



Selective Service Hearing: Should Registration be Expanded to All Americans? – Arguments for expansion

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This transcript was prepared by official military court reporters based on an audio recording of the hearing.

Commission:

- The Honorable Dr. Joseph Heck, Chairman
- The Honorable Mark Gearan, Vice Chair for National and Public Service
- The Honorable Debra Wada, Vice Chair for Military Service
- Mr. Edward Allard III, Commissioner
- Mr. Steve Barney, Commissioner
- The Honorable Dr. Janine Davidson, Commissioner
- The Honorable Avril Haines, Commissioner
- Ms. Jeanette James, Commissioner
- Mr. Alan Khazei, Commissioner
- Mr. Tom Kilgannon, Commissioner
- Ms. Shawn Skelly, Commissioner

Panelists:

- Lieutenant General Flora Darpino, U.S. Army, Retired, former Judge Advocate General of the U.S. Army
- Dr. Jason Dempsey, Senior Advisor at the Columbia University School of Professional Studies and Adjunct Senior Fellow of the Military, Veterans, and Society Program at the Center for a New American Security
- Professor Jill Hasday, Distinguished McKnight University Professor & Centennial Professor in Law, University of Minnesota
- Major General Bengt Svensson, Defense Attaché, Embassy of Sweden
- Ms. Katey van Dam, U.S. Marine Corps combat veteran currently working in venture capital



OPENING STATEMENTS

Dr. Joseph Heck

Good afternoon and welcome to the fourth public hearing on selective service by the National Commission on Military, National, and Public Service. The purpose of this hearing is to address an important question: should selective service registration be expanded to include all Americans?

In 2016, the commission was created amid debate over whether the requirement for selective service registration should be extended to women after military combat roles were opened to women in 2015. Congress charged us to answer two very important questions:

First, does our country have the continuing need for a military selective service system, and if so, whether the current system requires modification.

Second, how can we as a nation create an ethos of service and increase participation in military, national, and public service?

The first question is the reason that we are here this afternoon. The four hearings that we are holding, two yesterday and two today, provide an opportunity to discuss the policy options the commission is considering with respect to the selective service system and the potential for a future draft. Yesterday's hearings focused on the strategic security environment and potential requirements for selective service and the nation to meet those needs, along with potential modifications to the structure of the selective service system, as well as other mechanisms that might be used to support a national mobilization beyond the current levels of the All-Volunteer Force.

This morning's hearing discussed who should register for potential draft by evaluating the strengths and weaknesses of the current male-only registration system. This afternoon, our distinguished panelists will discuss their views on who should register for potential draft by evaluating the strengths and weaknesses of the current system if the draft was expanded to



include all Americans. So, let me welcome our panelists. First, Lieutenant General Flora Darpino, U.S. Army, Retired, Former Judge Advocate General of the United States Army; Dr. Jason Dempsey, Senior Advisor at the Columbia University School of Professional Studies and Adjunct Senior Fellow of the Military, Veterans, and Society Program at the Center for a New American Security; Professor Jill Hasday, Distinguished McKnight University Professor and Centennial Professor in Law, University of Minnesota; Major General Bengt Svensson, Defense Attaché for the Embassy of Sweden; Ms. Katey Van Dam, U.S. Marine Corps Combat Veteran, currently working in Venture Capital.

Thank you all for joining us today. I would now like to turn to our Vice Chair for Military Service, Debra Wada, for an opening statement.

Ms. Debra Wada

Thank you, Mr. Chairman. As the Vice Chair of Military Service, I have the honor of leading the efforts regarding the selective service system and military service for the commission.

When it comes to selective service and military service, there is a commonality; it is understood by very few. We found that many Americans do not understand the requirement to register or the purpose of the selective service system. However, the selective service system still much exists and is active.

Most young men today register for selective service as a secondary process when they apply for a driver's license or federal financial aid. In fact, approximately 75% of young men register as a byproduct of another state or federal system. Registry is the law, therefore if a male fails to register, there are penalties such as not receiving federal financial aid or not being able to obtain a government job.

Earlier this year, a Texas district court decided that all-male registration is unconstitutional. In addition, a federal court in New Jersey involving women in the selective



service in a second court case issued an opinion denying the core parts of the government's motion to dismiss. In 1981 in *Rostker v. Goldberg*, the court ruled that a male-only draft was fully justified, because women were ineligible for combat roles. As we know that is now changed. These decisions will not speed up the commission's timeline in releasing our final report, but they do make the work of the commission a more important and relevant action. The commission is considering whether there is a continued need for the program in its current form, if any changes should be made, or if it should be disestablished.

Some of the policy options that we are including is expanding the registration to include women, identifying individuals who possess critical skills the nation might need, calling for volunteers in a time of emergencies supported by using the current registration database, or incorporating reasonable changes to identify, evaluate, and protect those who will not serve. We look forward to hearing from our panelists on these very important issues today, and, Mr. Chairman, I yield back.

Dr. Joseph Heck

Thank you, Debra. Before we begin, I'd like to remind all in attendance to please silence any electronic devices that you might have, and I will explain how we will conduct today's hearing. For those in the audience who have heard this, some the fourth time, you can probably come up here and give the same instruction.

The commissioners have all received your written testimony, and it will be entered into the official record. We ask that you summarize the highlights of your testimony in the allotted five minutes. Before you, you will see our timing system. When the light turns yellow, you have approximately one-minute remaining, and when it turns red, your time has expired. After all testimony is completed, we will move into questions from the commissioners. Each commissioner will be given five minutes to ask a question and receive a response. Depending on the time, we will proceed with one and possibly two rounds of questions. Upon completion of commissioner questions, we will provide an opportunity for members of the public who are in



attendance to offer comments either on the specific topic addressed today or more generally on the commission's overarching mandate. These comments will be limited to two minutes. The light will turn yellow when you have 30 seconds remaining and red when your time has expired.

So, we are now ready to begin with our panelists' testimony. I would like to begin with General Darpino. Ma'am, you are recognized for five minutes.

Lieutenant General Flora Darpino, USA Retired

Thank you, Chairman Heck, Vice Chair Wada, Vice Chair Gearan, and Members of the Commission. I appreciate the opportunity to provide any thoughts that I have with respect to the selective service system and any potential future draft.

I have served over 30 years on active duty to include two tours in a combat zone, which happened to be Iraq in both cases. Our requirement to defend our nation is a core principle upon which our country was established. It is so central to our founding; it is included in the Preamble of the Constitution. It is important to note that women have served in combat since the inception of our nation, but even limiting the discussion to just recent history, women have participated in raids and patrolled the streets in combat zones since shortly after the terrorist attacks in 2002. In 2016, when the decision was made to open all military positions to women, only about 10% of those military positions remained [un]opened. Women had fully proven by that time that they were capable of performing 90% of those positions. So, excluding women from registration would be ignoring the fact that women are already performing in combat, in combat units, and in combat roles.

Some have argued that exclusion is appropriate, because time and energy needed to weed out women who do not have the physical capability would be counterproductive to the purpose to expeditiously raise an armed force in a national crisis. But troops, regardless of gender, have always been sorted by their capabilities. Every team assesses the strengths and weaknesses of



their teammates, and then maximizes the talent. Additionally, the military is not made up of just combat troops. An Infantry unit has troops performing duties in signals, intelligence, logistics, medical, and so on. So even if we accept only some women can perform infantry duties, women would still be able to perform in many roles in an Infantry unit that are extraordinarily important to their success in battle. Moreover, the nature of warfare is changing. We know we need different types of troops on the battlefield, and the battlefield looks different. We need different intellectual talents, like drone operators, cyber warriors, high-tech mechanics, cryptologists, network engineers. Why would we limit our talent pool when only about 20% of the slots are in combat positions in the true sense of the word?

Should our nation need to begin a draft, we would quickly outstrip the ranks with our volunteers. Considering physical limitations, medical issues, and intelligence, it is estimated that only 25 to 30% of the eligible age group meet the requirements to enter the Armed Forces. And even recognizing that we may relax standards during a national crisis, we would still struggle to meet the required needs when we know women make up 51% of the population. The exclusion of women is particularly nonsensical when women are currently serving in the military, in combat, and in combat roles.

I have noticed that in examining this issue, there is an argument against women registering that sort of has a social component to it. The argument rests in essence upon the belief that women have a role in society that favors them as caregivers, and they require our protection from the evils of war. Setting aside the paternalistic nature of those arguments, it is important to note that recent labor department statistics do not support the premise. Among married couples in the United States, only 19% have a husband as the only employed parent. Concerns about drafting mothers is more a question for exemptions, not exclusion, and the same is true particularly when we take into account that there are many homes in America that have two dads.

As to protecting women from the evils of war, we should care equally if our husbands or our fathers or our brothers are subjected to torture, starvations, death marches, and sexual assault



in the military. Our men are as valuable as our women, and outrage against violations of the Law of Armed Conflict cannot be colored by gender. But more troubling about this argument is that I have been in countries where the need to protect women has been used to isolate them, limit their movement, forbid them to sign contracts, and to make life decisions. In short, the need to protect women has been used to make women second-class citizens. I live in America. I am a full citizen, and I have a full obligation to protect my country. Please do not be swayed by arguments that will relegate women to second-class citizens under the guise of protecting them.

I look forward to having a full conversation with you on how we can fully use the talent of the American people should we have a national crisis.

Dr. Joseph Heck

Thank you, General Darpino.

Dr. Dempsey, you're recognized for five minutes.

Dr. Jason Dempsey

Chairman Heck, Vice Chairs Gearan and Wada, Members of the Commission, thank you for the opportunity to engage in this important discussion. At a time when American society appears to be descending into a vicious tribalism, it is important to discuss the meaning and shared obligations of citizenship. While the military offers but one of many means of service, it is an essential element of both our national security and to our identity as Americans. As public trust and confidence and other national public institutions, such as the courts, the Congress, and the presidency continues to collapse, the reputation of the military remains high. Add to that the ongoing and, at times, contentious national conversation around gender equality, and it's natural that emotions run high during discussions about the composition and nature of our most venerated national institution.



I first started writing and thinking about military efforts at gender integration when I was a student at West Point and a junior Infantry officer in the 1990s. At the time, there were few examples of women serving in the American military, particularly of women serving in ground combat operations. As such, arguments for and against the service of women in the military relied heavily on emotional appeals, symbolism, and the insights of older veterans who, while they may not have experienced a combat and gender integrated force, at least had some insight into the nature of warfare. It was all we had.

Today, we're in a much different place. The intervening decades have seen fundamental shifts in the nature of warfare and in the composition of the American military. We've also experienced nearly 20 years of constant conflict, during which women have played an integral role in our Armed Forces. We can therefore move beyond emotional appeals and symbolism to the reality of women in the military. Women can serve. Women are serving, and our national security absolutely depends upon their continued service. It is therefore surprising that many arguments against equal treatment of women in the military service have not changed since the 1990s. Most of these arguments are either about unit cohesion or the ability of women to meet military standards, but the situation is no longer hypothetical. During the long and continuing years of war in Iraq and Afghanistan, the American military has dealt with the reality of men and women serving together on a daily basis. Our forces are stronger as a result. Women have proven that they can meet the standards of military service, including when given the opportunity to prove themselves in our most physically challenging combat specialties. On the role of the selective service or even mandatory universal service as a path to reinvigorate a shared commitment to citizenship, practical questions remain. However, I see no valid argument for treating women and men differently in this endeavor, as America prepares for future conflicts. It therefore seems absurd that women would not be equally included in every aspect of our national defense, including mandatory registration for selective service, when a staggering number of American youth are illegible for military service. It makes little sense to arbitrarily exclude women from the shared responsibilities of citizenship. And to be clear, this is more than an argument for fairness. This is an argument about fully utilizing the talent and potential of American citizens to meet the challenges of a changing, yet continually dangerous, world.



America is simply stronger when we all engage in the obligations of citizenship, but more than that, the continued, full, and integrated service of women is no less than essential to the ability of America to meet our national security challenges.

Thank you, and I look forward to your questions.

Dr. Joseph Heck

Thank you. Professor Hasday.

Prof. Jill Hasday

Chairman Heck and Members of the Commission, I'm the Distinguished McKnight University Professor and Centennial Professor of Law at the University of Minnesota Law School. I teach constitutional law and sex discrimination law, among other subjects. I've written about the constitutional issues surrounding women's exclusion from military registration, and have included my law review article on that subject with my written testimony.

In my time today, I would like to make one simple but fundamental point; male-only military registration is unconstitutional. I'll start by discussing why the end of women's exclusion from combat fatally undermined *Rostker v. Goldberg*, the Supreme Court decision that upheld the constitutionality of male-only registration in 1981. I'll then explain more generally why the exclusion of women from military registration is inconsistent with the overarching principles government the Supreme Court's sex discrimination case law.

The court's argument in *Rostker* rested on the fact that women could not serve in many combat positions in 1981. The court contended that women could be constitutionally excluded from registration, because they were excluded from the draft and explained that women could be constitutionally excluded from the draft, because they were excluded from combat. *Rostker's* reasoning no longer works. Since 2016, women are no longer excluded from combat positions. Female Service Members have fought in combat with great success and popular support.



Rostker's argument for the constitutionality of male-only registration depended on women's exclusion from combat positions. That argument has collapsed now that women are no longer excluded from combat. With that in mind, it's time to consider the constitutionality of male-only military registration on a clean slate. The guiding principle that drives the Supreme Court's sex discrimination case law is that the court is very hostile to laws that: one, treat men and women differently; and two, are based on sex stereotypes. By sex stereotypes, the court means assumptions about the differences between men and women that are not true in every case, even though they may be true as generalizations. For example, the court has struck down sex-based laws that reflect the sex stereotype that women will and should stay home with their children while men go work in the market. As a generalization, the average woman is more likely to stay home than the average man, but the court has explained that this sex stereotype cannot justify laws treating women and men differently, because the stereotype is not true in every case.

The exclusion of women from military registration is grounded in sex stereotypes. I've examined the Congressional debates and hearings on this subject from the 1980s and reaching back into the 1940s. Throughout the decades, the most common argument for excluding women from registration and the draft has always been the contention that women's primary obligations are domestic. On this view, men are obliged to serve the nation on the battlefield while women are responsible for staying home with their children. For example, a 1980 report from the Senate Armed Services Committee explained that it would be, quote, "unwise and unacceptable for a young mother to be drafted while a young father remained home with the family in a time of national emergency." As a matter of personal opinion, some Americans may still agree with such sentiments. But as a matter of constitutional law, the Supreme Court's precedence made clear that assumptions that women belong at home cannot constitutionally justify laws treating men and women differently.

Other arguments for excluding women from military registration similarly reflect constitutionally impermissible sex stereotypes. For example, even if the average man is more likely than the average women to meet the physical strengths requirements for a particular



combat position, some women will meet those qualifications as well and should not be excluded simply because they are women. In sum, if Congress would like to continue military registration, the Constitution requires Congress to include women along with men.

Thank you for the opportunity to participate in this important hearing.

Dr. Joseph Heck

Thank you.

General Svensson.

Major General Bengt Svensson

Thank you very much, Chairman Heck and Members of the Commission. I appreciate being asked to offer my perspective on this issue on the question of whether to expand selective service registration to all American regardless of gender. First, let me describe my background as it relates to this topic. I am a former conscript with national service at the start of my military career. I've worked with different aspects of this system for most of my career, which at this point stretches over 40 years. Next, to provide proper orientation to today's issue, it's important to have an understanding how nations populate their own forces. Sweden introduced national service in the beginning of the 1900s, a reliable conscription for the next 110 years. In 2010, an All-Volunteer Force was introduced to better man a military system more focused on expeditionary capabilities and national defense. In 2017, conscription was reintroduced, leading to a mixture of those conscripts and volunteers, which allowed the nation to better confront a deteriorating security situation in our neighborhood in Europe. The reintroduction of the draft was met with little public reaction, since the majority of the Swedish population was accustomed to the culture of national service and was positive to serve. The Swedish Armed Force integrated women to serve in select positions in the beginning of the 1990s and to all positions in 1989. However, men were drafted for national service, but women were not. They could only



volunteer for national service. In 2017, when the draft was reintroduced, the new system allowed by genders to use the same into the armed forces, i.e. a draft.

The introduction of women into the force in the starting of the 1980s was not without challenges, as was mirrored with other sectors of society. Most of this debate occurred well before 2017 and was not spurred by the decision of full integration of gender-neutral conscription. Today, after more than 30 years of force opened to both genders, the Swedish Armed Forces has only approximately 13% of women throughout its ranks. So, when national service was reintroduced in Sweden in 2017, the only possible option for the government at the time was to implement the system for all Swedes, regardless of gender. The key reasons were:

First, it was the right thing to do. The values of the Swedish Armed Forces reflects those of the Swedish society, and discrimination based on gender is no longer acceptable. There was, in fact, no debate concerning the decision to expand national service to all Swedes, regardless of gender. It was a given.

Second, the decision was necessary to increase the operational capability of the Swedish Armed Forces as quickly as possible. The volatile security situation in Europe demanded it. To exclude half the population, both in numbers and talents, was a waste of valuable and limited resources and thus not an option.

Third, the experiences and lessons learned since the introduction of women in the Swedish Armed Forces in conjunction with the ever-changing nature of modern warfare, especially when you meet the peer competitor, have proven to us that the benefits derived from a fully gender integrated force far outweighs any challenges that integration may create.

Fourth, the implementation and use of national service conscription or draft can be used as a type of tax, an obligation of citizens imposed on a population. To distribute this burden only based on gender is inherently unfair and would undermine the system in the long term.



The debate concerning conscription will most likely continue in my country, but what is certain is that my country's beyond considering the possibility to serve based on gender. Our security, our security situation, our society, and the nature of modern armed conflict no longer allows for that kind of discrimination.

Thank you. I'm looking forward to your questions.

Dr. Joseph Heck

Thank you, sir.

Ms. Van Dam.

Ms. Katey Van Dam

Chairman Heck, Members of the Committee, and fellow panelists, it's a pleasure to be here today. I would first like to note I'm testifying in my personal capacity and represent no opinions beyond my own. Thank you for the opportunity to be given a voice in addressing this critical issue. I've always taken a professional interest in this topic, and with the recent birth of my first son, my personal interest has gained significantly. Today, our nation faces threats from non-state actors, criminal enterprises, and near-peer competitors. If any of those threats become existential, we will be unable to defense against them effectively without harnessing our greatest resource, American citizens, all of them.

I began my career as a Marine attack helicopter pilot 15 years after combat aviation was first open to women. I went to war in Afghanistan, where I flew daily combat missions in support of my colleagues fighting on the ground. A generation prior, a women's ability to fly, shoot, and stay calm under fire was hotly debated. From my generation, it's simply expected. Based on this experience, I believe the selective service program could be strengthened significantly if eligibility was no longer restricted by gender. In order to access the full resources of our nation, we must match individual aptitude to mission requirements. A nation's most



critical resource is its citizenry. The greater the available pool of manpower and talent, the stronger and more adaptable a nation at war becomes. The scale and tempo of warfare have expanded radically over the last 40 years of the information revolution with the advent of the internet and the commercialization of space. In order for our nation to meet the challenges of an uncertain future, we must be able to access the depth of talent this country has to offer.

Therefore, I present the following conclusion. The United States is ready for this change. The time has come to demand that all citizens be held to the same expectation of service. General Dunford recently pointed out during an interview that only 30% of American youth are capable of serving in the All-Volunteer Force. Given all male citizens, regardless of their fitness, are required to register for selective service, many of these young men fall in the 70% unfit to serve in the All-Volunteer Force. However, should national mobilization be necessary, these men still possess skills which will be matched to an appropriate wartime activity. Therefore, female citizens should not be excluded from registration because of perceived concerns over their fitness to serve. National mobilization will require citizens with the widest possible range of skills and abilities.

American women are far better educated today than they have ever been at any time in history. Between 1973, the beginning of the All-Volunteer Force, to the present, the number of women enrolled in college and universities has doubled. Previously, women earned only a fraction of the advanced degrees. Today, they now earn 60% of master's degrees and 52% of doctorates. Should this country need to draft its citizens, failing to include such a highly educated portion of the population would not be merely wasteful, it would be negligent. Societal norms in the United States have historically exempted female citizens from wartime requirements. Today, women sit in these seats and are able to hold any military job for which they are qualified. As society expects opportunity parity for women, it is time to also expect equal civic responsibility. In the event of a major war that requires national mobilization, women should serve.



In our history as a nation, many have challenged us. It takes a quick glance at the daily headlines to understand that many still do. The selective service registration is neither a casual requirement of convenience, nor a partisan talking point. At its core, selective service is a national security tool. The intentional exclusion of human capital provided by over 18 million Americans because of gender simply lacks imagination. America is the greatest political experiment in history, and it requires citizens to acknowledge and meet their obligations to preserve the liberty which the preceding generations have ensured. We cannot take for granted that because America's free and because we are safe, we will always be free and we will always be safe. Today, our nation is stretched thin to meet the challenges of many threats. Requiring all Americans between the ages of 18 and 24 to register for selective service will ensure that the United States is able to tap into the largest talent pool available to protect our way of life should the dreaded day arrive that we are credibly threatened. We can ill afford anything less.

I look forward to your questions. Thank you.

Dr. Joseph Heck

Thank you all very much for your testimony. We'll now begin the first round of commissioner questioning, so I'll put myself on the clock for five minutes.

Professor Hasday, I want to follow up with one of the points you made in your testimony; the all-male registration being unconstitutional, especially after the collapse of the argument in *Rostker v. Goldberg*. Though many have postulated that serving in the Armed Forces is a right and not a privilege, and that no one is guaranteed the opportunity to serve in the Armed Forces; so with that argument, how would you support the idea that it's unconstitutional if it's not a right but a privilege?



Prof. Jill Hasday

Well, the government is prohibited from discriminating based on sex even if it doesn't have to give you the thing in the first place. So, for instance, it's not constitutionally required to have social security benefits, but you can't only give them to men and not to women. So, the equal protection is about when can you draw distinctions based on sex, and the answer is usually you can't. It doesn't matter if the underlying thing is something the government is required to provide to you.

Dr. Joseph Heck

Thank you.

Professor Dempsey, we've heard from groups that believe that if women were included in the draft and the number of women in combat units, therefore, had increased, that the change in ratio of men and women in combat units would be disruptive to unit cohesion or performance. Do you share this concern?

Dr. Jason Dempsey

No, I do not; actually, the opposite. There are several integrated militaries around the world, and notably Israel. They're not at risk of collapsing the last I checked. And I would say that while I have not studied this directly, I do know anecdotally both in the classroom and in small units the typical dynamic that takes place is when you've got a group of 12-15, but you only have one or two representatives of any certain minority group, that's when relationships are most contentious. Because the minority feels that they are representative of the whole, any issues that minority may have are typically extrapolated, "Well, that's just what women do," or, "That's what African Americans do." What I have seen in talking to West Point cadets over the years as they've made that tip from when I was there, when it was about 15%, to now we're above 20%; the cadets that I taught back in the early 2000s who are now instructors teaching the



current class say that there has been fundamental changes in relationships between men and women at the academy in that it's no longer a thing. Every interaction is no longer representative of all interactions between men and women. There are women who do well. There are women who do poorly, just as there are men who do well, and men who do poorly. It's actually that increase that makes us all a little more responsible and less focused on those characteristics that may be different.

Dr. Joseph Heck

Thank you. In the arguments that we've heard against opening registration for women, there's been basically two thought patterns. One has been just that women should not be required to register simply because or primarily because of their role in society as a woman; as a mother, and that their duty is more to their family. The other has been because they don't believe that women should be drafted to serve in combat; not necessarily that they shouldn't be registered or drafted, but specifically for combat. And based on the current perception of the selective service system being to provide for combat replacements based on Congressional intent, certainly not within the law, if the selective service system was changed to provide for the needs of the service at the times of a national emergency; clearly stating that it's not solely to provide for combat replacements, but the needs of the service in a time of national emergency; do you think that would change the argument that many people have with regards to whether or not women should register. And I'll open it up to anyone who wants to answer.

Prof. Jill Hasday

Can I say two things?

Dr. Joseph Heck

Sure.



Prof. Jill Hasday

It's my understanding that a majority of the men who were drafted in both World War II and the Vietnam era didn't serve in combat, so I think it's a mistake to think even now the draft led to combat. But the other thing I will say is, constitutional law leaves Congress and the military free to have any sex-neutral rules you want. So, if you need to be able to lift a certain amount to do a job, that's fine. That's not a problem under the constitution. What's a problem is saying women, because they're women, are excluded. So, you could still have whatever requirements the military needs. That would be fine.

Dr. Joseph Heck

Yes, Ms. Van Dam?

Ms. Katey Van Dam

I think that it's a good question, Chairman, because the reality is we are dealing with the population where 70% are unfit for the All-Volunteer Force. And I think that certain policies are going to have to be put in place in order to ensure that we are matching individual ability to basic requirements. And I think that the expanding nature of war; and I won't try to predict what the next war will look like; but the expanding nature of war can be anything from a logistics officer to moving boxes around a warehouse to scheduling overhead satellite times, so I think that my only concern with putting it that way is what does combat look like? If you're controlling a drone from Nebraska, is that still combat? And I think to limit it would be dangerous, but I do think that we need to deal with the reality of what our population looks like and also what their capabilities are. Maybe they aren't the Infantry of World War II, per say, but they are smarter. They are very tech savvy, especially in this age group, and we need to make sure we're utilizing those skillsets in the best way possible.



Dr. Joseph Heck

Thank you. So, my time has expired, but if any other panelists want to weight in, I'll get you on round two.

Ms. Wada.

Ms. Debra Wada

Thanks, Mr. Chairman.

I just want to pull the thread a little bit more on that, because I think that another aspect to that sort of thought process is the current policies of the services. I think there's a general provision that says that; needs of the service. And there is a concern that if the needs of the service outweigh the individual's skillset or background or experience that we could have individuals who are drafted who are forced into combat. And particularly, obviously it's a concern that we would be forcing women into combat at times, even though they may not be physically, mentally, whatever the restriction or requirements are, to meet that requirement.

So, would your thought process change in terms of the current policies of the needs of the service; does that have an impact that we should be aware that we should be concerned about? I'd probably go with General Darpino, since you were the former JAG officer.

Lieutenant General Flora Darpino, USA Retired

When I think of the term "needs of the service", we can't look at that in a vacuum in that when someone says, "needs of the service," that they're saying that we're just going to throw people where we want to throw them, just because that meets a need. Strategy requires that you pick the best people to fill what you need them for. And that is why, in fact, the services with integration have set up gender neutral standards for different types of duties that you do within the military. You know, prior to us really examining gender integration, we in fact had no



standard, physical standard, to go into the Infantry. The only standard was that you had a certain gender. So, we, in fact, have taken what can be the boogeyman of needs of the service and defined that as what for a particular position do we need you to be able to do, and do you have the capabilities to do it?

However, and I don't want to be naïve, because we've seen it in every massive conflict that we've been in that there have been times that our nation has been so desperate to get troops to a battlefield that we have, in fact, sent men forward when they might not have been quite as prepared to give us time to prepare others. And that is just the nature of warfare. But we at least now upfront an ability to separate.

And one more thing, there's a lot of discussion between a World War II general and a Congressman, where he's complaining that an archeologist who's on his way to a PhD is somehow sent to a rifle regiment, and don't we have something better for that person to do than to be in a rifle regiment? And I'll just read the quote back that he was sent, which has to do with needs, and it is, "It is necessary for people to understand men must do that which is best to help win the war, and often that is not the same as what they do best." That's what needs of the Army means.

Ms. Debra Wada

Thank you.

One of the concerns that we have heard in opposition to including women in selective service is that it'll impact readiness, military readiness, and I was just wondering, given Sweden's integration, have you seen any sort of data or do you track data in terms of impact on readiness to your force from the integration of women?



Major General Bengt Svensson

I don't believe we have any direct data, but we're not concerned about the effect on readiness concerning the integration. The integration was gradual. It was started in the 90s and so forth, and I would say that we would be much more concerned with readiness if we could not recruit from half of the population. That would be a much bigger concern for us.

Ms. Debra Wada

Thank you very much. I yield

Dr. Joseph Heck

Mr. Gearan.

Mr. Mark Gearan

Thank you all very much for your testimony, and I appreciate the conversation.

Professor Hasday, perhaps we could engage in a conversation given your scholarship and your constitutional expertise. I would be interested from your perspective if there are examples of other civil obligations that are accepted by everyone regardless of gender or sex that you would analogize to the situation of a requirement to potentially make people available for the draft or some other form of national service. You mentioned social security; I think.

Prof. Jill Hasday

Right. Other well-known obligations would be obligation of jury service, obligation to pay taxes. Now, obviously, if you're drafted that's a much more encompassing obligation going with a risk of injury or even death, but that would be equally true for men and women. But at



this point, I don't think there's an alive controversy about whether women should serve on juries or pay taxes.

Mr. Mark Gearan

I'm not aware of it, no.

So is there something then particularly distinct about military service that you think has set it apart?

Prof. Jill Hasday

Historically, military service has been seen as a mark of full citizenship, and there's been a very close connection between the assumption of that responsibility and the winning of rights. So for instance, the valiant service of African American men during World War II really set the stage for the successes of the civil rights Movement in the 1950s and 60s. Here I am serving in the military, marking myself as a full citizen, and then I'm not being treated at home. So for me, I see rights and responsibilities as very linked to each other.

Mr. Mark Gearan

Thank you.

Dr. Joseph Heck

Mr. Allard.

Mr. Edward Allard

Dr. Dempsey, we have heard from some who believe that the expansion of registration of women would decrease registration compliance rates. What do you think about that?



Dr. Jason Dempsey

I guess what I'd say is I think raising the drinking age to 21 resulted in a lot of illegal drinking, but that wouldn't be my primary argument for changing that particular law. There are certainly questions in the practicalities of enforcement, but I think those practicalities of enforcement apply as equally to women as they do to men.

Mr. Edward Allard

Very good, thank you.

I yield back.

Dr. Joseph Heck

Mr. Barney.

Mr. Steve Barney

Thank you, Mr. Chairman. I'd like to thank the panelists for their very thoughtful testimony here and especially as we've begun, it's been helpful to have this discussion about those types of things that fall into the category of an impermissible stereotype concerning women that could be used as an argument against women being barred from registering to serve. Earlier, we received testimonies at the commission that women may experience significantly higher injury rates than men when they are serving in similar positions. Given the very recent, comparably recent, change in our Armed Services to open up all positions in our Armed Forces to women, I wonder, General Darpino, would it be too early for us as a nation to discount this idea of potentially higher, disproportionately higher injury rates as something we should be considering as we look to the utilization of and opportunities for women serving in the service?



Lieutenant General Flora Darpino, USA Retired

I have great faith in the military's ability to adapt and modify in order to ensure they get the most out of their warriors, and we've done it throughout history. When we saw during the Iraq and the Afghanistan wars that we started to have roadside bombs, we modified equipment to fix it because we needed to be out on those roads, and we knew it. And so, as we continue down this road of gender integration; first of all, I cannot validate that women are injured at a higher rate. I cannot validate that. We will adapt. We already know, as a matter of fact, you know, and working on the load that our soldiers have to carry. Gender unrelated, we think the load might be too heavy. And so, we will continue to adapt to get the most out of our warriors when it comes to warfare, and so I don't think we should consider that when, again, only 30 %, regardless, of the current eligible population is physically fit to serve at all. We're going to have to come up with innovative ways to handle a draft for all genders, not just women.

Mr. Steve Barney

Thank you, General Darpino.

Professor Hasday, to continue the discussion on this issue, you've been very helpful in identifying or helping us to identify the types of things that would be not a constitutionally permissible basis to allow women to serve. If there were a factually objective determination that women do experience higher injury rates, in your views would that be a constitutionally permissible or impermissible basis for the government to make a decision concerning the utilization of women, in particular, military areas?

Prof. Jill Hasday

The Supreme Court would still call that a sex stereotype, meaning that even if it's true as a generalization, it's not true in every case. There's still women who could meet the qualifications. So that's really what the court means by sex stereotypes. It can be true as a



generalization. It's true as a generalization that women are more likely to stay home, but it's just not true in every case. And the idea is you can't categorically exclude people, because your alternative would be coming up with a sex-neutral way of seeing who's more likely to get injured, right? I don't know; weak ankles or whatever it is. So that would be the alternative. Unless it's true in every case, you can't really use sex as a proxy.

Mr. Steve Barney

Thank you very much. I yield back.

Dr. Joseph Heck.

Ms. James.

Ms. Jeanette James

Thank you, Mr. Chairman, and thank you to our panel for joining us in this conversation. I'd like to start with Dr. Dempsey. The 2018 national defense strategy demands greater lethality from our military. It's part of their discussion. How would including women in selective service increase the lethality of the military from your perspective?

Dr. Jason Dempsey

First, may I quickly address the previous conversation? While I also do not validate the idea that women get injured at higher rates, I will say I do know from 22 years as an infantryman in the Army, there is a group that gets injured at higher rates, and that's men over 30. But we deal with that. We accommodate recovery times. We tailor training so that we can keep that long-earned expertise while still managing injuries. So, the idea that we would have a gender determination on that is somewhat problematic in my view.



In terms of lethality and to your questions, Ms. James, I think that a lot of times we get caught up in a very somewhat outdated view of what lethality is and means, and I think whether it's due to the failure of the services to communicate what we're doing or popular culture, I would say it's decidedly not the bayonet charges of World War I. More people are killed by aerial strikes than are ever killed in hand-to-hand combat. And so as we address lethality, I think we need to grapple with the idea that there are millions upon millions of ways to kill another person, and not all of them entail somebody using the strength of their arms to strangle an opponent. I think as we evolve, as the forces become more technologically adept and expert in the integration of all these various weapon systems, I want the smartest, most nimble mind well before I want the strongest person.

Major General Bengt Svensson

Can I comment on that too?

Ms. Jeanette James

Please.

Major General Bengt Svensson

I just want to agree with my fellow panelists, here. The national defense strategy, as I understand it, is written to meet at least two peer competitors, China and Russia. They are highly capable. So, what's needed is -- the lethality is the talent pool of the whole population. In order to man their complicated systems, in order to analyze, in order to have the best submarine captains, that's how we increase the lethality; by using the whole population.



Ms. Jeanette James

Thank you, and if you don't mind, I'm going to continue with you. Does Sweden make provisions for conscientious objectors in your system, and if they do, if you do, how does Sweden define conscientious objection?

Major General Bengt Svensson

We do. I can't give you the legal definition now, because I don't have it in my mind, but all the time while we had the conscript system, we had possibilities for those who objected both for moral reasons and religious reasons to first of all to do civil service. We have not started that again. We're looking at doing that now, so we have an option for those who do not want to bear arms, basically. And there is a process for that. They apply, and there is a board. And that's done by an agency separate from the Armed Forces to make it as objective as possible, but we do have that system. Yes.

Ms. Jeanette James

Thank you.

Thank you, Mr. Chairman.

Dr. Joseph Heck

Dr. Davidson.

Dr. Janine Davidson

Thank you everybody for coming today and giving your time and your thoughtful testimony. We really appreciate it. My question, I'll start with Dr. Dempsey. Thank you for coming today and I do follow you on Twitter and your thoughtful observations about the nature



of war and about civil-military relations. And so, my question is about the nature of war and what that means for the future. We've had a lot of conversations here today and yesterday about our inability to predict the future, but then we also have sort of a history of not learning lessons from the past. So, it's sort of a double-edged sword, and I'm thinking about -- Major Svensson, you mentioned the national defense strategy focused on peer competitors, which seems to where we're focused back now. But then the last however many decades, we've been in these very population-focused wars. When we talked earlier this morning about how one of the surprises of our engagements in Afghanistan and Iraq, and when I was in the Pentagon receiving a sort of emergency request for forces from the Special Operations Admiral; and the request was, ironically, for women. And generally, we talked about how in the Infantry the only physical requirement was that you were a man. In this case, they literally were saying, "We need more women in this population-focused environment, because we don't have the intelligence. We don't have what we need. We can't man the checkpoints or women the checkpoints," and those sorts of things. And I'm wondering is it just a blip in the screen? I mean, do people just think those kinds of wars are never going to happen again, in which case the purpose of a draft would really be just about numbers?

Dr. Jason Dempsey

Thanks for the question. I think one of the fascinating things about the way we think about warfare is this idea that we know exactly who the enemy is, it's telegraphed ahead of time, and it's all about just amassing forces on that one particular enemy. I would say that if you look back at the record of the last 18 years, lethality has not been the issue in the United States Armed Forces. I would challenge you to find any American general who says that, "We're not capable of killing the people that need killing." The challenge has been who to kill, and how do we message that? And in that respect, we have failed. We have failed repeatedly again, again, and again. In 2009, entering Afghanistan, one Army senior strategist pulled us aside and said, "Listen, guys, I know we've been here a long time," which is absurd to think that 10 years ago, we were already thinking about it being a long time. He said, "Listen, the age of the guy we're killing right is about 18 years old, which means that that person was around 9 or 10 during 9/11."



And what that meant; the implication was that we had utterly failed in our messaging to the Afghan people in the intervening eight years about why they should be supporting us and the Afghan government vis-à-vis the Taliban. That is a much more fundamental problem than whether or not we've been able to kill Taliban leaders when we've been able to identify them.

And so, limiting any of our forces on the basis of gender and not on their ability to manage ambiguity, to manage new technologies, and to manage the people around them to not only figure out how to kill but who to kill; that is vitally important.

Dr. Janine Davidson

Thank you. Does anyone else want to comment on the future of war?

Major General Bengt Svensson

I wouldn't dare.

Dr. Janine Davidson

I yield the rest of my five minutes, Chairman.

Dr. Joseph Heck

Mr. Kilgannon.

Mr. Tom Kilgannon

Thank you, Mr. Chairman. Thank you all for being here, for helping us to understand these important issues. Ms. Van Dam, I wanted to ask you, could you tell us about the circumstances which led to you ultimately joining the Marine Corps?



Ms. Katey Van Dam

I was a freshman at the Naval Academy on 9/11, and you could see there was a lot of emotional response to that amongst young people who had gone into the service or gone to the academy prior to 9/11 at the time. I come from a family of police officers and firefighters, and I met my first Gunnery Sergeants with a very similar mentality to that of police and firefighters. When I was looking at MOSs, my first desire was to go off instantly into combat, and for me the closest I could do that was as an attack helicopter pilot in the Marine Corps. And so that is the route that I chose and stuck to and was very blessed to have the opportunity to serve in combat and doing counter-piracy operations almost a decade later.

Ms. Katey Van Dam

Yes, sir.

Mr. Tom Kilgannon

And your success in both is exemplary. Do you think that your voluntary choice and your success should be the groundwork for compelling other women to do that which they don't feel the same calling that you do.

Ms. Katey Van Dam

I think that is a really great question. And I think it's important to put this and to characterize it from the perspective of national mobilization. In the event that we do call up the draft, which is arguably an unpopular idea at large in society, we are in an existential circumstance. And I do believe that it is the civic obligation of every citizen in this country in those circumstances to serve given the fact that we are this unique country that provides them a voice in policy, in law, both in the community, and the state, and the national level. So whether or not they want to serve, we don't give young men that same option, and I think, as we've



discussed throughout the afternoon, there are lots of options of how people can serve. And I think that's going to be up to the services to figure out how to work that, but I do believe that is their civic obligation as citizens of this country to serve regardless of whether or not they want to.

Mr. Tom Kilgannon

And in your answer, I think you're assuming that the draft would be in such circumstances as there is a national emergency or the need for combat replacements. But in our discussions, we have had some tell us that selective service could be used to meet end strength. Is there a distinction there?

Ms. Katey Van Dam

I think there is a distinction. I think that the standards the service has set right now for the All-Volunteer Force are very important for an All-Volunteer Force, and it will be up to the services to decide if those standards can meet the needs to be prepared for future and current conflicts. But I definitely think there is a difference there, and I don't hold an opinion strongly on just basic conscription to meet end needs for manpower.

Mr. Tom Kilgannon

So, the last part of that is are you saying -- should women be conscripted for end strength, agree or disagree? I'm sorry, I'm just trying to clarify the last part of your answer.

Ms. Katey Van Dam

I think that an All-Volunteer Force right now serves us well, and I think that the standards set in the All-Volunteer Force are important for both its continued success and that's based on a professionalism that is found, I believe, solely in an All-Volunteer Force. So basic conscription to meet manpower needs, unless the service has determined that that is the only way



to do so, I don't believe that I -- I guess I'm saying that I'm supportive of the All-Volunteer Force as it stands and the selective service to be used for national mobilization in a time of crisis.

Mr. Tom Kilgannon

Thank you and thank you for your service.

Ms. Katey Van Dam

Thank you.

Dr. Joseph Heck

Ms. Haines.

Ms. Avril Haines

Thank you. Ms. Van Dam, if I could continue with you, and, by the way, thank you very much, all of you, for taking the time to do this with us. I was struck by something an Air Force cadet said to us as we went around the country and talked to people; a woman who was serving, and I wanted to know if it resonated with you and if you'd sort of have had conversations with pilots during the course of your service. She indicated that it was important to her that women be included in the registration requirement, because it was yet another symbol of the inequality between men and women in the context of the Armed Forces, and I wondered if that is something that you've thought about or whether that's something that's been discussed with you.

Ms. Katey Van Dam

Yes, thank you for the question. I agree. I think that when we have equal expectation, people, first, live up to that expectation, and two, those around have nothing to point to that say



you're less equal. Less is expected of you. We spoke a little bit earlier; the question was fielded on cohesion within the services, and the strongest, the cohesion that often people reference is social cohesion, which very often leads to a group-think mentality. But when you have task cohesion, where each individual member is expected to do their job and to do it well, which I think leads to the expectation that everybody is expected to serve in selective service or just do their job. Basically, task cohesion is what really leads to both innovative thinking in challenging times, and it also leads to the strongest, most cohesive organizations, both in the military and in the business world as well.

Ms. Avril Haines

Thank you. Professor Hasday, I was wondering. Something else that came up in conversations that we have had around the country is a woman who talked about her concern about her daughters ultimately registering and being compelled to serve was that she was concerned about essentially protecting them from an environment in which she believed it was more likely than if they stayed at home for them to be subject to sexual assault. And while it was discussed, the fact that statistically on the college campus you're actually more likely to experience that than in the military, one of these questions; these sorts of things come up consistently, and I guess I'm looking for your thoughts on first of all, how would the law look at that; whether or not that would be a factor in consideration? But also, historically in the context of gender, legal issues that you've looked at, have you seen this sort of and how do you think about these questions of being protective of women in these contexts where there are sort of laws that on their face at least discriminate?

Prof. Jill Hasday

Okay, so I have a few thoughts. One, just to make the point that both men and women can be subject to sexual violence, and I would say the solution would be to combat the sexual violence directly. But as a historical matter, actually many restrictions on women's rights and opportunities have been justified as protecting them. I actually wrote a law review article, it's



called *Protecting Them from Themselves*, exactly on this. But, for instance, women's exclusion from jury service; they'll be exposed to these lurid trials.

That's just a very common argument. I do agree that sexual violence is a problem, and I think the military needs to address it, but to me it strikes me it's just as pressing a problem now with the All-Volunteer Force.

Ms. Avril Haines

Thank you.

Dr. Joseph Heck

Ms. Skelly.

Ms. Shawn Skelly

Thank you, Mr. Chairman. Ms. Van Dam, quickly, I want to service a couple of targets here and start with you. You specifically mentioned in your testimony that you started your attack pilot service 15 years after women were allowed to enter into combat roles, which started with attack aviation in different forms. And then you said that by the time you got there, to paraphrase, it wasn't a question anymore. If you're good at your job; if you're a Sierra-Hotel pilot, you're a Sierra-Hotel pilot, and that's what people care about. What do you think happened over those 15 years that that was the situation you arrived in as a woman in a combat role?

Ms. Katey Van Dam

So combat is the great equalizer. If you can do your job, you can do your job. If you can carry your pack, you can carry your pack. If you can deliver hellfire on target on time, then you're just accepted. And so, I believe that we should take advantage of the last, do some math here, 18 years of war, and we should take advantage of the women that have served on the front



lines, if you could argue very different lines at all. And we should take advantage of the social cohesion and the task cohesion that has happened amongst the men and women and the general expectations that women have proven they can do the job and they are continuing to prove so. So, there isn't really -- there shouldn't be an expectation otherwise.

Ms. Shawn Skelly

Thank you. Personally, I was a RAG instructor at the time that women were introduced into tactical jet aircraft at that time, and I would offer, just as an observation, that I think that's the phase that we're in right now with regard to women in ground combat roles, those final 13 MOSs in the Army that were introduced. We're still figuring it out in a lot of ways, socially as well as professionally in that way.

Dr. Dempsey, if I could shift to you, please, sir. Our interim question here is whether or not the nation should retain the capability to draft people into military service; whether that retains value, and then there's a bunch of supporting questions to that. If it were to be retained, the draft, because it has value with regard to end strength and military capability, does registration be maintained? Does an ongoing registration system such as we have today, and the status quo have value with regard to the draft in a strategic sense and would ending pre-registration impact that?

Dr. Jason Dempsey

I think there's some interesting discussions and challenges around that, and I suspect a lot of the opinions that were voiced this morning about what happens when the rubber meets the road and you're actually trying to enforce such a thing. But I do believe that in terms of a signal and in terms of reminding us all that we are citizens first and foremost and that with that not only come rights but obligations, I do believe that registration for selective service plays a role if nothing else than at least one of too few reminders that we do have collective obligations and



that are safety and security is not guaranteed. In terms of its strategic value and signaling, I do think it plays a role at least that we have the ability, but again, the devil is in the details. I would say that: one, discussions about service are important; two, we need to promote a greater commitment to service and the obligations of citizenship. How exactly we go about that though remains to be seen, but obviously, per today's discussion, what I don't think is in doubt is the idea that somehow, we need to bifurcate the obligations of citizenship along the lines of gender.

Ms. Shawn Skelly

Thank you. Being wary of the yellow light that would apply to both of us when it comes, what's your appreciation as to -- we all have the list, or we can list off on our fingers the potential peer adversaries that it would probably matter to. Do you feel like they'd pay attention and would make note of it if we changed the construct of our ability to conscript people?

Dr. Jason Dempsey

Actually, I do think so, because I think our near-peer adversaries are the types who are very comfortable with mass mobilization. And they also seek to exploit divisions both within the United States and between us and our allies. And so, the academic jury would obviously be still out on how important that is in the rank of all the signals that we can give about American will, but I wouldn't discount it either.

Ms. Shawn Skelly

Thank you.



Major General Bengt Svensson

Can I comment on that?

Ms. Shawn Skelly

Please, sir.

Major General Bengt Svensson

When we reintroduced conscription again in 2017, they noted.

Ms. Shawn Skelly

Thank you, sir, and I should have taken better note of that considering my question. We can come back to that.

I yield back.

Mr. Alan Khazei

Thank you all for being here and spending time with us. My first question is for Professor Hasday. So, some have argued that if availability for the draft or ultimate service is a civic duty of any American, and we should extend registration to women. Why should we limit that duty to an age range as the current law; 18 to 26? What's your view on that?

Prof. Jill Hasday

As a constitutional matter, the court applies very lenient constitutional review to age-based statutes, so it's really a policy choice of Congress. Congress constitutionally can keep it at 18 to 26 or extend it. There's not much constitutional constraint.



Mr. Alan Khazei

Thank you.

My other question for each of you; you all have tremendous expertise, so earlier we had a panel of folks like you all who passionately believe that we should not extend registration to women based on faith and other concerns. What, in your opinion, would be the most compelling argument for folks, if we recommended that and if Congress actually changed the law, to the folks who are opposed to this? What would be your most compelling argument as to why we need to do this as a country? I guess I'll start with General Darpino.

Lieutenant General Flora Darpino, USA Retired

As I listened to much of the discussion and as I've read about it as I said in my opening statement, I think that many of the concerns that were raised can be and have to be addressed through the exemption process. So, it isn't exclusion, but they could be through an exemption process. And you think of the example of a husband and wife. Instead of two dads, we'll just stick with a husband and wife, and the wife happens to be a trauma surgeon, whereas the husband happens to be a high school teacher or high school coach. Our nation may need that trauma surgeon, and that's where needs of the military might come in. But that's really a discussion for exemptions. Do we want them to choose? Do we want the nation to choose? It's not about who registers, it's about who we might need to take.

Mr. Alan Khazei

Dr. Dempsey?



Dr. Jason Dempsey

One, I want to say I certainly recognize and respect our Quaker friends and others who've had a consistent voice throughout American history. I think they do add a tremendous amount of moral clarity and voice and opinion that we need that helps create this rich tapestry of who we are and how we operate, and I ultimately respect that. What I do have issues with though is with somebody who says, "My religion says that this is my view of how women should or should not operate." And it removes the agency of the individual, and it removes the agency of the state to interact with that individual and decide what is best for the needs of the common defense. And so, again, I think there are issues with, obviously, the way we use force; the way we recruit and retain. I think there's problems that would arise with a draft. But I do find this discussion of gender as a part of that as somewhat a foul ball.

Mr. Alan Khazei

Thank you.

Professor Hasday?

Prof. Jill Hasday

One thing I could say is that many men when they received that draft notice were not pleased. You know, they would have enlisted if they wanted to enlist. So another perspective we could get out here is also from the perspective of the man who doesn't want to be drafted. Why should that obligation be on him when he has the same domestic commitments and other things he wants to pursue? The draft generally isn't happy, right? It's a moment of extremity for everyone.



Mr. Alan Khazei

Thank you.

General Svensson, based on your experience?

Major General Bengt Svensson

Thank you very much for the question. I think there is a tendency to have two issues that are mixed. The first one is draft or no draft, then one with the gender issue. With the first one, if there should be draft or not, I think you carefully have to consider which problem is it you are trying to solve? In our case when we reintroduced in 2017, it was that we couldn't grow our force quickly enough without conscription, given the security situation that we were in. So that has to be distinguished from the gender issue. Now the gender issue, I'm not sure I can convince any of them. For me, the most compelling argument besides that I think it's morally right is having been responsible for recruitment for the Swedish Armed Forces; that we cannot do without half of the population. It is impossible. And I would say even more strongly that even if we consider all our estimates of how war is going to be fought in the next generation, the only conclusion we can come to from that, the only possible conclusion, is that we need all the resources and all the talent that we have.

Mr. Alan Khazei

Thank you.

Ms. Van Dam?



Ms. Katey Van Dam

I don't know this would convince skeptics, but I'm a true believer that full citizenship requires the same expected civic obligation in the nation's time of need. Just simply that. Thank you.

Mr. Alan Khazei

Thank you.

I yield, Mr. Chairman.

Dr. Joseph Heck

Thanks.

So that concludes the first round. We've done that in record time, so we'll go ahead and continue with the second round of questioning. I'll put myself on the clock for five minutes.

So, I want to continue down the line of questioning that Commissioner Barney started with General Darpino. Not to be overly contrary or argumentative, but you had mentioned that the military always adapts to whatever it needs to do; i.e. the IEDs and coming up with up-armored Humvees or MRAPs. It's one thing to adapt materials. It's much harder, if not impossible, to adapt biology. And there is a fair amount of literature, both in the medical and in the sports medicine realm that show increased injury incidents based on body composition and body mechanics that females that operate under heavy loads or strenuous activities. So with that and again understanding that if you have the same injury requirement for everybody; let's say women were going to be put in the selective service system, it would be assumed that they would meet the physical entry requirements, but that doesn't necessarily take into account their risk of injury later on should they be engaged in combat or heavy, strenuous activities. In that construct, would that change your opinion at all?



Lieutenant General Flora Darpino, USA Retired

The answer is no, it would not change my opinion, because it goes back to the fact that we in the future know that warfare, as in every conflict that we've had throughout history, it looks different. World War I looked different than World War II, which looks different than Vietnam. It looked different than what we're fighting now, and we adapt according to that. And so, as my honored colleague here said, you know, we're probably not looking at the bayonet and the stranglehold. You know, we have so much technology involved in warfare now that to eliminate 51% of our population where we can find and sort, in the Harry Potter Sorting Hat way if you want to say, we will find the place that you belong, but we need you.

Dr. Joseph Heck

Okay.

Professor Hasday, I just want to make sure I understand the constitutionality argument well enough, here. If there was, and there is now, clear and convincing evidence, let's say that in this situation one gender is more at risk for injury which would result in increased costs and decreased lethality and readiness. Are you saying that it would be discriminatory to exclude that entire gender unless you could prove that every person in that gender is subject to the same risk?

Prof. Jill Hasday

You know, starting in the early 70s, when sex discrimination gets off the ground, the court has repeatedly said that administrative convenience and cost savings are not sufficient. So it's not enough that it might be easier to only have men, which I'm not conceding, but even if it's true, it's just not enough. It has to be something that's true in every case. So that's what it means to be a sex stereotype, because the military has the possibility of coming back with sex-neutral rules to sort people.



Dr. Joseph Heck

All right, thank you.

And then I'm just curious, General, within the Swedish experience, do you know of any data on injury rates amongst genders within your service?

Major General Bengt Svensson

We have some data, and I think that it supports that there is a higher injury rate. What the course is for that is we're not quite sure about. We're working with that, but the bigger problem for us by far is that the young population is weak in general, if I can say that. That's the much, much larger problem than the difference between male and female.

Dr. Joseph Heck

Thank you.

Ms. Wada.

Ms. Debra Wada

Thank you, Mr. Chairman. Because I'm not sure who would be best to direct this to; I'm looking at General Darpino and Ms. Van Dam, but there's a concern that if we were to require women to register for the draft that it might have an adverse impact on recruiting and potentially retention in the force. Do you think that? Given your experience in service, do you have any thoughts on whether that sort of assessment has some validity to it?

Or even, Dr. Dempsey, from a mil-civ sort of approach, do you think that that would either hurt or improve our mil-civ sort of divide?



Lieutenant General Flora Darpino, USA Retired

It's hard to answer a question like that when I can't think of the underlying bases for that conclusion; why that would make women less likely to volunteer to serve.

Ms. Debra Wada

The thought process is if you're forcing women to register for the draft to do something they don't want to do, those who may have thought about doing it won't want to do it anymore.

Dr. Jason Dempsey

I would submit the opposite. The way gender norms and perceptions about the military currently stand, even though we've had great trailblazers, both to my left and right and on the panel, many women are simply just not as exposed, right? I mean, if you've got parents who are the Vietnam generation, the odds are that the veteran was your father and not your mother; and so this idea of who are you looking up to and following in to service. So I think that a, "Hey, at some point we may need to call upon you." An indicator from the state that you are a coequal stakeholder in the defense of the country would send a powerful signal that, "Oh, hey, actually this might be something for me."

Major General Bengt Svensson

Can I comment on that too?

Ms. Debra Wada

Of course.



Major General Bengt Svensson

Because we actually had exactly that experience. The number of females grew very slowly for us since we had within our system discrimination since the draft was only for men. And our conclusion was that the exposure to registration, tests, and our forces in general was much less for the female population than for the male population, and that's one of the reasons why it took us so long a time to grow the female portion of the force. So I would say the argument is exactly the opposite.

Ms. Debra Wada

Okay, to add just a little twist to Tom's earlier question, and the three of you, again, have had some prior service, therefore I changed the question a different way. So would you support conscripts being integrated into the force, whether male or female? Because when we're talking about a draft, we're talking about being conscripted in. We have heard historically and even recently from the department that they don't want conscripts. They don't want to have to deal with conscripts. So just wondering, given your experience, whether if we included women in the draft and there is a conscription both of male and female, what would be your [answer]?

Lieutenant General Flora Darpino, USA Retired

I think if we've, as I understand the premise of the question is, that we have utilized all the levers that we have available in order to bring in those volunteers, and we can't be at end strength for what we've determined we need, then I think that the same would apply for men and women.

Ms. Katey Van Dam

I don't think culturally overall that would be an issue. If this was the end state, I don't think adding women in as conscripts would change very much.



Ms. Debra Wada

Thank you.

I yield, Mr. Chairman.

Dr. Joseph Hicks

Mr. Gearan.

Mr. Mark Gearan

Thank you, Mr. Chairman. During the course some of these hearings and then in our travels around the country, folks have observed to us who oppose registering all Americans for the selective service, and they argued that by the potential drafting of women into the service that it would hurt our military effectiveness. And I'd be interested, Ms. Van Dam, and I guess, Professor Dempsey, how you would respond to the questions, building upon what Vice Chair Wada said in terms of recruiting, but then to the question of that it would hurt our military effectiveness.

Dr. Jason Dempsey

Again, I think there's sort of a messaging challenge, because it's no longer a theoretical thing. Women are in the force, and they're doing quite well. So, the idea that bringing more or bringing them in through conscription, the folks I think who are raising that question probably are not aware of the extent which women currently serve. We're doing fine. I mean, there's a lot to improve on; there's a lot to improve on across many dimensions, not just those related to gender. But you know, it seems like a question, again, appropriate for 1990, but not for 2019.



Ms. Katey Van Dam

I think it's always been important for mental agility when it comes to being combat effective. I believe that we need even more imagination and creativity in the wars of today and especially the wars of the future, given the technological capacity of our near-peer competitors. And it's been proven even in the Marine Corps's own study that it did on gender integration prior to the change that groups that include women or any minority thought, but in this case it happens to be women, actually were more capable at solving complex problems when presented before them than groups that were homogenous, whatever that homogenous groups looked like then, but traditionally in the military these are all-male groups. I think diversity should always be coupled with capability, strong standards, *etcetera*, but it has been shown that the more people with different backgrounds, thoughts, *etcetera* that you have in a single room to solve a problem, the more capable you are at solving both today's problems and tomorrow's problems, and I think that's an important thing to note when it comes to military effectiveness.

Mr. Mark Gearan

General Darpino, did you want to add to that at all on military effectiveness?

Lieutenant General Flora Darpino, USA Retired

My colleagues were very eloquent.

Mr. Mark Gearan

Thank you; as were you, today.

Dr. Joseph Heck

Mr. Allard.



Mr. Edward Allard

Thank you, Mr. Chairman. Before I ask my last question, I want to thank each and every one of you for being here today, because you represent a brain trust that's been invaluable to us. And I thank you for your service. General Svensson, thank you for your service to your nation too. Thank you.

The final question I have is for my fellow marine; no bias, here. What would you think is a compelling reason for us to expand registration to all Americans; and anyone else that would like to join in on that question?

Ms. Katey Van Dam

Thank you for the question. I think my first point, as I've noted before, that it is an obligation of citizenship to participate in the event of a national crisis. I also do believe that it makes us more effective. To absolutely ignore over half of the talent pool, of over half the population, it seems ill-advised is the kindest way I can think to put it. I think that we need to utilize the talent of Americans. We still have one of the best advanced education programs in the world. We have bright people. We have a very unique, innovative mentality in this country that I think you don't see in many other parts of the world or you only see in small pockets, and we need to harness that and utilize that in order to keep our country safe.

Mr. Edward Allard

Thank you very much.

Any other thoughts?



Prof. Jill Hasday

I think including women in the registration is an opportunity to establish that women are able citizens and to draw on their strength and their brains and their innovation.

Lieutenant General Flora Darpino, USA Retired

And just to follow on that, when you exclude people from the group, you lead others to believe that they are not equal. And so, we are sending the message that women are not equal to men when it comes to the constitutional demand to protect our nation.

Mr. Edward Allard

Thank you.

Major General Bengt Svensson

Can I add as an outside observer? I must admit, sir, I had some difficulty to explain to my Captain I was sitting with this panel today.

Mr. Edward Allard

Thank you.

Dr. Jason Dempsey

The only thing I would add to my colleague's great comments about, you know, adaptability, innovation; and really, it's about the standards. And I think among the many Infantry units I've served in, those that were tasked and mission-focused and had standards, above all, were the most effective. And the introduction of women has actually forced a lot of people in the military to say, "Am I basing my esprit de corps on true standards and mission



focus, or am I basing it on exclusion; on the fact that, well, this is a good group of men?" And I think one of the interesting things we've as we integrated Ranger school, one of our premier leadership and physical training schools, one of the surprising findings from my colleague who was running the integration was we hadn't written down all the standards. And so, this has forced us to say what does it mean to be a Ranger? What does it mean to be an infantryman? And I think that is an exceptionally valid exercise across the services, and it makes us better for it.

Mr. Edward Allard

Excellent, thank you.

I yield back.

Dr. Joseph Heck

Mr. Barney.

Mr. Steven Barney

Thank you, Mr. Chairman. Earlier, my colleague, Ms. Haines, was asking a question related to the instance of sexual assault in the military, and I think it's appropriate for us to recognize that, General Darpino, with your leadership as part of the team that has been, during your period of active duty as TJAG, solidly focused on this challenge in the military and trying to eradicate it; I wanted to first give you an opportunity to follow up if you choose to on this issue of how do we as a nation respond to those people whose sons and daughters would enter the military about the issue of sexual assault and, perhaps, though we have not experienced a draft in decades, whether you see any particular challenges that would be faced by the military if we were to implement a draft that could potentially threaten the positive progress that must be made on combating sexual assault.



Lieutenant General Flora Darpino, USA Retired

I appreciate the question, and I think that, you know, when we first started to really look into this issue in the military, it was before society really understood the extent. We have no one to compare ourselves to, and one sexual assault is too many. But when we saw the numbers, and that, you know, it was below 10% when we first started looking in '07, it was alarming and distressing. And it isn't just women. It's women and men. And as we pushed that number down to 4.4% as we went along that journey, more and more studies started to come out about violence against women and men in society when it came to sexual violence. And studies now show that outside of the military, you know, we're talking about as high as 50% in some colleges. The lowest I think we've seen in some recent studies is 18 to 20%. And so we are often a mirror in the military of what we see on the outside, and we often can lead when it comes to responses. I think that we have done that. I don't want to say it, because I think -- you know, I have two daughters, but I know that they would have probably been safer in the military than they were probably at the two colleges that they went to, and that makes me extraordinarily sad that that's a reality in our society. But I will say that I believe, like many other panel members here have said today, that the more exposure we have to others, the more integrated we become, the more we are seen as equals, and we don't exclude, in society also, we will see that this issue becomes less and less acceptable among those who like to define themselves as special.

Mr. Steven Barney

Thank you. Mr. Chairman, I can't see the clock, if there's time.

Dr. Joseph Heck

You're good.



Mr. Steven Barney

Thank you. Major General Svensson, in your very helpful testimony that you've provided you said that first, you joined the military as a conscript. You have served with, you have led, and you've served overseas with people who were former conscripts. Could you help us understand, for the experience in Sweden, what is the role of the conscripted in terms of being able to participate in international activities that involved your kingdom's Armed Forces?

Major General Bengt Svensson

Thank you very much. It goes back to the answer I gave earlier about what problem we're trying to solve. In the period before 2010, in 2010 we had an All-Volunteer Force, and the reason we had that was that it was politically and legally very difficult for us to draft people and send them, for instance, very far away, like Afghanistan or Africa. The draft was for the defense of our country or national defense. Doesn't mean that it has to be within the boundaries, but still, it's some sort of geographical, at least public perception that it's used for that. So today when we send forces out to Afghanistan or Iraq or right now in Africa, we do not use conscripted. We use that part of the force since we now have a mix that is all professional, and that's for political and legal reasons.

Mr. Steven Barney

General, thank you very much.

Dr. Joseph Heck

Ms. James.



Ms. Jeanette James

Thank you, Mr. Chairman. During our previous panel, we heard testimony that suggested that from experience during deployment, in particular places within a particular type of military actions, the enemy tended to target women. If it was a patrol that had a mixed group of men and women, the enemy tended to target women, because they understood the potential psychological impact that that might have, killing the female member of the team first. I'd be interested in your thoughts on that.

Dr. Jason Dempsey

I think it's a fascinating observation, and I can't speak to whatever specific instance was referenced, but I've not known an enemy who would pass up killing Americans. You know, we generally don't make it easy enough that you can pick and choose which American targets you want to take out, and given the amount of gear we wear, I'd be very surprised if somebody could look through the window of an MRAP and determine the gender of who's actually on patrol. And so, I would take, I would not dismiss those anecdotes, but I'd certainly take them with a grain of salt. I would also say that what are we balancing here; the idea of perceptions and interactions? Is the implication then that our will and leadership is so weak that if Soldier A is killed, we will gnash our teeth and tear our hair and quit versus if Soldier B is killed? I would submit that we value all those lives equally, and woe be the enemy who think they can create some kind of division between us.

Major General Bengt Svensson

Can I comment on that? I think it's more of a reflection of the enemy's perception of gender roles.



Ms. Jeanette James

Thank you. General Darpino?

Lieutenant General Flora Darpino, USA Retired

I was just thinking, as my colleague was talking, that in warfare they are going to target what they believe is the most valuable target, and if that happens to be the man and woman with the radio or the person with the heavy gun, I don't think that's a gender issue. I think that is someone targeting, if true, what they believe is a valuable target, and we don't make policy based upon what the enemy might do. We're not going to carry radios, because they might target the guy with the radio?

Ms. Jeanette James

Thank you, Mr. Chairman.

Dr. Joseph Heck

Dr. Davidson.

Dr. Janine Davidson

So we earlier talked about how this conversation about women in the selective service and the draft gets often kind of confused between the selective service and the draft, whether we need that process at all, and women participating in that and whether that's an issue of operational effectiveness or whether that's an issue of equality. I'd like to talk a little bit about the civil-military implications of that grave decision, not just the women issue, but, you know, since we've had the All-Volunteer Force for however many decades, a lot of people would say it's made our military very strong, very lethal, very professional. The idea of absorbing a bunch



of draftees in a crisis would be difficult, but if it was required, we would do it. But then the flipside of this All-Volunteer Force is that there are a lot of Americans who are very separated from our military; degrees of separation before they even know anybody who's serving in the military, not like previous generations where they had parents that were either in Vietnam or World War II or at North Korea.

And so I'm wondering what you all think about if we were to eliminate the entire process, would that exacerbate the civil-military divide? If we were to keep the selective service and add women, would that enhance our civil-military relations or make them worse in another perverse way? And I'm wondering if you have any thoughts on that. And I'm also interested in General Svensson's perception too about how it works in his country. We're going to start with General Darpino.

Lieutenant General Flora Darpino, USA Retired

I think that there's great value in individuals understanding, regardless of gender, that, you know, freedom isn't free. And part of that recognition and reminder is through registration. And so I think that as a free society it is good to remind folks that citizenship has a price.

Dr. Janine Davidson

So even if the actual activation of the draft is so unlikely, there's a value to have the registration of the selective service?

Lieutenant General Flora Darpino, USA Retired

I believe so.

Dr. Janine Davidson

Dr. Dempsey?



Dr. Jason Dempsey

I agree. I think the touchstones between America and its military are so few and far between that any reminder from the state that we all share and have common obligations to national defense shouldn't be overstated. One of the ironic things I was thinking about as you were asking your question was, you know, the common feeling among most active duty military is we wouldn't want conscripts, because, oh my goodness, now we got to deal with people who don't want to be there. And, you know, quite frankly, most Privates in training don't want to be at that particular moment of training anyway, right? And we look at it from that kind of efficiency perspective, but that's certainly not where we've been lacking. The question of the greater possible efficiency is, what does it mean, or how inefficient is it when you're lost in 18 years of seemingly interminable conflict with no meaningful engagement from the American people, and by extension, the United States Congress? I find that highly problematic, and so I look forward to any and all ways that we can at least reconnect Americans with the idea of shared service and national defense.

Prof. Jill Hasday

I'm not an expert on how to promote civil and military relations, just constitutionally either have registration that includes women or don't have it at all. That's my bottom line.

Dr. Janine Davidson

Fair enough.

General?



Major General Bengt Svensson

I would say that there is of course a debate which system delivers the best units, professional all-volunteer or conscription. And you can have that debate. There's much arguments in favor of an All-Volunteer Force, but if you look solely as civilian-military relationship, than the argument is much in favor of the draft. The problem you have within most western societies today that still have a draft is that we don't need a whole year group. We need 10, 15, 20% maybe of a year group, so there's 80% that doesn't serve. However, we will touch almost all of them, and that is an improvement of the civilian-military relationship; it is. Then you can have the other argument, which is the most effective one, but in civilian-military relationships, absolutely. The draft will give you benefits of understanding and a sense of service that is very difficult to get with an All-Volunteer Force.

Dr. Janine Davidson

Thank you.

Ms. Van Dam?

Ms. Katey Van Dam

I have nothing to add.

Dr. Janine Davidson

Okay. Thank you.

Dr. Joseph Heck

Mr. Kilgannon.



Mr. Tom Kilgannon

Over the course of the conversation today during different exchanges, I picked up during an exchange in which we're talking about the importance of registering women with selective service, and, General Darpino, you said something; we'd be sending a message to society to register females with selective service. And, Professor Hasday, in an early on exchange, and I apologize I didn't get your words, but you said something similar. And we've heard in your testimony about addressing sexual stereotypes and societal impact, and as I'm hearing all of this, it sounds to me like maybe the importance of selective service has more to do with our society than with our military or our national defense. Am I incorrectly interpreting the conversation today?

Lieutenant General Flora Darpino, USA Retired

I think that what's happened is you have reversed the thought. So, the thought is that by excluding, individuals come to a conclusion. And so as long as you are going to have folks register, it has to be both genders. Because if you do otherwise, you are sending -- not you personally, but you are sending a message that they're not equal citizens. And so, it isn't a matter of I believe or I think the message is more important than they are to our national defense, but the failure to have all register, we are acting as if they are not full citizens. That was my point.

Prof. Jill Hasday

I agree with that. I would also say I think of registration as on the line where it's both about civilian life and about military life, because of course over the last 40 years people who have registered haven't been drafted. So, I think it's both about the military service, but it's also an opportunity for the United States government to indicate who it considers full citizens. Right now, it's telling every young woman and young man that for some reason women don't register. Somehow, they don't count as full citizens.



Mr. Tom Kilgannon

Professor Hasday, a brief follow up with you; in our morning panel, several of the panelists, female panelists, said that, just to be honest, they don't feel the need to have their value as a citizen and as a female validated through registration of selective service. While you're suggesting that registering in the selective service gives females a stronger standing in society, these panelists in the morning suggested that, in fact, we'd be taking something away from them; a right to choose whether or not they wish to have their vocation in the military or in the home.

Prof. Jill Hasday

Okay, so as a constitutional matter, the key question is what message does the government send? It's not how it's received by any particular woman. I'm sure some women like their exemption from the draft just like many men would also like to be exempt from the draft. It's called involuntary conscription for a reason, right? And again, I think staying home with children, taking care of people is very important, but the Supreme Court has made clear that the law can't assume that it's more important for women than it is for men.

Mr. Tom Kilgannon

General Darpino?

Lieutenant General Flora Darpino, USA Retired

I have nothing to add to that.

Mr. Tom Kilgannon

Okay. Well, thank you all very much.

I yield back, Mr. Chairman.



Dr. Joseph Heck

Ms. Haynes.

Ms. Avril Haines

Thank you. One of the things that's come up for us in the context of the selective service is the fact that so many people register today sort of indirectly; whether it's through, essentially, application for a driver's license or student-aid applications and so on; and I think one of the questions that we struggle with is this discussion that we hear about the value of that from the perspective of getting as many people to register as possible, and sort of, you know, managing the database along these lines for the purpose of the selective service versus the value of active registration where people have a moment to consider what it is that they're registering for and the value that that adds to the system generally, to an introduction to what this responsibility would mean and so on, and I wonder if you might just sort of give us your views on that and maybe starting with General Darpino?

Lieutenant General Flora Darpino, USA Retired

I know individuals who have come back and said, you know, "I filled out the form today." And so, they actively know that they're going to fill out the form, and I've also had parents say to me, "I found out that my kid didn't fill out the form, and we're trying to do financial aid for college." And so, there is a recognition when it happens, no matter what method that you use, and you are sending that civil-military responsibility and relationship when you have an active method.

Dr. Jason Dempsey

One, I don't envy the Commission's challenges in trying to figure out how do you actually implement some of these recommendations, but I would always vote for active



registration, and again, because I think it's a very powerful signal that says, "I am registering for this obligation for the state." And I almost commend those who would then actively register, but then turn around and say, "I am morally opposed to military service." I applaud those who would do so, but I want it to be an active conversation.

Major General Bengt Svensson

In our system you notice it, because the normal procedure is that you get a letter at home and then you go on the web and then you answer, I believe it's about 52 questions, and that's concerning the basis for the draft. So, you notice.

Ms. Katey Van Dam

I agree with my colleagues that active is most desirable, but I would also caveat that it has to be accompanied by education. People need to understand what is going to happen and what they will not be eligible for in the event that they do not. Given the fact that I think I read in the Commission's latest paper, 92%, that's where we're at with selective service registration, and most of that is through automatic. I think that it's important this isn't a conversation that's happening right now. People don't know that they won't be eligible for student loans; that they can never hold a federal job. So, I am for active, but that has to be accompanied by a good communication strategy, so people understand the implications of their decisions.

Ms. Avril Haines

Do I still have more time? I can't see the clock.

Dr. Joseph Heck

Yes, you do.



Ms. Avril Haines

Great. Okay, I have one more question. One of the issues that had come up in the context of integrating women into the force with men, and I'll leave it at that, was a concern that was expressed about sexual assault training and how in sexual assault training that men are effectively told to stay away from women and that this somehow undermines integration of women into the force. And I wondered, General Darpino, if you've heard this and if this is something you could talk to?

Lieutenant General Flora Darpino, USA Retired

Well, I would say that's pretty ineffective training if that's actually what's going on. That isn't the training, certainly, that I reviewed or worked on within the military. So that's probably at a level where people with inexperience are talking. You also, when you start to educate the force about something, or anything, you often have an overreaction. The pendulum swings too far one way, and people are like, "Well, I don't want to do that, because I might get in trouble." And so that may have been early on in the training where we saw the pendulum swing, but we always find that middle medium which is the appropriate training.

Ms. Avril Haines

Thank you.

Dr. Joseph Heck

Thank you. Ms. Skelly.



Ms. Shawn Skelly

Thank you, Mr. Chairman. General Svensson, I'd like to pick up where we left off a while ago. You mentioned back in 2017, when your nation reinstated conscription, the other nation involved in that calculus noticed. The other side, pardon my words, their noticing that action on the part of your country, was that a factor in the deliberation to reintroduce; the reaction, the back-and-forth being a part of a strategic conversation?

Major General Bengt Svensson

The decision was, as I said, based on operational effectiveness that we needed to build our force quicker, but there was also consideration around that; that we would send a very strong signal that we were now focused on national defense and that we would do that. This was public knowledge, and our neighbors, they noticed that we've now taken this measure. I think there was one more country, one of our border countries that did the same thing around the same time. They noticed that we were doing this, and we also told everybody why we were doing it.

Ms. Shawn Skelly

There's a great deal of transparency involved in the process.

Major General Bengt Svensson

Oh, yes.

Ms. Shawn Skelly

My second questions, which actually I think you set up a little bit with your brief explanation that your folks receive a letter that then directs them to go online and answer 52



questions; my question here talks about your system determining the willingness and perceptiveness of people to conscription. Can you elaborate on that a little bit, please?

Major General Bengt Svensson

Yes, the system works about like this. We have a year group that is about 90 to 100,000 young people, both genders, every year. Our need to train is maybe somewhere between 5 and 10,000. And the first step is that we need to assess so we can take about 15,000, maybe, to test. And after they've filled out this questionnaire, they will be called to come to test sites where they will do tests one to two days, depending on what their abilities are. At that time, both from the questionnaire and there, we determine if they fit the profession or the position, and also if they're willing. If we have willing people that are fit for the positions, we will pick willing people before people that don't want to come. That's very rudimentary, but that's about how our system works.

Ms. Shawn Skelly

Is that an adaptation of your previous system, or is there remarkably new elements in the new system?

Major General Bengt Svensson

I would say we've had for a very long time a very high readiness, willingness to do conscripted service. We always have some that we need to draft basically or force. But a high degree of the conscripts are willing to do it, at least in the beginning. Maybe they're not as enthusiastic after the second week, but nevertheless, that's another matter.

Ms. Shawn Skelly

Too late.



Major General Bengt Svensson

Exactly.

Ms. Shawn Skelly

We've mentioned briefly here we've heard in our conversations over the past nearly two years now where some folks, serving military members, or folks who have previously served, "I do not want to be in a foxhole, an armored vehicle, or a cockpit with someone who is forced to be there." So, in the regard that you likely have a relatively small percentage of folks who are compelled to serve, did it carry some sort of stigma and does it manifest in how they serve alongside their fellow soldiers?

Major General Bengt Svensson

No, it won't manifest. It won't manifest. That's in the beginning of the process. That would not manifest then.

Ms. Shawn Skelly

Thank you very much.

I yield back.

Dr. Joseph Heck

Mr. Khazei.



Mr. Alan Khazei

General Svensson, I want to continue on your system. So, you mentioned that you only need about 10, 15, maybe 20% of the cohort to actually join the military. So, two questions for that; have you thought about any type of civilian national service or community service for the other 80%, so that they also have an obligation to serve?

Major General Bengt Svensson

First of all, I should mention that that's at our present force structure. We have high hopes, unfortunately, that we need a larger force and then that percentage will, of course, go up. We used to have an elaborate system of training for different civilian positions: fire brigades, different civil services and all of that, but we closed that down. We have not restarted that, but I would suspect that if we increase our conscript training dramatically, which I think we may have to do, then we would also have to have that side of the house; some sort of civilian. We'd never had everybody trained for doing civil service. We simply didn't have the money to do that. That was the reason. But we had the process, a portion of them that did, yes.

Mr. Alan Khazei

And so currently, the 20% that get selected, how do they feel? How do the 80% feel? Do the 80% feel, "Well, I'm lucky I didn't get chosen?" Do the 20% feel like, "Why am I getting the burden? I'm only 20%," or do they feel, "Well, I'm serving my country. This is an obligation, an honor, and I'm happy to do it?"

Major General Bengt Svensson

So far, we are very fortunate. And it's important to remember that when we changed systems in 2010 to an All-Volunteer Force, our conscript system was not, should I use the word "corrupt" like many others were? We still had a very high degree of willingness to do it, and we



still do today. So, we have, especially in the security climate that we are in today, we have a very small problem of not filling the force in that way.

Mr. Alan Khazei

My last question to everybody on the panel, quickly; so, we are the Commission on Military, National, and Public Service. It's the first time actually all three ways to serve our country have come together. So one of the ideas that's come up as we've talked about selective service is actually replacing a military-only selective service system with a "serve your country" system, where people would sign up and they could choose to register for potential service in the military service or national service; Peace Corps, AmeriCorps, or service in a local state or federal government. What do you think about that idea?

Lieutenant General Flora Darpino, USA Retired

I guess the only concern that I would have there is the self-selection, because, again, this is about finding and using the talent of the American people when in a time of crisis. And by doing so, we may lose some of those with specific talents that we think we need in a crisis.

Mr. Alan Khazei

Other thoughts?

Dr. Dempsey?

Dr. Jason Dempsey

I applaud the question, and it's one we've all grappled with for years. And I applaud the commission's efforts. I think part of the solution is asking the question. Where is the national sense of service? I think one of the great things about American society is the balance between public and private, and I think there are public obligations to citizenship, but I also think there's



great strength in private endeavors and freedom and willingness of folks to choose what they want to do. I think we can and should promote service as much as we can, yet I would constrain the idea of obligatory service to something like a military where it is an existential question, because I don't think we want the power of the state fully invested in domestic affairs.

Prof. Jill Hasday

I'd also say that the Supreme Court's decisions upholding just the constitutionality of having a draft apart from the sex equality really focus on the national emergency in times of service, so I'm not saying there's necessarily a constitutional problem, but I could imagine constitutional arguments as you get further and further away from a national emergency kind of situation, where at a certain point people would say that there's actually just a constitutional problem with involuntary service.

Ms. Katey Van Dam

I would say that the interest is there. There was a recent study done on millennials volunteering and charity, and 75% of millennials donate to charity. This could possibly be attributed to how easy it is to donate to charity, but approximately 80% have donated at least an hour of their time to some sort of volunteerism. So, I think the desire is there. I agree with the other panelists, I think this is a separate question from the existential circumstances, but I certainly applaud any effort to get out more awareness and access to a lot of individuals, because the interest is certainly there.

Mr. Alan Khazei

Thank you all for your service and also for sharing your time with us today. It's been very edifying.



Dr. Joseph Heck

So, for only the second time in the Commission's history, we are ahead of schedule. So I'd like for the panelist's indulgence; I'd like to offer the commissioners a lightning round. So go with kind of simple questions, two minutes for each commissioner. Don't feel obligated to ask, but if you have a lingering question, please feel free to do so. So I'll put myself on the clock for two minutes.

Both Professor Hasday and General Darpino, Professor Hasday, you mentioned or were talking about having women register that it's a mark of full citizenship. General Darpino, you said that not having women register kind of marks them somewhat less than equal. I'm curious, was that the same position you held prior to 2015 when combat roles were opened, or is that position now because combat roles were opened?

Prof. Jill Hasday

I thought *Rostker*, personally, was on shaky Constitutional ground for years as the combat exclusion got smaller and smaller and as women's success in combat was so clearly demonstrated. Now that the combat exclusion is totally gone, I think *Rostker* is done, but I'm not a fan of the reasoning in *Rostker*, I'm just staying. Even if you accept the reasoning in *Rostker*, that doesn't work anymore.

Lieutenant General Flora Darpino, USA Retired

I'm going to concur with my colleague and call myself out as a lawyer that I felt the same way about the opinion, particularly since it was based upon the reading of a Congressional record instead of the actual statute itself. So I felt that way. But I also feel that way, because we're talking about setting up a tribe. And so, again, when you have a tribe and it only includes a certain type of people and you exclude others; I've always felt that by having more diversity



within that group, we become stronger. And we've seen that, even with terminology saying it's no longer brother in arms. It's now brother and sister in arms, and that makes us strong.

Dr. Joseph Heck

And just quickly, I think, General Svensson, so how does your country identify that 15 to 20% who get the letter to go to the website, and what happens to them if they don't respond?

Major General Bengt Svensson

I'm sorry if I was unclear. Everybody gets a letter. And then they go on the webpage, and from those answers, they will pick them; roughly 15 to 20,000 that is tested. And from them, we would then train maybe 5 to 10,000.

Dr. Joseph Heck

So how do you pick that 15 to 20%? Is that based on their responses?

Major General Bengt Svensson

Yes.

Dr. Joseph Heck

And then what happens if they don't go to the website? They get the letter, but they don't go on the website?

Major General Bengt Svensson

I believe they would get fined. There would be repercussions for that.



Dr. Joseph Heck

Great. Thank you very much.

Ms. Wada?

Ms. Debra Wada

Thank you. Quick question based off Sweden's, because I asked this at the last panel, in terms of screening, do you think we still meet our obligations as citizens if in fact we had a screening process by which we would allow people to sort of self-identify their interest and willingness to serve? I ask for anybody on the panel.

Ms. Katey Van Dam

I think that would certainly help the services in the event that they do need to match personal capability to mission requirements. But I think the example given earlier that at the end of the day, should the need arise or you need or any individual needs to fit a specific position because those are the needs of the nation or of the service, then that also needs to be expected. But I certainly encourage anything that helps us optimize people's talents and capabilities.

Ms. Debra Wada

And, Dr. Dempsey, since you've done similar research, what recommendation would you give the Commission to sort of start this understanding of the responsibility as citizens, and what we should expect in support of state requirements?

Dr. Jason Dempsey

I think General Darpino's earlier comments and some of the other panelists talking about just the lack of visibility and awareness of what selective service really is. I didn't understand it.



I had already been accepted to West Point. I think I was already there when I was required to fill out the card. I thought it odd, but, you know, rock on. So I think any kind of conversation, again, is valuable. We cannot continue operating on the assumption that everyone understands what military service is; what it means and what it does for the United States. So, any discussion is valuable, and I think we have to get away from this close-card system, and whether that is promotion of reengagement of civic education in high schools; I don't know if it's a requirement. I'd hate to see it boil down to a PowerPoint presentation or a video you watch at the DMV, but that's at least better than a postcard. So I would hope that there's an educational component of some degree in your final recommendations.

Ms. Debra Wada

Thank you.

Dr. Joseph Heck

Mr. Gearan.

Mr. Mark Gearan

Thank you, Mr. Chairman. I don't really have a question, but I do appreciate what Commissioner Allard said; that we have such a brain trust here. I'd just be curious, is there something that you imagined us asking you that we didn't cover? Is there a topic that you might have imagined us plowing through that we didn't? Are we that good?

Then I have no further questions.

Dr. Joseph Heck

Mr. Allard.



Mr. Edward Allard

Thank you, Mr. Chairman. I believe, Professor, when you were giving your opening comments, you mentioned that women are doing well at combat and have support. Was that accurate? Okay, may I ask on what you base your findings of support?

Prof. Jill Hasday

I mean, if you look at polling data, polling data has gone up significantly since the 70's. So *Rostker's* really interesting because it says women are excluded from registration because they're excluded from the draft. Women are excluded from the draft, because they're excluded from combat. And then what's its ultimate argument for why women are excluded from combat? And *Rostker*, itself, it's just super popular. The president wants it. The people want it. Congress wants it, and if you look at polling over the last 40 years, popular support for women has gone up significantly. I'm not saying there aren't still people opposed, but there's been significant increase in popular support.

Mr. Edward Allard

Okay, thank you.

Dr. Joseph Heck

Mr. Barney.

Mr. Steve Barney

Thank you, Mr. Chairman. To kind of follow up on Mr. Khazei's question, where he's talking about sort of a registration system but one that also provides opportunities for people to indicate their interest in other forms of service; national and public service, and to clarify, if



what we're talking about here is not a system where, you know, thou shalt serve one way or the other but you're given an opportunity to choose or to explore opportunities to serve, including the decision to not serve at all through this formalized process, would it kind of change the way that you would understand this kind of system; how it might work, how it might actually help to improve awareness of service opportunities to both the military, national, and public service?

Dr. Jason Dempsey

I certainly think so, as long as it's based on incentives versus compulsion, and I think one of the issues we see, and we face is that internships and public service are increasingly the domain of those who have the economic freedom to spend time not working for money. And so, in that sense, we are not fully exploiting the vast talent pool of American citizens. There may be some who would love to serve underprivileged communities or teach or clean up, but they need to get a job in their hometown first. So, they're never able to fully expand their skills. So, there's a delicate question there, how does government and civil society help promote that, but I'd certainly be in favor of it, given that it's an incentive-based way to tap into the skills and the desire, as my colleague mentioned, of this generation to serve others.

Lieutenant General Flora Darpino, USA Retired

My only hesitation would have to do with education. So, while we were doing that, we'd have to make sure that we educated that this is just merely a list of possibilities. Because we do have individuals who feel entitled. I can hear them saying, "I signed up for -- I don't have to worry about." And so, we would have to make sure it was accompanied by a lot of education.

Ms. Katey Van Dam

Briefly, I do think one of the strengths of the military is that you have individuals coming from all over this country, some who are citizens, some who aren't, some who are in hopes of



being citizens, and they are exposed to those other individuals. And I do think that even if it is just being provided the opportunity to teach across the town that there's so much value in encouraging and providing access and the economic means for young people to serve that it would strengthen an entire generation should we be able to create a system that does support that.

Dr. Joseph Heck

Ms. James.

Ms. Jeanette James

Thank you, Mr. Chairman. Just a quick question; if Congress were to make the decision to include women in selective service, how would you recommend that they message that to the American people? Just quick thoughts down the line.

Dr. Jason Dempsey

Well, I would showcase the women on this panel and the women on the Commission who have served and put a face to what it means to be a woman in military service. We have to focus on the positive side of it and contributions that this generation of women have made to military service. And I think that then sells itself. I don't think you need much more than that than the ability of young women to understand what military service means; what military service might mean for them as a woman, despite what they may or may not see or exposure they may have had and just to help visualize themselves in those shoes.

Ms. Katey Van Dam

Just briefly, I think that it has to be an empowering message, the fact that a woman's capability, her education, her thoughts are valued as a citizen, but also as an individual who would bring a talent to the service in the event that it's needed. So, it does have to be positive,



but I think it comes down to valuing the individual as part of the whole, and any message outside of that -- well, I just think that would be the greatest message.

Lieutenant General Flora Darpino, USA Retired

I think it would also be a great platform to show how our military is very different than your grandpa's military, not only by who serves, but also how we now fight and what we are capable of doing. And it could be used as messaging, you know, beyond our shores, as our Swedish compatriots are.

Ms. Jeanette James

Thank you.

Dr. Joseph Heck

Dr. Davidson.

Dr. Janine Davidson

You're not going to believe this, but I don't have any more questions.

Dr. Joseph Heck

You're right, I don't be it. I owe you one.

Mr. Kilgannon.

Mr. Tom Kilgannon

Let me ask, General Darpino and Ms. Van Dam, you go home to your community, a young person saw you on C-SPAN today, and they want to know from you; they're thinking



about joining the Army or the Marine Corps; what advice do you give them? What was your single best memory of being a Soldier, a Marine or the single best piece of advice you'd want to give them as to whether or not they should join up?

Lieutenant General Flora Darpino, USA Retired

I actually get asked that question a lot, and instead of telling them what my best experience is, I tell them about my first experience in the military when I showed up at my first duty station and my boss looked at me and he said, "I asked them not to send me a woman, but they sent you anyway." And I spent my military career knowing that "they", meaning the institution itself, understood my value, and they continued to push me into positions of greater responsibility, and they continued to push me up to positions that I, myself, did not feel prepared before. Because "they" knew I belonged there, and that was my experience for 30 plus years, and if I could wind the tape back and start over again, also be that much younger, I would do so and do it all over again. That is how positive and what it has done to make me grow as a person.

Ms. Katey Van Dam

I also get asked a similar question often. My number one thing is it's about the people. It's about the men and women to your left and right, both that you serve under and especially those that you lead. As a young person entering into the service, it's fundamentally important that you know your books; you know the educational foundations of whatever your occupational specialty is, because you will be leading or you'll be advising people that are exponentially more experienced than you, especially as a young officer. And so, it's important that before you gain that experience, you have the book smarts, and then you utilize the manpower around you. And as you gain experience, you're working for the people to your left and to your right. There's no greater bond than I've experienced outside of that with my husband than I've found in the military and serving particularly in combat.



Dr. Joseph Heck

Ms. Haines.

Ms. Avril Haines

No, all I have to say is thank you and what terrific role models to speak to the decision. Thank you.

Dr. Joseph Heck

Ms. Skelly?

Ms. Shawn Skelly

Just like to thank you all again, and I yield back, sir.

Dr. Joseph Heck

Mr. Khazei.

Mr. Alan Khazei

I want to come back to a previous question about the civilian-military divide, and in particular for Dr. Dempsey, because I know you've done a lot of work on this. Beyond the registration issue, and also you brought up education; because this has come up a lot as we've traveled, this issue of only 1% serving the country. People who serve in the military tend to have family who served, so fewer and fewer people in this country, even though we've been at war for almost 20 years, have connections with the military. Any other recommendations you'd make for us as a way to help close that civilian-military divide?



Dr. Jason Dempsey

Obviously, there are other mechanisms; many longer discussions other than pointing to the individual and saying, “You’re going to serve.” We’ve spent the last 18 years going to war on credit. We’ve never tied military intervention directly to the American taxpayer, but they certainly will pay that bill, nor have we had a Congress, for that reason, I think; that disconnect, that idea that it’s all on credit and so we don’t really need to get engaged, has allowed Congress to abdicate its Article I authorities to provide meaningful oversight of what we’re actually doing with, I think, now we’re up to 730 billion dollars a year. That’s a lot of money, and there’s an opportunity cost of every dollar spent. And so, there are very important questions about what actually makes America stronger, and how do you balance out the idea of are there other places we create a stronger nation than another F-35? And I don’t necessarily have an answer for that. I mean, I certainly have an opinion, but I think tying all the different ways that Defense impacts the individuals instead of hiding it, instead of subsuming it, in ways that allow Americans to go to them all; inviting them into these discussions. Hell, I’d even highlight it on the tax bill. This is how much of your taxes this year went to Defense spending. I think that would be a fantastic exercise for involving the American public in what has become in many ways our primary foreign export in industry.

Mr. Alan Khazei

Thank you all again.

Dr. Joseph Heck

Thank you. Thank you for staying with us, even through the lightning round. To General Darpino, Dr. Dempsey, Professor Hasday, General Svensson, and Ms. Van Dam, we greatly appreciate your time today and the very valuable information that you provided to us to help inform the recommendations that we’ll make in our final report going to Congress, the President, and the American people. We’ll now dismiss the panelists, but please feel free to take the seats



in the front row if you'd like to stay for public comments, and we'll invite the public to provide their comments.

The Commission is committed to transparency and openness with the public. In keeping with these principles, the Commission intends to provide the public with an opportunity to deliver public comments during our hearings. As a reminder, in order to provide the greatest opportunity for as many participants to offer a comment that would like, public comment is limited to a two-minute period per person. As is noted on our website, sign up for public comment took place between the opening of registration and the start of this hearing. When you signed up, you received a numbered ticket. To ensure fairness, tickets were randomly drawn. We will call out five ticket numbers at a time and ask that when your number is called, please come forward and make a line behind the mic located to my right, your left, and provide your comment. On the easel to my left and your right, you will also see the ticket numbers in the order that you should line up. If time does not permit you to offer your oral comment, we encourage you to submit your written comment at our website at inspire2serve.gov. Additionally, if you have any written statements that you would like to submit for the record, please provide them to staff at the registration desk.

I now invite the following ticketed individuals up to provide comment, numbers 73, 70, 68, 65, and 61. During your comment, please be aware of the lights in front of me on the table. The light will turn yellow when you have 30 seconds remaining and red when time has expired. At this time, you will hear a buzzer, and we ask you to please sum up your comments. Please come forward, introduce yourself to the Commission with your name and affiliation before starting your comment.

Number 73.



PUBLIC COMMENT

Ticket #73

Good afternoon. My name is Dean Morgenstern. I am unaffiliated. People have been talking earlier in the day about the value of women in the home and how just costly it would be to take them out. I think that maybe if they got the same pay as men you could argue that, but maybe sending them if people get drafted. You know, let the men stay home if they're going to get paid more anyway.

All right, so also, as people are alluding to, I think one of the effects of not having women be in the selective service and consequently drafted is that maybe that men in the military don't really see them as dangerous. And yet, when they go out in the field, in the theater, there's plenty of women out there that can tear them down. You know, it also degrades what they think of women at home. I'm a newlywed, and hell hath no fury. Thank you.

Dr. Joseph Heck

Thank you.

Number 70.

Ticket #70

Hi, I'm Maria Santelli. I'm the director of the Center on Conscience and War. We're a 79-year-old organization here in D.C. that works to extend and defend the rights of conscientious objectors to war. I feel like this whole discussion these last couple of days is predicated on the acceptance of the use of military force as a legitimate foreign policy tool. The fact is that the vast majority of the American public has already spoken on this issue. The military and veteran populations comprise just 7% of our general population. That means that the rest of us, given the



choice have said no; I choose not to kill. The default position for humanity is that of a conscientious objector to war. Even if this is not a conscientiously held position, the consequences of the violation of a conscience are evident. Moral injury, wounds to the soul caused by the transgression against the conscience is widely recognized as a cause of the ubiquitous trauma suffered by military members and veterans. The use of military force is rejected both actively and by default in this country, and public policy should reflect that rejection.

We have heard numerous times over the course of the last two days how the selective service and the Department of Defense are intertwined. This must end. If the system is not abolished together, it must be fully restored and maintained in civilian control. If registration is maintained, the protection of conscientious objectors through self-identification is critical for many people of conscience to comply. I ask you also to please consider enforcement very carefully. The current system of unconstitutional extrajudicial punishments should concern us all. Millions of men endure punishments, many of them life-long, without due process.

Finally, the debate about drafting women has been simplistically framed as religious communities opposed, while people favoring equality support. The inaccurate framing of this distracts us from the true issues at stake; freedom of religion and belief and the right to be free of coerced participation in militarism and war. The idea that full equality under the law should be dependent upon participation with militarism is antithetical to our democratic values. Thank you.

Dr. Joseph Heck

Thank you.

Number 68.



Ticket #68

I decline.

Dr. Joseph Heck

Okay. Number 65?

Ticket #65

[Not present.]

Dr. Joseph Heck

Number 61.

Ticket #61

Hi, again; Kate Connell. As I said, I'm a Quaker and a parent of two draft-aged children. I'm also the director of an organization called Truth in Recruitment, which provides students with alternate information to the military so that they can make educated choices. On the way over here, we passed a cemetery full of white, rectangular tombstones. I looked for the name of the cemetery. There was a sign on the fence. It said, "U.S. Government Property." Is that what our youth are, living or dead; U.S. Government property? There are many military people on this Commission, many of you have connections, and amongst the panelists. What is the mindset of the military? How does the military institution see the citizens of this nation and the rest of the world? What recommendation will you give Congress? Do you recommend that they continue to see youth, to see highly trained professionals, people identified female at birth, as



commodities, U.S. Government property, or as citizen humans with the inalienable right to the pursuit of life, liberty, and the pursuit of happiness?

You guys are not the people making the decision; I've heard that you're making the recommendations. The risks to women are real. The risks to our democracy is real. You've heard a lot of testimony about that. What's going to happen to our community? How do you value the people of this nation? How do you value your own attitude towards this? I feel the military runs very deep. It doesn't just physically affect, but it's gotten inside of people on this commission and those panelists and in this nation, and we need to heal that. Please, let's eliminate the selective service as a first step.

Dr. Joseph Heck

Thank you.

I now call up numbers 71, 72, 67, 62, and 63. And, number 71, would you like to offer your comment?

Ticket #71

Hello, again. I'm Bill Galvin, and I'm the counseling coordinator at the Center on Conscience and War. And I just wanted to reaffirm some of the things that Maria said earlier and that there really is an assumption in this whole conversation we're having that use of military is a tool of our government for policy in the world and I think we really need to rethink that. And it is true that the military's own studies have found that people are inclined to not kill other people. That's why they put them through the training they put them through when they join the military. And for the selective service system as an institution, its purpose is to take people and force them into that military situation. It's morally wrong. I talked earlier about some kind of way to indicate that you're a conscientious objector when you register. I know from experience and from also working with counseling conscientious objectors, whenever they go before a military investigating officer or, in the case of the draft, before the draft board, the draft board



just assumes this is something you're making up to get out of being drafted or to avoid your responsibilities, rather than taking seriously the fundamental truth that the military itself knows that people are inclined to not kill other people. They have to be trained and indoctrinated to do that, except for psychopaths; I mean, there's some exceptions, but for the most part normal human beings don't do that. And so, I would urge you to urge The Congress to put an end to this policy of forcing people to violate their conscience.

Dr. Joseph Heck

Thank you.

Number 72?

Ticket #72

Hello, thank you. My name is Jim Fossel and I am a Quaker. I'm also a student of history and religion. So I just want to recall to everyone here that in 1980, when draft registration was reestablished by President Jimmy Carter, it was in response to the aggression, the invasion of Afghanistan, at a time when we used to think of a first world and a second communist world and the third world. That was a long time ago, and a lot has happened since then. We have the same draft registration. We need to ask if it's applicable to the world we now live in. In that era, most wars were between two, uniformed armies with uniformed combatants. Wars usually lasted two to five years, and they were fought for attainable objectives. As a Quaker, I do not support that, but we now live in a very drastically different era of asymmetrical warfare that's becoming permanent warfare in which the majority of the dead are civilians. We need to pause and just contemplate that. We're now fighting actively in over half a dozen countries. Most American citizens don't even know the names of all the places where we have Soldiers. Two years ago, in Niger, when four American Soldiers killed. Most people didn't know we had been fighting there. We spend more as a country than all of the other countries in the world combined. We need to think about that. And we're not secure from this. We often



push the survivors of our attacks into the arms of our enemies, who would be happy to outfit them with suicide, explosive vests to attack us. We're not winning any hearts and minds. We are simply -- it's a problem.

And I just want to say something more meaningful to me each year, the words of my teacher, Christ Jesus, lord of my life, "You have heard it said love your neighbor and hate your enemies, but I say unto you, love your enemies and pray for those who persecute you." And I want to present to you that human security is indivisible. We cannot become secure by making and allowing others to be insecure. And the conscription system, the national security system that we're building up here, is one which leaves our adversaries and our competitors feeling insecure, and that will not be a source of security for us in the world we live in today. And I just ask you all to consider, we have the capacity to create human security for everyone on this planet. We need the vision to do that, and I ask each of you to consider if you could be part of that vision.

Dr. Joseph Heck

Thank you.

Number 67?

Ticket #67

Good afternoon. I'm Margaret Cope, retired Air Force. And I know both of the two ladies that presented today, and since they said many of the same things that I would say, I will not reiterate those.

Dr. Joseph Heck

Ma'am, can you step a little closer to the mic, please?



Ticket #67

Okay.

Dr. Joseph Heck

Thank you.

Ticket #67

But there are a couple of issues that I want to mention. Earlier, it was mentioned that men remember when they registered for selective service. I remember specifically when I was told that there's no need for me to register. And we've sent a message that you're not wanted in the military. And there's a recent study by the bipartisan policy center, the Blue Star Families, and others have shown that the number one reason in their survey that women do not join the military is because of the selective service law that when they don't register, they also get the message that they're not wanted. And many people have stated that they would have considered military service if they did register.

Secondly, if you look at the selective service and the young people as a talent pool, we need to capture the talent. It's a very competitive world out there for our talent, and one of the second recommendations by the bipartisan policy center's study was to require young people to complete the ASVAB test in high school; the Armed Forces Vocational Aptitude Battery, which would be a benefit to them and also to our nation to enhance the utilization of their skills and match them up better. Additionally, I have a document from the Reserve Offices Association that supports the selective service registration of women, and that is the organization that was endorsed by 50,000 individuals in the organization. They support it. So, I will submit that as well.



Dr. Joseph Heck

Great. Thank you very much.

Number 62?

Ticket #62

Hi, I'm Collin Standish. I traveled from California with my sister. And I'm going to start by asking a question. So how many people in this room have children, by show of hands? Now, do you want your sons and your daughters to be forced to fight in a war or put in jail because they opposed it? This is a dilemma that I will be faced with in three years if policy does not change. Serving your country should not be defined by forced military involvement. I volunteer with programs that are important to me. I'm here representing myself, my peers, and all those who will be affected by this decision. It irks me that a commission of adults is deciding my future, not those individuals who will be directly affected. Now is a time to make a change that will uplift our nation, not hold it back by an outdated draft system. The question is should we expand the draft to include women, and the answer is to abolish and disband an unconstitutional act by the U.S. Government. Thank you.

Dr. Joseph Heck

Thank you very much.

Number 63?

Ticket #63

I pass.



Dr. Joseph Heck

Okay. I will call up 66, 64, and 69.

Number 66?

Ticket #66

Hi, my name is Simone Hassan. I'm the staff attorney with the Center on Conscience and War, and I'm actually a fellow Gopher, unfortunately, of Feminine Legal Scholar, Left Building. I would have loved to rebut and kind of complicate one of the ideas that was connected to the civil rights Movement, mainly that militarism essentially became sort of this force of allowing African Americans to become part of the equal citizens of this nation. I think there are many examples that we can state here today, such as Muhammad Ali, who very much stated that, "My citizenship and my equality is not contingent on my military service," correct? And so, I think this perversion of the civil rights Movement and feminism movement that has been done over and over again has to be complicated by stating, and quite frankly, questioning what service means. As a black attorney, I'm inspired every single day to serve my country as an attorney and as a civil rights attorney because of those people that have died in the South and all over the United States, not in uniform, but as United States citizens who served their country through movements that have changed the political makeup and legal makeup to this day, where I can stand here as a black attorney. So I very much hope that even though the racial makeup of this commission is not quite as diverse as we would hope, and the panels weren't either, I hope that you question what service means to all communities in the United States when it comes to not linking it directly to military service. While my brother is a Marine, I chose to serve my country outside of the space of the military industrial complex. And as a black person, it's very important that we recognize who serves and how they serve every single day outside of the space of the military. Thank you.



Dr. Joseph Heck

Thank you.

Number 64? 63, 64?

Ticket #64

[Not present.]

Ticket #63

[Not present.]

Dr. Joseph Heck

69? 66?

Ticket #68

[Not present.]

Ticket #66

[Not present.]

Dr. Joseph Heck

Whoever is left, line up.



Public Comment #1

My name is Brian Kim. I think I spoke with you yesterday about my naturalization oath. First of all, I hope we never go to the draft, for the record. In the case of a national crisis, we'll need to have some level of assurance that we need to be prepared for it. When I became a U.S. citizen, I took an oath. As I had mentioned before, it's obligatory. I took it freely. That was a moment of my civic duty acknowledgement that I needed to do something in case the nation calls for my help to do certain things upon law as it exists today. I think we all believe that the selective service mission law will need to evolve, and a lot of changes be made. But we also need to balance that with the changes of social norm and the national priorities. I don't know what those are. You guys heard a lot of arguments today. You have an incredible responsibility to kind of sort that out; make a recommendation to Congress. I don't envy you. I look forward to hearing the results. Thank you.

Dr. Joseph Heck

Thank you.

Are there any remaining ticket holders that I have not called? [No response.] Seeing none, again, I want to thank our panelists for providing their testimony today, Gallaudet University for hosting us, and all of you who took the time today to participate in the audience. It starts with your help and input that the commission will achieve its vision of every American inspired and eager to serve. There being no further business before the commission, the hearing is adjourned.

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