



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

MEMORANDUM FOR THE RECORD

Subject: Selective Service System Working Group Discussion

The following is a record of a meeting with commissioners and staff, which took place on September 20, 2018 at California State Los Angeles. At the meeting, commissioners discussed possible options for Selective Service System modification. The conversation was facilitated by Judson Crane, and included commissioners Ms. Deb Wada, Mr. Ed Allard, Ms. Jeanette James, and Ms. Shawn Skelly. Members of the Office of General Counsel and Research Analysis and Writing teams were also present. 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: Ms. Deb Wada, Ms. Shawn Skelly, Mr. Ed. Allard, Ms. Jeanette James
- Commission Staff: Mr. Jud Crane, Mr. Paul Lekas, Mr. Kent Abernathy, Ms. Eleanor Vuono, Ms. Tara Razjouyan

Key Takeaways:

- Commissioners discussed the potential of using the Selective Service System database to evoke a voluntary call for Americans to serve, which could occur by sending out letters to members of the public.
- Authorities for calling up volunteers was discussed with a majority of the Working Group favoring presidential authority for this proposal. Mr. Allard noted potential concerns with giving the President full authority without checks and balances.
- A potential order of action was discussed for a voluntary call, where commissioners discussed full mobilization of the current force preceding a call for volunteers.
- The differences between the Ends, Ways, and Means Working Group and the Selective Service Working Group were discussed—commissioners cautioned against Ends, Ways, and Means making certain decisions relevant to the Selective Service System too soon.
- Staff should research legal presidential authority regarding uses of the Selective Service System.

Meeting Discussion

Voluntary Process Driven by the Selective Service System

Mr. Crane reviewed prior discussion from Memphis, which centered around parts of the Selective Service System (SSS) that needed modification or preservation. He added this resulted in the idea for a voluntary process driven by the SSS or a follow up process, where Americans can answer a call to service if a call is sent out in a time of national need. In a mobilization scenario, a call for volunteers could reduce the startup process for getting initial volunteers. He described the possible system in which letters would be sent out to different members in the SSS database asking them to volunteer and providing information on how to contact SSS representatives on how to volunteer.

***Mr. Crane** asked the working group if they are interested in pursuing a voluntary mobilization process driven by the SSS or a follow-on registration system as part of the scope of their review. He also asked what limitations or concerns they have.*

Mr. Allard pointed out in the wake of Pearl Harbor and 9/11, an abundance of volunteers answered a call to serve. He stated the initial rush to volunteer might be superseded by the fact that people will have already volunteered. Thus, those who wait to be drafted are going to be cut off by those already volunteering. Although an interesting idea, he was unsure how it would work advantageously for creating lead-time.

Ms. Wada stated there might be a difference between someone who immediately rushes to volunteer following a call or need to serve and someone who wants to volunteer if they were asked to. She noted sending a letter would be the government asking someone if they could volunteer. She added the process must be transparent because it would be using the registration system to call for volunteers. She added contact information would have to be correct and up-to-date before sending any letters.

Mr. Allard added registrants could be incentivized to volunteer by offering them a choice for what they can serve in; this would satisfy what commissioners have been hearing in engagements from participants asking what type of reward or motivation exists for serving. **Ms. James** noted during the Vietnam War, people volunteered to eliminate the possibility of getting drafted into a position they did not want.

***Ms. James** asked if there is data on this phenomenon.*

Mr. Crane answered between the years 1960 and 1965, 38 percent of volunteers were termed reluctant volunteers or draft-induced volunteers. This number jumped to 50 percent in the late 1960s.

Ms. James stated draft-induced volunteering is therefore a real effect and will probably carry through to future draft situations.

Mr. Allard noted some individuals may have aspiration to serve but may not understand how to access service or if a call to serve applies to them specifically.

Ms. Skelly said conflict points that change the status quo should be considered such as a potential need to change the size of the force. She noted this capability is what the working group is considering adding to the SSS as well as a pre-compulsory component to incentivize volunteers. She added this creates questions such as how this would change the role of SSS and if there should be a certain number of people drafted or number of days drafted. She said repurposing the SSS in this way would be a potential tool and bring it in to the strategic calculus beyond a “break the glass” strategy.

Ms. Skelly said this modified SSS could be used domestically as well. Considering points made at prior engagements such as the volunteer force being a recruited force or recruiters being stationed more frequently in certain neighborhoods, using the SSS to solicit volunteers could pull in encourage more people to serve.

She added currently many people choose to serve for the economic incentives, while many others never have to face the possibility of serving.

Ms. Wada agreed that the upper socioeconomic classes are often not exposed to the possibility of serving.

Ms. James noted the proposed SSS modification could be used as signaling mechanism to other states and can be leveraged strategically.

Ms. Skelly asked about Colonel Gillian's work from the Army War College.

Mr. Crane said staff is planning a visit to the Army War College in the fall. He added Colonel Gillian is working on an end-to-end pipeline evaluation for Army mobilization. He noted staff plans to continue engaging with him and have explored the idea of doing a strategic simulation together, which is what his center focuses on. He added Colonel Gillian is developing a model with West Point and the Army, specifically looking at mobilization time and optimization.

Mr. Allard asked if other branches are doing something similar.

Mr. Crane said he has not explored if other branches are researching this but will follow up.

Ms. Skelly noted she has not heard anything about amphibious shipping or similar operations because mobilization conversations have recently focused on combat aircraft readiness.

Ms. James restated her interest in using the SSS for a voluntary call up, but she added it is necessary to conduct cost-benefit analysis. She questioned if it will be cost-effective to bring in volunteers before initiating a draft and if the process would be supplementary to the existing SSS. She asked if the number of volunteers accumulated through this mechanism offset the cost of not having to initiate the traditional SSS quite as fast. Ms. James requested more research on the economics of this proposal.

Ms. James also highlighted LA communities who feel they are being preyed upon as another advantage of executing a voluntary call first. In this system, letters would be sent to households in the other end of the economic spectrum, particularly families of high socioeconomic status. She added this system could be an equalizing factor and could help the public view military service differently, pointing to the students from North Denver High School who said their parents did not come to the U.S. for their children to volunteer or join the military because they want something better for their children.

Ms. Skelly stated when people have volunteered in response to situation like Pearl Harbor or 9/11 no one had to be asked to volunteer.

Ms. Skelly asked how often leaders have rallied recruiting stations to being mobilization efforts in earnest.

[**Ms. James** recalled WWII announcements for volunteers made in the movie theaters. This was when the draft had been implemented.]

Mr. Allard noted he was warming up to the idea of a volunteer call first. **Ms. Wada** replied that put everyone on the same page.

Processes and Limits for a Voluntary Call

Mr. Allard asked at what point is the draft volunteer letter sent out. He asked if it would occur in waves, pointing out that it could not occur until Congress or the President authorizes it.

Ms. Wada said they volunteer letter or call could be triggered when the President sends a request to Congress. She added the President could also make an announcement to use his or her power to enact the SSS to call for volunteers.

Ms. Skelly said it will take time start the process, then the President will issue the call. **Mr. Allard** added the SSS has often been thought of as an insurance policy, but this proposal would add credibility to the idea.

Mr. Crane added there is another side to consider regarding signaling because this call for volunteers is heavily tied to moral mobilization. He explained in the wake of Pearl Harbor and 9/11 the American people were galvanized and volunteered, but currently there is no way to predict the effect of volunteer numbers. He added if there is sufficient moral mobilization before this call is activated, the signaling point can cut both ways depending on what volunteers show up.

Ms. James added the last example for large scale mobilization is 9/11, so she predicted if the U.S. were to implement the draft, or if the President considers using the draft, the motivation would be something bigger than 9/11. She added, although unsure of the exact numbers, there was a significant influx of people into the military after 9/11.

Mr. Crane said to better frame the scenario, the Army War College representative said two theater plus homeland would require the Army to mobilize 1,018,000. **Ms. Skelly** noted the current force cannot handle that scale. **Ms. James** said for the Army it would be all active and reserves.

Mr. Crane clarified the number framed total mobilization. *He asked what initial reactions to this are.*

Ms. Wada asked Ms. James what she envisioned for ROI and what do she thinks will cost money.

Ms. James said it depends on whether the SSS database is used to send out letters.

Ms. James asked if people would then be brought in using the SSS or the current accession process.

Ms. Wada said volunteers could go through recruiting station or Military Entrance Processing Station (MEPS).

Alternatives for a Voluntary Call

Mr. Crane said there are four different pathways to consider when framing the inputs that would go into a voluntary scenario. [Slide six of this [PowerPoint](#) identifies various alternatives, and the alternatives that were removed as a result of this meeting].

Ms. Wada said she sees it as pathway B [refer to Scenarios Leading to a “call for Volunteers”]. She added in today’s environment there is an expectation that everyone that can or has an obligation should be mobilized first.

Mr. Crane said there is a question of having to activate the current SSS or if a temporary contractor could be hired.

Ms. James said the SSS database would have to be used to send out the letter calling for volunteers, but she questioned if it is economically better to use the military’s current system for bringing in accessions or activating the SSS. She asked for a cost analysis of what would it take to augment the current recruiting stations, noting additional volunteers will end up at basic training and MEPS at the end of the day, which would need augmentation anyways.

Ms. Skelly asked what the price of success is.

Ms. Wada asked if cost can be determined by finding out how many people would be willing to volunteer based on the letters sent out.

Mr. Allard added another component to consider is if the initiator of the process is so severe then it is not cost effective to augment existing the MEPS system rather it makes more economic sense to spend more on a new system.

Mr. Crane said an individual at SSS stated they are focused on emptying their depth pools. He added it is relatively difficult to expand or contract the recruiting force. **Ms. Skelly** and **Ms. James** noted the proposed alternative excludes trained recruiters and focuses on receiving people who are coming in.

Ms. Wada said it is important to look at what the depth of potential recruits has been historically, adding currently it is low because of recruiting difficulty.

Mr. Crane asked if commissioners are interested in scoping alternative A or B, or further evaluating costs.

Mr. Allard asked what the capacity is for the current recruiting system—specifically how many people can the system take in.

Ms. Wada said she would rule out alternatives C and D, adding that to justify using SSS for volunteers, all reserve and active duty members would need to be called upon first.

Total Mobilization

Ms. Skelly asked if total mobilization is a legal term and process or simply the term for calling everyone up.

Ms. Wada said it refers to calling everyone up. **Mr. Crane** added there are two separate components: the authorities to do so and also calling everyone up.

Ms. Skelly stated she thinks of two parallel tracks where executive and legislative steps are taken to execute the system, but implementation does not materialize until weeks or months down the road. She added total mobilization involves using all current force resources, then sending the letters. This means the percentage of force that will fall out with total mobilization is significant.

Ms. James noted in this day and age the nation will not tolerate anyone calling for a draft if full mobilization has not happened. She emphasized it is critical for full mobilization to happen before implementing a draft.

Ms. Skelly agreed with this.

Mr. Allard noted in SSS parlance total mobilization occurs after draft, so framing the context is important.

Mr. Crane added the concept they are discussing is termed full mobilization because total mobilization includes legislation to increase end strength. **Ms. Skelly** said the glossary will be critical for this section of the report, and **Mr. Crane** said he would work on a common terms sheet.

Legislative Pathways and Legitimacy of the Selective Service System

Mr. Crane noted in Boston the Working Group discussed several sources of legitimacy for the SSS such as transparency, moral mobilization, and Congress.

Ms. Vuono said there are legislative pathways to activate the draft. She noted in past conversations the focus has been the draft as a mobilization tool, but the Commission has heard from other policy academics such as Dr. Nora Bensahel, who suggest using the draft for other goals. The draft could be used to address problems with the civ-mil divide or to increase the number of Americans with “skin in the game.” She noted the question at hand is how mobilization would operate under a draft. **Ms. Vuono** said right now legislation is required to activate it and the President must sign it. In theory, Congress could pass new legislation to activate

the draft with triggers such as if certain threshold is crossed or if there is an emergency. She noted there are legal issues with this approach and it would be a challenge to pass.

Ms. Wada said it is important to look at precedents where Congress has not wanted to be bound by past decisions. **Ms. Vuono** added this point is another reason why such a change could be quickly undone.

Ms. Wada added there are significant political considerations for this proposal because Congress does not want to bind a future Congress. She added currently Congress cannot enact an Authorization for Use of Military Force (AUMF).

Ms. Vuono noted none of these proposals have been evaluated for feasibility.

[**Ms. Wada** said the Commission can reach out to someone who can elaborate on congressional precedents regarding binding future congresses if needed.]

***Mr. Crane** asked if the Working Group is satisfied with the role of Congress for striking the passage and evoking the draft. He asked if there is another pathway, who would activate the process, and if there is sufficient political control for having the President notify Congress.*

Ms. Vuono said this is another theoretical change the Commission can consider—Congress could amend Military Selective Service Act (MSSA) to give the President authority to activate the draft.

Mr. Lekas added as a general rule Congress cannot bind a future Congress, but it happens all the time. He added framing the legislation is important and that it is not uncommon to pass a law that a future Congress repeals.

Presidential Authority and the Selective Service System

***Mr. Crane** asked if commissioners are satisfied with way the relationship is now or would like to explore another pathway for the conscription and volunteer process.*

Ms. James said she is satisfied with the current process for conscription. She said the President should have the power to call up volunteers without congress getting involved. She added if the nation needs volunteers quickly and has undergone full mobilization but 20 percent of those called up cannot serve, then the President should be able to call up volunteers. She noted the President currently has call up authority without going to Congress.

Ms. Wada said there is no legal restriction against the President using the SSS database other than draft. He agreed that the President should be able to call, while Congress should enact the draft. **Ms. James** added if the President calls up volunteers, and Congress has a problem with it then they could stop the whole process.

[Commissioners discussed pocket vetoes and overrides.]

***Mr. Allard** asked at what point can the President use the SSS database and what the trigger for it is.*

Mr. Allard said he likes having Congress as a safeguard in the process. He said he does not want the President to have total power over the database and calling up volunteers.

Ms. Wada added the balance is helpful. She added having the President call up volunteers sends a mission to the American public and Congress that the situation is urgent.

***Mr. Allard** asked what authority permits the President to use the database today.*

Mr. Lekas said there are limitations on how the data can be used under regulations issued by the SSS. He said they limit the ability of using the data for most other purposes, with the exception of some specified purposes such as using it for JAMRS.

Mr. Allard asked what the President can use it for right now.

[**Mr. Lekas** said he would look into this question.]

Ms. Wada said the President might not have the authority but there is no law that precludes it. She added with the President responsible for volunteers and Congress responsible for the draft, there is a balance of authority.

Mr. Crane asked if there should be conditions placed on presidential authority or if it should be broad.

Ms. James said presidential authority should be broader. She added if there was concern, there could be limits on how many volunteers the President can call, but in her view if the President feels there is a need to call up 70,000 then he should be able to.

Ms. Skelly said conscription as currently constituted gives power to the President to access the SSS database for purpose of calling volunteers. She suggested there could be conditionality for some degree of mobilization or a threshold to denote the seriousness of that action and constrain access to the database. She added if millions of letters are sent, the public will know it is not a true dire situation—conditionality in relation to executive powers would give a call for volunteers greater legitimacy. She added there is value in this recommendation because it can pulse the public in regard to conscription and the SSS.

Mr. Allard said he likes as many checks and balances as possible. **Ms. Skelly** said a reasonable check would be to require full force mobilization before the President can call for volunteers.

[**Mr. Crane** said he will develop materials for November's course of action discussion.]

Working Group Differences

Ms. James asked what the difference is between the Ends, Ways, and Means (EWM) Working Group and this Working Group in terms of the SSS.

Mr. Crane said it is important to note him and Mr. Lekas attend both working group meetings. Perspective is the processes and procedures of how a database is used comes from this WG and structure of the database comes from EWM – caveat this WG has discussion on who is going to be included in the follow-on database.

Mr. Lekas said in EWM they are talking about different models. **Ms. James** noted in EWM they have talked about integrating the SSS model with other service options.

Ms. Skelly said she has had this concern, and echoed concerns Mr. Kilgannon has expressed regarding diluting the purpose of the SSS. She referenced the engagement at the LA Chamber of Commerce when the idea of Serve America application was brought forth—the application acts as a façade or front door people have to go through to actually register, so the SSS would still operate independently. She added it is still necessary to address the health of the SSS and their funding; the SSS could double their budget and it still would be insufficient. She added the health of the system in the future is going to be a significant national security tool.

Ms. James said she is still having difficult reconciling the EWM with the SSS Working Group.

[**Mr. Lekas** and **Ms. Wada** elaborated on the difference between the Working Groups.]

Ms. James said she currently does not see what has been discussed in EWM as a bridging issue.

Ms. Wada pointed out a comprehensive service system means the issue of registering women becomes less relevant. **Mr. Lekas** said the SSS pieces applies to people required to register, so it is important to grapple with women registering before discussing registration models.

Mr. Crane said the outcomes of discussion in the SSS Working Group could have large scoping effects on EWM.

Ms. James restated that option D for EWM does make issue of women irrelevant, and **Ms. Skelly** said she does not like the set up of EWM for this reason.

Mr. Lekas said it is worth raising models as a deliberation topic before the end of the year.

Mr. Lekas said the idea behind the integrated model is if registry is required for everyone then some paths may be closed off for certain people. **Ms. James** added if the Commission makes the decision to register everyone, then it makes sense to use this system.