



NATIONAL COMMISSION ON MILITARY, NATIONAL, AND  
PUBLIC SERVICE

Selective Service Stand-Alone Memo for Voting

**This memo presents foundational findings. This proposal has been discussed and endorsed by the Selective Service Work Group. This proposal is designed for consideration in its entirety and is subject to a single vote.**

**Clarify the purpose and value of a draft mechanism.** *Problem:* Cold-War era narratives that the purpose of conscription is to provide combat troops have overshadowed the statutory purpose and broader historical use of the SSS to ensure an “adequate armed strength.”<sup>1</sup> *Goal:* Clarify the purpose of the SSS to increase understanding of the utility and expected value of the system.

- The Commission recommends that Congress amend the Military Selective Service Act (MSSA) purpose statement to add the following: “by ensuring adequate personnel of sufficient standards and with requisite capabilities to meet the mobilization needs of the Department of Defense during a national emergency.”
- The Commission affirms that a draft contingency mechanism offers these key values:
  - A hedge against the risk of a military personnel shortage in the Department of Defense during a national security emergency,<sup>2</sup> and
  - A symbol of U.S. national resolve to mobilize the nation to meet commitments to its armed forces, allies, and partners.

### Risk Analysis

**Purpose:** The **Department of Defense (DoD)** asserts that a draft mechanism is “*the only* proven, time-tested mechanism by which to expand the AVF in the event of a national emergency.” DoD acknowledges that most inductees likely would be “used to fill the ranks of combat units,”<sup>3</sup> but also argues that an expanded registration pool would permit DoD to “place any qualified person... in any position, in any Service, to meet the manpower demands of any mission.”<sup>4</sup> Groups such as the **Center for Military Readiness** will likely remain focused on the purpose of the draft being to fill combat positions.

**Value:** Despite limited evidence, stakeholders such as the **All-Volunteer Force Forum** and the **DoD** emphasize the connection SSS offers between the AVF and society as well as its value to military recruiting. In contrast, **Dr. Amy Rutenberg** and **Loren DeJong Schulman** argue the draft contingency mechanism should remain focused on its primary purpose and warned against an overemphasis on indirect benefits.

### Should this proposal be adopted?

---

<sup>1</sup> MSSA.

<sup>2</sup> National security emergency: Any occurrence, including natural disasters, naturally occurring or man-made pandemics, military attacks, technological emergency, or any other emergency that seriously degrades or threatens the national security of the United States.

<sup>3</sup> Emphasis from the source. Office of the Under Secretary of Defense for Personnel and Readiness, *Report on the Purpose and Utility of a Registration System for Military Selective Service*, July 2017, 11.

<sup>4</sup> Id., 15.

## Clarify the Purpose and Value of a Draft Mechanism

- Cold War-era narratives that the purpose of conscription is to provide combat troops have overshadowed the statutory purpose and broader historical use of the Selective Service to ensure “adequate armed strength.”
- Limited evidence exists to support SSS’s value in providing recruiting leads to the armed forces or connecting the American people with the military, specifically reminding young men of the possibility that, in a time of emergency, they may be called to arms in defense of the nation.

### Background

The Military Selective Service Act (MSSA) states that the purpose of the SSS is to achieve and maintain “an adequate armed strength” and to share the obligations and privileges of serving in the armed forces “in accordance with a system of selection which is fair and just.”<sup>5</sup> The GAO in its January 2018 report states: “The SSS mission is to be prepared to provide trained and untrained manpower to the DoD in the event of a national emergency when directed by the President and the Congress.”<sup>6</sup>

Since 1980, every administration has made the conscious decision to maintain registration for the Selective Service as an “insurance policy” should the All-Volunteer Force (AVF) be unable to generate forces needed to meet future threats.<sup>7</sup> DoD has highlighted that the need for a draft mechanism is to ensure that it has personnel to address future threats, which may include both combat and noncombat troops. Additional value propositions for the SSS have evolved over time. In its 2017 report to Congress, DoD list four value propositions: (1) as a low-cost and necessary insurance policy; (2) a recruiting resource; (3) a tool to remind young men of their obligation to service if called, thereby serving as a means of connecting America and society; and (4) as a strategic deterrent.<sup>8</sup>

### *Vietnam-era Misperceptions and Congressional Intent*

The current narrative—that the draft would serve to induct personnel primarily to replace combat losses in a high-attrition scenario—appears to originate in a misperception of Vietnam War-era conscription as well as in the debate surrounding the reestablishment of SSS registration in 1980. During Vietnam, the Clark and Marshall Selective Service Commissions identified points throughout the assessment, classification, and induction process where conscripts were not offered equivalent opportunities as volunteer enlistees. As direct American involvement in Vietnam escalated after 1965, many opponents of the draft were quick to note that the casualty rate among draftees rose more rapidly than among volunteers. This was likely due to the ability of volunteers to choose their assignments, with many opting for technical specialties that involved longer training terms and career commitments but less combat exposure.<sup>9</sup>

---

<sup>5</sup> 50 U.S.C. § 3801.

<sup>6</sup> Government Accountability Office, *Ongoing Review of the Military Selective Service Process Could Benefit from Additional Information* (Washington, DC: GAO, January 2018), 1, <https://www.gao.gov/products/GAO-18-226>.

<sup>7</sup> Office of the Under Secretary of Defense for Personnel and Readiness, *Report on the Purpose and Utility of a Registration System for Military Selective Service* (Washington, DC: DoD, July 2017), 7.

<sup>8</sup> Ibid.

<sup>9</sup> Robert K. Griffith, Jr, *The U.S. Army's Transition To The All-Volunteer Force: 1968-1974* (Center Of Military History United States Army, 1997), 11.

## DELIBERATIVE AND PRE-DECISIONAL FOR OFFICIAL USE ONLY

When President Carter reinstated SSS registration and proposed including all Americans, congressional debate surrounding the proposal reinforced the narrative that the purpose of the draft was for combat replacement. A Senate report asserted that, in the event of a draft, “the primary manpower need would be for combat replacements,”<sup>10</sup> and the 1981 Supreme Court case *Rostker v. Goldberg* relied on this as an indication of legislative intent in upholding the constitutionality of the MSSA’s all-male registration requirement.<sup>11</sup>

### *Origin of Current Value Propositions*

Each administration since at least 1994 has cited the SSS as providing three benefits: (1) a hedge against unforeseen threats and a relatively low-cost “insurance policy” against our underestimating the maximum level of threat the United States expects its Armed Forces to face, (2) a deterrent to U.S. opponents, and (3) a link between the AVF and American society.<sup>12</sup> In the 2017 DoD report to the Commission, DoD further identified that the SSS also provided between 75,000-85,000 recruitment leads annually to DoD.

### **Findings**

#### *Purpose:*

- Stakeholders continue to lack clarity over the purpose of the draft, suggesting a need for clarification.
- Military use of conscripts has varied over time. While a survey of Vietnam veterans indicated draftees were believed to be more likely than volunteers to be assigned to service in Vietnam and that conscripts encountered more combat than a volunteer enlisted soldier,<sup>13</sup> historians found 70 percent of those killed in Vietnam were volunteers.<sup>14</sup>
  - This ratio varied year-to-year: While in 1965, 28 percent of Army battle deaths in Vietnam were draftees, the figure rose to 34 percent in 1966 and 57 percent in 1967.<sup>15</sup> Throughout the Vietnam War, conscripts made up approximately 20 percent of the total force, most of whom never went to Vietnam.<sup>16</sup>
- Historically, the proportion of total personnel assigned to combat-designated positions within combat units has averaged 32.5 percent since 1942, and has trended downward from a maximum of 39 percent in the European Theater of Operations in 1945 to approximately 25

---

<sup>10</sup> 453 U.S. at 83, 76 (citing S. Rep. No. 96-826, p. 160 (1980)).

<sup>11</sup> 453 U.S. at 77. Critics have noted that this claim was factually inaccurate (because historically, most draftees did not serve in combat roles) and that the Court’s conclusion was not based on a textual reading of the MSSA. See Hasday, *supra* n.1 at 127-128; and Military Selective Service Act, 50 U.S.C. §§ 3801 *et. seq.*

<sup>12</sup> Bernard Rostker, *What to Do with the Selective Service System? Historical Lessons and Future Posture* (Santa Monica, CA: RAND Corporation, 2018), <https://www.rand.org/pubs/perspectives/PE197.html>.

<sup>13</sup> Louis Harris, et al., *Myths and realities: A Study of Attitudes Toward Vietnam Era Veterans*, United States Senate Committee on Veterans’ Affairs, Veterans Administration (1980), Washington, DC: U.S. Government Publishing Office.

<sup>14</sup> For example, see Lewis Sorley, *A Better War, the Unexamined Victories and Final Tragedy of America’s Last Years in Vietnam*, (New York, 1999), 303.

<sup>15</sup> Robert K. Griffith, Jr, *The U.S. Army’s Transition To The All-Volunteer Force: 1968-1974* (Center Of Military History United States Army, 1997), 11.

<sup>16</sup> Bernard Rostker, *I Want You! The Evolution of the All-Volunteer Force* (Santa Monica, CA: RAND Corporation, 2006), 45.

## DELIBERATIVE AND PRE-DECISIONAL FOR OFFICIAL USE ONLY

percent in Iraq in 2005.<sup>17</sup> This ratio does not hold across the force, which sees an even greater proportion of noncombat roles outside of combat maneuver elements or in Services that are not primarily affiliated with ground combat.<sup>18</sup>

- Although there may be ancillary benefits from the system, such as recruiting leads, Loren DeJonge Schulman asserted that the draft should be focused on the purpose for which it was created—to ensure adequate military end strength in a time of emergency.<sup>19</sup>

### *Value:*

- DoD and other leaders and scholars regularly cite the necessity of the SSS in terms of maintaining the option for conscription in total mobilization scenarios (“a hedge”). While there may be improvements required for a well-functioning system or alternative means of providing a draft mechanism, historical evidence supports the need for a draft mechanism as exclusive reliance on volunteers has proved insufficient to meet the military manpower requirements of the United States. In large scale wars like World War I or World War II, the United States levied most of its force through conscription.
- While the Commission has learned of no direct evidence of foreign allies, partners, or adversaries evaluating U.S. national resolve based on the existence of or intent to use the SSS, it is possible or even plausible that a reduction in the readiness of the system would signal a downturn in U.S. resolve to maintain foreign policy commitments.
  - RADM Becker, former Joint Staff J-2, questioned whether SSS was a deterrent but urged caution in interpreting the evidence gap and suggested that potential adversaries may take note of military manpower changes.<sup>20</sup>
  - Elsa Kania noted that the SSS would likely be one part of our competitors’ evaluation of the credibility of U.S. commitments.<sup>21</sup>

---

<sup>17</sup> John J. McGrath, “The Other End of the Spear: The Tooth-to-Tail Ratio (T3R) in Modern Military Operations,” The Long War Series, Combat Studies Institute Press, Fort Leavenworth, Kansas, 2007.

<sup>18</sup> Unfortunately, records that tally the exact MOS assignments for conscripts have, by and large, not endured. However, given the maximum number of conscripts that could have been assigned to ground combat positions, the maximum possible percentage of conscripts assigned to ground combat positions was 42 percent in 1945 (World War II), 57 percent in 1953 (the Korean War), and 46 percent in 1969 (Vietnam conflict). This figure, however, is a theoretical upper bound, and the reality very likely was much lower. To illustrate: In 1969, nearly 300,000 Army personnel were assigned to ground combat positions. At the same time, 645,007 enlisted soldiers were conscripts. Thus, if we assume every conscript was assigned to the Army, the maximum number of conscripts that could be assigned to ground combat roles was 46.48 percent of the total. The President’s Commission on an All-Volunteer Armed Force, *The Report of the President’s Commission on an All-Volunteer Armed Force* (Washington, DC: U.S. Government Printing Office, February 1970); Directorate for Information Operations and Reports, *Selected Manpower Statistics: Fiscal Year 1997* (Washington, DC: Department of Defense, 1997); and Kristy N. Kamarck, *The Selective Service System and Draft Registration: Issues for Congress*, (Washington, DC: Congressional Research Service, 2016).

<sup>19</sup> Loren Schulman, “Testimony of Loren Schulman to the National Commission on Military, National, and Public Service,” April 24, 2019, Washington, DC.

<sup>20</sup> National Commission on Military, National, and Public Service, Memorandum for the Record: Discussion with RADM (Ret.) Paul Becker, July 16, 2018.

<sup>21</sup> Elsa Kania, Testimony during the April 24 Hearing on the Selective Service to the National Commission on Military, National, and Public Service.

## DELIBERATIVE AND PRE-DECISIONAL FOR OFFICIAL USE ONLY

- o While questioning whether SSS was a deterrent, Loren DeJonge Schulman noted that the existence of the system as part of broader national policies and systems would be evaluated by foreign nations as a demonstration of U.S. resolve, and any changes would need to be accompanied by a communication and education plan.<sup>22</sup>
- o Dr. David Segal, a prominent civil-military scholar, noted the international community is “absolutely” paying attention to changes in U.S. military manpower systems.<sup>23</sup>
- While SSS Director Don Benton asserts that young men are aware of their obligation,<sup>24</sup> the SSS’s current reliance on secondary registration mechanisms prioritizes high compliance rates and likely falls short in achieving a clear understanding of obligation or creating a connection between individual registrants and America’s AVF.
- The DoD report to the Commission stated that “recruiting experts believe that the ‘joint lead’ generation card remains their most valuable source of new, ‘high propensity’ leads.”<sup>25</sup> If the conversion rate reported by the USMC holds true across the military, then the SSS “joint lead” generation card program sent with SSS registration response letters contributes to 4,000-4,600 contracts per year—but feedback from other military services suggests this estimate is too high.
  - o Staff members at U.S. Army Recruiting and Education Command, Virtual Recruiting Center;<sup>26</sup> U.S. Army Recruiting and Education Command Headquarters;<sup>27</sup> and U.S. Air Force Recruiting Service<sup>28</sup> indicated their command did not separately track SSS response mailer leads and therefore were not able to provide accessions statistics.
  - o The U.S. Marine Corps Recruiting Command appears to be the only service that tracks SSS leads separately but “did not value them any differently than leads sourced elsewhere,” noting the SSS leads had a 5.4 percent lead-to-contract conversion rate, versus the 5 percent overall average.<sup>29</sup>
  - o The U.S. Coast Guard does not use the Selective Service System leads, preferring instead various high school lists.<sup>30</sup>

### Recommendations and Implementation

For the purposes of deliberation, the italicized text below serves as the foundation of potential recommendations and should be the focus of decision-making. Detailed descriptions of how to

---

<sup>22</sup> Loren Schulman, Testimony during the April 24 Hearing on the Selective Service to the National Commission on Military, National, and Public Service.

<sup>23</sup> National Commission on Military, National, and Public Service. MFR: Discussion with Dr. David Segal.

<sup>24</sup> Don Benton, Testimony during the April 24 Hearing on the Selective Service to the National Commission on Military, National, and Public Service.

<sup>25</sup> Office of the Under Secretary of Defense for Personnel and Readiness, *Report on the Purpose and Utility of a Registration System for Military Selective Service*, July 2017, 11.

<sup>26</sup> Memorandum for the Record, Discussion with USAREC Deputy Commander and Staff, August 9, 2018.

<sup>27</sup> Memorandum for the Record, Staff call with United States Army Recruiting Command, June 19, 2018.

<sup>28</sup> Memorandum for the Record, Staff call with United States Air Force Recruiting Service, June 7, 2018.

<sup>29</sup> Memorandum for the Record, Staff meeting with United States Marine Corps Recruiting Command, June 5, 2018.

<sup>30</sup> Memorandum for the Record, Staff meeting with United States Coast Guard Recruiting Command, March 27, 2018.

**DELIBERATIVE AND PRE-DECISIONAL  
FOR OFFICIAL USE ONLY**

implement recommended changes are offered to illustrate a means of achieving the desired outcomes.

The Commission establishes the purpose and value propositions for the Selective Service System as:

- *The Commission recommends that Congress amend the Military Selective Service Act purpose statement to add the following: “by ensuring adequate personnel of sufficient standards and with requisite capabilities to meet the mobilization needs of the Department of Defense during a national emergency.”*
  1. Amend the Military Selective Service Act Section 3801(b) to include the purpose statement identified above.
    - i. The revised Section 3801(b) would read, with new text in italics: “The Congress hereby declares that an adequate armed strength must be achieved and maintained to insure the security of this Nation, *by ensuring adequate personnel of sufficient standards and with requisite capabilities to meet the mobilization needs of the Department of Defense during a national emergency.*”
    - ii. The law should retain the language of Section 3801(c) in which Congress declares that “in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.”
- *The Commission affirms that a draft contingency mechanism should provide key values, namely: (1) hedge against the risk of military personnel shortage in the Department of Defense during a national security emergency, and (2) symbolize U.S. national resolve to mobilize the nation to meet commitments to its armed forces, allies, and partners.*
  1. Endorse these value propositions in the Final Report.