

E PLURIBUS UNUM: SHOULD WOMEN BE REQUIRED TO REGISTER FOR SELECTIVE SERVICE?

Brenda Baddam

It is that fundamental belief – it is that fundamental belief – I am my brother’s keeper, I am my sisters’ keeper – that makes this country work. It’s what allows us to pursue our individual dreams, yet still come together as a single American family: “E pluribus Unum,” out of many, one. Now even as we speak, there are those who are preparing to divide us, the spin masters and negative ad peddlers who embrace the politics of anything goes. Well, I say to them tonight, there’s not a liberal America and a conservative America; there’s the United States of America. There’s not a black America and white America and Latino America and Asian America; there’s the United States of America.¹

I. INTRODUCTION

E PLURIBUS UNUM – OUT OF MANY, ONE

Our national motto – Out of Many, One – symbolizes unity. E Pluribus Unum captured the new republic’s spirit of tolerance, solidarity, and nationalism.² E Pluribus Unum, quoted above, from President Obama’s 2004 Keynote Address,³ was the national de facto motto of the United States until it was replaced by a formal motto in 1956 by an act of Congress adopting “In God We Trust.”⁴

Presidents and courts, among others, continue to emphasize the importance of this principle.⁵ As President Clinton said in his inaugural address, the idea of “America” is “that our nation can

¹ Barack Obama, Keynote Address at the 2004 Democratic National Convention (Jul. 27, 2004).

² Paula A. Franzese, *E Pluribus Unum – From Many, One: In Unity There is Strength*, 25 SETON HALL L. REV. 1460, 1460 (1995).

³ See Keynote Address at the 2004 Democratic National Convention, *supra* note 1.

⁴ 36 U.S.C. § 302 (2012).

⁵ See President William J. Clinton, Inaugural Address (Jan. 20, 1993).

summon from its myriad diversity the deepest measure of unity.”⁶ Senior District Judge Garnett Thomas Eisele in his dissenting opinion acknowledged the principle in this way: “E Pluribus Unum – from many, one. It was a good idea when the country was founded, and it’s a good idea today. From many, one. That still identifies us.”⁷ This concept helps us visualize a nation where its citizens are people from many different backgrounds, races, religions, and nationalities that come together as a united nation where equal rights are accorded to all of its citizens. Thus, a person’s gender would have no bearing on his/her exercise of rights.

This paper sets out to build a connection between militarization and gender and make a solid argument as to why women should be mandated to register for selective service. Part II discusses the mobilization of resources for war and the role of women in militarization and the gendering process. Then the paper will focus narrowly on the exploitation of women by three specific military entities during a time of war to advance their military goal. The three military entities will be examined: Part II.A. will address the U.S. Army; part III.B. will address the Israeli Women’s Army; and part III.C. will address the Islamic State of Iraq and Syria (ISIS). Part IV will analyze all three military groups and the woman’s role in the military group.

II. MILITARIZATION

Gender bias is a global problem.⁸ Some would agree that there is no other place where gender bias is more prevalent than in military entities.⁹ But the reality is that militaries need women.¹⁰ Militaries need women to fulfill multiple roles, not only the traditional female roles.¹¹ The United States is starting to recognize equality in the military, and the value of having a mixed-

⁶ *Id.*

⁷ *Jeffers v. Tucker*, 839 F.Supp. 612, 634 (E.D. Ark. 1993) (Eisele, G., dissenting) (*quoting* Maurice T. Cunningham & Edmund Beard, *The Re-Segregation of America: The Racial Politics of Legislative Redistricting* 22–23 (1993)).

⁸ *See* MONICA DAS GUPTA & LT SHUZHUO, *GENDER BIAS IN CHINA, THE REPUBLIC OF KOREA, AND INDIA 1920–90: EFFECTS OF WAR, FAMINE, AND FERTILITY DECLINE* (Policy Research Dissemination Center, June 1999).

⁹ *See generally* *U.S. v. Virginia*, 518 U.S. 515, 572–74 (1996).

¹⁰ *See id.*

¹¹ *Id.*

gender army.¹² As women are necessary to the future of this Country and the safety of this nation, women – just as men – should be required to register for selective service.

Militarization is defined by Merriam-Webster’s Dictionary as: “to give a military character to” or “to adapt for military use.”¹³ Cynthia Enloe defines militarization as: “a step-by-step process by which a person or a thing gradually comes to be controlled by the military or comes to depend for its well-being on militaristic ideas.”¹⁴ Under this approach, it is believed that militarization is not simply about joining the army, but a more subtle process that takes time to develop.¹⁵ This subtle process of militarization, over time, leads individuals to believe that military needs and militaristic presumptions are a way of life and invaluable.¹⁶

This paper argues that militarization is a gender issue that has led to gender bias.¹⁷ Gender bias in the workplace, especially against women, is in almost all areas of our society.¹⁸ Women are limited from certain jobs regardless of their merits.¹⁹ The military is one of the most traditional and conservative institutions in the United States of America.²⁰ Gender roles within the military have been a phenomenon that has created a gender bias on a global scale.²¹ Some theorists argue that militarization is harmful to society, specifically to women, as it allows the military to exploit the resources of the society it claims to protect by convincing them that the military’s actions are valuable, necessary, and often even something to take pride in.²²

Yet women have been essential to military forces.²³ Enloe states, “[t]he militarization of women has been crucial for the militarization of governments and of international relations. The

¹² *Id.*

¹³ *Militarize*, MERRIAM-WEBSTER ONLINE DICTIONARY, <http://www.merriam-webster.com/dictionary/militarize> (last visited Mar. 19, 2016).

¹⁴ CYNTHIA ENLOE, *MANEUVERS: THE INTERNATIONAL POLITICS OF MILITARIZING WOMEN’S LIVES* 3 (The Regents of the Univ. of Cal., 2000).

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 3.

¹⁷ Laura Sjoberg, *Agency, Militarized Femininity and Enemy Others: Observations From the War in Iraq*, 9 INT’L FEMINIST J. OF POL. 82, 83 (Apr. 17, 2007).

¹⁸ *Id.* at 88.

¹⁹ *Id.* at 93.

²⁰ *Id.* at 92–93.

²¹ *Id.*

²² See Enloe, *supra* note 14, at 3.

²³ See *id.*

militarization of women has been necessary for the militarization of men.”²⁴ Women have been needed by the military to play traditional roles: to reproduce the next generation of soldiers, to serve as a symbol of home for which soldiers are willing to risk their lives for, and to boost morale and provide comfort.²⁵ But women have also been essential for non-traditional roles such as fighting alongside male soldiers in the battlefield, planning, strategizing and performing covert operations male soldiers would not be able to accomplish.²⁶

Although women’s roles are essential to the operations of the military,²⁷ our male-dominated society and government, marginalize the idea of women in the military.²⁸ The key to control is to define women as creatures marginal to the military’s core identity.²⁹ This is so; no matter how crucial in reality are the services women perform to the smooth operations of the military.³⁰ With the idea of mandatory draft registration of women looming around the corner after women have been allowed into all areas of the military, this paper argues that the mandatory draft registration of women may combat gender bias.

III. MILITARY ENTITIES

As Nelson Mandela has said:

Freedom cannot be achieved unless women have been emancipated from all forms of oppression. To this end, we have acknowledged that the objectives of our reconstruction and development will not be realized unless we see in visible and practical terms that the condition of women in our country has radically changed for the better, and that women at every level have been empowered to intervene in all aspects of life as equals with any other member of society.³¹

²⁴ *Id.*

²⁵ *Id.* at 44.

²⁶ *Id.*

²⁷ *See id.*

²⁸ *See* Enloe, *supra* note 14, at 44.

²⁹ *See id.*

³⁰ *See id.*

³¹ Ellen Molekane, *The Role of Women in the South African National Defence Force (SANDF)*, 5 AFR. SECURITY REV. 23, 23–26 (1995) (Words spoken by Nelson Mandela in 1995, the-then President of South Africa and Commander-in-Chief of the South African Defence Force.).

A. The United States Military

In 2016, the United States Military is the most progressive military entity in the world when it comes to women equality, although that has not always been the case.³² The United States Military has historically been male-dominated and hierarchical, with a history of discriminating and being resistant to any change in gender roles.³³ The masculine climate of the United States Military has made members of the United States Military and policy makers resistant to change.³⁴ To understand the present state of the military in regards to gender neutrality, we must look to its history as to provide some background reference.

From the years 1775 to 1783, during the American Revolution, female soldiers worked in traditional women roles such as nurses, seamstresses, and cooks.³⁵ In 1785, a breakthrough occurred as women were allowed to assist male soldiers by serving them water, transporting contraband for the military and acting as spies in roles that men would not have been able to fulfill.³⁶ Even while allowed these extended privileges, women were not allowed to serve in these roles unless they were disguised as men and were not allowed to wear the military uniform.³⁷ In fact, Deborah Samson Gannett, the first American woman soldier, enlisted in 1782 to fight in the Revolutionary War under the name of her deceased brother and disguised herself as a man to battle in the front lines.³⁸

Necessity during World Wars allowed women to break new ground in the military.³⁹ During World War I, more than 22,000 women were recruited by the Red Cross to work as nurses for the United States Army.⁴⁰ During World War II, over 400,000 women

³² Jennifer L. Barry, *A Few Good (Wo)men: Gender Inclusion in the United States Military*, COLUMBIA J. OF INT'L AFFAIRS (Nov. 18, 2013), <https://jia.sipa.columbia.edu/online-articles/few-good-women-gender-inclusion-united-states-military3>.

³³ *Id.*

³⁴ *See id.*

³⁵ *See* CAROL BERKIN, *REVOLUTIONARY MOTHERS: WOMEN IN THE STRUGGLE FOR AMERICA'S INDEPENDENCE* 58–59 (Vintage Books 2005).

³⁶ *See id.* at 133.

³⁷ *See id.*

³⁸ 160 Cong. Rec. E. 747, 748 (May 13, 2014) (In Recognition of the Dedication of the New Bedford Women's Military Memorial).

³⁹ *See* Kingsley R. Browne, *Women at War: An Evolutionary Perspective*, 49 BUFFALO L. REV. 51, 235–37 (2001).

⁴⁰ Marian Moser Jones, *American Nurses in World War I: Under Appreciated*

served in the United States Military mostly in traditional roles such as nurses.⁴¹ In 1948, General Dwight D. Eisenhower advocated to allow women to join the Regular Army and President Harry Truman successfully changed both legislation and policy.⁴² In 1967, President Lyndon B. Johnson removed the restriction on the number of women allowed to serve.⁴³ Also removed was the ceiling on the highest rank women could achieve as well.⁴⁴

In 1979, Congress considered requiring women to participate in Selective Service registration amidst the Cold War era.⁴⁵ In Senate hearings, military leaders testified against the registration of females and the repeal of the combat exclusion.⁴⁶ The Senate Committee on Armed Services issued a report in 1980 in which it rejected registering women for the draft.⁴⁷

The Committee reasoned that historically, women had not regularly participated in combat and no society had conscripted women for combat roles. The Committee cited “important societal reasons” for preserving an all-male registration, including the “sweeping implications” for society should young mothers be drafted and leave their children with their young fathers. The Committee concluded that women lack the physical and emotional strength to kill and fight in battle; their presence would result in sexual tension, pregnancy, and perceptions of unfairness; and women would impair the male bonding and unit cohesion necessary for military effectiveness.⁴⁸

In 1981, the United States Supreme Court upheld the exclusion of women from Selective Service registration in *Rostker v. Goldberg*.⁴⁹ At issue in *Rostker* was whether a the Military

and Under Fire, PBS, <http://www.pbs.org/wgbh/americanexperience/features/the-great-war-american-nurses-world-war-1/>.

⁴¹ Martha McSally, *Women in Combat: Is the Current Policy Obsolete?* 14 DUKE J. GENDER L. & POL'Y 1011, 1021 (2007).

⁴² *History of the Women's Army Corps*, WOMEN'S ARMY CORPS VETERANS' ASS'N, <http://www.armywomen.org/wacHistory.shtml>.

⁴³ Yvonne Doll, *U.S. Army Women General Officers and Their Strategies for Ascension*, 7 INT'L J. OF BUSINESS STRATEGY 117, 118 (2007).

⁴⁴ *Id.*

⁴⁵ Valorie K. Vojdik, *Beyond Stereotyping in Equal Protection Doctrine: Reframing the Exclusion of Women from Combat*, 57 ALA. L. REV. 303, 326 (2005).

⁴⁶ See LINDA BIRD FRANCKE, GROUND ZERO: THE GENDER WARS IN THE MILITARY 22–23 (1997).

⁴⁷ *Supra* note 45, at 323.

⁴⁸ *Id.* at 326.

⁴⁹ *Rostker v. Goldberg*, 453 U.S. 57, 77 (1981).

Selective Service Law mandating draft registration for men and not women was permissible under the Equal Protection Clause.⁵⁰ The majority noted that such a sex-based classification was justified because of a prior legal differentiation between men and women - only men can serve in combat units.⁵¹ This legally created distinction, which the Court felt reflected Congress's support of allegedly well-established and entrenched societal norms, provided a sufficient state interest to justify excluding women from registering for the draft.⁵²

In 1994, The Ground Combat Exclusion Policy of the United States Army was implemented which prohibited women from serving in direct combat.⁵³ This ban created a barrier for women in their employment opportunities that would enhance their military careers.⁵⁴ Approximately 221,000 of the positions offered by the Department of Defense at this time were closed to women.⁵⁵ In a monumental decision, in 1996, the United States Supreme Court, in the case of *U.S. v. Virginia*, ordered the Virginia Military Institute to admit women as part of their 14th amendment rights to equal protection under the law.⁵⁶

The military has taken gradual steps towards gender equality.⁵⁷ Defense Secretary Ash Carter announced on December 3, 2015, that the Department of Defense would lift all gender-biased restrictions on military service starting January.⁵⁸ As of January 2016, all gender-based restrictions were lifted.⁵⁹ The 2016 lift reversed the 1994 rule that prohibited women from serving in combat after a study showed that female soldiers can meet the

⁵⁰ *Id.* at 59.

⁵¹ *Id.* at 77–79.

⁵² *Id.* at 76–79.

⁵³ *See supra* note 41, at 1014.

⁵⁴ *Id.* at 1051–52.

⁵⁵ *Gender Issues: Information on the DOD's Assignment Policy and Direct Ground Combat Definition*, UNITED STATES GENERAL ACCOUNTING OFFICE, 3 (Oct. 1998). <http://www.gao.gov/archive/1999/ns99007.pdf> (The 1994 change in policy resulted in ninety-one percent of all Army career fields, sixty-seven percent of all Army positions, eighty-seven percent of all enlisted MOS specialties, ninety-seven percent of warrant officer specialties, and ninety-seven percent of officer specialties becoming open to women.).

⁵⁶ *U.S. v. Virginia*, 518 U.S. 515, 519 (1996).

⁵⁷ *See id.* at 544–45.

⁵⁸ Jamie R. Abrams, *Debunking the Myth of Universal Male Privilege*, 49 U. MICH. J. L. REFORM 303, n.6 (2016).

⁵⁹ *Id.* at 307 n.6.

qualifications of ground combat roles.⁶⁰ The lift allows women to serve in combat units and occupational specialties but has also opened more than 13,000 positions in the Army.⁶¹ Although the lifting of the ban has not addressed the issue of individual bias within the military, it may reduce the perception of traditional women roles in the services by eliminating an institutional bias.⁶² As of January 2016, there has been no formal decision to require women to register with the Selective Service or be subject to mandatory military draft registration.⁶³

There are nearly 17 million male U.S. citizens between the ages of 18 and 25 currently registered and eligible for conscription.⁶⁴ There has not been a draft since 1973, but all men between the ages of 18 to 25 still must register for a potential draft.⁶⁵ All males between 18 to 25 are required by the Selective Service Act⁶⁶ to have registered within 30 days of their 18th birthdays and must notify Selective Service within 10 days of any changes to information they provided on their registration cards, such as a change of address.⁶⁷ Yet, women are not eligible for conscription.⁶⁸

As of 2016, The United States Code Section 3328, which codifies the requirements for Selective Service Registration, specifically calls for “An Individual” to register under the Selective Service Act⁶⁹ as required to register under Section 3 of the Military Selective Service Act.⁷⁰ The Military Selective Service Act, to which Section 3328 refers to, specifically states “every male citizen of the United States, and every other male person residing in the United States.”⁷¹ The Military Selective Service Act does not use the words “female” or “women” at any point in the wording of the

⁶⁰ *An Analysis of Female Representation and Marines’ Performance in Aviation and Logistics Occupations*, CNA ANALYSIS & SOLUTIONS, Apr. 2015, at iii.

⁶¹ Barry, *supra* note 32.

⁶² *Id.*

⁶³ *See id.*

⁶⁴ Laura Sego, *Automatic Registration in the United States: The Selective Service Example*, BRENNAN CENTER FOR JUSTICE, 1, <https://www.brennancenter.org/sites/default/files/legacy/publications/selective%20service.color.FINAL.pdf>.

⁶⁵ *Backgrounder: Women and the Draft*, SELECTIVE SERVICE SYSTEM, <https://www.sss.gov/Registration/Women-And-Draft/Backgrounder-Women-and-the-Draft>.

⁶⁶ 5 U.S.C. § 3328 (2012); 50 U.S.C. App. § 453 (2012).

⁶⁷ *Why Register?*, SELECTIVE SERVICE SYSTEM, <https://www.sss.gov/Registration/Why-Register>.

⁶⁸ *See* 50 U.S.C. App. § 453.

⁶⁹ 5 U.S.C. § 3328.

⁷⁰ 50 U.S.C. App. § 453.

⁷¹ 50 U.S.C. App. § 453.

Act.⁷² The contradictory wording of the two Acts has led to quite a conundrum.⁷³ To this day, women are not required to register for the Selective Service because the Military Selective Service Act specifically refers to “male persons” in stating who must register.⁷⁴ In order to change the status quo, Congress must amend the Military Selective Service Law in order to include women.⁷⁵ If “true and pure equality” is to be realized in the U.S. military, Army Secretary John McHugh stated that women would eventually have to register for the draft.⁷⁶ “If your objective is true and pure equality then you have to look at all aspects” of the roles of women in the military, McHugh said, and registration for the draft “will be one of those things. That will have to be considered.”⁷⁷

As of 2015, women make up about 15% of the U.S. military. More than 162,000 women are enlisted and active in the armed services with over 39,000 of those women serving as officers.⁷⁸ Health care was the top field for female officers, at 39%.⁷⁹ They made up nearly 28% of administrative officers, 19% of intelligence officers and 18% of supply officers.⁸⁰ Respect for military women serving is greater than ever, yet gender bias still lingers when women are put in direct competition with men.⁸¹ The most popular arguments against full integration of women in the military are that women are unfit for combat and are unable to handle the emotional and physical demands of combat.⁸² “In theory, 3% of women might meet male minimum standards, but going from the top of their fields to lower status in land combat units would set

⁷² 50 U.S.C. App. § 453.

⁷³ See *Rostker v. Goldberg*, 453 U.S. 57, 59 (1981); *Schlesinger v. Ballard*, 419 U.S. 498, 499–500 (1974); *Frontiero v. Richardson*, 411 U.S. 677, 678 (1973).

⁷⁴ 50 U.S.C. App. § 453.

⁷⁵ Richard Sisk, *Women Will Likely Have to Register for the Draft*, *Army Secretary Says*, MILITARY.COM (Oct. 12, 2015) <http://www.military.com/daily-news/2015/10/12/women-likely-have-register-draft-army-secretary-says.html>.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ 2015 *Demographics*, DEP’T OF DEFENSE (2015), <http://download.militaryonesource.mil/12038/MOS/Reports/2015-Demographics-Report.pdf>.

⁷⁹ *By the Numbers: Women in the U.S. Military*, CNN (Jan. 24, 2013), <http://www.cnn.com/2013/01/24/us/military-women-glance/>.

⁸⁰ *Id.*

⁸¹ See Debra Bell, *Arguing For and Against Women in Combat, in 1978*, U.S. NEWS (May 15, 2013, 3:00 PM), <https://www.usnews.com/news/blogs/press-past/2013/05/15/arguing-for-and-against-women-in-combat-in-1978>.

⁸² See *id.*

them up for career disadvantages and disproportionate, debilitating injuries.”⁸³ Therefore, even if allotted the opportunity to perform alongside men, in traditional male roles, women in these roles would still be seen in a negative light.⁸⁴

Women have been steadily moving into previously all-male jobs across the military.⁸⁵ In August of 2015, two female soldiers, Capt. Kristen Griest and 1st Lt. Shaye Haver, made history by graduating from Ranger School, the army’s elite unit leadership school that is considered one of the most grueling military courses in the world.⁸⁶ Soon thereafter the Army announced that it was opening the school on a permanent basis to women for the first time.⁸⁷

Sadly, even with women breaking down barriers, incidents continue to occur that curtail women’s advancement in ranks.⁸⁸ Even with the incredible effort that these female soldiers exhibited, reports still brought down their victories.⁸⁹ Many critics, including veterans and active-duty troops, accused the Ranger School of lowering their standards and that the women received special treatment being allowed lighter duties and exceptions to policies.⁹⁰ They claimed that the women were sent to a special two-week training before even commencing the program.⁹¹ They were also accused of allowing the women to repeat key parts of the course that they failed and being taken out to the courses to see it while men had to see it for the first time when they went to the school.⁹² These women could not have been simply given the recognition they deserved.⁹³ Major Jim Hathaway said it best, “We could have invited each of you to guest walk the entire course, and you would still not believe. We could have even video recorded every patrol and you would still say that

⁸³ Elaine Donnelly, *Forcing Females into Combat is real 'War on Women,'* WASHINGTON TIMES, (November 11, 2014), <http://www.washingtontimes.com/news/2014/nov/11/donnelly-forcing-women-into-combat/?page=all>.

⁸⁴ *See id.*

⁸⁵ 161 Cong. Rec. S. 6855 (Sept. 21, 2015).

⁸⁶ *Id.*

⁸⁷ *See id.*

⁸⁸ *See* 162 Cong. Rec. E. 317 (2016).

⁸⁹ *See id.*

⁹⁰ *See* Susan Keating, *Was it Fixed? Amy General Told Subordinates: 'A Woman Will Graduate Ranger School,' Sources Say,* PEOPLE (Sept. 25, 2015), <http://people.com/female-rangers-were-given-special-treatment-sources-say/>.

⁹¹ *See id.*

⁹² *See id.*

⁹³ *Supra* note 90.

we gave it away. Nothing we say will change your opinion.”⁹⁴

Even further, women are consistently objectified and considered sexual objects even when training and performing the same military function as men.⁹⁵ In a study performed by the Rand Survey statistics show that nearly five percent of all active-duty military women experienced at least one incident of unwanted sexual conduct in the past year.⁹⁶ 62 percent of women who experienced a sexual assault and reported it endured some type of retribution or retaliation.⁹⁷ Social retaliation accounted for the largest form of perceived retribution, but 32 percent said they faced professional retaliation and 35 percent experienced an adverse administrative event after reporting an incident.⁹⁸ Social retaliation accounted for the largest form of perceived retribution, but 32 percent said they faced professional retaliation, and 35 percent experienced an adverse administrative event after reporting an incident.⁹⁹ American women serving in Iraq or Afghanistan are more likely to be raped by a comrade than killed by an enemy.¹⁰⁰ Calculations by The Huffington Post reveal that “a servicewoman was nearly 180 times more likely to have become a victim of military sexual assault [in 2011] . . . than to have died while deployed during the last 11 years of combat in Iraq and Afghanistan.”¹⁰¹ Victims are often blamed for reporting such crimes, and are challenged professionally, leading to a stunt in career advancement.¹⁰²

Having a restriction on women’s role in ground combat and the fact that women are not required to register with the Selective

⁹⁴ Dan Lamothe, *After Historic Graduation, Army Removes all Restrictions on Women Attending Ranger School*, WASHINGTON POST (Sept. 2, 2015), <https://www.washingtonpost.com/news/checkpoint/wp/2015/09/02/after-historic-graduation-army-removes-all-restrictions-on-women-attending-ranger-school/>.

⁹⁵ See Rand, *Sexual Assault and Sexual Harassment in the U.S. Military, Top-Line Estimates for Active-Duty Service Members from the 2014 RAND Military Workplace Study*, NAT’L DEF. RES. INST., 1, 28 (2014).

⁹⁶ *Id.* at 17.

⁹⁷ *Id.* at 20.

⁹⁸ *Id.* at 21.

⁹⁹ *Id.* at 21.

¹⁰⁰ LORI HOLYFIELD, *VETERANS’ JOURNEYS HOME: LIFE AFTER AFGHANISTAN AND IRAQ 15* (Routledge, 2016).

¹⁰¹ Molly O’Toole, *Military Sexual Assault Epidemic Continues to Claim Victims as Defense Department Fails Females*, HUFFINGTON POST (Oct. 6, 2012), http://www.huffingtonpost.com/2012/10/06/military-sexual-assault-defense-department_n_1834196.html.

¹⁰² See *id.*

Service are two of the last ways that women are treated differently in the U.S.¹⁰³ By allowing women to serve in ground combat and mandating their registration without restrictions or exceptions would allow for a strong fighting culture and would ultimately strengthen the military by ensuring the broadest possible pool of candidates.¹⁰⁴ By changing the policy now, the Department of Defense is recognizing women's contributions to wars and acknowledge that times have changed, both in terms of the ways wars are fought and attitudes about appropriate roles for women in the forces.¹⁰⁵ If our enemies allow women to fight in open combat and take on high-risk missions internationally, why should the U.S. not allow their women soldiers the same right?

B. Israel Defense Forces

Israel presents an iconic view of women soldiers and the progressive inclusion of women in the military.¹⁰⁶ Although Norway was the first NATO country to require women to register for the draft,¹⁰⁷ Israel was the first Western democracy to have mandatory conscription of women.¹⁰⁸ Mandatory military draft registration pertains to all men and women who are not otherwise exempt.¹⁰⁹ The 1986 Israel Defence Service Law,¹¹⁰ which replaced the 1959 version,¹¹¹ mandates military service for both men and women, while differentiating between the sexes in terms of conditions of service.¹¹² The Proclamation of Independence announced that the State of Israel "will ensure complete equality

¹⁰³ Yeganeh Torbati, *U.S. Military Chiefs to Report on Opening Combat Roles to Women*, REUTERS (Sept. 30, 2015), <http://www.reuters.com/article/us-usa-military-women/u-s-military-chiefs-to-report-on-opening-combat-roles-to-women-idUSKCNORV3AM20151001>.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Daphne Barak-Erez, *The Feminist Battle for Citizenship: Between Combat Duties and Conscientious Objection*, 13 CARDOZO J.L. & GENDER 531, 533 (2007).

¹⁰⁷ Reuters Staff, *Norway Becomes First NATO Country to Draft Women into Military*, REUTERS (June 14, 2013), <https://www.reuters.com/article/us-norway-women-conscription/norway-becomes-first-nato-country-to-draft-women-into-military-idUSBRE95D0NB20130614>.

¹⁰⁸ Noya Rimalt, *Equality with a Vengeance: Female Conscientious Objectors in Pursuit of a Voice and Substantive Gender Equality*, 16 COLUM. J. GENDER & L. 97, 102 (2007).

¹⁰⁹ *Id.*

¹¹⁰ Defence Service Law (Consolidated Version) 5746-1986, Chapter One: Interpretation (1985-86).

¹¹¹ *Id.*

¹¹² Rimalt, *supra* note 109, at 102.

of social and political rights to all its citizens irrespective of religion, race or sex.”¹¹³ Thus, the Israel Defence Service Law imposed the draft on women for the period of 24 months—a significantly smaller length than that for men.¹¹⁴

Since the founding of the State of Israel in 1948, women have taken part in Israel’s military and women in 2011 comprise 33% of all soldiers.¹¹⁵ The 2000 Equality Amendment to the Israeli Military Service Law states: “The right of women to serve in any role in the Israel Defence Force (“IDF”) is equal to the right of men.”¹¹⁶ The Amendment that female lawmakers had drafted granted equal opportunities to women who were found to be physically and personally suitable for nearly all combat positions.¹¹⁷ As of now, 88% of all roles in the IDF are open to female candidates, while women can be found in 69% of all positions.¹¹⁸

Although Israel has been progressive in its gender-equality movement, the Defence Service Law created a gender-based distinction regarding the legal grounds on which a person could file for exemption from military service.¹¹⁹ The Law granted women exemption from military service on three basic grounds: family status (marriage, pregnancy, or motherhood), religious belief, and conscientious objection.¹²⁰ These exemptions were subsequently integrated into the consolidated version of the Defence Service Law in 1959 and continue to apply to all women who might otherwise be called to serve in the military.¹²¹ Similar exemptions from

¹¹³ *Proclamation of Independence*, PROVISIONAL GOV’T OF ISRAEL: THE DECLARATION OF THE ESTABLISHMENT OF THE STATE OF ISRAEL (1948), http://www.knesset.gov.il/docs/eng/megilat_eng.htm.

¹¹⁴ *Women in Israel Defense Forces*, ISRAEL DEMOCRACY INST. (2003) <https://en.idi.org.il/media/6221/armywomen.pdf>.

¹¹⁵ Elana Maryles Sztokman, *No Touching*, SLATE (Oct. 12, 2012, 9:30AM), http://www.slate.com/articles/double_x/doublex/2012/10/women_in_israel_as_the_idf_becomes_more_religious_the_rights_of_female_soldiers.html.

¹¹⁶ *Women of the Israel Defense Forces: History in Combat Units*, JEWISH VIRTUAL LIBRARY (Oct. 2016), <http://www.jewishvirtuallibrary.org/history-of-women-in-idf-combat-units>.

¹¹⁷ *Id.*

¹¹⁸ *Statistics: Women’s Service in the IDF for 2010*, ISRAEL DEFENSE FORCES (Aug. 25, 2010), <https://www.idfblog.com/2010/08/25/statistics-womens-service-in-the-idf-for-2010-25-aug-2010/>.

¹¹⁹ Defence Service Law 5746-1986, Chapter One: Interpretation §§ 39, 40.

¹²⁰ *Id.* at §§ 39, 40 (Those exemptions were included in Section 39 of the 1949 Law).

¹²¹ *Id.* at § 39.

The 1959 Consolidated Version incorporated the exemptions,

regular and reserve military duty were not and still have not been formulated for men.¹²² “In Israel, facial attempts to achieve gender-neutrality provide little relief in the face of a legal and cultural background in which gender inequalities are still deeply ingrained.”¹²³

C. The Islamic State of Iraq and Syria

ISIS, in addition to being a force in the Middle East, is essentially a global gang preying upon alienated youth and providing an identity for self-selecting men and women who are isolated, angry and, at the same time, in search of a mission in life.¹²⁴

In 2004, a group known as al Qaeda emerged in Iraq, an Islamist anti-western militant group devoted to establishing an independent Islamic state.¹²⁵ Two years later, this group

Defence Service Law § 39 (1959), and in the 1986 Consolidated Version, the relevant provisions read:

(a) The following persons shall be exempt from the duty of defence service -

(1) The mother of a child;

(2) A pregnant woman.

(b) A married woman shall be exempt from the duty of regular service.

(c) A female person of military age who has proved, in such manner and to such authority as shall be prescribed by regulations, that reasons of conscience or reasons connected with her family's religious way of life prevent her from serving in defence service shall be exempt from the duty of that service. Defence Service Law § 39 (1986). The religious exemption is further elaborated in Section 40 of the Law:

A female person designated for defence service who declares in writing under section 15 of the Evidence Ordinance (New Version), 5731-1971, before a judge (shofet, i.e., a judge of a civil court - Tr.) or a judge of a rabbinical court (dayan) (1) that reasons of religious conviction prevent her from serving in defence service and (2) that she observes the dietary laws at home and away from home and (3) she does not ride on the Sabbath shall be exempt from defence service after delivering the affidavit, in the manner and at the time prescribed by regulations, to a calling-up officer empowered in that behalf.

¹²² *Id.*

¹²³ Pamela Laufer- Ukeles, *Cross-Dressers with Benefits: Female Combat Soldiers in the United States and Israel*, 41 BALT. L. REV. 321, 325 (2012) (quoting Women's Equal Rights Law, 5711-1951, 5 LSI 171, § 6D (Isr., 2000)).

¹²⁴ Karen Yourish & Josh Williams, *ISIS in America*, N.Y. TIMES (Feb. 4, 2016), <http://www.nytimes.com/interactive/2016/02/04/us/isis-in-america.html>.

¹²⁵ Major Aaron L. Jackson, *Hunting Down Terrorists "Wherever They Exist"*:

rebranded as ISIS and disowned its al Qaeda connections in 2014.¹²⁶ Similar to the bureaucratic hierarchy of Western countries, ISIS has a full legislative body with governors and enforcers, many of these enforcers being women themselves.¹²⁷

ISIS has a dual attitude towards women.¹²⁸ On one hand women are treated as modern-day slaves being raped and sold just as commodities.¹²⁹ Many of these women are Yazidi women who are held or captured, many of them under age.¹³⁰ On the other hand, ISIS sees women an essential part of their military; hoping to lure other Muslim women to join them to help enforce the Islamic rules.¹³¹ Women roles within ISIS include recruitment, enforcement, matchmaking, education and even actual high-risk missions.¹³² Women within ISIS are afforded liberties that are nonexistent in other societies, like the right to inheritance and the right to consent to marriage and to dissolve them.¹³³

To grow their resources, ISIS requires women to lure and encourage other women to join their forces.¹³⁴ These women become recruiters over social media, spreading messages to women to leave their western-style lives behind and join them in their forces.¹³⁵ This recruitment strategy gives impressionable women a sense of power and belonging, while still allowing the romantic touch of potentially finding a jihadi fighter husband.¹³⁶ But even with the essential responsibility of recruitment, in ISIS territory,

ISIL in Syria and the Legal Argument for United States Military Operations Within the Territory of a Non-Consenting Nation-State, 74 A.F. L. REV. 133, 137–38 (2015).

¹²⁶ *Id.* at 139–40, 148.

¹²⁷ *Id.* at 142–43.

¹²⁸ See Lisa Davis, *Symposium: The Global Struggle for Women's Equality: Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, 22 SW. J. INT'L L. 27, 56 (2016).

¹²⁹ See *id.* at 28; Rukmini Callimachi, *To Maintain Supply of Sex Slaves, ISIS Pushes Birth Control*, N.Y. TIMES (Mar. 12, 2016), <https://www.nytimes.com/2016/03/13/world/middleeast/to-maintain-supply-of-sex-slaves-isis-pushes-birth-control.html>.

¹³⁰ See Davis, *supra* note 127, at 34–35.

¹³¹ See *id.* at 30.

¹³² Frank Gardner, *The Crucial Role of Women Within Islamic State*, BBC NEWS (Aug. 20, 2015), <http://www.bbc.com/news/world-middle-east-33985441>.

¹³³ Beenish Ahmed, *How Women Enforce ISIS' Abhorrent Laws Against Women*, THINKPROGRESS (Feb. 11, 2016), <https://thinkprogress.org/how-women-enforce-isis-abhorrent-laws-against-women-54555a536ad/>.

¹³⁴ See Gardner, *supra* note 131.

¹³⁵ *Id.*

¹³⁶ See *id.*

women are not allowed to move around freely and must always be accompanied by a male chaperone in public.¹³⁷ They are restricted in the clothes they wear and the modesty of their clothing.¹³⁸ Women may not wear make-up and must be covered head-to-toe by a black burqa.¹³⁹ In these “uniforms,” women actively fight for the militant group and must prove their loyalty to their Islamic State or if not, they will be punished.¹⁴⁰

Claiming the Quran’s support, the Islamic State codifies sex slavery in conquered regions of Iraq and Syria and uses the practice as a recruiting tool.¹⁴¹ In these situations, women themselves are enforcing gender roles against women.¹⁴² The most prominent example of such is the group of women named the Khansa brigade, the all-female police for ISIS, that enforces and patrols the areas controlled by ISIS and exists to principally force other women to comply with ISIS’s vision of sharia law.¹⁴³ These women control Raqqa, the de facto capitol of ISIS.¹⁴⁴ The brigade enforces the Islamic Rule by arresting, beating, and punishing women who commit any offense.¹⁴⁵ Even such small offenses as showing ankles, wrists or even being without a male chaperone will lead to women being punished.¹⁴⁶ The brigade reinforces the gender bias and oppression against women by inflicting punishment that men traditionally would, but using their religion as a justification.¹⁴⁷ The brigade acts as the “morality police” enforcing their strict version of Islam on other women.¹⁴⁸ These women also oversee brothel operations, where women who have been kidnapped and forced to service Jihadi ISIS soldiers are

¹³⁷ Priyanka Boghani, *How ISIS is Using Women to Police Other Women*, PBS (July 13, 2015), <https://www.pbs.org/wgbh/frontline/article/how-isis-is-using-women-to-police-other-women/>.

¹³⁸ Gardner, *supra* note 132.

¹³⁹ Boghani, *supra* note 137.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² Ahmed, *supra* note 133.

¹⁴³ *Id.*

¹⁴⁴ *See id.*

¹⁴⁵ Debra Killalea and Wires, *IS Al-Khansa Brigade: Meet the Women Islamic State use to dish out Brutal Punishment*, NEWS (Oct. 22, 2014), <http://www.news.com.au/world/middle-east/is-alkhansa-brigade-meet-the-women-islamic-state-use-to-dish-out-brutal-punishment/news-story/d14fceec3b015fc8414cd1e5f87ba49d>.

¹⁴⁶ *Id.*

¹⁴⁷ Ahmed, *supra* note 134.

¹⁴⁸ Killalea, *supra* note 144.

kept.¹⁴⁹

Al-Khansa members also act as matchmakers, finding women who seek status by marrying a fighter and becoming a jihadist bride.¹⁵⁰ The women that are forced into marriage, eventually become widows relatively quickly.¹⁵¹ The life expectancy of a jihadist is a month to two months.¹⁵² Women will marry Jihadist for the status of becoming a fighter's wife, but will be widowed within a short time after their marriage.¹⁵³ The women are then given four months and ten days to mourn.¹⁵⁴ If she is pregnant she will be given longer.¹⁵⁵ Women get married to jihadist fighters but the life expectancy of a jihadist fighter is so short, these women are consistently being married off after periods of mourning.¹⁵⁶ If they do not re-marry another fighter, they will be forced to work in brothels and satisfy other Jihadist fighters.¹⁵⁷ And continuously these women are subjected to sexual abuse in the brothels or physical abuse by their husbands.¹⁵⁸ Women who do not abide by the "rules set out" face barbaric consequences.¹⁵⁹ It is as if Gender bias in Syria, is being reinforced by their own gender.¹⁶⁰ These women are conditioned to treat other women in such a manner that demeans their own sex.¹⁶¹ They enforce brutal punishment towards each other, and demean other women by using force that men would traditionally employ.¹⁶²

At first these women are happy to bring power and honor to their families by having been recruited in the military.¹⁶³ But after some time, and having been subjected to watch the terrible punishment

¹⁴⁹ *Id.*

¹⁵⁰ See Gardner, *supra* note 132.

¹⁵¹ See Amanda N. Spencer, *The Hidden Face of Terrorism: An Analysis of the Women in Islamic State*, 9 J. OF STRATEGIC SEC. 74, 82 (2016).

¹⁵² Gardner, *supra* note 132.

¹⁵³ See *id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ Spencer, *supra* note 140, at 82.

¹⁵⁷ See Sue Reid, *Isis's Female Gestapo Wreaking Terror on Their Own Sex*, SCOTTISH DAILY MAIL (July 11, 2015), <http://www.pressreader.com/uk/scottish-daily-mail/20150711/282411282992017>.

¹⁵⁸ See *id.*

¹⁵⁹ See Ahmed, *supra* note 134.

¹⁶⁰ See *id.*

¹⁶¹ See *id.*

¹⁶² See *id.*

¹⁶³ Spencer, *supra* note 150, at 81.

other women face, they regret their decision to join.¹⁶⁴ Stories of former fighters in the all female-unit reveal that the life these women lead is not as exciting or safe as what they portray on social media.¹⁶⁵

Women are mandated to fight for ISIS on the battlefield, and also to follow their mission wherever their faith may lead them allowing women a wider role within the ISIS military.¹⁶⁶ These women are trained just as their male counterparts inside Syria, to load, clean, and fire weapons.¹⁶⁷ Not only within Syrian borders, but Female ISIS terrorist are stationed and trained worldwide.¹⁶⁸ Moreover, ISIS promotes women in international terrorist missions, such as the recent bombings in Paris, France on November 13, 2015 that left 129 people dead.¹⁶⁹ Survivors of that Friday night's terrorist attack claim that one of the attackers shooting randomly into the crowd at an Eagles of Death Metal concert was a woman before she blew herself up.¹⁷⁰

Days later on Wednesday the 18th, France police raided a Paris apartment searching for ISIS terrorists and a shootout ensued.¹⁷¹ During this exchange in gunfire, a woman by the name of Hasna Ait Boulahcen, the cousin of Abdelhamid Abaaoud, the man believed to have masterminded the series of bombings and shooting in Paris on Friday evening, blew herself up with an explosive vest in the name of Allah and in furtherance of ISIS's purpose.¹⁷² Moments before the bomb went off, she was heard shouting "Help me, help me!" while she held her hands up.¹⁷³ The

¹⁶⁴ See Killalea, *supra* note 144.

¹⁶⁵ See *id.*

¹⁶⁶ See Spencer, *supra* note 150, at 83–84.

¹⁶⁷ *Id.* at 83–84.

¹⁶⁸ See Lucy Kafanov, *How All-Female ISIS Morality Police 'Khanassa Brigade' Terrorized Mosul*, NBC NEWS (Nov. 20, 2016, 6:25AM), <https://www.nbcnews.com/storyline/isis-uncovered/how-all-female-isis-morality-police-khansaa-brigade-terrorized-mosul-n685926>.

¹⁶⁹ Ian Gallagher, Marin Beckford & Martin Robinson, *Revealed: Two of the Jihadis Sneaked into Europe via Greece by posing as refugees and being rescued from a Sinking Migrant Boat – and Survivors say one of the Attackers was a Woman*, DAILY MAIL (Nov. 14, 2015), <http://www.dailymail.co.uk/news/article-3318379/Hunt-Isis-killers-Syrian-passport-body-suicide-bomber-Stade-France.html>.

¹⁷⁰ *Id.*

¹⁷¹ Kim Willsher, *Hasna Aitboulachen: Police Examine Remains of 'Cowgirl' Turned Suicide Bomber*, GUARDIAN (Nov. 20, 2015), <http://www.theguardian.com/world/2015/nov/19/paris-attacks-police-examine-remains-of-cowgirl-turned-suicide-bomber>.

¹⁷² *Id.*

¹⁷³ *Id.*

female suicide bomber cried out ‘God is great’ in Arabic before detonating her explosives and killing herself for ISIS.¹⁷⁴ From accounts given by her family, Hasna had not been interested in religion, and in fact was only radicalized in the last month before her death before abandoning her former lifestyle to join ISIS.¹⁷⁵

Women are essential to the ISIS mission and to the role they play in furthering the Islamic Rule.¹⁷⁶ From training, to actual combat fighting, these ISIS women fighters are just as productive and given the same respect as male ISIS fighters when they are made to perform such missions.¹⁷⁷ Women in this part of the world are so marginalized in their society that they are made to believe that the only way to bring honor to their family is to get involved with jihadist fighters.¹⁷⁸ Fighting alongside their jihadist male counterparts is promised to be honorable and they are lured with false promises of being rewarded in their afterlife.¹⁷⁹

III. ANALYSIS

One could argue that while female soldiers in the United States are not restricted to the clothing they wear, nor the body parts they are able to show, but the United States has not allowed women to enjoy as many rights as those granted by other military entities such as fighting in the front lines, and managing their own brigades.¹⁸⁰ In all three military entities addressed above, women are still not in the same situation, nor does the same playing field as men, yet the most oppressive group allow its female soldiers the most responsibility, even responsibility over other women soldiers. ISIS male fighters degrade women and objectify them, but ISIS female soldiers may argue that their male counterparts allow women greater roles and more responsibilities in their military.¹⁸¹

¹⁷⁴ Tom Minear, *Paris Terror Attacks: Female Suicide Bomber Hasna Aitboulachen Called for Police While Ready to Detonate*, HERALD SUN (Nov. 19, 2015), <http://www.heraldsun.com.au/news/paris-terror-attacks-blonde-bomber-hasna-aitboulahcen-called-for-police-while-ready-to-detonate/news-story/20237a9625e409390fd309e2cf9e3317>.

¹⁷⁵ See Willsher, *supra* note 170.

¹⁷⁶ See Gardner, *supra* note 132.

¹⁷⁷ See *id.*

¹⁷⁸ See Katharina Kneip, *Female Jihad – Women in the ISIS*, 29 POLITIKON: IAPSS POL. SCI. J. 88, 91 (2016).

¹⁷⁹ See *id.*

¹⁸⁰ Ahmed, *supra* note 134.

¹⁸¹ *Id.*

The US should allow women to take on a broader role. If our enemy allows women to fight for them, why don't we allow women to play a role in counter-terrorism? We should move more in a direction as Israel has and implement mandatory draft registration for women.

The purpose of the Military Selective Service Act is to augment troop strength in times of war, a need that could just as easily be met by incorporating eligible women into additional combat support and combat service support roles.¹⁸² Now that times have changed and women are allowed combat roles within the military, the idea of women not being required to register for the draft is no longer applicable to the current times.¹⁸³ Section 3 of the Military Selective Service Act should be worded parallel to its registration requirement counterpart in Section 3328 of the United States Code.¹⁸⁴ Both should call for "An Individual" to register under the Selective Service Act, and not solely require men to register.

Women should be required to register for the draft after the Defense Department opened up all combat jobs to women because all American's who are physically qualified to serve should register for the draft.¹⁸⁵ Given the changed circumstances, this outlook at least need to be given more attention and should be looked at as part of a national debate.¹⁸⁶ "But with the Pentagon's decision to lift the ban on women in combat in January 2016 – and its move in recent months to open a number of jobs to female troops previously held only by men – those Supreme Court arguments from 33 years ago may no longer apply."¹⁸⁷ Therefore, mandatory registration for the draft may be the next logical step and the American system should follow suit.¹⁸⁸ To defeat gender bias and truly have a Nation that believes in E Pluribus Unum, allocation of duties and responsibilities demands the inclusion of women.

Unified support for the inclusion of women in draft registration, however, is far from the current state of affairs.¹⁸⁹ A recent

¹⁸² Major Scott E. Dunn, *The Military Selective Service Act's Exemption of Women: It Is Time to End It*, 2009 ARMY L. 1, 21 (2009).

¹⁸³ *See id.* at 16.

¹⁸⁴ 5 U.S.C. § 3328 (2012); 50 U.S.C. app. § 453.

¹⁸⁵ Dunn, *supra* note 181, at 21.

¹⁸⁶ *Id.*

¹⁸⁷ Anna Mulrine, *With U.S. Women Soon Eligible for Combat, the Draft Could be Next*, CHRISTIAN SCI. MONITOR (Oct. 28, 2014), <https://www.csmonitor.com/USA/Military/2014/1028/With-US-women-soon-eligible-for-combat-the-draft-could-be-next>.

¹⁸⁸ *Id.*

¹⁸⁹ *See* Dunn, *supra* note 181, at 21.

telephonic phone survey conducted March 27 through April 1, 2013 found that although the majority of the 1,000 registered voters queried supported the inclusion of women in the draft, 38% did not support their inclusion.¹⁹⁰ Overturning the combat exclusion for women implies, both logically and legally, that a new culture of unity and cohesion must be created within the military.¹⁹¹

The resistance to this argument centers on the actual physical difference between the sexes.¹⁹² Critics of allowing women in major roles in the military and mandatory draft registration for women argue that allowing men and women to train together would diminish the training benefit received by men because the weight load and march rates must be kept at a range that women would be able to endure.¹⁹³ Military commanders warned that the integration of women would destroy military effectiveness. For example, The Marines strongly support an all-male front-line.

To move forward in expanding opportunities for our female service members without considering the timeless, brutal, physical and absolutely unforgiving nature of close combat is a prescription for failure, an internal Marine study concluded. Those who choose to turn a blind eye to those immutable realities do so at the expense of our Corps' war-fighting capability and, in turn, the security of the nation.¹⁹⁴ Of all the issues associated with integration, the most troubling is the possibility that, instead of placing all service members on an equal playing field, the inclusion policy will result in an increase in sexual assaults within the military.¹⁹⁵ The recent lifting of the combat ban then begs the question: Will lifting the ban on women in combat alleviate or exacerbate the ongoing sexual assault crisis?¹⁹⁶ The same women who will now be permitted to join the ranks of the nation's most elite units will also be dealt an

¹⁹⁰ Bob Unruh, *Poll: Americans Approve of Drafting Women for Combat*, WND (June 20 2013), <http://www.wnd.com/2013/06/poll-americans-approve-of-drafting-women-for-combat/>.

¹⁹¹ See Dunn, *supra* note 181, at 21.

¹⁹² See CATHARINE A. MACKINNON, *SEX EQUALITY* 273 (Foundation Press, 2d ed. 2007) (discussing arguments in favor of exempting women from registering for the draft).

¹⁹³ See *id.*

¹⁹⁴ Mark Thompson, *Pentagon Opens All Frontline Combat Jobs to Women*, TIME (Dec. 3, 2015), <http://time.com/4134976/pentagon-combat-women/>.

¹⁹⁵ Jenna Grassbaugh, *Symposium: Sexual Assault: Military Justice, Culture, And Expectations: The Opaque Glass Ceiling: How Will Gender Neutrality In Combat Affect Military Sexual Assault Prevalence, Prevention, And Prosecution?*, 11 OHIO ST. J. CRIM. L. 319, 342 (2014).

¹⁹⁶ *Id.*

increased risk of sexual assault at the hands of their own comrades.¹⁹⁷

According to opponents of the inclusion plan, there are a number of reasons why the inclusion policy will only aggravate the ongoing sexual assault crisis in the military.¹⁹⁸ One reason why the inclusion policy will only exacerbate the ongoing sexual assault crisis is because of the deep-rooted hyper-masculinity that underlies the military.¹⁹⁹

[T]here are inherent power dynamics at play in combat scenarios that will present significant challenges to the implementation of this new policy.²⁰⁰ The abuse of women in war illustrates the control dynamics at play in the military's strict hierarchy; within this hierarchy, "one way to assert dominance is through sexual violence and women are at the bottom of the totem pole."²⁰¹ [The] sudden forced integration may make women more accessible to men in situations where stress is high and trust is essential.²⁰² The unfortunate reality is that "the strains of combat, close quarters in remote locations, tension, and even boredom can create the conditions for abuse," not to mention "hinder[ing] medical care for victims and legal proceedings against those who attack them."²⁰³

Proponents of a mandatory draft and complete inclusion of women argue that such a change will bring greater awareness encouraging more victims to come forward.²⁰⁴ Proponents argue that bringing women into the field mandatorily will break down the perception that women are weaker and will demystify the myth that women will tolerate inferiority.²⁰⁵ Allowing men and women to serve with each other as equals will build respect and trust as women prove that they are as capable as men.²⁰⁶

Soldiers are soldiers—provided they all undergo the same training and receive the same equipment, their capabilities in

¹⁹⁷ *Id.* at 343.

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 344.

²⁰⁰ *Id.*

²⁰¹ Grassbaugh, *supra* note 194, at 344.

²⁰² *Id.* at 346.

²⁰³ *Id.* at 348. (quoting Steven Lee Myers, *A Peril in War Zones: Sexual Abuse by Fellow G.I.'s*, N.Y. TIMES (Dec. 27, 2009)).

²⁰⁴ *Id.* at 342.

²⁰⁵ *Id.*

²⁰⁶ *Id.* at 343.

combat are more than comparable.²⁰⁷ Women have existed on the battlefield for centuries, but Americans must now acknowledge them as equals.²⁰⁸ Ultimately, women are seeking equality.²⁰⁹ This equality will only make our military better and stronger than it is now.²¹⁰ It will allow for the start of true cohesion between male and female service members.²¹¹ It will allow our military a greater chance at protecting our Country from ISIS and other terrorist groups who require women to join forces with their male counterparts just by the sheer numbers but also by having a greater cohesion within its forces.²¹² Although, a mandatory draft registration procedure may not solve the problem of sexual assault within our military, it will ensure that women have a stance against the ongoing epidemic by positioning them in a place where they are able to stand up for themselves, and make a presence within the frontlines.²¹³ Lastly, but certainly not least, requiring women to register in selective service will make America better.²¹⁴ America is regarded as the land of the free and the home of the brave.²¹⁵ It is seen as a cohesive nation, a nation that out of many, we are one.²¹⁶ “It is time to change the culture that enables cowardice and indecency and make it free and equal for those who are bravest, once and for all.”²¹⁷

IV. CONCLUSION

Women are vital to the United States Military. Although the United States Military is the most progressive in the world, we should mirror countries such as Israel and Denmark to reach greater women equality. As we condemn ISIS for their treatment of women, we have failed to give our female soldiers the freedom that they have given their female counterparts. The entry of

²⁰⁷ See KIRSTEN HOLMSTEDT, *BAND OF SISTERS: AMERICAN WOMEN AT WAR IN IRAQ* 8, 313 (2007).

²⁰⁸ *Id.* at 314.

²⁰⁹ *Id.*

²¹⁰ Grassbaugh, *supra* note 194, at 352.

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Jeffers v. Tucker*, 839 F.Supp. 612, 634 (E.D. Ark. 1993) (*quoting* Maurice T. Cunningham & Edmund Beard, *The Re-Segregation of America: The Racial Politics of Legislative Redistricting* 22–23 (1993)).

²¹⁷ Grassbaugh, *supra* note 194, at 352.

women into positions of power in the military in general, and into combat units more specifically, is the ultimate manifestation of women's forging into the traditional male realm. To allow mandatory draft registration of women would be a powerfully symbolic and sound policy move. While there will be logistical challenges as the Pentagon and Congress continue to break down barriers for women, doing so will make the military stronger and will narrow America's gender equality gap. In taking this step, the United States is following the lead of several close allies, including Israel, Canada and several European nations, that already allow women to serve in front-line combat jobs and have instituted mandatory military draft registration. If we truly believe in our *de facto* motto – Out of Many, One – then we must learn to accept women in an equal capacity within our military.