



NATIONAL COMMISSION ON MILITARY, NATIONAL, AND
PUBLIC SERVICE

MEMORANDUM FOR THE RECORD

Subject: Selective Service System Working Group Meeting

The following is a record of two meetings among the Selective Service System commissioner working group, which took place on December 13, 2018 at the Commission's office at Crystal City, Virginia. At the meetings, commissioners and staff discussed solemnity and possible courses of actions for registration systems and mobilization processes. The conversation was facilitated by Ms. Debra Wada and Mr. Jud Crane. Commissioners from the working group were present as well as members of the staff from RAW, OGC, and GPE. 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: Mr. Edward Allard, Ms. Shawn Skelly, Ms. Debra Wada, Ms. Jeanette James, Mr. Thomas Kilgannon
- Commission Staff: Ms. Amy Schafer, Mr. Jud Crane, Ms. Eleanor Vuono, Mr. Mark Enriquez, Mr. Timothy Joslyn, Ms. Erin Schneider, Ms. Tara Razjouyan

Key Takeaways:

- The working group defined increasing solemnity as increasing the level of understanding someone has of the SSS and what they are registering for.
- The working group would like to increase solemnity, even if this decreases compliance rates. However, the working group would not want compliance rates to drop dramatically and for any decrease to be temporary.
- Ideas to increase solemnity included heightening recognition for registrants either through ceremonies or celebrations as well as utilizing civics education.
- The working group decided to present all "Courses of Action" to the full Commission.
- Further discussion should take place on eligibility criteria such as age and gender in addition to additional databases or information gathering focused on critical skills.

Meeting Discussion

Solemnity and Compliance Rates

Ms. Schafer started the meeting, stating the work group will be discussing solemnity and what it would look like for commissioners to increase solemnity.

Ms. James said solemnity is not about people taking registration for the Selective Service System (SSS) seriously, but rather if someone who has registered for the SSS understands what they are doing. She said increasing solemnity needs to ensure everyone understands why they are registering and why it is important for them and the nation.

Ms. Vuono said the general counsel for the SSS stated leadership did not want to roll back any of their systems in response to her inquiries on passive registration models being the reason for high compliance. She said she was told they have zero interest in anything that would undermine or reduce compliance.

Mr. Crane said there are historical reasons for the institutional preferences of the SSS' systems. He said in 1991, immediately after the Persian Gulf War, compliance was around 97 percent, but it took a percent dive each following year. He added by the time individuals reached 20, less and less people were registering. He said if the secondary processes are removed, a majority of them would displace to other means of registering, but the SSS got to where it is today because of a prioritization of high compliance.

Ms. Skelly said the SSS has done what they have been told to do. **Mr. Allard** added they were told not to go beyond registration. He said if the Commission decides to register women then it will derail the current system. He added they would have to revisit every state and reconstruct the current compliance mechanisms, adding this legislation may not pass in many states.

Ms. Skelly asked if legislation was done before with any enforcement from the federal government.

Mr. Allard answered no.

Mr. Crane asked if the state report card did anything to help or hurt state compliance. Ms. Wada asked if that report card has any impact on states.

Mr. Allard said it is immaterial to states. He added the Department of Motor Vehicles (DMV) is where everything ends up.

Ms. Wada said if the Commission looks to the future, there are less people getting their licenses and when they get it, they are much older. She said this is particularly the case in urban areas.

Ms. James asked if the general counsel realized if the SSS includes women then everything would change anyways.

Ms. Vuono said they did not discuss including women, but she anticipates reactions to be similar to what the Commission heard in Chicago. She said the largest obstacle is sharing information with SSS, but adding women is not difficult legislatively.

Mr. Allard said Duncan Hunter tried to get legislation to “draft our daughters,” adding that he has tried this route of action before and faced political difficulties. He said the current penalties for failing to register do not effectively incentivize compliance.

Ms. James said the SSS and its stakeholders would rather let the status quo stand as opposed to face controversy or lower compliance rates. She said if the Commission does something that causes states to rethink the current status quo and draft legislation to include women, it may lead to new debates on whether states want to share their information with the SSS or if the SSS is necessary. She added states might also individually debate including women in their information gathering and sharing efforts—for example, by refusing to add women to their DLL legislation. **Ms. Vuono** said those are all possibilities.

Ms. Skelly asked if solemnity needs to impact the means of registration. She said the question of who should register will definitely impact all the agreements. She added that part of the question is whether the Commission wants to introduce a paradigm shift.

Mr. Allard added the Commission should do what it thinks is right. He said if the Commission looks at the process now and sees mechanisms to improve the SSS, perhaps there is also something else that can address gaps in solemnity. **Ms. James** said she agrees wholeheartedly that the Commission needs to make recommendations based off what it feels is best. She added consequences should be considered, and the Commission should offer ways to mitigate hardships and consequences that may emerge. She said they should try and find solutions that do not derail the whole system.

Proposals for Increasing Solemnity

Ms. Skelly said there are ways to see that through civic education. She added there needs to be something in curricula where the SSS is introduced. She said it would be great if everyone could go to a Military Entrance Processing Station (MEPS) to swear in and register for the SSS. She said this would be a massive undertaking, however, and asked how else this could be done. She said **Mr. Kilgannon** had mentioned the President could get engaged and deliver a message as well.

Mr. Allard proposed an idea, where every 18 to 25-year-old stood and were saluted at sporting events, races, and other public events in recognition of registering for the SSS. He said he worked with National Football League (NFL) to get football players to help support United Way. He thinks the sports industry would be receptive to this idea, and it could be expanded to the entertainment industry. He said the message regarding the importance of the SSS would be sent to those who signed up as well as the nation’s youth.

Ms. James said the “moonshot” outcome for the SSS is if when a young person turns 18, they run to the SSS office to sign up. She said the ultimate goal is to create this type of culture and environment. **Ms. Skelly** said this is accomplished inspiration instead of fear of penalization. **Ms. James** also suggested the day an individual turns 18 years old, they get an emoji text or a video that links to Google Maps leading them to the SSS offices.

Mr. Kilgannon said he agrees that the way the SSS is run now, the force of law is what motivates a young man to register. He said those young men deserve to know what it is they are registering for,

but currently registration occurs either through a process with no transparency or through force. He said another component to consider is getting to a higher aspiration level. He said what the SSS is trying to do is hit the 90 percent compliance rate, but what the Commission is trying to do is build a culture and mindset that shifts the public's understanding of what a citizen's rights and responsibilities are. He added the nation may reach a point where an 18-year-old goes to the SSS office or MEPs, and it becomes a rite of passage. He added the registration process may lead them to a recruiter, but he added he has concerns for having military service and other services in the same registration model. He said if the Commission is trying to get people to serve the country in national service formats, it should be out of a desire to serve, stating this necessitates a bureaucracy with a very different mindset—one that inspires, not forces individuals. He said he does not believe an aspirational national service model fits into the current SSS mindset or model.

Ms. James, suggested the pistol permit registration system in Albany County, New York, could provide a model for the workgroup. There, an individual has to go before a judge to get a pistol permit. She said a similar system could be adapted for SSS registration.

Ms. Skelly asked how many people get sworn in as citizens each year. She said that citizenship seems to be that solemn, people witness it and go before judges.

Ms. Schafer said in some parts of Virginia an individual has to go before a judge to get their driver's license. **Mr. Allard** pointed out a proposal like this may not pass on the west of the Mississippi.

Ms. James asked how the "young people" would feel.

Mr. Crane said being a Virginian resident, he had to go before a judge to get his driver's license. He added there was a mother there that had lost her child to a car crash, which resonated deeply. He said he did not have any fear of going to prison, so SSS registration did not impact him.

Ms. Schneider said it could be helpful but added no similar process exists for voter registration.

Increasing Solemnity May Decrease Compliance Rates

Ms. Schafer said it seems the working group is willing to decrease compliance to increase solemnity.

Mr. Kilgannon said he agrees, but he senses apprehension. He said he hopes that over time compliance would increase and there would be a higher quality of understanding regarding the SSS.

Ms. James said she is hesitant because she understands the ramifications. She would not want a huge decrease in compliance such as a decrease to 25 percent. **Ms. Vuono** said some of these pathways revolve around understanding the SSS as opposed to registering. **Ms. Skelly** said she thinks the current proposals would affect compliance. Ms. Vuono said going before a judge would decrease compliance.

Ms. James said she is unsure if people would come before a judge before or after registering and was not sure if offering the option of coming before a judge after registering would result in limited participation.

Mr. Kilgannon said he would like to implement a method to help an individual understand what they just registered for, particularly for the registration methods that he does not like.

Ms. Skelly asked does this come before or after registration.

Mr. Kilgannon said using the example of a driver's license, individuals appear before a judge because they want to get a license. He suggested requiring registrants to watch a three-minute video, adding there is only so much that can be done for SSS registration. **Ms. Skelly** added this could be coupled with deliberate awareness requirements in public education and perhaps public recognition the way Mr. Allard earlier described.

Mr. Kilgannon said nonprofits could be brought in on this, so it does not necessarily have to be a ceremony before a judge. **Ms. Skelly** said Veteran Service Organizations (VSOs) or Military Service Organizations (MSOs) could also be involved. **Ms. Vuono** suggested a star on a diploma that recognizes registration. **Mr. Allard** said the idea behind all these proposals should be sharing a message to registrants that says, "welcome to the family and welcome to the team."

Mr. Allard said regarding the SSS's 90 percent compliance rate, he is unsure where the metric came from and who established it as a goal. **Mr. Allard** said he thinks it is an arbitrary number. He added the nation would never use all of those registrants. He said the working group needs to know where that 90 percent came from and if it is a figure the SSS needs "to live and die by."

Ms. James said in terms of fairness and equity, they should be striving for 100 percent. She said after that, it is whatever the services need.

Ms. Skelly asked what is keeping us from reaching 100 percent. **Ms. Vuono** said there will always be some delta of people who do not know about the SSS.

Ms. Schafer said there is going to be a tradeoff between solemnity, compliance, and equity. **Ms. Wada** added compliance could be split to a certain extent. She said they can layer on different ideas such as ceremonies, but there is a question that remains, which is whether these kinds of proposals are enough for increasing solemnity. She added culture takes forever to change. She asked if they recommend a proposal that results in reduced compliance for several decade then what is the point of the SSS, considering its purpose as a worse-case scenario contingency.

Ms. James said she appreciates this point, adding that even 50 percent compliance would be problematic. She added that something new needs to be implements. She said recommendations should be made on ways to improve this issue and tested through trial and error. She explained that because there is nothing currently in place for solemnity, they need to start somewhere.

Next Steps for Solemnity

Mr. Kilgannon said based on the conversation today, the solemnity brief could be restructured. He asked several questions in reference to the brief, including:

- What the options are at the front and backends;
- What the options are for registration; and
- What the options are for the SSS between solemnity and other stakeholders (i.e. schools, community organizations, and others).

He said some options will impact compliance more or less than others. He added notary publics could be leveraged to swear people in. He also suggested talking about recruiting stations for military and national service, proposing “one-stop shops” at supermarkets for registration and informational brochures for different services. He added influencers go to supermarkets.

[The solemnity discussion ended at 10:00, and a discussion on courses of action started at 15:55].

Courses of Action for Registration and Mobilization

Mr. Crane summarized the courses of action (COAs) the working group is considering. He added it has been a while since the President has made a call for volunteers. This discussion used SSS Working Group Courses of Action

Mr. Crane asked how many COAs is the working group going to put forward to the full Commission. He also asked if there is an issue with how many pathways are identified, or if there is a desire from to have fewer COAs or make it simplified.

Ms. Wada said from her perspective the goal would be to have one COA. **Ms. James** said if there are several then they should be cut down, but she added two or three COAs for the rest of the Commissioners to consider would be sufficient. Ms. James said the SSS working group’s work should be informing the Ends, Ways, and Means (EWM) working group, and the SSS working group should not be constrained in any way by what EWM has done.

Mr. Crane asked Mr. Kilgannon what he thought.

Mr. Kilgannon asked if the slide is one COA or four.

Mr. Crane said the COAs depicted on the slide are slightly different than the way the Department of Defense (DoD) traditionally uses. He said a COA may be compulsory military service, a strategic reserve, or other option. **Ms. Vuono** explained if they are thought in terms of a pipeline, then COAs are the various ways to mobilize.

Mr. Crane asked which one of the pipelines sticks out to commissioners.

Ms. Wada said it seems like the displayed pipelines are elements of a COA, and in combination of one another they layout a COA. **Mr. Allard** said in terms of numbers, it should be as few as necessary to accomplish the goal because the working group will end up combining them anyways.

Mr. Allard suggested selecting one COA with different elements. **Ms. James** also said one COA could encompass a roster for a voluntary call for service. She added what she is hearing from the working group is that all of the elements currently proposed are good, and the group has decided that the SSS database should still exist. **Mr. Crane** added the way a roster was talked about last time was in terms of individuals signing up voluntarily.

Ms. James walked through the COAs, asking if other commissioners thought a separate roster of volunteers is needed. **Mr. Allard** said the working group is looking at a registration and mobilization system, but also looking at ways to improve these systems. He added they have yet to work out other pieces such as women and solemnity to then see how it all fits together.

Mr. Kilgannon asked for clarification on the terminology for the first COA.

Mr. Crane explained the roster or strategic reserve refers to the list of people that have agreed to be called upon during an emergency; it is a voluntary registration system with voluntary mobilization.

Ms. Wada said it is a subset, adding whatever age group is decided upon is going to be in this pool. She said upon registration they will be asked if they would like to be called to volunteer first, before a draft is instituted. **Mr. Kilgannon** clarified the COA follows existing law, where registrants can voluntarily choose to be called upon first.

Mr. Kilgannon then asked for clarification on the second COA.

Mr. Crane said the second COA is the President's call for volunteers. **Ms. Wada** laid out a scenario where the nation needs one million people and there are 10 million in the system. She said after an attack the President would make a call for 500,000 people; the first wave of people—who are the most patriotic—show up at MEPs. She hypothesized these volunteers could only amount to 100,000 people inducted into the military. She said the second phase would be a text from the SSS that calls people to action. If enough people do not volunteer after these steps, then a draft would be implemented. **Ms. James** added the direct ask for volunteers can be for a specific kind of person.

Ms. Vuono said that is where a proposal to update the SSS with skills would come into play. **Ms. James** said not necessarily because the President could just ask for that skill.

Mr. Allard asked what would happen if COAs two and three were switched, so a direct ask for volunteers occurred first, followed by the President's call.

Mr. Crane said there is a flexibility in the order of these COAs and in how to leverage them. **Mr. Allard** said these decisions should be left to the President and policymakers.

Access to Critical Skills

Ms. Skelly said her impression is that these COAs have centered around getting volunteers, but it has not been determined how to gain needed skills yet. **Mr. Allard** added it will be hard to get updated skills into a database, whereas he likes the concept of the President being able to call for engineers or other specialized skillsets. He said this mitigates the amount of information the SSS would have to collect.

Mr. Kilgannon asked if Mr. Allard was saying the idea for a critical skills database should be eliminated, and instead the President could call for skillsets.

Mr. Allard said he thinks either SSS or the President should call upon volunteers with certain skills but collecting skills data from millions of people would be a massive undertaking. **Mr. Kilgannon** stated there is an assumption that if there is presidential call for engineers then everyone who goes to MEPs after that call is an engineer.

Mr. Kilgannon noted he has qualms about people identifying critical skills in any database, but supports a call asking people with certain skills to volunteer.

Ms. Vuono added that in the fourth COA—when the draft is implemented—the SSS is authorized to conscript one million people and use a lottery, but it can also conscript medical personnel. *She asked if this not like a separate skills draft.*

Mr. Allard said part of the reason the “doctor draft” was authorized by legislation was to make sure the SSS was still relevant.

Ms. James said that is different than what the working group is talking about. She said there is current authority to bring in medical skills, but the working group could recommend adjusting the system and extend the pool of skills. She said this recommendation introduces challenges with skills identification. She added if they decide to extend the draft eligible skills, then they should also require the SSS to build and exercise the option.

Ms. Vuono asked if this would be a new database.

Mr. Crane said this is one question to consider. He added it should be determined who the system captures and who would actually be able to perform the necessary skill. **Ms. Vuono** added it is challenging to build a skills database today, asking if a number of different databases should be built based on a template and populated based on the needed skill. **Mr. Crane** stated the SSS envisions a process similar to that, but also creating an excel spreadsheet on the backend that continues to process and run skills.

Mr. Kilgannon said in the context of a database, the registration process would be determined by its engineers. He said it could be a drop-down menu. **Mr. Crane** said this also brings to light other considerations, such as the degree to which fairness and equity can be ensured. He added a drop-down menu for accredited skills such as physicians or engineers is easier to implement than for people with language or cyber skills.

Mr. Kilgannon asked if the working group is comfortable going to the full Commission without a proposal for a critical skills database when the Commission’s mandate involves drawing critical skills to service.

Ms. James said they can start by adding “other skills” to the Military Selective Service Act (MSSA), but then add another paragraph specifying the SSS meet a deadline to build and test the system by. She said they at least need to build the mechanism and have it in place because right now, regardless of what is in the law, if the nation needed some way to call for certain skills, the SSS would have to build it. She said the working group can propose to the full commission a mechanism that can solicit critical skills.

Mr. Kilgannon restated that the working group will share with the full Commission a mechanism that collects needed skills as identified by authorities on the backend instead of the frontend, despite their desire to have a more elaborate, front-loading critical skill system.

Ms. Skelly said she disagrees “wholeheartedly” with this focus on implementation, explaining the workgroup is too concerned about implementation without addressing first what the system’s desired outcomes would be. She said there should be an agency or organization responsible for responding to disasters, and it should create and maintain an emergency skills list. She added the SSS could chair the agency for the purpose of administration and the SSS can decide what the top one or two skills are. She added the list would also reflect exemptions in terms of who would be taken out of the workforce. She said once they establish the database or identification system, then every year they can get together to decide things.

Ms. Wada asked who actually is on that list.

Ms. Skelly said they need to determine if individuals are identified upon registration or later. She added the working group has to make determinations on what is going to be useful.

Ms. Skelly asked what it would actually take to build a complex database for registration and how long would it take if the nation had to build such a system when the need emerged.

Ms. Wada said this depends on what the work group determines is needed—a COA that can quickly identify skills, or a COA that pre-registers people, but skills are populated as needed. She said the question is what is achievable as well as which system is better, faster, and cheaper for the end goal. **Ms. James** said the Commission first has to determine if a process for identifying critical skills is necessary for the DoD or SSS because even if they determine it is not necessary, the Commission will have still answered Congress’ question.

Mr. Kilgannon said he laid out his critical skills question the way he did because he thinks the answer depends on the event and the context of the time. He said it is important to consider frontend versus backend implementations because both have tradeoffs. He said if the skills identification is implemented on the frontend it will require resources and time to develop, but it may never be necessary to use; if the system is implemented on the backend it limits resources expended but could result in losing out on valuable time during an emergency.

Ms. James said it sounds like **Mr. Kilgannon** is saying there may be circumstances in which the SSS needs access to critical skills. **Mr. Kilgannon** said that regardless of the event, there may be a call for critical skills but there may not be a need for all skills.

Mr. Allard suggested a hybrid model. He said some skills such as medical skills will always need to be identified. He said the known, desired skills can be identified beforehand and legislative language can be open to leave room for the identification of specialized skills in the event of an emergency or event.

Ms. Skelly said when she thinks of the SSS as it is currently, she considers it to be a worthwhile insurance policy. She said if there is a determination that critical skills can provide value to that insurance policy, then it should be seriously considered despite cost and effort. She suggested a type of membership for critical skills to incentivize individuals to volunteer when certain skills are called up. She added it would be difficult to find specific critical skills in the “spur of the moment.”

Ms. James said any proposal related to critical skills would change the age limits of the current SSS, asking if the health care personnel draft has limits on age. **Ms. Vuono** said it is a secondary database that is not part of the normal SSS registration database. **Mr. Crane** added the databases are not linked, which introduces another challenge with a critical skills database—individuals could be tagged twice. He said historically during emergency drafts, age ranges have been extended.

Age, Gender, Critical Skills and Elements Effecting COAs

Ms. Skelly asked how hard it would be to make changes in limits such as age during a period of conflict.

Ms. Wada suggested for 18- to 26-year-olds registration would stay mandatory, but registration could be voluntary for older ages. **Mr. Crane** said the working group will talk more extensively about age limits later.

Ms. Wada said she thinks of the COAs as different ways to make decisions in terms of age, gender, and critical skills. She said the timeline starts with registration then volunteers, a direct call or ask, and finally a draft. She said one approach involved the same timeline, but critical skills would be identified on the backend and it would be voluntary. She said another approach is to add women to the system but make determinations about an age range while eliminating the critical skills component. She said the status quo is another approach but, regardless, the working group needs to make decisions regarding women, age ranges, and whether to go straight to a draft without filling critical skills first.

Ms. Vuono said the current status quo does allow for critical skills if needed upon drafting.

Incorporating Women into the SSS

Mr. Allard suggested a two-step process for women, where the first step is voluntary and then it eventually becomes mandatory for them. **Ms. Vuono** said there are legal challenges with this, and there are two law suits that already exist on the grounds of the SSS discriminating by gender. **Ms. Wada** said the Commission may be overcome by events and the decision to include women may be taken away. **Ms. James** said this is going to end up going to the Supreme Court.

Mr. Kilgannon said if he had to guess the courts are going to look at fairness and equity, but what Congress will look at is military readiness and their constitutional authority to structure the military however way they want. **Mr. Allard** said adding women would be a massive cultural change, so phasing it in could make it an easier transition.

Ms. Skelly said this does not seem realistically different than a call for volunteers.

Ms. James said she believes in order to move toward including women, the current stated purpose based on the Supreme Court decision needs to change, so that the SSS is not for combat replacement. **Ms. Wada** said the law does not say it is for combat replacement. Ms. James said this needs to be articulated because the SSS is frequently discussed in terms of combat replacement.

***Mr. Crane** asked whether this messaging is made clear by the Commission.*

Ms. James said the Commission needs to articulate this, so that the wider public understands what the SSS actually is.

***Ms. Skelly** asked if the Commission's decision then depends on what MOSs drafted women could be assigned.*

Ms. James said she means the Commission should clarify the SSS does not exist solely to populate the 14 combat MOS—otherwise she would not be in favor of including women for registration.

Ms. Vuono clarified that Ms. James is referring to building this into the Commission's narrative for the final report.

Working Group Timeline and Public Hearings

***Mr. Kilgannon** asked what the working group is trying to achieve and what does the working group's timeline look like.*

Mr. Crane said in January they will start talking about what the working groups want included in staff memos. **Ms. Wada** said the working group needs to give the staff time to write these products.

She said when they get experts in to ask specific questions and get more information, then the COAs may change as well.

Ms. James said she looks at it differently, stating the working group will pick the COAs they want to bring to the rest of the Commission. She said there will be technical challenges, but the working group will emphasize it is thinking big. She said asking what is feasible from a technical standpoint is not a good idea. She said she leans toward giving the other commissioners something to consider before deciding what options to put out publicly. **Mr. Allard** agreed with this point.

Mr. Kilgannon expressed that his decision-making process would be different than Ms. James', which **Ms. Wada** and **Mr. Allard** suggested he share with the group at a later date.

Ms. Wada said there are things that should be asked at the hearings such as if an option is feasible and how the SSS could reach out to volunteers. *She asked how the government gets people to volunteer if they cannot even get people's information.*

Ms. Wada wraps up the meeting. **Mr. Crane** said he will write up the COAs that they laid out and the working group will talk about what should be in the staff memos during their next meeting. He said the staff memos can include what their narrative looks like for the SSS. He added they will be constructing policy alternatives as well.

Ms. Skelly asked how much will be revealed to the public.

Mr. Crane said the staff memos act like a status check. **Ms. Wada** said the working group and Commission still need to determine the specifics around women, critical skills, and age limits. Mr. Crane agreed and added the solemnity discussion earlier in the day helped the group get closer to agreement on these issues.