P.S. to the NEWS
by PHYLLIS SCHLAFLY

Box 618, Alton, Illinois 62002
Phone: 618-462-5415

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THE DRAFTING WOMEN LAWSUIT

The most important case now pending before the U.S. Supreme Court is the case that poses this question: Although the United States has fought nine wars and never drafted a single woman, and although the Constitution gives Congress (not the courts) the power to raise armies, will the Supreme Court now rule that women must be drafted when men are drafted?

The case reached the Supreme Court under a strange short-circuited procedure after a District Court in Philadelphia suddenly said "yes" to that question, calling it sex-discriminatory to draft men only. The court itself was guilty of the most grievous sex discrimination in history -- it decided the fate of women without ever hearing a single argument from or on behalf of women.

Because of the discriminatory exclusion of women's arguments from this case in the lower court, sixteen young women represented by a highly respected constitutional lawyer, Nathan Lewin, have filed a motion to intervene in the Supreme Court. The motion makes the most interesting reading of any case ever filed because it gives primarily human arguments rather than merely reciting legal jargon and precedents.

The eloquent motion articulates the reasons for our traditional policy of exemption of women from the draft, a policy which has been reaffirmed by Congressional legislative decision every time the draft act has been voted on from the beginning of a U.S. draft through 1980. If the Supreme Court, through judicial arrogance and usurpation, orders the drafting of women, it will plunge our country into a constitutional, a social, and a military crisis of far-reaching proportions.

The sixteen young women are between the ages of 18 and 26, and therefore would be subject to registration and induction if the Selective Service Act were sex-neutral. They argue that the Supreme Court should hear the sociological, psychological, and religious grounds why millions of women oppose compulsory service in the Armed Forces.

Stacey Acker, for example, hopes to marry and have children and she believes that

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women should not be conscripted during their best child-bearing years and that mothers have a greater responsibility to care for their small children than to engage in military service. Christina Andres believes that compulsory induction leads to assignment to the battlefield no matter what the job is labelled.

Kathryn Barr has engaged in competitive sports and knows women are unable to compete equally against men in any contest that requires upper-body strength. Almeda Cannon fears sexual abuse of the kind already documented in Congressional hearings. Monica Dewit does not believe she could survive as a prisoner of war because women would be subject to worse treatment even than men. Mary Dolehide, after hearing public testimony of Defense Department officials, knows that there are few practical restraints on the kinds of duties to which the Army now assigns females, and they include combat-related and other duties she cannot and will not perform.

Esther Glucksman could not serve without violating her religious principles, based on Orthodox Jewish law, relating to modesty by women. Laura Headlee could not serve without conflicting with her beliefs, based on her religious and cultural background, that men are responsible for protecting the country and women are responsible for maintaining the home and caring for the family.

Anna Harrington believes that combat and other military tasks are more capably performed by men than by women, and that women in military service will endanger their own lives and also those of other soldiers. Corliss Jarrett does not want to serve in the Armed Forces because she is a single mother of a small child who needs her care.

Karen Johnson believes that her right of privacy would be violated in military life, which is governed by a male culture that accepts body contact and offensive remarks which she, as a lady, finds obnoxious. Pam Patrick does not want to serve because her upbringing as a Christian woman has taught her that women should produce life, not destroy it; she does not believe she could be taught to kill.

The arguments presented by these young women go to the very heart and soul of our civilization. Yet they are being totally ignored by the Justice Department, which is supposed to be defending the male-only draft law. Will the Supreme Court listen?

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