

Gender Inequality Isn't the Problem With the Draft

I became a libertarian in large part because of my parents' opposition to the Vietnam War. I grew up hearing about the tumultuous time of the late 1960s as my father was finishing college and was sure he would be drafted into the war, as were many of his friends. My newlywed parents thought about fleeing to Canada to avoid the draft and the senseless war that killed over 58,000 Americans and wounded more than 150,000 others. Yearning for some control over his destiny, my father applied to and was accepted into Officer Candidate School (OCS), serving in the Navy during Vietnam. I was raised with a strong respect for American troops and appreciation for national defense, along with a deep anti-war inclination and utter dismay at the military draft.

Military conscription, or forced military service, existed at various points from our country's founding until 1973 when the US moved to an all-volunteer army in the shadow of the unpopular Vietnam War. From 1940 until 1973, American men were routinely drafted to serve in the armed forces in both peacetime and during conflicts to fill roles that were not sufficiently staffed by volunteer soldiers. Contingent conscription continues to exist today through mandatory draft registration.

Currently, all American men are required to register for the draft through the Selective Service System when they turn 18, and could be forced into military service if the draft was activated. As a mom with young sons, I shudder at this prospect.

Lawyers with the American Civil Liberties Union (ACLU) have filed a petition asking the Supreme Court to rule the current military draft registration unconstitutional because it requires only men to register, not women. As a mom with young daughters, I shudder at this prospect.

While draft registration does involve unequal treatment of men and women, and women have been ably serving in the military for years, including in full combat, the larger issue is Selective Service registration itself. Current draft registration may be unconstitutional, but it shouldn't exist at all.

Forcing citizens into any kind of non-voluntary work or action is antithetical to the principles of a free society.

Some contend that conscription is necessary to defend those principles if there were not enough volunteers to serve in a wartime effort, but is slavery ever justifiable? Who decides? If there are not enough soldiers to willingly fight a war, should the war be fought?

Nobel-Prize-winning economist Milton Friedman was one of the key figures who succeeded in persuading the US to move to an all-volunteer army in 1973, arguing against military

conscription. Friedman wrote that “any system involving compulsion is basically inconsistent with a free society.” He went on to argue: “The continued use of compulsion is undesirable and unnecessary. We can and should man our armed forces with volunteers.”

In place of conscription, Friedman advocated for a voluntary military guided by free-market ideas. “The appropriate free market arrangement is volunteer military forces; which is to say, hiring men to serve,” Friedman wrote in his book, *Capitalism and Freedom*. “There is no justification for not paying whatever price is necessary to attract the required number of men. Present arrangements are inequitable and arbitrary, seriously interfere with the freedom of young men to shape their lives, and probably are even more costly than the market alternative.”

Friedman’s advocacy against conscription came to a climax in testimony with Army Chief of Staff, General William Westmoreland. The general disagreed with Friedman by claiming that the economist’s free-market approach would be akin to leading an army of mercenaries. Friedman replied: “General, would you rather command an army of slaves?”

While the US moved to an all-volunteer military almost a half-century ago, draft registration remains a policy of government coercion, with the ongoing specter of a reinstated draft. The Supreme Court petition arguing that the current male-only draft registration is unconstitutional could be an opportunity to eliminate this coercive measure altogether. Alternatively, it could lead to heightened coercion by mandating that women as well as men register for the draft at age 18, or by replacing draft registration with mandatory national service for all young Americans.

“Should the Court declare the men-only registration requirement unconstitutional, Congress has considerable latitude to decide how to respond,” reads the ACLU’s petition to the Supreme Court, which will decide soon whether or not to hear the challenge. “It could require everyone between the ages of eighteen and twenty-six, regardless of sex, to register; it could rescind the registration requirement entirely; or it could adopt a new approach altogether, such as replacing the [Selective Service] registration requirement with a more expansive national service requirement.”

Some military officials are eager for the Supreme Court to expand draft registration to women, writing in favor of the petition.

“Including women in the Selective Service would double the pool of candidates available to draft, raising the overall quality of the conscripted force and enabling the nation to better meet its military needs,” they wrote. Other military members wrote against the petition, arguing for the continuation of a male-only draft registration.

Instead of a more equitable application of government coercion, we should remove the coercion altogether. Eliminating mandatory draft registration, and relying on a volunteer

military even in wartime, would lead us to more fully embody the cherished principles of a free society and more willingly defend that freedom if attacked.