CONSTITUTIONALITY OF THE SELECTIVE SERVICE ACT

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History

- From 1940 until 1973, during both peacetime and periods of conflict, men were drafted to fill vacancies in the armed forces which could not be filled through voluntary means.
- All-volunteer military force began 1973.
- Registration by males between ages 18-26 still required by Selective Service Act to augment all-volunteer force in the event its needed.

CHANGING LANDSCAPE

- **Prior to 1991**, women were statutorily precluded from flying Air Force or Navy combat aircraft or from serving on combat Navy vessels.
- **By policy, the DOD risk-rule** precluded women from being assigned to non-combat units and positions and in other assignments where the combat risks equaled or exceeded those of combat assignments (infantry, artillery).
- With the enactment of the **DoD Authorization Act for Fiscal Year 1992**, P.L. 102-160, (Dec. 5, 1991) Congress repealed statutory limitations on assignment of women to combat aircraft and required the establishment of a Presidential Commission to study and make recommendations on combat assignment restrictions for military women.
- On January 13, 1994, Secretary Aspin's ***Direct Ground Combat Definition and Assignment*** **(DGCA)** ***Rule*** **memo**, dated January 13, 1994, established the DOD rule governing combat assignments for women, effective October 1, 1994.
- On January 24, 2013, SECDEF rescinds 1994 Direct Ground Combat Definition and Assignment Rule (Memo).

Now what?

- Rostker v. Goldberg, 453 U.S. 57 (1981)