

Summary of Public Hearings – Selective Service System

On April 24th and 25th, 2019, the National Commission on Military, National, and Public Service hosted four public hearings at Gallaudet University in Washington, D.C. Each hearing featured expert panelists who gave opening statements and answered questions from Commissioners. Time at the end of each hearing was reserved for members of the public to offer comments. Complete hearing materials, including a recording of the hearing, the preparatory memos drafted by Commission staff, and panelists' written testimony are available at: <https://inspire2serve.gov/content/hearings>.

Future Mobilization Needs of the Nation

The April 24th morning hearing addressed future mobilization needs of the nation by gathering insights from the Department of Defense (DoD), Joint Staff, and United States Northern Command in regard to mobilization preparedness, plans, and resource requirements. Expert and scholar testimony were provided to provide outside commentary on national mobilization needs. Panelists agreed on the need for a national mobilization plan and supporting mechanism, but were divided over the ability of the SSS to support that plan, the degree of need for a critical skills draft, and necessary steps the government must take to ensure national will before activating the draft.

James Stewart, ASD (M&RA), Department of Defense, highlighted the capabilities of the All-Volunteer Force (AVF) and the Reserve Component. The DoD currently has no mobilization plan outside of the AVF, yet the potential for large-scale global conflict still exists. ASD Stewart added SSS provides value by preserving registration and a classification structure so the draft can be immediately operable. ASD Stewart stated the draft, and consequently the SSS, act as an insurance policy in the event future threats increase manpower requirements in excess of the AVF. The DoD supports the SSS as an independent federal agency. ASD Stewart added a civilian agency managing the system is important to the integrity of the draft process. ASD Stewart, when asked if including women in a draft would result in a more lethal military, he replied, "it is, already."

RADM John Polowczyk, Vice Director for Logistics, Joint Staff, explained the role of the Chairman of the Joint Chiefs of Staff as the global integrator for the Joint Force. In this role, the Chairman is responsible for assisting in "strategic planning and direction of the armed forces" to counter "trans-regional, all-domain threats." RADM Polowczyk shared aspects of joint mobilization planning, emphasizing their plans are resource-informed—they do not assume force expansion. He noted the "keystone resource" of mobilization is manpower. Although the current Joint Force does not plan for a draft or use of the SSS, they acknowledged the need for a plan to expedite force expansion should the nation ever require total mobilization.

Loren DeJonge Schulman, Deputy Director of Studies, Center for a New American Security, emphasized the original purpose of the SSS was to remove individuals from the civilian economy to ensure adequate armed strength for the nation's forces and to guarantee that the obligation to defend the nation is shared in a just and fair manner. She stated the SSS would only be fully used for a significant emergency; the threshold for a significant emergency has increased to the point that scholars question its need all together. In Ms. Schulman's view, the SSS is not set up to achieve even its initial purpose, so the system itself should be made functional before plans are made to expand it.

She added there is no widespread public conversation on national security threats, recommending greater transparency and communication not only between relevant government defense entities and the private sector but also between the public and its government.

Major General Pete Byrne, United States Air Force, Mobilization Assistant, United States Northern Command, described the responsibilities and role of USNORTHCOM. MG Byrne stated USNORTHCOM's mission grows in complexity as technological advancement among adversaries expands their capacity to target the homeland. MG Byrne stated the nation should continue to expand pathways to national service, considering deterring threats and assisting post-disaster requires "whole of government" efforts.

Elsa Kania, Adjunct Senior Fellow, Center for a New American Security, focused on the People's Republic of China (PRC) as a great power rival to the United States. She assessed the People's Liberation Army capabilities within space, cyber, and electronic warfare and their strategy involving mobilization. She said in the event of a conflict between PRC and the United States, the homeland would not be a sanctuary. She highlighted the need for deeper public-private partnerships to promote flexible and fast industrial mobilization if necessary as well as a force adaptable to technological innovations. Ms. Kania concluded by stressing the core priorities for American mobilization should involve science, education, and infrastructure.

[Answering the Call: How to Meet Potential National Mobilization Needs](#)

The April 24th afternoon hearing addressed meeting potential national mobilization needs. Institutional stakeholders such as the Selective Service System and U.S. Army Cadet Command presented willingness to adapt and respond to future national mobilization needs. Panelists were divided over the utility of the SSS, but overall panelists were able to identify discrete avenues for meetings mobilization needs.

Don Benton, Director, Selective Service System, advocated for the SSS as the third-tier of defense for the nation. He characterized the SSS as a "keystone to the nation's readiness capabilities," signaling to allies and adversaries that the nation is united in its resolve. He noted the DoD continually reaffirms the utility and necessity of the SSS. Director Benton added the SSS is ready and capable in the event of national mobilization, and with adequate funding, can adapt the system to meet the needs of the nation. According to the SSS, they do not make a distinction between registration methods (passive, secondary, or automatic), but rather registration for the SSS remains "an enduring civic duty."

Dr. Jacquelyn Schneider, Professor, Naval War College, discussed skills and capabilities of the future armed force. To address these topics, she stated the importance of gauging what war will look like in the near- and long-term future. She explained today's warfare requires "a new class of professionals" and underscored the role of technologists for U.S. combat capabilities. She identified core issues the armed forces face in understanding how many critically skilled personnel were on-hand, or needed, particularly as required technologist skillsets can change rapidly within 5 years. She supported the National Guard's approach, as Guardsmen who held civilian jobs with critical infrastructure networks would be familiar with those networks when called to help defend them.

Major General Linda L. Singh, Adjunct General, Maryland Army National Guard, described her role as the Adjunct General for Maryland in overseeing the Maryland Military Department. She highlighted the unique nature of the Maryland National Guard, which has the ability to respond to global conflicts as well as local emergencies with its 6,500 soldiers, airmen, civilians, and volunteers. MG Singh spoke about the value of the revitalized Maryland State Defense Force, with 220 volunteers who can backfill critical skill positions for the Maryland Guard. MG Singh posited that in a national mobilization it would not be just technologists, but also logisticians, mechanics, and drivers, among other skillsets that would be needed.

Major General John Evans, Commanding General, U.S. Army Cadet Command, focused on one of the principal commission sources for the military: Reserve Officer Training Corps (ROTC). According to MG Evans, if the country were to face national mobilization, Officer Candidate Schools (OCS) would expand in order to turn enlisted and civilians into officers. Changes to the law as well as increased resources would also be necessary to accelerate the commissioning timeline for Senior ROTC cadets. He concluded that “two elements would factor into the nation’s needs in the event of a national emergency: the availability of candidates able to serve among the eligible population, and the ability of the armed services to transform these candidates into service members.”

Dr. Bernie Rostker, Retired Senior Fellow, RAND, argued for the elimination of the SSS. He stated the current system is ineffective, advocating for a post-mobilization system. He said registration is not necessary for conscription rather the maintenance of critical infrastructure is necessary. He concluded that history showcases the nation’s ability to build a new army from scratch when required, recommending the implementation of a mobilization planning cell in the DoD to meet national needs as opposed to a standing registration system.

Should Registration be Expanded to All Americans? – Arguments Against Expansion

The April 25th morning hearing addressed arguments against expanding Selective Service System (SSS) registration to all Americans. Panelist testimony represented theological and secular opinions, as included perspective held by civilians, veterans, and conscientious objectors. Panelists predominantly opposed extending registration due to disagreement with coercing women into combat positions or opposition to the SSS writ large.

Dr. Mark Coppenger, Professor of Christian Philosophy and Ethics, Southern Baptist Theological Seminary, quoted a 2016 judgment from the Southern Baptist Convention—a denomination of 15 million members and 47,000 churches—opposing women registering for the draft due to “complementary characteristics” and differences in “survivability and lethality.” He referenced a host of other nations and predominant world religions that exclude women from draft obligations, and pointed out that states that do draft women, like Israel, represent outliers or exceptions. He expressed that drafting women goes against the natural order of creation, that women play an equally vital role taking care of family and raising soldiers at home, and that the military’s purpose is to provide for a strong common defense and not social engineering.

Diane Randall, Executive Secretary, Friends Committee on National Legislation, stated that Quakers, as a matter of conscience, oppose all war, the militarization of foreign and domestic policy, and mandatory service of any kind. She argued that the current system discriminates based on

gender and socioeconomic status and therefore the government should remove the requirement to register and the punishments for failure to register. Ms. Randall advocated for a robust legal accommodation for conscientious objection to military service or military taxation.

Jude Eden, U.S. Marine Corps veteran, stated the primary purpose of a draft is to fill combat replacements, and drafting women therefore carries the same risks as opening all combat positions to women—a decision that occurred outside of congressional oversight where the negative consequences could be evaluated. Some of the risks she presented included an inability to meet physical standards and a higher rate of injuries affecting readiness and administrative burden, special risk during deployments, reduced lethality, and an unequal chance of survival.

Edward Hasbrouck, Blogger, *Resisters.info*, advocated for Congress to enact legislation abolishing the SSS, eliminating its database, and repealing or preempting federal and state criminal and administrative sanctions for past nonregistration. Mr. Hasbrouck identified noncompliance, data inaccuracy, and an unwillingness to fund the Department of Justice at necessary levels to properly enforce compliance as primary reasons a future draft would be unsuccessful and widely deemed as unfair and inequitable. He stated that extending registration to women as a matter of constitutional necessity would further reduce compliance, pointing to several historical women anti-war organizations that opposed the draft, undermining the draft's credibility.

Ashley McGuire, Author, *Sex Scandal: The Drive to Abolish Male and Female*, argued that equality is not established by treating both genders the same, but rather respecting their fundamental differences and valuing their contributions to family, society, and country similarly. Citing the 2015 Marine Corps gender integration study, she opposed women in combat roles due to an unequal chance of survival and reduced military readiness and effectiveness. She stated that women perform equally patriotic and vital duties to support the war effort at home, but because the draft principally replaces combat positions, registration should not be extended.

Should Registration be Expanded to All Americans? – Arguments For Expansion

The April 25th afternoon hearing addressed arguments for expanding SSS registration to all Americans. Panelists included several combat veterans, a constitutional law and civics expert, and a foreign military attaché. Arguments in support of expanding registration included an equal obligation, its constitutionality, a proven record of women serving in all aspects of the armed forces, and unique skills sets that could be brought to bear in a national emergency.

Jill Hasday, Distinguished McKnight Professor and Centennial Professor of Law, University of Minnesota Law School, argued that male-only registration is unconstitutional because women's exclusion from combat roles, as articulated in the 1981 Supreme Court case *Rostker v. Goldberg* as the *raison d'être* for not extending registration, no longer holds and continuing to exclude women from SSS registration is contrary to Supreme Court sex discrimination case law. She noted that arguments for maintaining exclusion, such as an inability to meet physical standards or that women are more likely, on average, to stay at home and take care of family than men, are constitutionally impermissible as they subject men and women to different rules based on sex stereotypes—differences that may be generally true, but are not true in every case.

Dr. Jason Dempsey, Senior Advisor to the Center for Veterans Transition and Integration, Columbia University, stated that women have played a vital role in the armed forces, including integrated combat units, during the last two decades of active conflict. He noted that arguments against equal treatment of women, such as ill effect on unit cohesion or an inability to meet physical standards, have remained unchanged despite evidence to the contrary. He concluded that female participation in Selective Service registration could bolster “a shared commitment to citizenship;” and while extending registration created fairness, doing so remained essential in meeting future national security challenges by enabling the government to fully utilize the “talent and potential of American citizens.”

LTG Flora Darpino, U.S. Army (ret.), argued that the current male-only registration is unconstitutional, and all Americans must share the obligation of providing for a common defense, as laid out in the Constitution. She stated arguments for maintaining exclusion due to administrative burden during a draft ignore history and neglect that women have been serving in direct combat as well as critical combat support positions. She stated troops have historically been sorted by capability and removing 51 percent of the population from consideration during a crisis when so few can meet current eligibility standards endangers the nation’s ability to succeed. She concluded that social arguments regarding women’s role as caregivers do not hold muster with prevailing labor statistics and the prospective risk of torture or sexual assault should be equally disconcerting for both genders.

MG Bengt Svensson, Defense Attaché, Embassy of Sweden, presented the case for extending registration, drawing from his experience as a conscript, training and leading conscripts, and managing the Swedish transition from a draft to an all-volunteer force. In 2010, Sweden introduced an all-volunteer force after nearly 110 years of conscription. In 2017, due to growing security concerns, it began conscription of both men and women. He noted that despite contentious debate regarding perceptions of a lowered physical standard, decreased readiness, disruptions in discipline, and increased sexual harassment, the Swedish public ultimately rejected gender-based discrimination. He noted that opening conscription to both genders increased operational capability and served as a greater deterrent against security threats.

Katey van Dam, U.S. Marine Corps veteran, advocated for extending registration to harness America’s true potential—the diverse talent of its entire citizenry. She noted that all men are required to register, even though nearly 70 percent are unfit to serve in the All-Volunteer Force, because those who are ineligible may still have needed skills during an emergency. She argued that all women, despite general arguments regarding physicality, should not be excluded for the same reason—particularly considering the changing nature of warfare and that women currently earn a greater share of advanced degrees. She concluded that as many gender advocates call for equal opportunity in society, so too must they rise meet the equal obligations of all citizens.