

## Statement for the Record – National Commission on Military, National, Public Service

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### A. Background & Overview

I appreciate the opportunity to speak with you today. Your work will create a record on major issues that will affect national security and the lives of young people for many generations to come.

I am President of the Center for Military Readiness, an independent, non-profit public policy organization that reports on and analyzes military/social issues. I founded CMR in 1993, following my service on the 1992 Presidential Commission on the Assignment of Women in the Armed Forces.<sup>1</sup>

As you know, the Military Selective Service System (MSSS) was established to strengthen military readiness. It is what President Ronald Reagan called an “insurance policy,” which backs up the All-Volunteer Force (AVF). In a national emergency beyond the capability of the All-Volunteer Force, full national mobilization might make it necessary to re-activate the Selective Service system.

The Center for Military Readiness supports the All-Volunteer Force and Selective Service registration as an emergency back-up system. CMR does not support conscription or mandatory national service for anything less than a future national emergency requiring military mobilization to fight an existential threat to America. Nor do we support inclusion of young women in Selective Service obligations.

It is always helpful to encourage voluntary military service and community support activities. But America is the home of the brave and the land of the free. At times in our history men have been conscripted to fight in wars, but the government should not deprive anyone of their freedom unless there is a compelling reason.

The mission of the Selective Service System does not provide people to deal with natural disasters like forest fires or hurricanes, or to help people in distressed communities. As the Department of Defense wrote in its most recent report to Congress:

“The military selective service system guarantees the certain and timely fulfillment of **military manpower requirements** in a national emergency. Should mass mobilization be directed by the President and Congress, the selective service process is prepared to support **DoD manpower requirements** through the conduct of a fair and equitable draft. . .

“Since the SSS resumed registration in 1980, each Administration has preserved the agency and its programs, with the realization that it is the only proven, time-tested mechanism by which to expand the AVF in the event of a national emergency.”<sup>2</sup>

The purpose of military conscription is not to induct people for support or administration jobs. As stated in the 1980 Senate Armed Services Committee report accompanying legislation to reinstate registration of young men but not women, *“If mobilization were to be ordered in a wartime scenario, the primary manpower need would be for combat replacements.”*<sup>3</sup>

In the Army and Marine Corps, the largest communities are infantry. In a catastrophic national emergency, the infantry and other combat arms units would be most in need of speedy replacements.

Because the mission of the Selective Service System (MSS) is to quickly locate, train, and mobilize military personnel to fight, it is necessary to consider realities of close combat in recent wars and in the future – what former Defense Secretary Chuck Hagel described as the *“catastrophe yet unanticipated.”*

The Presidential Commission on which I served heard testimony from active-duty personnel who were free to express their opinions on all aspects of the women in combat issue, without fear of retribution.<sup>4</sup> This commission also would benefit from the insights of active-duty or recently-retired personnel with close combat experience, including those who have serious reservations about the consequences of imposing gender equity goals on combat arms units.

Several recent combat veterans have told me that they would like to communicate with this commission, but they dare not do so, due to concerns about career or legal consequences should they speak publicly and on the record. Since policies affecting women were changed in December 2015, there has been no official evaluation of the consequences.

I would respectfully suggest that there are at least four things that your commission could do to get a more balanced perspective on issues involving direct ground combat. Informed discussion of combat realities is essential in considering whether it makes sense in terms of readiness to impose Selective Service obligations on both men and women

### **1. Define Terms Accurately**

Early in our one-year study, the 1992 Presidential Commission requested and obtained from the military services operative definitions of “direct ground combat” (DGC). The various services informed us that direct ground combat goes beyond the experience of being in danger or “in harm’s way” in a war zone. Combat arms units are trained to attack and destroy the enemy with deliberate offensive action, while repelling assault or counterattack.<sup>5</sup>

This definition does not include remote operations, such as cyber-warfare or stand-off weapons, which will become increasingly important in the future. There is no such thing as a

“push-button war,” and future conscripts would not be qualified to operate advanced cyber technology in war.

It is unlikely that future wars will involve massive mobilizations like those that fought and won World War II, but the potential for unforeseen attacks on America still exist. In every war since Korea, ground combat troops have faced physical demands, burdens, and hardships that are not much different than they were in the days of Julius Caesar. In rugged, hostile places like Afghanistan, the violence of direct ground combat is not fair or equal; it is not even civilized.

No one questions the courage of women serving in harm’s way in dangerous combat zones. Their service in the All-Volunteer Force inspires pride and gratitude. The experiences of women facing contingent or incident-related combat, however, have not been the same as direct ground combat missions attacking the enemy with deliberate offensive action.

## ***2. Provide Permission for Troops to Speak Freely***

Recent veterans of infantry combat have a lot to say about social changes in the military, but their opinions are not being asked and their voices are not being heard. This was not the case when Congress established the Presidential Commission to investigate all aspects of the women in combat issue in all military branches and communities on land, sea, and in the air.

At some of the military bases that commissioners visited, commanders gave active-duty troops permission in advance to say anything they wanted, provided they were prepared to explain their reasoning.<sup>6</sup> As a result, we heard a wide variety of opinions and insights that we would not have heard otherwise. Even though many policies have changed since then, I hope that commanders will give the same assurances to personnel you talk to during your deliberations.

## ***3. Obtain 2015 USMC Field Research Findings and Recommendations***

On January 24, 2012, Secretary of Defense Leon Panetta announced the administration’s intent to rescind the 1994 Direct Ground Combat Assignment Rule (DGCAR) by January 2016. From April 2012 through August 2015, the U.S. Marine Corps took the lead in initiating a three-year, comprehensive research project called the Women in Service Restrictions Review (WISRR).

During the third year of that review, the Marine Corps established the Ground Combat Element Integrated Task Force, which conducted unprecedented field tests at west-coast training bases. The \$38 million GCEITF exercises used gender-neutral standards to select and deploy both gender-mixed and all-male infantry, armor, and artillery units.

The University of Pittsburgh scientifically monitored and compared the performances of all units as they performed simulated combat tasks during exercises in the field. Male participants in the tests were of average capabilities, but female participants were above-average graduates of previously all-male enlisted infantry training.

The GCEITF field exercises were designed to prove the hypothesis that men and women could perform equally well in all-male and mixed-gender units. After nine months of tests, however, empirical data disproved that hypothesis. These are a few of the relevant findings: <sup>7</sup>

- In tasks resembling requirements of infantry, armor, and artillery units, all-male teams outperformed gender-mixed units in 69% of ground combat tasks. (93 of 134)
- Gender-related physical deficiencies negatively affected gender-mixed units' speed and effectiveness in simulated battle tasks, including marching under heavy loads, casualty evacuations, and marksmanship while fatigued.
- Comparative disadvantages in upper and lower-body strength resulted in higher fatigue levels among most women, which contributed to greater incidents of overuse injuries such as stress fractures.
- During the GCEITF assessment, musculoskeletal injury rates were roughly double for females. (40.5% compared to 18.8% for men).
- During research at the Infantry Training Battalion (ITB), enlisted females were injured at more than six-times the rate of their male counterparts. (13% vs. 2%).

These findings confirmed unchanging physical differences between men and women, which would make gender-mixed direct ground combat (infantry) arms units less strong, slower, and less lethal during missions to deliberately fight and kill the enemy. <sup>8</sup>

Marine General Joseph Dunford, who was Commandant at the time, exercised his option to request that some direct ground combat units remain all-male. He reportedly supported his request for exceptions with consolidated research data obtained during the Marines' three years of research. That information, unfortunately, has been withheld from public view. <sup>9</sup>

Navy Secretary Ray Mabus and Defense Secretary Ashton Carter disregarded General Dunford's best professional advice. On December 3, 2015, military women became eligible for the combat arms on the same involuntary basis as men, and the administration buried specific information and conclusions that are still relevant today.

Inconvenient facts remain true even if some officials ignore them. I respectfully suggest that this commission request the empirical data, consolidated findings, and conclusions derived from the Marine Corps' historic field tests. Public disclosure of that information, which General Dunford relied on in making his request for exceptions to women in combat mandates, is essential in reaching sound conclusions on the issues before this commission.

#### **4. Obtain Relevant Data Since December 2015**

Since December 2015, military press reports have tracked the progress of women trained in the combat arms, but reports often are incomplete, superficial, or lacking context. We know from recent *Military Times* articles, for example, that two years after the Defense Department ordered the Marine Corps to gender-integrate combat arms fields, less than 100 women have successfully entered previously male-only jobs.

Only 11 enlisted women entered “03” infantry units, with 92 going into less physically demanding roles such as light air defense and artillery, commonly referred to as a non-load bearing MOSs. As of June 2018, roughly 38 spirited female officers attempted the 13-week Marine Infantry Officer Course (IOC), but only two women have passed—the second after modifications were made in procedures for evaluating mandatory marches under load. Only 23 female Marine officers are serving in MOSs that used to be all-male.<sup>10</sup>

The Army also reports proportionally small numbers of women in the combat arms, even though 18 women successfully completed the Ranger Course. The most physically-demanding Special Operations Forces, including the Ranger Regiment and Navy SEALs, remain all-male.<sup>11</sup>

This commission could help to improve public understanding by asking the Department of Defense to provide up-to-date information on several factors important to military readiness in the gender-integrated combat arms.

One of these factors is recruiting – a topic that the legislation establishing this commission directed you to consider. Because rules were changed in December 2015, we need to see recent tracking data on the propensity of young women to serve in close combat (infantry) units on the same involuntary basis as male recruits.

Disclosure and surveys including this information are important because Defense Secretary Carter stated in December 2015 that once they join the military, women meeting minimal “gender-neutral” standards would be ordered into the combat arms on the same involuntary basis as men.<sup>12</sup>

I am not aware of any indication that female eligibility for the combat arms on the same involuntary basis as men has increased propensity to serve among young men, women, or their parents and influencers. There have been negative indicators, however, which require closer, updated examination.<sup>13</sup>

I encourage this commission to obtain and publish current information on youth propensity surveys done by JAMRS (Joint Advertising, Market Research & Studies) and the various Recruiting Command offices that are responsible for finding capable recruits for the All-Volunteer Force.

The general public also should have access to information about retention rates for women in formerly all-male combat arms units, and comparative, gender-specific rates of injuries, lost-time, and non-deployability. These measurable factors, which directly affect military readiness,

should be considered before you formulate recommendations on registration or conscription of women on the same basis as men.

## **B. Should There Be “Equality” in the Combat Arms?**

In 1980, Congress decided to reinstate Selective Service registration of young men, but after considerable discussion it did not approve President Jimmy Carter’s call for the inclusion of women in a possible future draft. The 6-3 landmark *Rostker v. Goldberg* Supreme Court decision (1981) recognized that Congress, not the lower district court, had the constitutional authority to impose Selective Service requirements on young men only.

In particular, the Court said that because women were not “similarly situated” in land combat units, exempting them from the draft did not violate equal protection principles. It was an easy call to make. Now that women are eligible for direct ground combat assignments, would the Supreme Court decide the issue in a different way?

No one can guarantee what a future court might do, but a formal Defense Department notice to Congress following the December 2015 decision to open all combat arms positions to women varied from previous statements on the subject: *“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.**”*<sup>14</sup> (emphasis added)

Former Campbell University Law Prof. William A. Woodruff, who retired as a Colonel in the U.S. Army Judge Advocate Corps and was Chief of the Litigation Division, has written a well-reasoned paper analyzing possible reasons why the Supreme Court could still uphold the constitutionality of women’s current exemption from Selective Service registration and a possible future draft.<sup>15</sup>

Prof. Woodruff noted that the Military Selective Service Act was written to provide for the rapid induction of sufficient numbers of civilians capable of replacing casualties fighting in a major national emergency. If the draft were reinstated, some women might be able to meet minimal qualifications, but that would not be a good enough reason for determining that all women should be subject to Selective Service mandates. Wrote Prof. Woodruff:

*“[T]he question is whether **the expenditure of time, effort, and resources to cull from the thousands of women who would be drafted the few who might meet the demanding standards required of combat units, and enter the casualty replacement stream, is a wise use of time, effort, and resources during a time of national mobilization where the very survival of our nation depends upon success on the battlefield.***

*“Congress could reasonably, rationally, and appropriately decide that even though women who can meet the high standards of combat positions can volunteer and serve in those positions, the physiological reality is that **most women cannot meet those standards while, physiologically, most men can.***

*“In light of that reality, Congress could decide that in a period of national mobilization, when time is of the essence, when the blood of our soldiers is being spilled on the field of battle, when the situation is so grave that we must abandon the all-volunteer principle that produced the greatest military force in the history of the world, **we simply cannot afford to devote time and resources to identifying those few women who may qualify.**”*

*“This is especially true in light of the fact that those women who can qualify and who wish to serve are free to volunteer to do so. Excluding the remainder from the draft-eligible pool is an exercise in reasoned judgment to provide for the national defense in a time of crisis, not unlawful gender discrimination. . . .”*

*“Would men, in that situation, be treated differently? Of course they would be. But if the purpose of the draft is to quickly mobilize and deploy a sufficient number of combat soldiers in a time of national emergency, as opposed to creating a system that guarantees gender equity, **limiting the draft to males is reasonable, rational, and appropriate. In this situation men and women are not similarly situated.**” (emphasis added)*

#### **DoD Selective Service Report: “Equity” Over Readiness**

The report on Selective Service that the Defense Department prepared in compliance with the National Defense Authorization Act for 2017 presents useful background and information on various options for retaining or changing Selective Service System. The document is seriously flawed, however, because it fails to recognize research data highlighting differences in male and female capabilities, which was gathered before December 2015 and still remains obvious today.

The DoD Report discusses additional costs that would be incurred if the numbers of registrants were doubled by gender, but the implication that all potential inductees would be essentially equal and in capabilities reflects an unrealistic, egalitarian ideology. It is the same ideology that led the previous administration to disregard empirical research data that *disproved* the hypothesis of gender equality in combat tasks, which I mentioned earlier.<sup>16</sup>

The report’s pages discussing the direct, indirect, and additional “benefits” of including women in Selective Service registration show little recognition of the real-world consequences of calling up equal numbers of men and women who are not equally qualified in terms of capabilities that are essential in the combat arms.

In truth, the argument could be made that including women in the draft pool would actually hinder the flexibility, efficiency, and speed necessary to respond to a national crisis. As Prof. Woodruff explained in his 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 better-qualified persons:

*“If 75% of the men can meet the combat standards but only 25% of the women can meet the same standards, considerably more time, effort, and resources would be expended in testing, evaluating, and screening women to identify the 25% who qualify. Congress may well determine that in a time of national emergency, devoting resources to a demographic where three-fourths of the members will be unqualified hinders the ability to efficiently screen [potential draftees.]”*<sup>17</sup>

Given the substantial body of highly-credible empirical findings that WISRR research projects produced since 2012, and the apparent evidence of substantial differences in male/female physical capabilities since then, Congress could justifiably decide that in a future national emergency, it would not be worth it for Selective Service to seek and find a small percentage of females who might meet minimal infantry qualifications.

The cost/benefit analysis of conscripting women has not changed much since the last time the U.S. Senate published a report that concluded: *“[A]n induction system that provided half men and half women to the training commands in the event of mobilization would be administratively unworkable and militarily disastrous.”*<sup>18</sup>

The March 2017 DoD report on Selective Service claims that *“The registration of women would promote fairness and equity,”* and *“A requirement for universal registration would place women and men on equal footing.”*

These statements reflect upside-down priorities. The first point implies that this additional “benefit” would justify unneeded burdens on the SSS, which would impede readiness to mobilize. The second point fails to recognize that the paramount goal should be military readiness to defend America, not gender equity.

Most importantly, the egalitarian argument fails to recognize what empirical research has shown: In combat arms units fighting on the ground, women do not have an equal opportunity to survive, or to help fellow soldiers to survive.

### ***Prospects for Judicial Deference to Congress’ Right to Decide***

The Supreme Court cited women’s combat exemption to uphold the male-only Selective Service system in *Rostker*. But as the Department of Defense said in the notice to Congress cited above, it is possible that there are alternative rationales available to achieve the same result.

Under Article I, Section 8 of the U.S. Constitution, Congress has the authority to raise and support armies, provide and maintain a Navy, and make rules for the land and naval forces. That power, specifically conferred by the Constitution on a co-equal branch of government, is plenary and the Supreme Court has no power to second-guess alternatives. Consider:

- Congress can affirmatively decide or passively condone women serving in direct ground combat roles, but the fact remains that most women cannot meet minimum standards in occupations that are most likely to be needed during a time of national mobilization.
- The purpose of conscription is not to induct support troops; it is to provide an effective casualty replacement stream if it is needed to fight and win a major, nation-threatening war. Such a fight would involve infantry units, which are the largest communities the Army and Marine Corps.
- If the standard of review is military necessity, not gender equity, registering or drafting persons from a demographic pool where the greatest number of qualified individuals will be found – namely, male Americans – is a reasonable, rational, and appropriate way for Congress to discharge its responsibility to “raise and support” armies.
- If Congress decides to continue women’s exemption from Selective Service obligations, wrote Prof. Woodruff, *“Applying the same sort of deferential review to the Congressional action suggested above as the Court applied to the situation before it in Rostker, I suggest the Congressional action would be upheld.”*

In discharging its power to raise and support armies, Congress can let women have it both ways. Some may choose to serve in combat if they can meet the standards, but because most women won’t be physically qualified, it would be a major waste of time, energy, and resources to draft women in time of national emergency.

A gender-neutral Selective Service call-up that ignores unchanging physical differences between men and women 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. Congress recognized that such a scenario would create a political crisis and a paralyzing administrative overload that would weaken our armed forces at the worst possible time.<sup>19</sup>

### ***What About “Men’s Rights?”***

Recent litigation brought on behalf of men has challenged the constitutionality of male-only registration, citing policy changes affecting military women since December 2015. Claims of unequal treatment do not hold up, however.

Extensive research has confirmed unchanging physiological differences between average men and women. This means that men and women are not “similarly situated” with equal abilities to perform to the standards required in direct ground combat positions such as the infantry.

Prof. Woodruff noted that if men and women are not similarly situated, the very premise of an Equal Protection claim is lacking. He also noted that if a federal court found that the male-only

registration requirement violates Equal Protection, it likely would strike down the MSSA and no one would have to register. The courts would not rewrite the MSSA to include women; that would be Congress' job. Prof. Woodruff continued,

*“Can Congress still restrict draft registration to men only? That is the status quo. . . . If, as suggested above, Congress develops the appropriate record, there is a viable argument that the courts should defer to the Legislative Branch’s judgment. There is, of course, no guarantee that today’s Court would embrace that argument.”*

### **Deterrence and National Security**

The Supreme Court likely would examine the rationale behind any move to impose Selective Service obligations on young women for the first time in America’s history. If the rationale for such a change centers on social/political goals such as “gender equity,” “equal opportunity,” or “gender diversity metrics” (another name for quotas), it would follow that young men and women would have to register and be called up in equal numbers for evaluation as potential inductees.

How would such a policy affect America’s ability to deter aggression and to defeat determined enemies? The Department of Defense report correctly states, *“Military selective service is a symbol of national will and a deterrent to potential enemies of the United States.”* Then it makes the unsupported suggestion that registering women for the first time would *“signal to allies and potential enemies alike, an enhanced resolve to defend our nation and its partners, through the commitment and capability of the entirety of our citizenry.”*

The DoD report also admits, *“It is not outside the realm of possibility, however, that nations that do not employ women in their Armed Forces or in combat roles could perceive the extension of the draft to women as weakening the power and lethality of the United States.”*<sup>20</sup> The referenced nations could very well include potential enemy forces that are not burdened by egalitarian policies.

Regardless of what some small-nation allies choose to do, when it comes to deterrence of aggression, America cannot afford to send mixed signals to potential adversaries who really don’t care about gender equity in their armed forces.

Nothing should be done to our military that weakens national resolve or readiness to deploy when national security and the fate of America are at stake.

### **Public Support for Military Operations**

The DoD report’s claim that gender-neutral conscription would show more commitment by *“the entirety of our citizenry”* also is questionable. In 2003 the Department of Defense strongly opposed legislation to reinstate conscription, for several reasons that are still valid today:<sup>21</sup>

- According to many credible studies, the All-Volunteer Force is more cost-efficient and combat-effective than a conscripted force would be. *“With a conscripted force comes higher personnel turnover, which results in substantial costs. Shorter enlistment terms, characteristic of a draft, result in **high personnel turnover** and a **degradation in unit stability and performance**.*
- There is no question that draftees have served with distinction in all wars that required conscription but *“Draftees also are **less likely to reenlist**. . . With a volunteer military comes a more motivated force.”* The report added, *“Empirical evidence shows that a high quality and highly-motivated force is **more productive and less expensive in the long run.**”*
- In addition, it should be noted that a real but hidden *“**conscription tax**, defined as the earnings that a person forgoes by being conscripted into the military, would be substantial and unequal. Reduced pay and benefits for conscripts would shift the true cost of obtaining recruits from the military budget to individual draftees.”*
- Current high-tech weapons systems, which were designed for operation by fewer well-trained people, have been procured with the All-Volunteer Force in mind. **That design is not compatible with a conscripted force.**

Some supporters of conscription argue that mandatory military service would deter Congress from declaring or financing future wars. Others have concluded that the large pool of available draftees made it possible for then-President Lyndon Johnson to prolong the Vietnam War.

According to Dr. Tim Kane of the Heritage Foundation, *“There is simply no substance to the argument that a draft keeps the peace, but it must be said that ‘draft wars’ were fought with higher troop levels, and higher casualties.”* <sup>22</sup>

The conduct of the controversial Vietnam War, which killed thousands of draftees as well as volunteers, did not close the “military/civilian gap” or unite the nation with its soldiers. Instead, the nation was torn apart with deep divisions that continue to this day.

### **C. National Service and the All-Volunteer Force**

This commission is unusual because your mission is focusing on prospects for both military service and national or public service in the civilian world. I have serious reservations about attempts to bracket the two issues, especially when military readiness is relegated to a back seat behind social goals. Mandatory national service is not required to accomplish a tangential goal: women in Selective Service registration. Nor is gender-neutral Selective Service necessary to accomplish mandatory national service.

For reasons discussed above, if a system of universal national service involves military conscription as one of several options, the All-Volunteer Force could be weakened, not strengthened. In our view, decisions regarding Selective Service should assign priority to military readiness, not gender equity or mandatory national service for any other purpose.

Volunteerism is a beautiful thing. In fact, it is so popular, Americans of all ages engage in volunteer activities all the time, without government encouragement or subsidies of any kind. Opportunities to help others are everywhere; we don't need a government bureaucracy to make volunteerism happen.

There is no compelling reason why government bureaucrats should be given power to commandeer young people's lives by directing them to spend time in non-critical government service or involvement with government-approved organizations. As Dr. Kane wrote:

*“Even if [proponents of universal military conscription] renamed their project ‘national service,’ it would still be unjust, because **forced volunteerism is inauthentic**. Certainly, Americans will sometimes accept restrictions on their liberty, such as the speed limit or income tax, but only to advance the common good. **Empowering the central government to oversee and restrict the employment of all young Americans for two years is not consistent with common good restrictions and is instead a dangerous violation of individual liberty.**”<sup>23</sup> (emphasis added)*

Volunteer service benefits communities, but I'm not aware of any evidence that government mandates to “serve” others would be more beneficial to society than productive individual life choices.

For example, if a young person chooses to do uncompensated work as an intern in a career field he or she is interested in, that experience often helps to advance their future plans, including formation of a family. Family formation increases personal wealth and strengthens communities in many ways that mandatory national service could not begin to duplicate.

### ***Would Gender-Neutral Selective Service Obligations Increase Support for Our Military?***

Some have suggested that Selective Service registration of all young people on a gender-neutral basis would increase public awareness and support for our military. This is unlikely, however, especially in view of cultural influences that continue to erode patriotism and love of country.

Thomas Sowell address the problem in an insightful column:

*“Some have suggested a military draft as a way to at least increase some sense of realism about war and to share its burdens more widely and equitably. . . [But a] military draft today would be very different in its consequences from the military draft in World War II. . . Today, a military draft would bring in large numbers of people who have been*

*systematically 'educated' to believe the worst about this country or, at best, to be nonjudgmental about the differences between American society and its enemies.*

*"Though we could use a larger army of the kinds of people who have already volunteered, that does not mean we can get it by adding warm bodies fresh from our politically correct schools and colleges. . . We dare not destroy [the military institution], or undermine its morals, by pouring into it very different kinds of people, who will be like sand poured into the gears of machinery." <sup>24</sup>*

I respect the desire to encourage young people – and people in general – to volunteer to serve. And I'm sure that this commission will recommend ways to improve the Selective Service System's technology, using contemporary communications systems to locate and register young men. Universal conscription, however, is not the answer.

More than updated communications techniques, there is a need for education about the purpose of Selective Service registration, and the purpose of national defense itself. It is unfortunate that many schools have dropped civics instruction and incorporated courses and supplementary materials that are hyper-critical of America's history.

Expressions of patriotism are becoming increasingly rare, and the still-simmering controversy about NFL football players refusing to stand for the National Anthem discourages military service. Whether intended or not, young people are getting the demoralizing message that America is not worth defending.

Cultural influences such as this, over time, could eviscerate the foundation and strength of the All-Volunteer Force. It is beyond the scope of this commission to recommend ways to counter negative influences in popular culture, but it might help to identify the problem.

Some have suggested that universal Selective Service registration would remind civilians of our men and women in uniform, and this might inspire thoughts about possible military service in the same way that advertising does. But there are better alternatives for achieving such goals.

For example, the Department of Education and state or local Boards of Education could encourage school counsellors to inform young people of the advantages they might derive from taking the military ASVAB (Armed Services Vocational Aptitude Battery) test. (Perhaps the DoD could come up with different, more inviting name.)

High school students should know that the test is not for military recruits only; the test can help to identify personal talents, strengths, and capabilities that could be developed into a successful career. <sup>25</sup>

Finally, when the next national emergency occurs, comparable to September 11 or worse, the President of the United States should specifically ask for volunteers to serve. This would be especially important if volunteers are needed in the combat arms or positions requiring special

skills, such as medical personnel or specialists in cyber warfare. There is no need to impose universal conscription in order to find these people.

Thank you again for the opportunity to discuss the important issues before your commission. I hope that these insights and suggestions are helpful, and that you will invite more testimony from others with similar views as you continue your work.

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## **Endnotes**

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<sup>1</sup> More information about CMR is available at [www.cmrlink.org](http://www.cmrlink.org).

<sup>2</sup> [Report on the Purpose and Utility of a Registration System for Military Selective Service](#), Office of the Under Secretary of Defense for Personnel & Readiness, Mar. 17, 2017, p. 10, emphasis added, citations omitted.

<sup>3</sup> [Congressional Record](#), Senate, S6531-C6532, June 10, 1980, Finding (8).

<sup>4</sup> [Report of the Presidential Commission on the Assignment of Women in the Armed Forces](#), Nov. 15, 1992. A number of active-duty, reserve, and retired military veterans with experience in direct ground combat stated that there is no such thing as equality on the battlefield. An infantry officer and Gulf War veteran told us that unlike Olympic diving competitions, “*We do not give extra credit for adding an extra degree of difficulty.*” He added that if women were added to squads like his, “[*W*]e would pay for that in casualties (p. 65)

<sup>5</sup> *Ibid.* Commission Findings (CF) 1.5 – 1.8, pp. C-33 – C-34. The Department of Defense defined direct ground combat as missions that “*individually or collectively seek out, reconnoiter and engage the enemy with the intent to suppress, neutralize, destroy or repel that enemy.*” The Army definition added, “*Direct combat takes place while closing with the enemy by fire, maneuver, or shock effect in order to destroy or capture, or while repelling assault by fire, close combat, or counterattack.*”

<sup>6</sup> The CO of the carrier *John F. Kennedy* did a short video informing all hands of the presidential commission’s impending two-day visit, encouraging them to say anything they liked, provided they had a rationale. These assurances made our visits with *Kennedy* crew members even more informative.

<sup>7</sup> GCEITF data cited in the [Statement for the Record](#) of Elaine Donnelly, President, CMR, prepared for the Senate Armed Services Committee, Feb. 2, 2016.

<sup>8</sup> See, for example, the 14-page [Memorandum for the Commandant](#), USMC Assessment of Women in Service Assignments, Aug. 18, 2015. The Center for Military Readiness published this and many more research findings in a February 2016 Statement for the Record of the Senate Armed Services Committee, cited above, and in two Interim Special Reports: [U.S. Marine Corps Research Findings: Where is the Case for Co-Ed Ground Combat? Part I](#), October 2014, and [Part II, Sections A & B](#), December 2015.

<sup>9</sup> The Defense Department’s list of [WISRR Research](#) projects is not complete; it does not include the Memorandum for the Commandant linked above and several additional documents obtained from other sources.

<sup>10</sup> *Marine Corps Times*, [Where are the Female Marines?](#) – Mar. 5, 2018.

<sup>11</sup> Hope Hodge Seck, Military.com, [A Year In, No SEAL Applicants, Few for SpecOps](#), Feb. 15, 2017.

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<sup>12</sup> [DoD Transcript](#), Dec. 3, 2015. During testimony before the House Armed Services Personnel Subcommittee, Marine Lt. Gen. Robert Milstead confirmed that women would be assigned on the same involuntary basis as men. Rep. Loretta Sanchez (D-CA) asked him about women who weren't interested in that "combat thing." Could such assignments be a matter of "choice?" He responded by noting that military assignments are not voluntary. "That's why we call them orders," he said.

<sup>13</sup> A major survey done for the Marines in 2012, which was not posted on the DoD website, reported that 5% of female Marine respondents said they would not have joined the Corps if women could volunteer to serve in the combat arms. "This figure increased dramatically (to 23%) if female assignments to combat arms [positions] were instead made involuntary." A similar question found that 22% of male Marines expressed the same opinion. See CNA [Center for Naval Analysis] Marine Corps Women in Combat Unit Survey Results, [Assessing the Implications of Changes to Women in Service Restrictions, a Quick Look Analysis of Survey Results](#), Nov. 2912, pp. 34-37.

<sup>14</sup> Department of Defense, [Detailed Legal Analysis – Selective Service](#).

<sup>15</sup> Prof. William A. Woodruff, [Women, War, and Draft Registration](#), April 2016, 10 pages.

<sup>16</sup> [Report on the Purpose and Utility of a Registration System for Military Selective Service](#), Office of the Under Secretary of Defense for Personnel & Readiness, Mar. 17, 2017, pp. 17-19. The publication date suggests that this report was written by DoD officials held over from the previous administration. Former Defense Secretary Ashton Carter ignored empirical data and the best professional advice of the Marine Corps Commandant, relying instead on still-unsupported theories about the capabilities of women in the combat arms.

<sup>17</sup> The 25% and 75% figures are used merely to illustrate the point; they are not intended to represent the actual percentages of females and males who would meet minimum standards set for combat positions. The rough percentages, however, are similar to differences in performance evident during various WISRR research tests.

<sup>18</sup> Congressional Record, Footnote #3 *supra*, S6531.

<sup>19</sup> *Ibid.* S6532, Finding (10): "If the law required women to be drafted in equal numbers with men, mobilization would be severely impaired because of strains on training facilities and administrative systems."

<sup>20</sup> [Report on the Purpose and Utility of a Registration System for Military Selective Service](#), Office of the Under Secretary of Defense for Personnel & Readiness, Mar. 17, 2017, pp. 18-19

<sup>21</sup> Under Secretary of Defense for Personnel & Readiness, [Conscription Threatens Hard-Won Achievements and Military Readiness](#), Jan. 9, 2003, pp. 3-4. The report added, "Also, high turnover means more recruits, and more recruits mean more supervision and training; and more training means more trainers. As a result, an increasing proportion of military resources are diverted from core readiness missions to support for military training. Thus, training costs would be higher under conscription."

<sup>22</sup> Tim Kane, Ph.D., Heritage Foundation Web Memo, [No Justification for a Military Draft](#), No. 1263, Nov. 28, 2006. Dr. Kane added, "In the last 60 years, America has fought two wars with conscription and two wars without. The logic that conscription was the critical determining variable does not hold."

<sup>23</sup> *Ibid.*

<sup>24</sup> Thomas Sowell, *Washington Times*, [A Military Draft?](#) Aug. 9, 2006.

<sup>25</sup> A member of my family took the high school ASVAB test, which identified writing and electronic equipment capabilities leading to a successful career in broadcast journalism and television documentary production. She also developed television writing and speaking skills by volunteering to work at the campus radio station and to read books for the blind.