued its landmark *Rostker v. Goldberg* decision (1981) – women and men are not “*similarly situated*” insofar as physical strength and endurance required to succeed in the deadly environment of the battlefield.
- The Commission’s [Final Report](#) barely mentioned then-Commandant **Gen. Joseph Dunford**’s request that some **infantry** and **Special Operations Forces** remain all-male and the scientific research findings supporting that request.
- Three years of scientific research done by the **Marine Corps** showed that *as a group*, women do not have physical strength and endurance equal to men. Due to major gender-related differences in physical strength, speed, and endurance, all-male units with average-ability men outperformed mixed-gender test units with highly qualified women in **69%** of evaluated tasks, including hiking under load.
- A 4-page [Summary](#) of findings reported that servicewomen were two to six times more likely to be injured. Women also suffer serious [health problems](#) such as [infertility](#) and [higher risks of suicide](#), and female [attrition](#) has been twice as high in units that used to be all-male.
- In 2018, **Training & Doctrine Command (TRADOC)** announced plans for a six-event **Army Combat Fitness Test (ACFT)** to be a “gender-neutral” replacement for the longstanding **Physical Fitness Test (PFT)**, which allowed for significant differences in men’s and women’s physical capabilities.
- Problems first became apparent when unofficial pass/fail records of **3,206** soldiers in 11 battalions performing the AFCT resulted in an [84% failure rate](#) among female trainees and **30%** among the men. The Army has attempted several [adjustments](#) in test requirements and scoring systems since then, but the ACFT is widely perceived to be a fiasco.

Contrary to National Commission claims about women’s success in advanced infantry training, these empirical findings, and more, suggest that involuntary conscription of women would make combat arms units less strong, less fast, more vulnerable to debilitating injuries, less ready for deployment on short notice, and less accurate with offensive weapons during combat operations.

- Given research findings confirming physical disparities affecting unit strength, speed, and superiority in battle, Congress could reasonably, rationally, and appropriately determine that it would not make sense for Selective Service to waste time and resources culling thousands of female draftees just to find the few who might meet standards in combat arms units that engage in deliberate offensive action against the enemy.
- While President **Jimmy Carter** asked **Congress** in 1980 to register women for the draft “*based on equity*,” the Supreme Court found in the 1981 *Rostker v. Goldberg* case that Congress “*was cer-*

*tainly entitled, in the exercise of its constitutional powers to raise and regulate armies and navies, to focus on the question of military need rather than 'equity.'*

### ***Congress Must Take This Issue Seriously***

The National Commission failed to make a plausible argument for shifting the *purpose* of Selective Service away from **combat replacement requirements** – an obvious and unnecessary step toward “**national service.**” (p. 113)

- Until Congress carefully considers the consequences of military conscription for reasons other than the need to raise a military force to repel the nation’s enemies, the purpose of conscription should remain combat replacements.
- Opportunities are wide-open for women in the AVF, but there is no evidence that military or civilian women want to be forced into the combat arms on the same involuntary basis as men. Nor is there evidence that Selective Service mandates would improve recruiting.

### ***National Service = Big Government***

The Commission’s Final Report lumped together two major issues – “national service” and co-ed conscription – as if young people could avoid the latter by accepting the former. These are controversial issues of major importance, which deserve independent consideration.

Where in the Constitution is there authorization for the federal government to commandeer the lives of young people for less than compelling reasons?

- **Article I, Sect. 8** of the **Constitution** does *not* grant Congress the power to conscript anyone for the **Peace Corps, AmeriCorps, the Do Good Institute** (University of Maryland) or any other “good cause” or organization, even if Congress deems such service beneficial. Conscription for military service has been upheld as constitutional because of the Constitution’s specific grant of the power to raise armies to Congress.
- The National Commission’s report and website suggest that all citizens should be “**Inspired to Serve.**” There is a world of difference, however, between inspiration motivated by patriotism and coercion enforced by government.
- The ultimate choice, which the Final Report failed to recognize, is whether Congress should replace Americans’ ***Presumption of Freedom*** under the U.S. Constitution with a “**Presumption of Service**” directed by the government.

Congress should not support recommendations to establish a permanent, interagency **Council on Military, National & Public Service**, which would become a costly Big Government agency empowered to use both “carrots and sticks” to commandeer the lives of young people for reasons other than national security. (p. 22–25)

- An unprecedented, open-ended expansion of federal Big Government power such as this would amount to Congress abdicating to an executive agency its constitutional power and responsibility to raise armies.
- Volunteer service benefits communities, but there is no evidence that federal government mandates to “serve” others would be more beneficial to society than productive individual life choices, including formation of families.

- “National service” organizations such as the **Corporation for National & Community Service**, which was over-represented on the National Commission, would receive millions in Big Government subsidies if the panel’s recommendations are implemented. The conflict of interest is obvious and a matter of concern.

Unnecessary mandates to register or conscript young women would divide the nation and weaken national defense at the worst possible time, especially since some schools are teaching students that America is not worth defending. It would make more sense for Congress to address that situation, especially in the military, than to impose universal service obligations.

**Conclusion:**

The Supreme Court has recognized the responsibility of Congress to make policy in matters of Selective Service. This includes the readiness consequences of jamming Selective Service with thousands of unqualified draftees, especially during a time of national crisis when America is under attack and combat troops are dying.

A formal [Defense Department notice](#) to Congress following the December 2015 decision to open all combat arms positions to women said this about the Military Selective Service Act, “*The Court in Rostker did not explicitly consider whether other rationales underlying the statute would be sufficient to limit the application of the MSSA to men.*”

In a detailed [Statement for the Record](#), the **Center for Military Readiness** made several recommendations that would encourage military service without expanding government power over the lives of young people. (pp. 10-11) In a subsequent [letter to SASC Ranking Member James Inhofe](#), **CMR** also took issue with several ridiculous, unsupported claims made by the National Commission in their March testimony before the SASC.

The Senate Armed Services Committee has not had a hearing with independent, non-Defense Department experts on this subject since 1991, 30 years ago. Instead of rubber-stamping Commission recommendations, Congress should conduct its own review of the military, legal, and social consequences of registering young women for a possible future draft. Members of the Senate and House also should support policies that will strengthen national defense instead of weakening it.

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*More information is available from the **Center for Military Readiness**, an independent, non-partisan public policy organization that reports on and analyzes military/social issues, and on the CMR website, [www.cmrlink.org](http://www.cmrlink.org).*