

**Testimony before the National Commission on Military, National, and Public Service
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**Selective Service Hearing: Should Registration be Expanded to
All Americans? – Arguments against expansion**

Expanding Selective Service Registration to All Americans

Jude Eden, U.S. Marine Veteran, Operation Iraqi Freedom 04-06

Chairman Heck and members of the Commission:

Thank you for the opportunity to voice my thoughts on extending Selective Service requirements to include women. We are considering this issue because the Obama administration opened combat units to women with an announcement by Leon Panetta in 2013. Despite the precedent of congressional oversight on military policy, there was no commission or congressional debate on the many negative consequences, both potential and realized, of that policy. Nor was there a vote for which our representatives could be held accountable. When debated and voted on in the past, exposing women to Selective Service obligations was a deciding factor in maintaining women's combat exemption. Drafting women includes the same damaging impacts as putting them into combat units. While we always need men to fight for the nation, there is no military need to draft women. Moreover, such a policy would harm our ability to fight and win in a crisis and would reap more harm than necessary on those fighting for us.

Having equal rights as American citizens does not mean that everyone is required to do the same thing, especially in the nation's defense. That women who volunteer for military service can now be assigned to combat units doesn't make drafting them good policy. In the 1971 court case *Rostker v. Goldberg* the Supreme Court held that drafting men only was appropriate and constitutional because "Congress was entitled, in the exercise of its constitutional powers, to focus on the question of military need, rather than 'equity.'"¹

The purpose of the draft today is the same as it was described by the Senate in 1980: to induct “combat replacements”² during a large-scale national emergency. It is not to fill desk jobs or support units. It is to replace the men who are dying by the thousands at the very front of the fight. Even if we change the purpose to include all military occupations, men would still be assigned the majority of high-risk jobs. If we’re approaching this from a standpoint of equity, that is unfair, as would be inducting anything but equal numbers – 50% women and 50% men. But the draft isn’t about equal rights, it is solely about the needs of the military to win at war when everything is on the line. And in warfare, women don’t have an equal opportunity to survive.

One aspect alone makes drafting women a losing proposition with negative returns: the wide disparity in women’s injury rates. After many years of research on both military and sports medicine, I’ve discovered that active-duty military women average two to ten times the injuries compared to military men. We experience many times the knee, hip, back, foot injuries and stress fractures. These rates have been constant over decades despite our advancements in training methods, medicine and nutrition. Here are just a few data points:

- A survey of one of the Army’s Stryker Brigade Combat Teams that deployed to Afghanistan in 2012 found that 58.8% of women vs. 21.4% of men were injured.³
- The American Journal of Sports Medicine reported that “risk of anterior cruciate ligament [ACL] injury associated with military training is almost ten times higher for women than for men.”⁴
- A sex-blind study by the British military found that women were injured 7.5 times more often than men while training to the same standards.⁵

Keep in mind that these are the stats on military women who maintain higher fitness standards and physical training demands than civilian women of the same age. If very fit women on military standards are injured at much higher rates than men, drafting civilian women would mean much higher turnover, diminished combat effectiveness and fewer of both men and women coming home alive. It would hinder our ability to operate and

fight effectively and win in the kind of large-scale war for which the draft is designed to provide.

Registering is one thing, but if a draft is enacted, qualifying equal numbers of women would create a huge and expensive bureaucratic nightmare just when we need to mobilize quickly. Imagine sifting through millions of women to find the few who qualify by minimal standards, yet still have up to ten times the injury rates as qualifying men.

There is also a wide gap in physical performance between men and women. This is true in every physically demanding sport and just as consistently true in the military. Despite our modern age and emerging societal views, men, especially military men, are still faster, stronger, and have more endurance than even highly fit military women. These differences are amplified where the physical demand is greatest. The fact that it is now tabu to say so changes the reality not at all.

Inequality of risk is another critical factor that must be considered. Women face greater hazards in combat zones than men do, even when they are not in combat roles, and there is no mitigating these risks. In addition to health concerns that men don't face, women are higher value targets for capture, torture, rape and propaganda. We all know about Jessica Lynch and Shoshana Johnson who were captured and held hostage for three weeks early in the Iraq war.

In the Fall of 2005, I was on daily convoys to the outskirts of Fallujah to stand checkpoint duty with the Marine Corps infantry. Our job was to frisk people for explosives. Our command cautioned our team of women to be extra careful because the enemy was known to target women. They had learned this lesson in blood a few months before. On June 23rd, a convoy including a team of female Marines returning to base from that same duty was attacked. Insurgents laid an ambush that began with a suicide bomber ramming his car into one of the vehicles and ended in a firefight. Three women and three men were killed and 11 other women suffered horrendous injuries including six who suffered serious burns. Reporting later confirmed that "American intelligence said that a suicide bomber was planning an attack that would specifically target military women."⁶

They were targeted because the enemy saw women as easy marks and knew capturing them would have a devastating impact on their units and demoralize the country. A Navy SEAL friend with multiple deployments to Iraq and Afghanistan told me, "If the enemy sees a woman on the team, they shoot at her first." There is no mitigation for how the enemy sees women. Importantly, none of our enemies or peer adversaries utilize women in their combat units. It would be foolish and deadly to subordinate our lethality and survivability to abstract ideas on equality.

While Israel is often cited as an example to follow, this doesn't bear scrutiny. If we were the size of New Jersey with enemies on all sides, we too would have all hands on deck. Yet even in Israel, all serving doesn't mean all serve equally. Women serve less time than men and get exemption for marriage, motherhood and religious orthodoxy. We, on the other hand, deploy mothers of young children. If we draft women because they can now serve in combat units, by the same logic we could not exempt a woman because she's a mother. How would that be fair or equal?

Also, everyone serving in Israel doesn't mean everyone is infantry. They abandoned having women fight in front-line combat early on - after it proved catastrophic during their 1948 war for statehood. They found that men deviated from the mission if they heard their women scream. Their enemies fought more viciously because the prospect of losing to women was so humiliating, and they mutilated the bodies of Israeli women fighters they captured. Even in their coed battalions, the Caracal and the Lions of Jordan, Israeli women serve primarily as border security and only on borders with Egypt and Jordan with whom Israel has peace accords.

American women have always volunteered to serve during wartime. Doubling the populous required to register would not only involve bureaucratic expansion, it would require heavy resources to find a few minimally qualified women who, again, would be up to ten times more likely to get injured. It wouldn't even be close to worth it. This commission would be well justified in deciding that the little-to-no return on investment and the much higher risk and damage would not be worth the added administrative burden, nor the great expense in time, effort, personnel and defense dollars. Drafting

women would be expensive, inefficient, and will not improve our military readiness and lethality in a national crisis.

¹ *Rostker v. Goldberg* (No. 80-251) Argued: March 24, 1981 -- Decided June 25, 1981, published at *Legal Information Institute, Cornell University Law School* <https://www.law.cornell.edu/supremecourt/text/453/57>

² *Report of the Subcommittee on Manpower & Personnel on the Rejection of Legislation Requiring the Registration of Young Women Under the Military Selective Service Act*, Congressional Record, June 10, 1980, p. S6531. Linked at http://cmrlink.org/data/sites/85/CMRDocuments/CongRec-061080_Page1.pdf

³ *Musculoskeletal Injuries in Military Women*, Human Engineering Research Laboratories <http://www.herl.pitt.edu/symposia/rehabilitation-women/presentations/SPRINGER.pdf>

⁴ *The relative incidence of anterior cruciate ligament [ACL] injury in men and women at the United States Naval Academy*, American Journal of Sports Medicine <https://www.ncbi.nlm.nih.gov/pubmed/10653551>

⁵ *Prevention and Control of Musculoskeletal Injuries Associated With Physical Training*, Department of the Army, May, 2011. http://www.usariem.army.mil/assets/docs/publications/guidance/tbmed592_musculoskeletal_injuries.pdf

⁶ Susan Dominus, "The War's Deadliest Day For U.S. Women," Leatherneck.com, May 8, 2006. <http://www.leatherneck.com/forums/showthread.php?29630-The-war-s-deadliest-day-for-U-S-women>