

CONCERNED
WOMEN *for* **AMERICA**
LEGISLATIVE ACTION COMMITTEE

Don't Draft Our Daughters

- Concerned Women for America has always stood for the inherent dignity of women and against the wrong-headed and destructive lie that women's equality means being the same as men. We admire and support the patriotic women who volunteer for military service.
- Our military servicewomen volunteer under oath to defend our country and serve with courage and distinction. They are trained for mission and take this obligation freely without any mental reservation or purpose of evasion. Our military is stronger because female soldiers, sailors, airmen, coast guardsmen, and marines serve under the American flag, not the tired symbol of the ERA.
- American women are free to serve and proud to serve, but they should not be forced to serve. Young women today should be respected for their intrinsic value and the many essential roles women embrace in all seasons of life as workers, wives, mothers, and caregivers.
- The Selective Service System is not a social experiment. American women do not need to be conscripted to fight on the frontline of war to prove their worth. Enduring differences between the sexes have everything to do with military readiness and national security in wartime.
- Congress can respect women and their role in serving our nation without forcing the military to be co-opted into a broader ideological project.

Congressional Attempts to Draft Our Daughters

In 2016, following intense controversy on ill-advised “Draft Our Daughters” legislation, Congress established the National Commission on Military, National, and Public Service to (1) “conduct a review of the military selective service process” and (2) to “consider methods to increase participation in military, national, and public service to address national security and other public service needs of the Nation.”¹

- Three years and \$45 million taxpayer dollars later, the Commission's final report rubber-stamped a recommendation that Selective Service obligations be applied to women.
- The report's unsubstantiated conclusion simply argues: “The time is right.”
- The Commission failed to address any of the issues raised by military experts and field research.

On July 21, 2021, the Senate Armed Services Committee approved the National Defense Authorization Act (NDAA) for Fiscal Year 2022 with a “Draft Our Daughters” amendment.

- The legislation reportedly includes language authored by Sen. Jack Reed (D-Rhode Island) to amend the Military Selective Service Act (MSSA) to require young women to register for a possible future draft.²
- This “behind closed doors” action faced immediate criticism—as did certain Senators who supported it.^{3 4}

On September 1, 2021, the House Armed Services Committee took similar action by approving an amendment to the FY 2022 NDAA by a vote of 35-24. Five Republicans joined 30 out of 31 Democrats in passing the amendment.⁵

Some Members of Congress are pushing back. Sen. Mike Lee (R-Utah) introduced a “Don’t Draft Our Daughters” resolution ([S. Res 340](#)) expressing that the Senate should not mandate the registration of women in the Selective Service System.

Background on the Selective Service

- The stated purpose of the Selective Service is to “provide our Nation with a structure and a system of guidelines which will provide the most prompt, efficient, and equitable draft possible, if the country should need it.” It is the mechanism to “rapidly provide personnel” in the event of a national emergency.⁶
- Under the Military Selective Service Act (MSSA), nearly all male U.S. citizens or immigrant residents 18-25 years old are required to register with the Selective Service under penalty of law. Citizens must register within 30 days of turning 18, and immigrants must register within 30 days of arriving in the U.S.
- The United States Military has been all-volunteer since 1973. In the event of a national emergency, Congress could act to reinstate the draft.
- Upon authorization from Congress and the President, registered men would be called to duty by random lottery number and year of birth. Draftees would then be examined for mental, physical, and moral fitness and either deferred or exempted from military service or inducted into the armed forces.⁷

Under the proposed legislative change, all female citizens would be compelled to register for the draft at age 18. Note: Selective Service registration is not a pathway for the federal government to catalog career talents for use in wartime. No information is collected about a person’s skills or abilities.⁸

Legal Grounds for All-Male Draft

Following the Soviet Union’s invasion of Afghanistan in 1980, President Jimmy Carter reactivated the draft registry. Congress concurred with his decision but refused to enact his recommendation that selective service registration include females.

- After a series of hearings in response to the request, Congress’ “decision to exempt women was not the accidental byproduct of a traditional way of thinking about women.”
- Testimony from executive and military officials demonstrated that the rationale for registering women was founded on concerns of equity rather than Congress’ constitutional authority to focus on military need and readiness.
- Congress determined that any future draft “would be characterized by a need for combat troops.”

Legislators rightfully concluded that the Selective Service System was not a social experiment.

The Supreme Court of the United States (SCOTUS) soon bolstered this conclusion. In *Rostker v. Goldberg*, 453 U.S. 57 (1981), the SCOTUS upheld the all-male draft as constitutional and ruled that the MSSA’s gender distinctions did not violate the Due Process Clause of the Fifth Amendment or move beyond the authority to raise and regulate armies.⁹

Women’s Service in Our Armed Forces

When the draft ended in 1973, women represented just 2% of the enlisted forces and 8% of the officer corps. As of 2018, those numbers are 16% and 19% respectively.¹⁰

Women’s Representation by Service and Rank (2018):

- Army: 19% of officers and 14% of enlisted force
- Navy: 19% of officers and 20% of enlisted force
- Marine Corps: 8% of officers and 9% of enlisted force
- Air Force: 21% of officers and 20% of enlisted force
- Coast Guard: 23% of officers and 13% of enlisted force

Women in Combat:

- In 2015, nearly all combat positions in the Armed Forces became open to any woman volunteer if she could meet certain physical fitness requirements.
- The Ground Combat Element Integrated Task Force within the United States Marine Corps found that all-male squads outperformed gender-integrated teams 69% of the time. Furthermore, women had a musculoskeletal injury rate over twice that of men. The Infantry Training Battalion found that enlisted women undergoing entry-level training had an injury rate six times that of enlisted men.¹¹
- These findings led General Joseph F. Dunford, Jr., a former Marine commandant, to seek an exemption for certain combat units to remain all-male. The Defense Department ignored his pleas.
- In 2018, the United States Army instituted the “gender-neutral” Army Combat Fitness Test. Army data has since revealed a fail rate ranging between 65% and 84% for women and between 10% and 30% for men—even after standards were adjusted to boost results.¹²

In the event of a national crisis, it remains, as Congress and the Supreme Court have recognized, that “the primary purpose of registration and conscription is to supply combat troops.”¹³

There Remains No Justification to Draft Our Daughters

The case for requiring our daughters to register for the Selective Service and be subject to the draft simply has not been made. This is not an issue of fairness. There is no place in our military for advancing political agendas and compromising critical objectives of national defense. Women are serving with distinction in the all-volunteer armed forces and have always volunteered their skills to serve in times of national emergency.

¹ <https://www.inspire2serve.gov/reports>

² <https://thehill.com/policy/defense/565719-up-next-in-the-culture-wars-adding-women-to-the-draft>

³ <https://www.hudson.org/research/17143-of-course-we-will-not-draft-our-daughters>

⁴ <https://www.nationalreview.com/2021/07/drafting-women-is-foolish/>

⁵ <https://docs.house.gov/meetings/AS/AS00/20210901/114012/CRPT-117-AS00-Vote017-20210901.pdf>

⁶ <https://www.sss.gov/>

⁷ <https://www.usa.gov/selective-service>

⁸ <https://www.sss.gov/register/>

⁹ <https://www.law.cornell.edu/supremecourt/text/453/57>

¹⁰ <https://www.cfr.org/background/demographics-us-military>

¹¹ [USMC - University of Pittsburgh Ground Combat Element Integrated Task Force Research Final Report 15 Aug.pdf \(defense.gov\)](#)

¹² <https://news.clearancejobs.com/2019/10/05/army-combat-fitness-test-fiasco-slides-reveal-84-of-women-failing-acft/>

¹³ <https://www.law.cornell.edu/supremecourt/text/453/57>