

Congress of the United States
House of Representatives
Washington, DC 20515-4606

October 6, 2021

Dear House and Senate colleagues:

As you know, the recently passed NDAA not only failed to hold to account the Department of Defense brass who were complicit in the Afghanistan failures, but includes a number of incredibly troubling provisions involving — among other things — woke policies about race and sexual orientation, green new deal policies, and taxpayer subsidies for abortion pills like Plan B.

These provisions are endemic of the rotten culture of the swamp — a reality made worse by the fact the NDAA is always used as a Christmas tree for terrible policies to which Republicans dutifully surrender under the guise of “pay raises for troops” or “we must do this for the military.”

Even setting aside these strong reasons for a “no” vote on the NDAA — it really *must* be opposed unless at least two other absolutely indefensible and horrific provisions are removed from conference: a) draft our daughters, and b) red flag gun-grabbing against our service members.

Drafting Our Daughters

Let us first turn to the matter of drafting our daughters. I have heard some unbelievably absurd defenses for voting for this or any legislation that would result in the forced registration for selective service for women in the United States.

For example, and in no particular order of stupidity or emptiness:

1. *We (the GOP) will abolish the draft when we are in charge.* First, if we had a dollar every time the GOP was going to “fix” something later, we’d retire the debt we’ve amassed not ever doing so. Second, the subtext of this argument, often articulated, is that we just need to let the Democrats get their “win” of checking the equity box en route to abolishing the draft – that’s too absurd to take seriously.

We should never let them get a win if we can avoid it (which we definitively can in this case), and we shouldn’t gamble with the lives of our wives, sisters, mothers, and daughters who wish not serve in the military, and why must we accept the premise that the only way to avoid an asinine policy of drafting women is to abolish the draft? There may be good reasons to abolish the draft, but there is no reason to conflate the absurd (drafting women) with the debatable (having a draft or not).

2. *We will never need a draft again.* First, the same people who make this argument often also make argument 4 below — i.e. that we would only need it to fight the Chinese, or argument 5 — that they will never be in combat if drafted — logic much? Second, we’ve had two drafts in my father’s lifetime, one in mine. Third, then why bother doing this other than for show? Fourth, if you believe that, then just abolish the draft *NOW*. I don’t, so abolishing the draft is not on my priority list unless this foolish female draft is adopted.

3. *Women will never be drafted.* This is either a lie or just an extraordinary level of gullibility. The fact is, of course they will be. Democrats literally cannot even call pregnant women “women.” They don’t believe the sexes are different — at all. Further, do you trust the same government that left billions of dollars of equipment in the hands of the Taliban, left Americans and SIVs behind in danger, leave our borders wide open, and are trying to mandate vaccines and eliminate life-saving treatments? I don’t. If there is a draft, they will inevitably draft women and put them into combat [see argument 5 below].
4. *If women are ever drafted, it will be necessary to fight the Chinese with a massive army.* Well, putting aside the fact thousands of women who volunteer to serve and could continue to do so in such a time, today there are around 17 million men of draft-registration age and some 60 million of “fighting age” from age 18 up to 49, the vast majority of whom are able-bodied. If we need women for combat operations because we can’t muster a strong response from those numbers, then we’ve messed up so badly that we’re doomed anyway.
5. *If women are ever drafted, they will never be in combat.* False. Refer back to the rebuttal to argument 2 above about being drafted in the first place. Individuals who believe there are no difference between the sexes will not hesitate to put your daughter into combat. If you think otherwise, go sell the Brooklyn bridge.
6. *Israel does it.* First, so what? We’re not Israel, we’re America. We have 1.3 million active-duty volunteer troops, Israel has about 170,000 with conscription in a far more hostile position than ours. Second, not really – the truth is that Israel’s compulsory service allows for women, at a higher rate than men, to choose a different, non-military service, and that the service of women in Israel is predominantly in rear-guard settings with more limited active hostilities. There are, to the best of my knowledge zero women in the assault echelon components of the IDF combat units.

Indeed, the IDF instituted a pilot program in 2017 to allow women to train in the Armored Corps, but in 2018 the IDF Chief of Staff chose not to place female graduates of the pilot program (of which there were few) into combat roles.

7. *Women are just as capable as men in combat roles.* No, on average, they are not. Take, for example, the \$36 million the Marines spent on a study 6 years ago (no doubt approved in one of these stellar NDAA or appropriations bills passed to “support the military”) that found that all male combat units outperform mixed-sex units in combat tasks about 70% of the time.

Moreover, following a 2019 report wherein 84 percent of women failed the gender-neutral Army Combat Fitness Test (ACFT) compared to 30 percent of men, the Army rolled out a third version of the test in April 2021 with diminished physical standards in order to placate politicians wanting to avoid facing up to the high failure rate of females, not to mention high injury rates. There are other studies, but citing them is as stupid as conducting them.

To be sure, putting aside the issues that arise with mixing the sexes — particularly in a draft setting — *certain* women can be as capable as *certain* men. On average, however it’s simply not true that in combat settings both sexes fare the same overall.

To the many women who have *volunteered* to serve — and the many who have given their lives for, or been injured in service of, our country — thank you, and we are proud of you.

8. *Haha, we'll show them: make the crazy liberal women screaming about 'equity' get drafted.*
First, I want a military that can win. Second, I don't want my daughter drafted just so you can get the yuks.

Red Flag Laws

I also don't want to take away our service members' gun rights. Section 529 of the NDAA directs the President to prescribe regulations to authorize military judges to issue emergency "protective orders" that could be "issued on an ex parte basis" and therefore would "restrain a person from possessing, receiving, or otherwise accessing a firearm" without full due process. This language would allow military and civil law enforcement to confiscate a serviceman's firearms and they would be inputted into the National Instant Background Check System (NICS) where they will be prohibited from purchasing a firearm commercially.

The due process language included does not apply to all gun confiscation orders and **explicitly exempts ex parte/emergency gun confiscation from due process.**

Instances of domestic violence are horrendous and abusers should be prosecuted to the fullest extent of the law. However, red flag laws are unconstitutional as they violate the 5th amendment. If a serviceman commits a crime as laid out in the UCMJ, he should be charged, taken into custody, and face the military justice system. Congress should not allow servicemen who are faced with allegations to have their firearms taken away first, and face due process later.

Congressional Republicans should not have voted this through under the "take it out later" approach because it risks passage and countenances the left's efforts to market red flag laws as reasonable. That said, based on the fact millions of Americans are communicating their displeasure about the foolish vote by two-thirds of the House GOP for legislation with these onerous provisions depriving not just Americans — but Americans serving in the military — of their Constitutional rights, it seems possible it will be removed in conference.

It had better be.

Conclusion

The fact is all of these arguments are really not the central point. The reality is that if we are a country that actively chooses to forcibly conscript our daughters, we are past the point of salvation. In particular, I would note the absurdity of attempting to adopt such an important policy in the dark of night — as a provision buried in an almost \$800 billion Defense Authorization bill — with no debate and no public presentation, a fact no doubt the genesis of the anger directed at me by a number of colleagues for taking every step I know how to take to make this known to the public.

And finally, if you think for one minute that the elite of this country, be they members of Congress, the wealthy, or the otherwise well-connected, will allow their daughters to be drafted in the absence of a desire to volunteer, you are willfully blind. Now this may well be the case with an all-male draft — which merits its own discussion — but do not pretend that this will not result in the intolerable truth of classes of young women unable to avoid conscription while others can.

With as much respect as I can possibly muster, given the absurdity of the subject matter, I must share with all my Republican colleagues in the Senate and the House that I cannot in good conscience vote for any member of either body for any office — whether it be President, Speaker, Leader, or otherwise — if that individual votes for the final NDAA, or any other legislation, that results in final passage of a.) red flags

laws risking the 2nd Amendment rights of our military service members, and/or b.) a provision to force my daughter to register for selective service and ultimately risk her conscription by the federal government.

This is, unfortunately, a non-negotiable deal-breaker for me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Roy'. The signature is fluid and cursive, with the first letter 'C' being large and prominent.

Chip Roy
Member of Congress