



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

**MEMORANDUM FOR THE RECORD**

**Subject:** Selective Service Working Group, Waco  
July 19, 2018

The following is a record of a meeting of the Selective Service work group, which took place on July 19, 2018 at the Waco Chamber of Commerce in Waco, TX. The conversation was moderated by Commission Vice Chair and SSS work group lead Debra Wada and Jud Crane. All members of the Selective Service working group were present for this conversation: Debra Wada, Ed Allard, Jeannette James, Tom Kilgannon, and Shawn Skelly. Commission staff Jud Crane, Andrew Swick, and Eleanor Vuono also attended. This memorandum is protected by the deliberative process privilege and should be treated as For Official Use Only. This memorandum is not a verbatim transcript of the discussion.

**Attendees:**

- Commissioners: Debra Wada, Ed Allard, Jeannette James, Tom Kilgannon, and Shawn Skelly
- Commission Staff: Jud Crane, Andrew Swick, and Eleanor Vuono

**Key Takeaways:**

- Following the Commission vote on Question 1, which determined that the United States will continue to need a draft/draft contingency, Jud Crane framed the future discussion about Selective Service around three main categories: a military draft contingency, standing conscription, a domestic emergency draft, or a fourth option pending the Ends Ways and Means work group discussions.
- Tom Kilgannon noted concern moving forward related to the constitutionality of a conscription system for non-military purposes; Eleanor Vuono explained that the Commission staff will be meeting with legal scholars in coming months to explore these issues.
- Debra Wada suggested that in deciding the future structure of the Selective Service, the working group would need to consider a number of key issues, including: the role of the draft as an insurance policy; the draft's impact on foreign opponents; issues related to the civ-mil relationship; ensuring the draft is fair/equitable; the use of the draft for developing recruitment leads; issues related to conscientious objectors; operational requirements of the draft; the constitutionality of the draft; any alterations to Selective Service, and for what purposes.
- The working group discussed using a display, such as the "horse blanket" at the Chicago data center, to facilitate a discussion of which elements of the Selective Service System would need to be altered, including any new means of registration.

**Follow Up:**

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Commission staff will continue to define potential options for the Selective Service System as discussed and develop information to facilitate discussion of any needed changes to Selective Service processes/registration.

**Meeting Discussion:**

*Mr. Crane began the meeting by stating that following the vote on Question 1—which established the continued need for a military draft or draft contingency—the Selective Service working group should work to scope options about what the Selective Service System would look like. He summarized that in the June meeting, potential options had been sorted between 1. a military draft contingency, 2. a standing draft, 3. a domestic national emergency contingency, or 4. some other option.*

**Mr. Kilgannon** asked whether, in the stated context, the use of a military draft would necessarily follow a national emergency.

*Mr. Crane stated that the current legislation for Selective Service refers to its use during a national emergency, but that he would defer to Ms. Vuono on those questions.*

*Ms. Vuono then stated that Congress would be required to specifically authorize a draft in any case.*

**Ms. Skelly** then asked whether the Commission should limit the working group’s discussions to the use of forces in military operations, as the word “military” comes with several legal constraints.

**Mr. Kilgannon** noted that he has concerns regarding a draft for national emergencies, and whether that would allow conscription for natural disasters, or other domestic emergencies, and whether it would allow the conscription of businesses or government use.

*Mr. Crane responded by stating that the working group was only looking at the conscription of individuals.*

**Ms. Wada** also added that the group was just referring to individuals, though in some cases looking at focusing on individuals with specialized skills.

**Ms. James** noted that while the group was not referring to businesses in a draft, the group may consider drafting certain groups of professionals for specific emergencies.

*Mr. Crane stated that he agreed that the group was talking only about the conscription of individuals, but also asked whether the working group would want to consider the draft as complementing the All-Volunteer Force, in addition to its use as an emergency contingency.*

**Mr. Allard** then asked whether the government has the authority to conscript civilians for non-military purposes.

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*Ms. Vuono answered that the legality of a non-military draft was an open question, as there is no precedent for it or related case law. She also noted that the way the military has historically used conscientious objectors in non-combat formations could be used as model for such a non-military draft.*

**Ms. James** offered that there was some precedent for mobilizing state civilian employees for disaster relief, as a condition of employment. *Ms. Vuono noted that per case law related the Thirteenth Amendment, the government can mobilize employees as long as there is an opt-out option.*

**Ms. Wada** then framed the conversation by stating that the group was considering between Selective Service as a draft contingency to a mix with the All-Volunteer Force, with other options in between.

*Mr. Crane agreed with Ms. Wada's framing and stated that the research team would continue to scope the discussion. He also argued that the group should brainstorm potential challenges for the Selective Service System, and how the construct would need to be adjusted to meet either stated mission.*

**Ms. Skelly** responded that Ms. James had correctly identified that any model for Selective Service must enhance the lethality of the force. She also noted that she is concerned with the time necessary to develop combat replacement troops under current standards in the current Selective Service paradigm.

**Ms. James** then observed that based on her previous conversations with RAND and doing planning with the Department of Defense, there was not effective planning for mobilization and casualty evacuation, especially in a conflict where lines of movement are interrupted.

**Ms. James** then asked whether the research staff had found empirical data to show that conscripts are not as effective as volunteer service members.

*Mr. Crane answered that there are varying arguments on the pros and cons of conscript quality, but that he did not know whether specific data would be available.*

**Mr. Kilgannon** then noted that another issue would be the political impact on government leaders from the draft, and whether the draft would be a better deterrent for adversaries than the All-Volunteer Force.

**Mr. Allard** argued that the group should also look at the current strength of the All-Volunteer Force, and whether there were soft spots related to recruiting and retention, and **Ms. James** agreed with this statement.

**Ms. Wada** argued that these points should be addressed in the discussion of a draft continuum. She then suggested that the group focus on types of registration systems for Selective Service.

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**Ms. James** answered that whichever type of registration process is decided on, she was convinced in the Commission trip to Chicago that the existing data management system needs to be maintained.

**Ms. Vuono** then stated that it may be helpful to visually draw out the steps of the Selective Service selection process, and Ms. James concurred.

**Ms. Wada** then introduced a set of criteria that the group should consider for any options for Selective Service, including: the role of the draft as an insurance policy; the draft's impact on foreign opponents; issues related to the Civil-Military relationship; ensuring the draft is fair/equitable; the use of the draft for developing recruitment leads; issues related to conscientious objectors; operational requirements of the draft; the constitutionality of the draft; any alterations to Selective Service, and for what purposes.

**Ms. Skelly** then asked the group whether the current Selective Service paradigm provides enough connection between the military and the American public.

*Mr. Crane offered in response that the original construct for the Selective Service System assumed that it would be employed in response to a large-scale military crisis which would attract the attention of the American public and asked whether that would be true in the current threat environment. The Commissioners briefly discussed different events which could result in a draft activation, though Mr. Crane noted that it would not be possible to consider all potential scenarios.*

**Ms. Wada** then stated that the working group needs to develop a statement about what sort of situation would trigger a draft.

*To wrap up the conversation, Mr. Crane stated that the research team would continue to develop options based on the group's discussion.*

*Given time constraints, the working group meeting was then concluded.*