



A Feminist Take on the Selective Service

“No young person, regardless of gender, should be subject to a military draft or be forced to register for a draft in the United States. The military draft registration system is an unnecessary, wasteful bureaucracy which unconstitutionally violates Americans’ civil liberties and unfairly subjects individuals who fail to register for the draft to unnecessarily severe, lifelong penalties—penalties which disproportionately affect low-income Americans. We should be abolishing military draft registration altogether, not expanding it.” —**Rep. Peter DeFazio** (D-OR)

The Selective Service System requires men ages 18 to 25 who are U.S. citizens or residents to register their location and contact information in case of a draft. This system exists so that the Pentagon can rapidly increase the number of troops serving in the military if our current all-volunteer force is found to be insufficient for warfighting.

The Selective Service system is outdated and unnecessary. The United States has not enacted a draft in nearly 50 years and has not prosecuted non-registrants since 1986. Military officials have stated that an all-volunteer force is preferable to forced conscription and they do not expect to need a draft in the future. The system is now mostly used for recruitment purposes, which targets marginalized and low-income communities.

Expanding Selective Service registration to women is not feminism. All combat roles are already open to women who choose to pursue them. Expanding the draft would merely expand a burden that has been unjustly placed on men for decades.

The Selective Service:

- **Takes away personal choice:** Compelling individuals to register for the draft harms civil liberties. Requiring, or potentially requiring, men and women to engage in warfighting violates the right to life of both conscripted individuals who may be killed in the line of duty, and those on the receiving end of warfighting—very often civilians. If the U.S. is to engage in war, legislators should make the case to the American people and encourage them to enlist voluntarily. If enough volunteers do not enlist, it is a signal that the war does not have enough public support to be worth fighting.
- **Rewards militarism, punishes pacifism:** Not registering for the Selective Service is a felony, and those who do not register face massive state and federal penalties—without due process. Such penalties include access to government jobs, state driver’s licenses, and state student financial aid assistance. It can also cause a 5-year delay for those seeking citizenship. If prosecuted, those who fail to register can be fined up to \$250,000, and sent to jail for up to 5 years—although this has not happened for a long time.
- **Reproduces inequality:** Military recruitment targets marginalized communities and those with fewer economic options. Schools that receive federal funding are required to allow military recruiters access to students and their personal information. Studies of recruiting behavior show that students in lower-income schools have up to ten times more exposure to military recruiters than to any other post secondary opportunities.

A Brief History of the Draft

The draft has been enacted throughout U.S. history in six conflicts: the Revolutionary War, the Civil War, World War I, World War II, the Korean War, and the Vietnam War. In most of these wars, the vast majority of troops were volunteers. There has always been massive backlash to forced conscription.

1940 - The first peacetime conscription enacted in advance of WWII

1973 - Active conscription ends; U.S. moves to a volunteer militia

1975 - President Gerald Ford terminates the draft registration requirement

1980 - President Jimmy Carter reinstates the peacetime draft; suggests women should be required to register

1981 - SCOTUS upholds requiring men, but not women, to register for the draft, basing the decision on the military policy that excluded women from combat assignments

2015 - Ban on women in combat roles fully lifted

2016 - Issue of expanding the Selective Service to include women proposed in the Senate NDAA for the first time; rejected by the House, who created the National Commission on Military, National, and Public Service as a compromise

2020 - Commission releases final report, recommends draft registration be extended to include women

2021 - Supreme Court declines to review the issue, waits on Congress to act

Why now?

In 1981, the Supreme Court ruled in *Rostker v. Goldberg* that because the purpose of the draft is to prepare troops for combat and at that time women were excluded from combat roles, it was constitutional to retain the men-only draft.

In 2013, the U.S. military began allowing women into certain combat roles. In response, the National Coalition for Men filed a lawsuit against the Selective Service for discriminating against men in requiring men, but not women, to register for the draft. The case was dismissed, but when the ban on women in combat roles was lifted in 2015, the legal argument for excluding women was rendered moot.

In June 2021, the Supreme Court declined to review the case, because Congress has been evaluating the issue. It is now up to Congress to debate and address the issue. Should they fail to do so, it is likely that the Supreme Court will review the case in the near future.

The way forward

"If a war is worth fighting, Congress will vote to declare it and people will volunteer."

—**Senator Rand Paul** (R-KY)

Feminism is about addressing unjust systems, extending personal choice, and producing equal positive outcomes for individuals regardless of their gender. While opening up the option to serve in combat roles can be seen as a feminist move, as it opens up personal career choices for women, requiring military service does the opposite, taking away personal choice and freedom.

In seeking equality and non-violent responses to global challenges, we support ending the Selective Service for both men and women, continuing voluntary, rather than forced, military service, and foreign policy approaches that emphasize de-escalatory and nonviolent conflict resolution, rather than military-first approaches.

This issue has wide-reaching impacts for all U.S. citizens and residents. Considering Selective Service expansion through the NDAA skirts past the necessary discussion and debate that this issue deserves. Instead, Congress must provide the space for all legislators to deliberate on this issue. To do so, they should consider expanding choice by debating the bicameral and bipartisan **Selective Service Repeal Act (H.R. 2509/S. 1139)** to end the Selective Service.