



**NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE**

**Minutes of October 2018 Commission Meeting**

The National Commission on Military, National, and Public Service (the Commission) held a meeting on October 17-19, 2018, at the Commission's offices in Arlington, VA. The meeting concerned organizational and other pre-decisional and deliberative matters and was closed to the public pursuant to Public Law 114-328, section 554(b)(3). The Commissioners agreed to make a separate version of these minutes available to the public.

**Attendance**

Commissioners present:

- Mr. Edward Allard
- Mr. Steve Barney
- The Honorable Dr. Janine Davidson (10/18-10/19)
- The Honorable Mark Gearan
- Ms. Avril Haines (10/18-10/19)
- The Honorable Dr. Joseph Heck
- Ms. Jeanette James
- Mr. Alan Khazei
- Mr. Thomas Kilgannon
- Ms. Shawn Skelly
- The Honorable Debra Wada

Staff present:

- Kent Abernathy, Executive Director
- Paul Lekas, General Counsel
- Jill Rough, Director of Research and Analysis
- Keri Lowry, Director of Government Affairs and Public Engagement
- Peter Morgan, Director of Operations (10/17 only)
- Rachel Rikleen, Deputy General Counsel
- Annie Rorem, Deputy Director of Research and Analysis
- Jeffrey McNichols, Deputy Director of Government Affairs and Public Engagement
- Yolanda Hands, Deputy Director of Operations

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- Other Commission staff

*October 17, 2018*

**Business Meeting**

The Commission convened at 0900 ET for a business meeting with eight Commissioners physically present and Mr. Khazei telephonically present. The Chairman moved to close this and other business meetings to occur on October 17-19 because pre-decisional and organizational matters would be deliberated. A motion was made and seconded, and all Commissioners present agreed.

*Approval of Minutes*

Chairman Heck then moved to approve minutes from the September 2018 Commission meeting. The Commission voted unanimously to approve the September 2018 minutes with minor technical edits.

*Chairman's Remarks*

Chairman Heck announced that Commissioners will receive a first draft of the interim report on Thursday morning. While this month's meeting will not include discussion of the interim report, the November meeting will include time devoted to this topic. Also during this month's meeting, the Commissioners will receive a list of potential calendar year 2019 engagements (separate from Commission meetings and hearings). The Chairman asked that Commissioners consider the list and indicate their interest. He further announced that Commissioners will receive a 2019 schedule that includes dates for public hearings and monthly Commissioner meetings.

The Chairman explained that as the Commission moves into its next phase of work, the focus will be on analyzing and synthesizing information. The Commission should focus on the information gathered to date and take care to avoid widening the aperture unless information develops that fundamentally changes a particular viewpoint or counters information already gathered.

*Executive Director overview*

Mr. Abernathy reviewed the schedule for this meeting. He informed Commissioners that following the meeting, they will receive updates about the number of days they had worked in the preceding twelve-month period.

**Research Update**

Dr. Jill Rough provided the Commission with an update on research efforts. The following account provides information beyond that contained in the [slide deck](#) accompanying her presentation.

Dr. Rough began by reintroducing the research plan presented to the Commission in February 2018. She explained that the Commission had now completed Phase 1, covering initial data

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collection and public outreach. She then reviewed the next phases of the research plan. In Phase 2 (September 2018-January 2019), the Commission will produce an interim report, identify policy alternatives, and establish evaluation criteria. In Phase 3 (January-June 2019), the Commission will vet policy alternatives through public hearings, expert consultation, and deliberation. In Phase 4 (June 2019-March 2020), the Commission will deliberate on final recommendations, produce the final report, and prepare legislative language. In Phase 5 (March-September 2020), the Commission will engage in outreach on its final recommendations and then disestablish.

Dr. Rough then discussed public comments. She said the Commission had received over 2,300 public comments. Staff prepared a code book to assist in analyzing comments and will update the Commission as the work proceeds.

Next, Dr. Rough briefed the Commission on the results of Phase 1 data collection. The Commission held official visits to nine census regions (PA, CO, MA/NH, FL, IA, IL, TX, TN, and CA) and additional trips to three states (ND, KY, and OH). In addition to events held during those visits, Commissioners and staff held over 70 additional research meetings with academic experts, practitioners, thought leaders, and stakeholders. Along the way, staff prepared memoranda for the records (MFRs) to document these sessions. Staff also prepared around 120 total research documents, including research and legal primers, MFRs, and literature reviews. All of these are available to Commissioners although many have not been placed in the Commissioners' dedicated document library.

Dr. Rough explained that the methodical approach taken by the Commission to define "service" will prove important because it demonstrates that the Commission reached its definition following a solid process.

Going forward, Dr. Rough noted, the Commission will vet policy options in two different categories. The first category includes discrete policy alternatives. These are policy proposals that could be pushed forward to Congress and the President regardless of any "go big" options the Commission may consider. The second category includes large-scale courses of action. These are the "go big" options, including a registration system, potential significant changes to the SSS, and so on.

Dr. Rough summarized the findings of Phase 1, focusing on the following five themes arising from the Commission's work to date:

- Robust civic education at an early age is considered critical to developing propensity to serve;
- Aside from a small subgroup, public knowledge and understanding of draft issues is low;
- Service by and for specific racial/ethnic subpopulations present unique issues, but socio-economic status remains a dominant factor;
- Resourcing across urban/rural divide differs, and these differences influence implementation of service priorities; and
- Of those who serve, notions of service to nation vs. service to community vary.

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Dr. Rough stressed that over the course of the Commission's travels and other meetings held by Commissioners and staff, these themes have arisen time and again. She noted that this "echo" effect represents a positive indication about the quality of the Commission's qualitative research strategy. Dr. Rough cited civic education as a textbook example of how the Commission has applied results from qualitative data gathering. Although civics education was not originally on the Commission's radar, the topic arose repeatedly in engagements across the country. She noted that the Ends, Ways, and Means Work Group (EWM) plans to take on that issue and consider a range of policy alternatives.

Turning to the second key theme, Dr. Rough recommended that educating the public about the Selective Service System should be a priority given limited public understanding. She noted that the direction of support for the System may increase or decrease based on awareness; in other words, further education about the System and its purpose may increase awareness but not increase support.

Dr. Rough explained that the research team has found that socio-economic status remains the dominant factor notwithstanding unique issues faced by different racial or ethnic subpopulations. The implication is that incentives matter, and the Commission should continue to consider policy alternatives that involve investment in incentives.

Ms. James suggested that mitigating socio-economic factors may involve removing barriers rather than creating incentives. Dr. Rough concurred in this point.

Vice Chair Gearan questioned whether joining socio-economic status and unique racial or ethnic subpopulation issues would help the Commission in its work. Dr. Rough noted that in some instances that may be beneficial, citing the example of Native American communities, which, from a service perspective, involve two entirely different issues: service by Native Americans versus service on Native American reservations.

Mr. Allard asked if the research had generated a key finding on registering women for Selective Service. Dr. Rough said it has not. The research team has pulled together existing polling data on this issue. The data suggest, more broadly, that many people have not thought about the draft in some time.

With respect to the urban/rural divide, Dr. Rough explained that the research has shown differences in internal and external resourcing. This may be seen by considering how the national service community functions in urban versus rural settings. In rural communities, non-profits typically lack the level of access to philanthropic support that urban-based non-profits enjoy. Similarly, with respect to military service, recruiters for rural areas must drive long ways to talk to people. These features mean trade-offs from the perspective of national-level policy, including around centralization and flexibility. Dr. Rough recommended keeping this in mind as the Commission develops policy alternatives going forward.

Mr. Allard mentioned that the Department of Veterans Affairs (VA) had experienced problems servicing rural populations and suggested exploring how the VA dealt with those problems. Dr.

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Rough said that staff recently interviewed former VA Secretary Bob McDonald who did speak to these issues. She noted that a memorandum of the interview would be forthcoming.

Dr. Rough next addressed the distinction between service to nation and service to community. Participants in each of the three domains of service reflect this distinction. In national service, this is demonstrated by a comparison between the NCCC, in which participants have interest in going somewhere (else) to help, and AmeriCorps State and National, in which participants focus on their own communities. In military service, between the active component and the National Guard. In public service, between the federal government and the local community board member. Balancing service to nation and service to community will be important going forward and will factor into how the Commission frames its policy recommendations.

Mr. Barney asked if the Commission should make its research available to the public to demonstrate the robust nature of the work that has been done and to further enhance the quality of the recommendations. Commissioners suggested that this suggestion be considered at a later date.

Mr. Barney asked how the Commission intends to reach populations in the U.S. territories and Alaska. He suggested approaching these populations through D.C.-based organizations, such as the National Governors Association, to avoid a perception of “tourism” travel by the Commission. Ms. James suggested arranging a visit to Puerto Rico given its significant military service history, the continued military presence, and its proximity to the continental United States. Mr. Barney noted that Puerto Rico also has an “eye watering” number of Medal of Honor recipients, along with medical and nursing schools.

Vice Chair Gearan asked about factors besides geography that require further research. Dr. Rough explained that she is comfortable with the efforts the Commission has made in reaching out to various subpopulations across the United States, noting that the research team incorporated events with faith communities and non-propensed individuals along the way to respond to areas of research interest. She noted that while the Commission could always do more and be more thorough in its qualitative research, the Commission must operate within a limited time frame and with a limited budget. Within those confines, the Commission has already connected with most of the subpopulations identified by staff and the Commissioners. She noted that the Commission would make visits to the Pacific Northwest and the Mountain regions of the country before releasing the interim report.

Mr. Kilgannon asked how well the Commission has engaged with governors and state legislators. Ms. Lowry addressed this question. She noted that that staff has engaged with national associations such as the National Governors Association, the Conference of Mayors, and others. She indicated that staff had been in touch and that the organizations had provided their members with information about the Commission. In connection with Commission trips, the GPE team notified both state and federal leadership about the Commission’s visit and invited them to events.

Ms. James turned to the research finding about people lacking understanding and knowledge of draft and Selective Service issues. In her view, that finding mitigates the concern that the

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Commission has not sufficiently listened to those who oppose or have resisted the draft. She suggested that if the Commission opts not to disestablish the SSS, one way to explain the decision would be to focus on the lack of broad public knowledge about what the SSS is and what it does.

Vice Chair Wada noted that despite the vocal conscientious objector community that has attended several of the Commission's public meetings, at those same meetings most other people lacked knowledge about the difference between Selective Service and the draft. Looking back over the many public engagements the Commission has held, she believes this lack of knowledge predominated over the anti-Selective Service and anti-draft sentiment expressed by that subpopulation.

Dr. Rough then turned to staff leaders for each of the three work groups to provide updates on work group activity.

*Work Group Update: Propensity to Serve*

Annie Rorem began with the Propensity to Service Work Group (P2S). She explained the "3As model" used by Commissioners to scope recommendations involving military, national, and public service, respectively. Under this model, Commissioners began by exploring individuals' awareness of opportunities, then turned to individuals' aspiration to engage in service, then to access required for individuals to participate. P2S devoted two months each to military, national, and public service according to the 3As framework.

Ms. Rorem summarized P2S' findings. With respect to military service, P2S has found that awareness is a real concern. This comes in part from having a small AVF and the general population having few touchpoints to interact with someone in the military. Most people receive information about the military through the media and the general population lacks a broad or deep understanding of military issues. P2S is focused on awareness but also considering options focused on aspiration and access. She noted that the research indicates that aspiration tends to focus around certain populations and geographies.

With respect to public service, the key issue involves access. Research shows problems with the process for federal government hiring; it remains hard for interested people to get in the door. Even with no changes addressing awareness and access, there would be a backlog of people interested in joining the federal government who are not able to do so. She did note that in terms of awareness, the research shows limited exposure; the federal government employs 1.5% of the population, and many people do not know federal government employees or even state or local government employees.

With respect to national service, a key issue involves understanding what "national service" is and what opportunities are available in this space. The concept itself confuses people. Research indicates that about half of those aged 18-30 who do understand the concept believe national service to be a good idea and might want to participate. Access, however, remains a critical issue. Economic reasons prevent many people from participating.

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Ms. Rorem explained that P2S plans to explore national service policy alternatives during its session today and tomorrow will focus on integrating all three areas – military, national, and public service. The group will develop a set of specific, moderately-detailed recommendations – policy alternatives that may be implemented regardless of which larger-scale courses of action the Commission may choose to pursue.

Mr. Allard spoke to the recurring theme of education, which factors into raising awareness of all types of service. He mentioned civic education, developing methods to break through the noise of alternatives available to young people, and connecting with influencers, especially parents. Ms. Rorem acknowledged these issues, noting that the work groups would be exploring ways to address them.

### *Work Group Update: Selective Service System*

Jud Crane then presented on the Selective Service System Work Group (SSSWG). Since May, SSSWG has focused on research into two questions.

First, what is the potential need for a draft or a mobilization scenario in the future? The group has reviewed historical research and expert opinions relating to DoD capabilities and has found a disconnect with future needs and the capabilities-based planning culture at DoD. Alternative scenarios involving exhausted resources goes against how plans are currently developed. This means there is a great deal of uncertainty with respect to resources for potential future conflicts and challenges. Mr. Crane noted that the nation had a better understanding of the challenges that would give rise to a draft the last time the SSS was modified, during the Cold War. Since that time, the SSS has remained “in amber.” Future scenarios may be far different.

Second, what is a modernized SSS and what does it look like? Mr. Crane explained that the current system has two modes: a low-power mode, that involves gathering registrations, driving for high compliance, and fostering a low awareness of the overall mission; and a high-power mode, which would generate 100,000 conscripts to DoD, agnostic to those individuals’ skills and competencies.

The SSSWG has explored various topics relating to both questions. The group is examining who needs to register with the SSS and the possibility of extending registration to all Americans. The group is also looking at ways to access individuals with different skill sets and, in connection with that, whether modifications are required to access individuals with critical skills and whether the 20-year-old remains the most appropriate cohort for registration. Mr. Crane noted interest in developing a system that could adapt to new skills, citing as an example quantum computing: ten years ago, this area was off the radar, and now quantum cryptology is a rising concern and also a highly specialized field requiring skills that the military cannot develop in house. Other issues involve when a draft mechanism might be activated, who would control an activation, how to identify skilled personnel, and how to induct personnel.

Underlying these issues is a fundamental question of why the nation would need a mobilization. Historically, the nation used the draft and the SSS to augment force structure, but more broadly than in the oft-talked about combat replacement context. As the nation changes its ideas about

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potential near-peer or large-scale conflicts, this may affect future missions and future mobilization needs. Research engagements, such as the visit to the Army War College and briefing by the Office of Net Assessment, suggest that some DoD components are beginning to explore mobilization models that had gathered dust since 9/11.

Mr. Crane discussed key research findings involving the SSS. Research has indicated a deep skepticism among service members about whether conscripts have the moral fitness to serve in the military, even as untrained personnel. Similarly, participants in the Fort Hood trip learned of concerns about integrating conscripts into the existing AVF military and its impact on how units are currently organized.

Research has also shown a growing interest in discrete skill sets to assist the military in addressing capabilities that it cannot train inhouse. There are various ideas about how to address this issue. They include developing new inhouse training programs; inducting individuals with specialized skills; using a contracting-type model to obtain experts from the private sector; and engaging in public-private partnerships.

Mr. Crane talked about the visit to SSS Region 1 where the Commission learned innovative ways to use the database including potential “call for volunteers” where reg database could be used to make direct ask of individuals. Difficulties in achieving high compliance rates – especially if preserve concept of fair and equitable.

Mr. Crane then spoke to how the Commission and staff had heard from groups opposed to the draft and learned more about their concerns. The Commission also learned about their ideas to change the law, including a proposal to allow individuals to identify as conscientious objectors on the Selective Service registration form. He noted that way the system is currently configured would not allow for self-identification.

Several members of the SSSWG conveyed stories of people who were drafted and came to realize that being drafted changes their lives for the better. Vice Chair Gearan noted that this is, by extension, an argument for mandatory national service.

Mr. Barney emphasized the importance of educating the public not only about the SSS but about the fact that the United States is a nation at war and has been for over twenty years, with daily attacks, and that the American people have a role in that effort.

Mr. Allard developed this point by describing the distinction between role and responsibility. In his view, many people do not understand the responsibility that an American citizen has to the country to help maintain the country as it is. They view it as someone else’s responsibility, someone else’s job.

*Interlude on Messaging and the Interim Report*

Vice Chair Gearan, noting that he did not disagree, turned to the interim report and recommended that the Commission adopt an immensely optimistic tone. Through the Commission’s travels and meetings, he has learned that this is an amazing country, full of people

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serving and people who want to engage and serve their country – but in many cases lacking the support that they need to do so.

Ms. Skelly viewed this exchange as illustrating the challenge that the Commission faces in general in balancing the “good news” story against existential threat.

Mr. Barney added that as the Commission also needs to convey to the “guy with tattoos and a manbun” that he too is part of this, that he is not as removed from it as he may think.

Vice Chair Gearan turned to the government’s role. He explained that the government has underfunded every stream of service for that young man, and regardless of that man’s views, the government has not invested enough for him.

Mr. Kilgannon suggested that the limited nature of the opportunities is a factor that makes them special. In the military context, service members have a desire to be elite, special, and different. He noted that those who volunteer to serve in the military do so, in many cases, because they want to be challenged, because they want to be better than the average person, because they want to “get out of Dodge” and achieve something more. That allure could be lost if everyone were doing something.

Vice Chair Gearan acknowledged Mr. Kilgannon’s position but cautioned against service in which elites serve elites. He emphasized the importance of both broadening the ethos of service and building more opportunities. He expressed concern that the government now says “No” to many people who raise their hand to serve.

Vice Chair Wada suggested broadening the scope of what the Commission means by “service,” notwithstanding the Commission’s definition of the term. Youth today, she explained, have service in their DNA – even the “guy with tattoos and a manbun.” They have shown a willingness to move from job to job to find the right one for their orientation. She recommended the Commission build on that situation and convey to today’s youth that they can find the culture they seek in military, national, or public service. She cautioned against narrowing what it means to “serve” and instead recognizing all the different ways people can serve.

Ms. James felt these comments did not suggest opposition among her fellow Commissioners. Rather, they represented different approaches to different types of service. With respect to military service, she endorsed having some criteria, even if less stringent than now. As she explained, the military cannot take just anyone who walks into a recruiting station with a desire to serve. On the other hand, there must be ways to extend and broaden opportunities for other types of service. Taken together, certain opportunities should require additional “challenges” to enroll, while the aperture of others could be opened.

Vice Chair Gearan concurred with Ms. James’ fusion of these points. He returned to his earlier comments and reframed a potential message that he believed would resonate with Congress: “The Commission has traveled around the country – an amazing country filled with people who have an amazing capacity to serve. But the government is under serving them.” Vice Chair Gearan again strongly recommended that the Commission convey a sense of optimism in the interim report.

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*Work Group Update: Selective Service System (cont'd)*

Mr. Crane closed out this segment by framing the course ahead for the SSSWG. This month, the group will discuss “who” should register. In November, the group will refine and develop early courses-of-action that will include proposals for large structural changes to the SSS. In December, in coordination with the Ends, Ways, and Means Work Group (EWM), the group will propose ways to register individuals for service not limited to draft contingencies. The SSSWG will also explore the deferment process and possible reforms to that process. In 2019, the group intends to integrate the courses of action in development with the rest of the DoD ecosystem to explore what mobilization might look like in the future.

*Work Group Update: Ends, Ways, and Means*

Mr. Lekas then presented on EWM. He explained that EWM had focused over the past several months on two projects: first, the needs of the nation that service can address; second, possible large-scale courses of action to create an “expectation of service.”

Mr. Lekas explained that in April, EWM had identified eight categories of “need” that service can address. Those are: disaster relief; economic opportunity; education; environment and conservation; health; infrastructure; military and national security; and veterans and military families. He said further information on these would be forthcoming.

Related to this, EWM also identified types of “impact” that service can have. EWM identified four key types of impact: direct impact on the nation and communities by addressing needs in the eight categories; benefits to people who serve, in terms of their health and career development; strengthening of American values and ideals; and impact on the nation’s fiscal health.

Turning to large-scale courses of action, in the past three months, EWM has explored possible registration models. Commissioners in the work group have expressed their preferences and staff is working to build out the models. This work will be done in conjunction with the SSSWG and, likely in December, the work groups would present consolidated courses of action involving registration models.

The second large-scale course of action EWM is tackling is civic education. Beginning this week, EWM will scope out recommendations to enhance civic education for K-12 students. EWM will develop discrete policy recommendations and identify recommendations suitable for federal government action as well as “best practices” that the Commission might consider recommending to state governments and non-profits.

In terms of next steps, Mr. Lekas explained that EWM would continue to develop its work on needs and impact in order to develop a rationale for service opportunities and underscore the Commission’s case for the importance of service. In addition, EWM would continue to work on registration models and integrate its work with the SSSWG.

Vice Chair Gearan asked if EWM had examined the connection between voter registration and civic health. Mr. Lekas said this is something that EWM will likely take up as it looks at civic

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education and voter registration elements could be tied to proposals involving either civic education or registration systems.

### *Work Group Integration and Next Steps*

Dr. Rough continued, speaking to the integration of work groups going forward. She said this process will occur between now and the summer of 2019, particularly as the groups begin to examine more cross-cutting ideas.

Dr. Rough explained that EWM and the SSSWG would develop three-to-five large-scale courses of action involving registration systems for the full Commission to deliberate. She and the research staff are working to ensure that no work group gets ahead of the other and that the work is coordinated.

As the Commission now enters Phase 2 of its research plan, the goals are to complete the interim report, identify specific policy alternatives, develop certain policy alternatives in more detail, share the work of each work group with the full Commission, develop evaluative criteria, and assist the Commission in reaching decisions on key issues.

With respect to evaluation criteria, Dr. Rough explained that the research team would be developing criteria this fall informed by the Commissioners' views on what factors are most important as they consider final decisions beginning in the summer of 2019. Typical criteria include cost, political viability, and public acceptance.

With respect to key decisions, Dr. Rough identified two – mandatory national service and registration of all Americans for SSS. Decisions on these two issues will affect staffing as well as the direction that a registration system proposal may take.

Dr. Rough then reviewed the schedule for 2019 and 2020. She indicated that staff would prepare staff memoranda in connection with each public hearing; these would be designed to solicit feedback from experts, public, and stakeholders and set the stage for the issues to be discussed in each hearing. Staff will also continue to seek feedback from experts and key stakeholders as policy alternatives develop. Commissioners will hold deliberations on issues raised in public hearings after the public hearings have occurred. In the July to September period, the Commission will deliberate on final policy recommendations, leading to preparation of the final report and legislative language in September to December. The final report, due in March 2020, will need to be locked in December 2019 to allow time for copy editing, graphics, and other technical work.

This discussion concluded at approximately 1040ET.

### **Work Group Deliberations**

From approximately 1045-1215 ET, Commissioners met in Work Groups to deliberate issues concerning the matters within the scope of their respective Work Groups. Accounts of these sessions are set forth in internal MFRs.

### **Legal and Ethics Briefing**

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From approximately 1235-1300 ET, Mr. Lekas and Ms. Rikleen briefed Commissioners on ethical issues relevant to special government employees and the status of Freedom of Information Act requests made to the Commission.

**Presentation by DoD Office of Net Assessment**

From approximately 1315-1415 ET, the Commission received a briefing from Mr. Ylber Bajraktari of the Department of Defense Office of Net Assessment. An account of this session is set forth in an internal MFR.

**Roundtable at AUSA**

Thereafter, Commissioners departed for the Association of the United States Army in Arlington, VA, to meet with representatives from various military and veterans service organizations. An account of this session is set forth in a separate MFR.

**October 18, 2018**

**Business Meeting**

The Commission reconvened at 0835ET on October 18, 2018 and held a business meeting until approximately 0925ET. All Commissioners were present except for Mr. Khazei (who arrived at 0900) and Ms. Haines (who arrived at 1025).

*Interim Report Preview*

Staff presented the draft interim report to the Commissioners to review and provide feedback. Chairman Heck asked Commissioners to provide feedback using a spreadsheet and to limit feedback to themes and big issues. He asked them to provide feedback in three categories: critical, substantive, and minor. Critical level comments will provide notice that the Commissioner would not approve the interim report with that element in place. Chairman Heck requested feedback within one week.

Thereafter, staff briefed the Commission on design elements and graphics for the interim report.

Mr. Morgan presented the proposed cover. He stated it had been vetted by multiple levels of staff as well as the Chair. Commissioners provided feedback. Among other things, they suggested taking care with selecting content for any word cloud; considering a photograph of children rather than young adults, or a picture more in tune with young people; considering alternative titles; considering a less-governmental design (with supporters on both sides). In general, Commissioners agreed that the design was sharp and clean.

Erin Schneider, Public Affairs Officer, then reviewed the plan for incorporating “elements” in the interim report. She described elements as including graphics, public comments, vignettes, program spotlights, and quotations. Commissioners discussed the types of images that the interim report would use. They then asked about the use of public comments, and Dr. Rough noted that no names would be associated with public comments. Mr. Kilgannon asked if readers could have a method to respond to the interim report, possibly through a hyperlink in the electronic version of the report, and Mr. Morgan noted that this could be incorporated. Vice

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Chair Wada asked if there would be other forms of multimedia associated with the report. Cristina Flores, Public Affairs Officer, stated that after locking down the report, staff intended to add video and other content.

### *Interim Report Launch*

Next, Ms. Lowry briefed the Commission on the plan for the interim report launch, scheduled for Thursday, January 24, 2019. She explained that staff intends to invite speakers in November, lock in speakers in December, and invite audience members in December.

The current vision for the launch event contemplates an evening event—to enable people to attend after work—with live streaming, a keynote address, a video to honor John McCain, a panel discussion, and a possible follow-on reception depending on venue and potential sponsor(s). The event will likely occur in downtown Washington, DC, at a non-partisan venue with strong name recognition that is Metro accessible, has parking, and, ideally, has a reception area.

In the week prior to the release, January 14-18, staff intends to arrange for key Commissioners and Mr. Abernathy to brief the full HASC and SASC, as well as the Chair and Ranking Members on the Military Personnel Subcommittees and the Chair and Ranking Members on the Oversight and Health Committees. In the week of the launch, staff intends to arrange for briefing key figures in the White House, including on Legislative Affairs staffers and staff on the National Security Council and the Domestic Policy Council. Staff also intends to arrange for copies of the interim report to be provided to representatives from the interagency and leadership at key agencies, including CNCS and DoD, as well as staff points of contacts on other congressional committees, including Foreign Relations, Science and Technology, and Homeland Security in both the Senate and the House.

Ms. Lowry then spoke to the media plan for the interim report launch. She said that staff would issue a media advisory in the week prior to launch, hold media calls (most likely on January 22 and 23), distribute press kits, and arrange for strategic publication of Commissioner op-eds. Ms. Lowry's team plans to prepare three-to-five Commissioners to do interviews on January 24 and 25. Vice Chair Gearan suggested targeting key columnists about two weeks prior to the launch, noting that he anticipates a lot of interest.

Ms. Lowry then asked Commissioners to provide views on speakers for the event, key attendees for the event, and any interest in participating in a local service project on MLK Day or the weekend prior to MLK Day.

### **Faith-Based Roundtable**

From 1000-1200ET, the Commission held a roundtable discussion with representatives from different faith-based communities concerning the Selective Service System and military service. An account of this discussion is set forth in a separate MFR.

### **Constitutional Scholar Roundtable**

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From 1300-1430ET, the Commission held a roundtable discussion with constitutional scholars to concerning mandatory and universal national service. An account of this discussion is set forth in a separate MFR.

**Work Group Deliberations**

From approximately 1445-1645ET, Commissioners met in Work Groups to deliberate issues concerning the matters within the scope of their respective Work Groups. Accounts of these sessions are set forth in internal MFRs.

**Civic education Discussion**

From 1700-1815ET, Ted McConnell of the Campaign for the Civic Mission of Schools and Emma Humphries of iCivics spoke to the Commission about the state of civic education in the United States and its importance to the nation's civic health. An account of this session is set forth in a separate MFR.

**October 19, 2018**

**Work Group Deliberation**

At approximately 0800 ET, Commissioners Davidson, Haines, James, Khazei, Kilgannon, and Skelly held a meeting of the Ends, Ways, and Means Work Group. An account of this sessions is set forth in an internal MFR.

**Business Meeting**

Beginning at approximately 0930ET, the Commission reconvened for a business meeting, beginning with a group photograph.

At approximately 0945ET, Ms. Rikleen introduced the Commission to Judge James E. Baker. Chairman Heck explained that Judge Baker will join the Commission to hear presentations throughout the day. Following those presentations, he will facilitate a discussion among Commissioner about registering women with Selective Service.

Chairman Heck then provided an overview of the day. He noted the importance of the Commissioners consolidating their thoughts on key issues—such as whether women should register with Selective Service—sooner rather than later to assist the Commission's overall decision-making process.

*Discussion about Women in Combat*

In anticipation of a presentation on women in combat, Ms. James spoke to her experience observing the Marines as they conducted their study on women in combat. She observed field training approximately three-months into the study and had extensive, free access to the grounds, speaking to men and women involved. She offered to answer any questions fellow Commissioners might have.

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Mr. Barney encouraged his fellow Commissioners to explore with the representatives from the Army and Marines how they approached the issue of women in combat from a methodological standpoint. He explained that they took different approaches, with the Marines focusing on combat capacity requirements, and the Army focusing on establishing different standards for different fighting tasks.

Ms. James noted that neither had any standards in place before they undertook their studies. Dr. Davidson, who at the time was the Undersecretary of the Navy, said the Navy did not want to lower its standards and realized that it had no standards in place. Ms. James said that from the congressional side, one of the first actions was to require that the Services develop standards. The FY2017 NDAA included a provision that required annual reporting, and that provision has been continued in subsequent NDAAs.

**Briefing by Army and Marine Representatives on Women in Combat Studies**

From 1000-1200ET, the Commission received briefings on women in combat studies conducted by the Army and the Marines. Representatives from both Services provided these briefings. An account of the session is set forth in a separate MFR.

**Business Meeting**

From 1215-1300ET, the Commission held a business meeting over lunch.

*Discussion on Women in Combat*

The discussion during this period focused on the Army and Marine briefings on women in combat studies.

Chairman Heck noted the different approaches taken by the Army and the Marines in their women in combat studies. The Army seemed to approach integration as an inevitability and sought to examine potential integration issues to be prepared to address them. The Marines' study seemed to question whether integration was the right way to proceed. Chairman Heck said he had spent time reading the Marines' study and found it to be very well done, extremely valid and statistically significant in its constructed. Further, Chairman Heck noted that despite views expressed by the Association of the U.S. Army, touting the 800 women in combat arms in the Army and a successful integration, integration has been more complicated. Nevertheless, Chairman Heck advised his fellow Commissioners that the purpose of the presentations is to inform the Commission's decision about whether women should be forced to register with the Selective Service System, not to assess whether combat roles should be open to women.

Mr. Khazei asked how the Army and Marines select individuals for combat roles. Chairman Heck spoke to the Army process. An enlistee must have a certain score on the ASVAB or AFQT test to qualify for certain military occupational specialties (MOS), including combat roles. An individual wishing to pursue a combat MOS must also pass the physical assessment for that MOS. The Army will not place an enlistee into an MOS for which he or she does not qualify. Chairman Heck then described the process for assignments of ROTC commissioning second lieutenants. Individuals receive assignments based on their rank order choice and then on the

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national merit of order list, all subject to availability of slots. Ms. James noted that cadets coming out of West Point, as well as enlistees, are considered within the same process.

Chairman Heck noted that a man or a woman could be placed into an infantry MOS against his wishes, although it is unlikely as 96% receive one of their top five MOS choices.

Ms. Schafer noted that infantry remains a very popular MOS, making it unlikely that the Army (at current manpower levels) would assign someone to infantry who has not placed infantry on their list of choices. She added that there are a lot of people who come from West Point who choose but are not placed into infantry MOS.

Judge Baker spoke to the Marines' process. In the past, the Marines ranked everyone and divided them into three tiers, taking individuals from each tier for different MOS in order to distribute talent.

Mr. Khazei asked about Chairman Heck's comment about challenges with integrating women into combat roles. Chairman Heck responded with anecdotal information about integration in the Army. He said there is a perception that women are being given additional latitude in training that men do not receive, that women have more times to recycle at Ranger School, that women are being ranked differently at basic training and at ROTC. There is a push to get more women into Army infantry, especially to develop leaders, and achieving higher ranks in advance camp will improve their chances of getting into infantry and potentially assuming leadership roles.

Ms. Skelly compared the perceptions described by Chairman Heck with what she observed during flight training in the early 1990s, as women were being integrated as fighter pilots. She recalled similar perceptions as well as some of the implied pressures to help make the change occur. She said there are lessons learned from that implied pressures to help make the change occur. She said there are lessons learned from that experience and wondered if today's leaders are bringing those lessons to bear.

Vice Chair Wada explained that a similar thing happened with the first Ranger class that included women. Observers noted that the class was held to the highest standard of any class because they had to keep to the standard and there could not be any deviation. They knew they were being watched, and so applied more stringent standards to all participants – not just the women – than did other classes. Chairman Heck noted that of the twenty females who entered that class, eight made it to the final phase and two graduated. On a percentage basis, this was almost identical to the success rate for men.

Dr. Davidson explained that there is a documented negative effect when there is a small number of one category of person (such as women) is placed within a large number of another category (such as men). This is known as the imposter theory.<sup>1</sup> When the Air Force opened fighter pilot positions to women, they brought in women as a cohort to build unit cohesion.

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<sup>1</sup> See [https://en.wikipedia.org/wiki/Impostor\\_syndrome](https://en.wikipedia.org/wiki/Impostor_syndrome) for an overview of this concept.

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Ms. Skelly compared this as well to integration on warships. She stressed the importance of creating the cohorts and managing integration challenges, as well as learning from the lessons of past efforts to integrate.

Turning to the services' study, Dr. Davidson said she appreciated the detailed methodological approach taken by the Marines but found the conclusion that average women are less strong than average men to be self-evident. She also noted that "average women" would not be put in these roles.

Chairman Heck described the same type of conversations occurring in the past with respect to police officers and firefighters. In his experience as a medical officer for a fire department, he knew women who could physically outperform him. Dr. Davidson and Chairman Heck continued to discuss the physical demands on fire fighters.

Vice Chair Gearan recounted a discussion with Sargent Shriver from his time with the Peace Corps. Shriver told him about the early days of the Peace Corps, when Eleanor Roosevelt cautioned against sending women to foreign countries. Shriver chose to go ahead anyway. Now, women comprise a majority of Peace Corps volunteers.

Mr. Allard, similarly, recalled a time when women were thought unable to run marathons.

Mr. Barney returned to the Marine Corps study. He visited Camp Lejeune and met with infantry officers following integration of the first cadre of women. The men he spoke with expressed initial skepticism about female officers but came away impressed by their ability to perform. Mr. Barney cautioned against losing sight of how people can bring their skills to bear on small group effectiveness.

Mr. Barney then highlighted the extraordinarily high injury rates for women in the Marines' study, a finding that was not addressed in the day's presentation. He expressed concern about the high injury rates. He spent hundreds of hours discussing effectiveness with the services. He asked them how they would accommodate increased injury rates against authorized end strength. The services did not feel they had to make any accommodation, which Mr. Barney felt ignored the clear evidence on injury rates.

Vice Chair Wada noted that injuries will continue to occur, and not only to women. Mr. Barney clarified that his view that society must not gloss over the significant differences between men and women and how those differences may affect some of these roles. It becomes a significant issue in the context of small unit survival in a combat context.

Ms. Haines questioned whether the data would bear out over time. She noted that the study included women already in the Marines who, at the time, did not have the option to pursue combat positions. Now that those positions are open to women, a different pool of candidates, comprised of candidates targeting the specific standards required for the new positions, could result in meaningfully different results. She cautioned against judging the data out of context, and noted that there could be an additional benefit from having an additional pool—one comprised of individuals targeting the new standards—to draft from.

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Ms. Haines continued by noting that the presentation to the Commission also made clear that sexual assault and sexual harassment is a pre-existing condition that the Commission needs to address. Described as a “high risk” concern for integrating women into combat positions, she noted that the Commission had heard the same argument with respect to SSS registration.

Dr. Davidson built on Ms. Haines’ comment about possible benefits to be gained now that combat positions are open to women. She references Special Operations’ recruiting of women in 2010, documented in the book “Ashley’s War.” The women were recruited as a cohort, attended an abbreviated version of Ranger school, and then put into action. The women were “crazy fitness nuts” able to complete the rigorous training they endured. Dr. Davidson noted that staff had been in contact with several of these women and will prepare memoranda of those discussions.

Mr. Barney concurred with Ms. Haines’ point that once positions are opened to women, over time there will be some significant number of women who aspire to serve in those positions, and train to meet the requirements, which will mitigate some of the risk.

**Veterans’ Perspectives on Women in Combat and Selective Service**

From 1300-1415ET, the Commission convened a discussion with a panel of military service veterans to discuss issues related to women in combat and Selective Service. An account of the session is set forth in a separate MFR.

**Facilitated Discussion on Selective Service**

Thereafter, the Commission held a closed deliberation to discuss the Selective Service System, focusing on whether all Americans should be required to register. Judge Baker facilitated this deliberation.

Judge Baker began by dividing this inquiry into three distinct questions:

1. Should all Americans be required to register for SSS?
2. Should all Americans be required to register for SSS, understanding that SSS is a gateway to the draft, which is a gateway to combat service? He noted that this is roughly based on the position in *Rostker v. Goldberg*.
3. Will your answer to Qs 1 and 2 survive Equal Protection Challenge at the Supreme Court? Can you identify a government interest to support a different treatment of women? In connection with this, he advised the Commission to keep in mind that courts will defer to Congress on the question of raising an Army if there is a record to support it, and the Commission can help to create the record to support the outcome it chooses.

Judge Baker suggested beginning with Q1: Should all Americans be required to register for SSS? He instructed Commissioners to write down the best argument for and against Q1 on each side of

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an index card. He asked them to set out the best arguments for and against, without regard to which arguments or position they prefer.<sup>2</sup>

Judge Baker then collected the index cards, commented that he would collate and summarize later, but began reading some of the answers to Q#1. He began with a statement that read: “No need for SSS registration at all. Do away with registration.”

Mr. Barney explained that DoD has no current plans to include conscription in its war plans. If DoD does not ring that bell, there will be no draft. He lamented that DoD has not provided a good answer for why the nation should keep registration. He recommended the Commission ask DoD for more information about why they want SSS registration. Is it just for recruiting, or something more?

Chairman Heck commented that this argument did not answer the question posed, which was should all Americans register for SSS.

Judge Baker asked whether the Commissioners needed more information, such as hearing DoD’s justification, for the purposes of answering Q1—or whether the Commissioners currently were able to understand DoD’s reasoning.

Mr. Barney commented that he believed he knew DoD’s answer, but, for the purpose of the exercise still felt the argument posed was the strongest against all Americans registering.

Mr. Kilgannon noted that mandatory registration remains controversial and female registration will make some people unhappy. He asked if there might be a way to fix the recruiting environment so that more Americans want to serve—or volunteer to serve—so as to avoid the controversy of mandatory registration.

Chairman Heck stressed that increasing propensity to serve and improving volunteerism still does not answer the question about whether the nation has a future need for a mechanism to induct mass amounts of people in a national emergency, as in a WWII scenario. He added that the first question the Commission should ask should be “Do we need the SSS at all?”

Judge Baker asked if the Commission required more information to answer Chairman Heck’s question. Chairman Heck stated that he had enough information to answer the question and cast a vote on whether the United States should maintain the SSS for the purpose of a draft.

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<sup>2</sup> As Commissioners filed out their index cards, Judge Baker provided background conversation. He first spoke about sexual assault in the military. Noting he had reviewed approximately 10,000 of these cases at the CAAF, he estimated that 95% involved alcohol consumption, yet no one talks about alcohol restrictions as a way to address sexual assault. He noted that the military has the power to create standards and address power differentials and mandate bystander support in a way that civilian authorities cannot. He then talked about the federal judiciary. He noted that rarely do people talk about the number of veterans on the judiciary. But the trends are striking: the percentage of judges who served in the military has decreased from 75% after WWII to 50% after Korea, to 25% after Vietnam. Today, the members of the Supreme Court, collectively, have four months of National Guard service.

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Ms. Haines noted that even if the nation does not need the SSS registration system, it may still make sense to have a national registration system for national service. As with DoD's views about the value of the current SSS, such a system would provide a way to access the youth.

Chairman Heck expressed concern about DoD's stated rationale for maintaining the SSS, including to recruit and inform. He noted that it is not used effectively for either purpose and instead, its chief function is to conscript people in the event of a draft.

Ms. Haines expressed her view that the registration system should be expanded to include all national and military service, but in spite of that, she believes the Commission should still address the question of whether women should be required to register.

Dr. Davidson suggested that even if from an operational perspective the nation does not need a draft, strategically there may be other reasons to maintain the registration component.

Judge Baker restated the threshold question as whether *any* American should register for Selective Service. Reviewing the Commissioner's responses on index cards, two arguments in favor of the SSS predominated. First, that the nation needs the SSS as a contingency mechanism in the event of future wars. Second, that the SSS helps ensure that Americans have skin in the game. He sensed the general consensus of the Commission is that some form of registration remains necessary.

Dr. Davidson developed the contingency mechanism argument, noting that based on her experience as Under Secretary of the Navy, war planning generally fails to predict future scenarios. As such, DoD's failure to not include a draft in its contingency planning is not a compelling argument to abolish the SSS.

Mr. Barney expressed support for maintaining SSS registration as critical to national security for the reasons already outlined, including contingency and preparedness.

Ms. James expressed concern about how the United States' enemies would respond to a decision to eliminate the SSS. Separate from arguments about deterrence, she wonders if enemies would interpret such a decision as a backing away from the nation's traditional military strength. In contrast, maintaining the SSS sends a signal our national resolve to activate and mobilize 18-25 year olds.

At this point, Judge Baker reordered his initial questions, from 1-3 to 2-4, and added a new threshold question: Should there be an SSS?

Dr. Rough referenced the Commission's decision in Waco to answer its first research question – "Is a military draft or draft contingency still a necessary component of U.S. national security?" – in the affirmative.

Chairman Heck presented what he described as a contrarian position to stimulate debate. He explained that there is a view that the SSS is no longer required because of several factors taken together: DoD has no current plan to use the draft; active duty servicemembers say they do not want to serve with draftees; DoD's three main arguments in favor of the SSS remain unsupported; most registrants do not know they are registered; military recruiters say they do not

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get the recruiting leads that SSS provides to JAMRS; and DoD can access 4.9 million people before they would require any conscripts.

Vice Chair Wada challenged the last of these points, noting that the Army is planning for a future war that may require personnel beyond the 4.9 million figure. She also noted that not all people among that 4.9 million group would be mobilized concurrently.

Ms. James related her own experience with draftees. When she joined in 1973, she never felt like the draftees were lesser or poor quality and they were merely “losers.” She noted the lack of current data suggesting that draftees would be bad. She thinks the view that servicemembers would not want to serve alongside draftees is based on stereotypes and perhaps Hollywood images. In her experience, just like volunteers, will present a variety in terms of their quality.

Mr. Kilgannon, building on the Chairman’s points, noted that the nation will need to rely on political will and political leadership to motivate volunteers.

Mr. Allard then related his experience with draftees. He served with them during two tours in Vietnam. None wanted to be there, but they experienced a transformation through the process. He noted that WWII relied on 8 million draftees – and those draftees helped to save democracy. Mr. Allard believes the public will respond if the nation experiences another Pearl Harbor.

Ms. Haines expanded the aperture of the question. She does not think it necessary to consider whether to keep the current SSS, but does think there should be a registration system. She recommended that the registration system be remade in a way that helps the nation to address future contingencies and helps the nation to recruit volunteers. She recommended a new process that created a revised registration system that addresses new needs.

Vice Chair Wada concurred, at least in so far as recommending that the nation have a system that provides the ability to draft in the future. She recommended a system that works better than the current SSS.

Dr. Davidson noted that her father joined the Navy as a draftee and then stayed for thirty years. She then raised questions for her fellow Commissioners to consider. She asked, “What is the strength of our all-volunteer military moving forward?” And, “Given the increasing civ-mil divide, what if each generation has less interest in the military?” She noted that there is a perception that poorer populations feel like the military is preying on them. She further noted that doing away with a contingency mechanism, be it the SSS or something else, assumes that propensity to serve in the AVF will remain high indefinitely. Dr. Davidson explained that several current trends undermine that position. She further cautioned that doing away with a draft contingency mechanism now would make it more difficult to re-implement in the future if propensity continues to decline.

Mr. Barney addressed the current problem facing the Army in meeting its end strength goals. He suggested considering a peacetime draft to account for the shortfalls in recruiting volunteers. He also recommended considering not only plans for the United States to engage in future battles, but also scenarios in which the nation may be called upon to defend its NATO allies as required by treaty.

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Based on the foregoing, Judge Baker stated that Commissioners seemed to have come to consensus on the view that there should be some mechanism for registration so the government has the means to draft people—with details on how that would look (including who could or should be drafted) to be filled in later—and also, maybe, for national service.

Mr. Barney, considering legislative requirements moving forward, recommended that the Commission establish a record for modifying the current SSS. While the Commission could endorse the current SSS, he does not believe that it must do so. He explained that from a congressional perspective, the heaviest lift would be to eliminate SSS and ask Congress to create a new system entirely. It would prove far easier to build on the current system rather than recommend an entirely new system based on separate and new legislation.

Judge Baker concluded by stating that there is a consensus that there should be a system, but the Commission does not presently agree on the reasons for keeping it. He again recommended that the Commission create a strong record for why it will recommend whatever it decides to recommend.

Judge Baker offered summarize the input provided by Commissioners on the distributed index cards. *Following the October meeting, Judge Baker provided the Commission with the [promised summary](#).*

**Executive Session**

Before concluding the October meeting, Commissioners convened an executive session outside the presence of staff.

Prepared by Paul Lekas, General Counsel

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