

An advocacy for a gender-neutral and voluntary draft

By AMBER GAUDET

Two court cases have sparked controversy over women's roles in the military over the past month, and they could open the door to a ruling that would change the draft in one of several ways, including making it gender-neutral and voluntary – as it should be.

The longstanding debate over whether women should be required to enroll in the draft was reignited Feb. 24 when a Texas federal judge ruled the requirements that limited registration through the Selective Service System to men over 18 unconstitutional. Though the ruling did not have immediate legal effects since the judge did not grant an injunction, it could serve as precedence in future court cases, including a lawsuit by a 21-year old New Jersey woman. Elizabeth Kyle-Labelle is suing the Selective Service System in an attempt to force changes in requirements that would either require women to register, make registration voluntary or eliminate the system entirely.

Kyle-Labelle first filed a suit against the Selective Service System when she tried unsuccessfully to register at age 17. March

4, U.S. District Judge Esther Salas ruled that the case could proceed, meaning a ruling could be handed down that would potentially change the male-only requirement that has existed in the United States in some form since 1863.

Salas ruled to let the case proceed based on Kyle-Labelle's argument that male-only conscription deprives women of "equal protection of the law."

Though the Supreme Court ruled the male-only draft constitutional in 1981, Salas based her rulings on the assumption that today's draft could be unconstitutional in its application even if it was not three decades ago.

Further complicating discussions on gender and the military is a Trump administration policy put into place last year that would ban all transgender individuals from serving in the armed forces. The fate of the ban is still being decided in the courts, with one temporary block preventing the policy from taking effect.

If recent debates over gender-as-social-construct have proven anything, it's that society acknowledges the widespread existence of individuals that do not identify with traditional gender

roles. Along with this acknowledgment comes the need for reassessment of long-standing traditions like the male-only draft that have relied on outdated notions about how gender defines individuals' roles in society.

"I'd rather have a trans person fighting for me any day than a person who doesn't want to fight and who's hiding out," Dr. Patricia Stukes, multicultural gender and women's studies professor at TWU and U.S. Army veteran, said.

And she's right.

Rather than wasting resources seeking out draft evaders, why wouldn't we open up our draft to willing volunteers of all genders? Forcing men to fight while we reject the women and transgender individuals who volunteer to serve is not only an affront to equal rights, it defies logic.

Just like women should not be denied the right to serve in times of war, men should not be obligated to sign up for the draft simply because of their anatomy. Individuals of all genders should have the opportunity – not be required to – register to be drafted.

Many argue that women should not be drafted because the hypermasculine military culture is harmful to women. While concerns

about the treatment of women in the military are fair, the problem has a simple solution – more women.

The more that women serve, the more they can change the male-dominated culture within the military. A larger number of women in the armed forces would mean they were less vulnerable than they are as a minority.

Though questions about how pregnancy might affect the needs and capabilities of women in the draft are also valid, the answer is not to exclude women from conscription. Rather, pregnant women can serve supportive roles or, in the case of high-risk pregnancies, be granted medical exemptions as determined by their physicians.

"How do we know what women are going to be better at until we give them an opportunity to try it?" Stukes said.

In the case of women and transgender individuals, the question we should be asking is not "Should they be allowed to serve?" but rather, "Why wouldn't we want them to?"

The draft should be voluntary and open to willing participants regardless of gender, or it should not exist.