



Women and the Draft

what does
"equal
rights"
mean?

The 27th Amendment to the Constitution, passed by the U.S. House of Representatives on October 12, 1971, and by the Senate on March 22, 1972, reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

The Equal Rights Amendment is now before the states for ratification. Thirty-eight must ratify the ERA before it becomes law.

One of the most controversial aspects of the ERA is how the amendment will affect women and military service. This brochure contains opinions of the sponsors of the amendment and other authorities on that subject.

1. If the ERA is ratified, will women be drafted?

"It seems likely. . . that the ERA will require Congress to treat men and women equally with respect to the draft. This means that, if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription." (Senate Report No. 92-689)

Women who have moral objections to bearing arms will be able to seek a classification to serve in non-combat service, just as men now do, serving as medics and in other fields. Women who have ethical objections to any kind of military service could seek a classification to perform community service instead of military service, also as men do now. Of course, Congress has always had the power to draft women.

"During World War II there was a critical shortage of nurses—so critical that a bill drafting nurses was passed by the House and reported favorably by the Senate; however the war ended before it reached a final vote in the Senate." (Rep. Gilbert Gude, House debate, 1971)

But more importantly, under the ERA, women will be able to volunteer and be admitted to the armed forces on the same basis as men.

2. But can't women join the armed forces now?

Women are now accepted in college R.O.T.C. programs and serve on draft boards. As early as 1967, the National Advisory Commission on

Selective Service recommended recruiting women volunteers into the armed services to hold down draft calls. Yet women at present comprise only 1.6 per cent of military personnel.

"Women today cannot even volunteer for military service unless they are high school graduates or equivalent and must meet higher standards in other respects than men. They must provide character references, and WACS must have a personal interview. They are restricted in the kinds of occupations open to them, even more so than in World War II. According to a study by the *Army/Navy/Air Force Times* women are eligible for only about one-third of the Army's 460 enlisted jobs and about 60 of these jobs can be held only during a period of mobilization, which does not include the Vietnam era." (Lt. Col. Jacqueline Gutwillig, Women's Army Corps, retired; chairman, Citizens Advisory Council on the Status of Women; 1972)

Women are thus prevented from gaining access to benefits available to veterans.

3. *What are some of these benefits?*

"These benefits include educational benefits through the GI bill, medical care through veteran's hospitals, home loans, life insurance policies for minimal premiums, and life-long job preference for Government jobs. Remedial training is available: Since October 1966, more than 246,000 males who have not met mental or physical entrance requirements for military service have been given opportunities for training or correcting their problems. The veteran enjoys greater employment status than the nonveteran: In answer to one interview, over one-half of the veterans interviewed said that their military training resulted in better pay and higher titles in their jobs." (Rep. Bella Abzug, House debate, 1971)

4. *Why should we draft women?*

In addition to access to the in-service and veterans' benefits cited above, there are several reasons why women should be subject to the same laws as men.

First, supporters of the amendment generally agree that women cannot have equal rights without equal responsibilities.

". . . as long as this country maintains a system of compulsory military service, and as long as it

chooses to engage in a military policy on behalf of its citizens, all citizens should have the obligation to serve and the right to refuse to serve. Equality of rights means that you participate in the rights, benefits and the obligations of full citizenship. To be expected to do less is to be less than a full citizen." (Rep. Robert Kastenmeier, House debate, 1971)

". . .when women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world than men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions. Women are in no position to meet this qualification." (Prof. Norman Dorsen, New York University School of Law; Hearings before House Judiciary Committee Subcommittee No. 4, 1971)

Second, it is unfair to force men to bear the full burden of defending the United States.

"If the draft is viewed as a burdensome duty, then exempting women is discrimination against men. Since war has come to be more a matter of efficient use of technological strength rather than a match of brute strength, the traditional role of women in the military should be reexamined. Can it justifiably be said that a young woman without children has less of a duty to serve her country than a young man in the same situation?" (Rep. Gilbert Gude, House debate, 1971)

Third, a volunteer army can come into being much faster if women could volunteer and be admitted on an equal basis with men.

5. *Would women serve in combat?*

As warfare becomes more technological, most "soldiers" never see combat.

"The concern that many of us have expressed for young mothers 'sloshing through the mud' in combat is somewhat out of touch with the reality of today's military, and I suspect, a somewhat overdrawn picture of our own military experience. Today only one out of ten persons in the military service is in combat; only one out of 18 is a draftee. Even in combat

zones many jobs of logistic and combat support are no different or more difficult than the work done in non-combat zones.

"Thirty years ago women were found capable of filling over three-quarters of all Army job classifications. With the technology of today's military, I am sure that percentage is closer to 90 or 95 per cent today. The idea that women are physically incapable of undertaking combat duty has simply not been borne out by studies of women in other countries including Israel, North Vietnam, and China.

"However, the reality is that very few of our military ever reach combat duty and even if women were drafted it is most likely that they would serve in largely support and logistical functions." (Rep. Donald Fraser, House debate, 1972)

"Women in the military could be assigned to serve wherever their skills or talents were applicable and needed, in the discretion of the command, as men are at present." (Rep. Donald Edwards, House debate, 1971)

". . .it is an absurd scare tactic to summon up images of girls slogging through rice paddies with M-16's and full 60-pound packs strapped to their backs. Even in Vietnam, the number of men involved in active combat is a small percentage of our forces. There are any number of roles in all branches of the Armed Forces which could very well be carried out by women—in personnel, supply, intelligence, communications, and other fields as well as secretarial and nursing jobs to which they have traditionally been limited." (Rep. Louise Day Hicks, House debate, 1971)

". . .I thank goodness that our servicewomen serving their country in Southeast Asia were not told: 'Sorry, because you are a woman, you may not serve your country in a combat area.' Some 720 American servicewomen now are in Southeast Asia, and some have died there." (Sen. Marlow Cook, speech reprinted in Congressional Record, May 1, 1972)

6. What about mothers of small children?

". . .the fear that mothers will be conscripted from their children into military service if the Equal Rights Amendment is ratified is totally and completely unfounded. Congress will retain

ample power to create legitimate sex-neutral exemptions from compulsory service. For example, Congress might well decide to exempt all parents of children under 18 from the draft." (Senate Report No. 92-689)

The history of the Selective Service System shows that Congress has the power to exempt certain groups of people at will. At various times, all fathers have been deferred, just as have all married men. With a larger pool to draw from, the likelihood of any parents being drafted is that much less.

7. Would military academies be open to women?

Since the ERA would require publicly-supported educational institutions to accept women on an equal basis, these schools would have to accept women, though no quotas would be required. The military academies are presently under pressure to accept women.

"On a practical level, not many girls or women are going to choose the rigorous training involved. But let us look for a moment at women in the armed services. Women have been in the military for over 30 years. They need higher qualifications than men to enlist and they receive less fringe benefits than their male counterparts. There are numerous women colonels and several generals. We do not deny a military career to these women but we say, in effect, 'No matter how qualified, no matter how talented or skilled, you cannot obtain the kind of quality military education that your brothers can get; you cannot overcome the handicap of being born a female.' It is a loss to the Nation to forbid women, simply because of their reproductive organs, from sitting in the classrooms at West Point, Annapolis, and the Air Force Academy." (Dr. Bernice Sandler, Women's Equity Action League; House hearings, 1971)

8. But how many women really want to be drafted?

"The Intercollegiate Association of Women Students, which is the largest organization of undergraduate women, . . . endorsed the ERA and specifically endorsed the drafting of

women when the national welfare required the drafting of men." (Lt. Col. Gutwillig)

"We, as draft-age women, deplore the proposition implied by certain Senators that if we demand equality of rights, we deserve the punishment of the draft. The question that is being asked of women in an attempt to dampen their desire for equality of rights under the law is this: How many women do you know who want to be drafted? If these Senators seriously consider this question worthy of an answer, it is this: Just as many as the number of men who want to be drafted.

"We question the members of Congress who use the issue of the draft to impede passage of the Equal Rights Amendment at the same time they are considering abolishment of the draft." (George Washington University Women's Liberation Group; House hearings, 1972)

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