



NATIONAL COMMISSION ON MILITARY, NATIONAL, AND  
PUBLIC SERVICE

MEMORANDUM FOR THE RECORD

**Subject: Selective Service System (SSS) Working Group Discussion**

The following is a record of a meeting of the Selective Service Working Group, which took place on October 18, 2018 at the NCoS HQ. At the meeting, participants discussed issues related to all Americans registering for the selective service. The conversation was facilitated by the Honorable Debra Wada and Judson Crane, and included Ed Allard, Jeannette James, Tom Kilgannon, and Shawn Kelly, as well as Mark Enriquez, Jeffrey McNichols, Colin Neafsey, Tara Razjouyan, Erin Schneider, and Andrew Swick. 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: The Honorable Debra Wada, Ed Allard, Jeannette James, Tom Kilgannon, Shawn Skelly
- Commission Staff: Judson Crane, Mark Enriquez, Jeffrey McNichols, Colin Neafsey, Tara Razjouyan, Erin Schneider, Andrew Swick

**Key Takeaways:**

- Commissioners were divided on the issue of whether men and women had the same obligations for service to the country.
- Commissioners raised concerns related to extending registration to women, including:
  - A potential reduction in the lethality of the force
  - Considerations about exposing a new population to compulsory service, with a lower probability of the previously affected population being called up
  - Differences in vulnerabilities for men and women
  - Whether there was universal obligation of service
  - Concerns over involuntary registration.
  - The role of chivalry in society and combat situations
  - Fairness to both men and women

**Meeting Discussion**

**Ms. Wada** began the discussion by stating the group would be covering the issue of gender in this session. She noted that she recently went to a design-thinking session and used the question of

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whether women should register for the draft in the session. She also explained that people in the session thought about gender identity on a broader spectrum and not simply as male and female.

*Mr. Crane noted that for that reason, the staff was working to define the question as opening registration to all Americans.*

**Ms. Wada** said that the Commission should not limit the future action of the SSS by defining these terms in a limited way. She then handed off the discussion to Mr. Crane.

**Mr. Crane** started by saying that the group had been working up to the discussion of who should register for the draft. He stated that he would like to have a series of options to present to the rest of the Commission for consideration. He also noted that Ms. James mentioned a desire in the previous session to talk more about the purpose of the SSS.

**Ms. James** explained that the Military Selective Service Act (MSSA) primer was helpful, and that after reading she saw that the MSSA was clear in not limiting selective service registration only for combat positions. She commented that the *Rostker v. Goldberg* decision had made that artificial division.

**Mr. Kilgannon** observed that the MSSA was confusing.

**Ms. James** said that the MSSA was not specific about gender for registration and reiterated that the Supreme Court made that distinction in its decision for *Rostker v. Goldberg*. She noted that constitutionally, interpreting MSSA to say only males should register is incorrect. She argued that the Commission would be having a different conversation if *Rostker v. Goldberg* had been argued differently.

She explained that if the purpose of the selective service was only for combat replacements, she was against female registration. She argued that selective service registration for men had become a normal part of the culture.

**Ms. Skelly** argued that it would be part of the culture regardless.

**Ms. James** stated that parents have less of a problem with men having to register with the Selective Service. She said that even with current gender integration into combat MOSs, there were few women going through Marine training, and few wanted to go into combat roles.

**Ms. Skelly** noted that limited opportunity in combat roles was part of the paradigm current female service members joined into.

**Ms. James** argued that that paradigm would not change. She said that she would be comfortable with using selective service to bring people into the military for all occupations, just not combat positions. She stated that children are still raised with differences between genders, and that there are physical inequities.

**Ms. Skelly** then stated that she spoke to ground combat colleagues, who reminded her that women have been serving in combat support roles in infantry brigade combat teams. She noted that even while the Secretary of Defense was publicly stating that there was no data on whether gender

integration was succeeding, Army leadership was touting successes. *She then asked what would happen to the brigade combat team structure in the case of a draft, and who would get selected based on standards.*

**Mr. Crane** cited DoD numbers in noting that approximately the same percentages of men and women would be qualified for accessions standards across the military.

**Ms. Wada** said she believed in her gut that there would be a higher proportional share of women would be selected in the case of a draft than currently exist in the military. She also argued that women who are drafted would still have to meet accessions standards. She added that highly-qualified women could displace men in combat arms.

**Ms. James** asked whether there was data to suggest that accessions standards would be lowered in the case of a draft. *She also asked if there was an increase in military propensity after 9/11,* and **Mr. Swick** answered that there was a small increase.

**Mr. Kilgannon** then stated that he had several points. He noted that several Commissioners may disagree, but he saw the draft and selective service as one in the same. He argued that registration was a significant obligation, and that men register for one purpose—to be called up for military service. He argued that the public *does* understand that by registering for the Selective Service System they are making a commitment which may end in being called up for service. He argued that to extend registration to women would be a significant step. He stated that extending registration to women would be forcing millions of women to do something they do not want to do. He stated that he did not see it as progress, because while some women would get something they want, many more would get something they do not want. He also argued that he did not see a distinction between combat and non-combat registration. He concluded that avoiding involuntary service was more important than gender equity issues.

**Ms. Wada** responded by saying that the government currently requires men to register involuntarily.

**Mr. Kilgannon** answered that in an ideal world he would not have anyone involuntarily register for service. He conceded that he would go along with it the current system simply because that is how it has been, and that more men are able to complete the requirements of military service. He added the SSS should be used only for national emergencies and not for bringing together the country.

**Ms. Wada** asked whether only males should be asked to serve when the survival of the country is on the line.

**Mr. Kilgannon** answered yes, because men alone can protect of country. He added that other tasks would matter through society during a national emergency that would be filled by women.

**Ms. Wada** asked again why all Americans would not be asked to serve if the future of the nation is at risk. She argued that universal registration would ask all to come to the table, but then the draft would make the distinction of who could serve in uniform.

**Mr. Kilgannon** clarified that he would not exclude women, but that he would not require them to register.

**Ms. Wada** again emphasized that she believes that everyone should be at the table if the nation is threatened.

*Ms. Skelly then asked for clarification on the numbers of Qualified Military Available.*

**Mr. Crane** stated that about the same percentage of men and women were eligible, but that men and women were often ineligible for different reasons. He noted that there would be about 16 million eligible men and women in an emergency scenario.

**Mr. Allard** interjected that he had also been talking to associates and friends about the draft and was surprised with their responses. He noted that he viewed SSS as a two-step dance, where a draft is directly connected to registration. He argued that while society would support female registration for selective service, many oppose women being drafted.

**Ms. James** added that Commissioners had heard members of the public express that they would support registration, but not a draft.

**Mr. Kilgannon** asked whether Congress would be less willing to write legislation authorizing a draft in an emergency if it meant drafting millions of women.

**Mr. Allard** offered the case of Israel as an example where everyone serves, but not necessarily in combat positions. He stated that he did not know where he came down on the issue.

**Ms. James** stated that the Commission's previous discussion with religious leaders was eye-opening, especially in pointing out that even in Israel women are not required to serve in the infantry. She added that it was also interesting to hear a Catholic perspective in opposition to female registration.

**Ms. Skelly** argued that there are many divisions within the Catholic church, and no unified view on female registration.

**Ms. James** wondered if there was data on this and observed that there were many directives from the church that Catholics did not follow.

**Mr. Kilgannon** offered that this was because many Catholics have issues with authority.

**Mr. Crane** observed that one of the things brought up in the religious discussion was that there was a difference in social roles between genders.

**Ms. Wada** noted that the implication in the previous discussion was that the government should not register women because of those differences.

**Mr. Crane** framed the discussion by *asking whether the government should extend the obligation to a new segment of the population, or should the government ask all Americans to come to the table only if needed.* He summarized that there was a question of what the obligation was for common defense, versus whether everyone would have to qualify for every role.

**Mr. Allard** posed the question of whether the government should have military-related alternative service, to address concerns about gender. He noted that this would allow women to serve but not put them directly in harm's way. He argued that this would be an issue for Congress to determine.

**Ms. James** stated that she believed a bill requiring women to register would likely pass Congress.

**Mr. Kilgannon** commented that in the past Members of Congress voted for it to call a bluff, not necessarily in support of women entering a draft.

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**Ms. Wada** noted that members were voting for registering women for the selective service, and that this was not the same as a draft.

**Ms. Skelly** said that the group should articulate that the Commission is talking about the SSS and draft as one in the same and express it in that way in recommendations as well.

**Mr. Kilgannon** argued that men would vote for female registration out of cynicism, and not for actual freedom or equality.

**Ms. Skelly** argued that women understand that they would be required to serve in the interest of equality.

**Mr. Kilgannon** noted that there had been concerns about women joining combat positions in active duty.

**Mr. Allard** offered that there had been studies on this before integration began.

**Mr. Crane** interjected that there had been a Women in Service Review including more than 30 studies, and that combat/non-combat distinctions were changing.

[Crosstalk followed on distinctions for combat positions]

**Ms. Skelly** argued that regardless of position, all service members would be subject to combat in modern conflict. She also noted that standards had not been lowered for women joining combat positions.

[Crosstalk followed about whether standards had changed.]

**Ms. Wada** reiterated that she would want as many people to come to the table to serve as possible.

**Mr. Crane** interjected that if more people being inducted met the standards, the military would be able to hold those high standards for a longer period throughout the conflict.

**Ms. James** added that by granting additional waivers for enlistees during the Iraq War, it caused issues for the units receiving those sub-par service members.

*Ms. Skelly asked whether the same waiverable issues would matter in an emergency scenario.*

**Ms. Wada** answered that it would depend on the military to make those calls.

*Mr. Crane then asked the commissioners to identify their biggest concerns related to registering women. He noted that they had already brought up issues related to a common obligation of service.*

**Ms. James** noted that she would be concerned with the lethality of the force, which she defined as being able to operate anywhere and win.

*Mr. Crane asked whether that meant having enough end strength with sufficient standards.*

**Mr. Allard** noted that he was torn over the issue of registering women, and that combat would be terrible for both men and women. He added that there was an element of chivalry in keeping women out of war.

**Mr. Crane** then summarized concerns which had been raised about opening registration to all Americans, including:

- A potential reduction in the lethality of the force
- Considerations about exposing a new population to compulsory service, with a lower probability of the previously affected population being called up
- Differences in vulnerabilities for men and women
- Whether there was universal obligation of service
- Concerns over involuntary registration.
- The role of chivalry in society and combat situations
- Fairness to both men and women

**Mr. Kilgannon** then argued that if the Commission were to recommend the registration of women, it would likely have a social, political, and cultural impact which would undermine women. He stated that if the federal government tells women they must register and serve through a draft, that would be undermining their ability to choose and telling them what to do with their bodies.

**Ms. Skelly** asked how that would be different from how the government treats men.

**Mr. Kilgannon** noted that men and women are different, and that he thought the government was not supposed to tell women what to do with their bodies.

**Ms. Wada** noted that all members of the military give up some rights to serve.

**Mr. Kilgannon** *asked whether mothers would be forced to serve.*

[Crosstalk followed over how waivers would be issued.]

**Ms. Skelly** noted that she would be curious about how mobilization would work and whether standards for accessions would be lowered over time. She argued that in a major war, things would go downhill quickly.

**Ms. Wada** offered that Congress would likely only pass a draft for a major war. She then briefly summarized the discussion and ended the conversation.