

# STAFF MEMORANDUM: Readiness of Selective Service and Structure of a Future National Mobilization



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*Relevant memoranda will be released in conjunction with the Commission’s public hearings. Staff encourages those with views on issues under discussion during the hearings to provide their input to the Commission at [www.inspire2serve.gov](http://www.inspire2serve.gov) and stands ready to revise its current understanding of these issues in light of new information as the Commission’s work continues.*

The April 24-25, 2019 hearings provide an opportunity for public discussion of the policy options the Commission is considering with respect to the *Selective Service System* (the “SSS”) and a potential future draft. This memo is associated with the April 24 hearings and addresses possible modifications to the readiness of the SSS and structure of a future national mobilization. A separate but related memo associated with hearings on April 25 addresses *who* should share the common obligation to defend the nation in a potential future draft.

## Definitions (for the purposes of this memo)

**National Security Emergency** – Any occurrence, including natural disasters, naturally-occurring or man-made pandemics, military attacks, technological emergency, or any other emergency that seriously degrades or threatens the national security of the United States.

**Mobilization** – The process of marshalling resources, both civil and military, to respond to and manage a national security emergency. This process encompasses a broad range of functions, including the potential activation of personnel and harnessing of industrial power.

**National Mobilization** – Any mobilization of personnel beyond the All-Volunteer Force’s (AVF) resources, including a continuum of voluntary mechanisms as well as conscription.<sup>1</sup>

**Draft/Conscription** – A mobilization whereby individuals are compelled to perform military or alternative service. Conscription can take several forms. *Standing conscription* refers to annual conscription that makes up for recruiting shortfalls, as was active from 1948 to 1973. In contrast, an *emergency draft* refers to short-notice conscription in response to emergency military personnel needs, as occurred during World War II and recommended in the 1970 Gates Commission.

**Moral Mobilization** – The transformation of popular support into action. Driven by a shared perception of existential threats or threats to vital national interests, a sense of common obligation, legal and historical precedent, and a means to meet national security needs.

## Background

The Military Selective Service Act (MSSA) states that the purpose of the SSS is to ensure an adequate armed strength for the armed forces and the reserve components, and to share the obligations and privileges of

<sup>1</sup> Doctrinally, the Department of Defense (DoD) refers to a mobilization that exceeds AVF resources *and* activates the draft as Total Mobilization or Mass Mobilization – but these are not defined in statute, and do not capture voluntary processes or skill-specific drafts.

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military service generally, in accordance with a selection system which is fair and just.<sup>2</sup> As implied in the statute, the SSS hedges against a shortage of personnel in the armed forces, which may or may not be foreseen and could occur from failure to meet recruiting goals or a requirement to expand end strength more rapidly than volunteers can respond. The issue the hearing aims to explore is not *if* a draft will ever be needed, but what systems or processes need to be in place *should* Congress activate the draft. Consequently, the hearing will also focus on how the SSS should prepare to respond to that need.

The policy options described below are based on the following assumptions:

- The United States faces threats to vital national security interests and may face potential existential threats - natural or man-made;
- AVF personnel costs will remain fiscally sustainable and national leaders will sufficiently resource the AVF to address most threats to U.S. vital interests;
- The draft should be reserved for national security emergencies;
- Current conditions do not appear to warrant a return to standing conscription;
- The performance of voluntary and compulsory national mobilization mechanisms will depend on the national context under which they are activated; and
- Although the U.S. military has historically lowered accession standards during large-scale conflicts, it is uncertain how much Department of Defense (DoD) would lower standards for volunteers before activating the draft.

## Policy Options

This memo details a series of policy options that generally address two topics:

- (1) *Adjustments to the SSS funding or structure, to include reduction in scope, to meet the needs of a future national mobilization;*
- (2) *Modernization planning for a national mobilization, including adjustments to the MSSA concerning the induction of personnel through a military selective service process.*

### ***(1) Adjustments to the SSS funding or structure***

The Commission is exploring several alternatives to adjust the SSS's funding and structure to meet the needs of a future national mobilization. The SSS budget and personnel structure could be increased to align with its current mobilization force structure plans. Although no current plans exist to reinstate conscription, DoD emergency plans—which would be utilized in the event of a national security emergency—call for the SSS to deliver the first conscripts for induction within 193 days of Congressional authorization of a draft, with the first 100,000 personnel reporting within 210 days of the same.<sup>3</sup>

To meet this DoD requirement, the SSS would have to transition from its current operating status, which prioritizes registering as many men aged 18-26 as possible and safeguarding the contents of its database.

<sup>2</sup> 50 U.S.C. 3801 et seq.

<sup>3</sup> This has been the standing requirement of the Selective Service System since 1994. The Commission questions if that requirement remains an appropriate target for the SSS induction given that the GAO reported in 2012 that the SSS was resourced to meet mobilization requirements in 285 days. See Government Accountability Office, "DoD Should Reevaluate Requirements for the Selective Service System," June 2012, GAO-12-623, <https://www.gao.gov/products/GAO-12-623>.

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With limited personnel and a \$23 million budget, the SSS has indicated it assumes “substantial risk in readiness, capability, and capacity to reinstitute the full complement of mobilization requirements...in the significant efforts required to meet DoD expectations.”<sup>4</sup>

Alternatively, enduring concerns about the necessity of a ready Selective Service System and the impact on Americans from penalties for failure to comply with peacetime registration requirements have led Congress to consider reductions to the SSS missions. The Commission is considering several options that would reduce the scope of the SSS’s mission, such as:

- **Suspending Registration:** Pre-mobilization registration would be suspended in favor of passive or post-mobilization registration, but most of the SSS infrastructure, board volunteer identification and training, and database capabilities, would remain intact.<sup>5</sup>
- **Standby:** Pre-mobilization registration would remain active but functions other than registration and databasing would be further reduced.
- **Deep standby:** Registration and boards would be suspended, and the workforce substantially reduced.
- **Disestablishment:** A total elimination in personnel and functions.

## *(2) Modernization Planning for a National Mobilization*

The Commission is considering several options regarding the personnel component of a future national mobilization, which includes mechanisms to encourage volunteering and modernization of the draft and Selective Service System.

### **Promote a Continuum between the AVF and the Draft**

The Commission is exploring the potential for additional mechanisms that could be used to encourage volunteers during a national security emergency. In particular, the Commission is exploring options to establish voluntary mechanisms to identify personnel before the onset of a crisis, with a focus on individuals with critical skills. Some scholars have proposed an inactive voluntary reserve as an alternative to compulsory service.<sup>6</sup> Variants of such mechanisms could include:

- A registry of individuals who, in return for incentives, indicate their willingness to serve in national security emergencies and provide information that establishes special skills and eligibility.
- A voluntary roster, which through a registration system, would annually prompt individuals to indicate if they want to remain “on-call” or opt-out, to update their skills if changed, if they would like to speak to a recruiter, and if they would like to visit a military unit that aligns with their skills/interest areas.
- A non-prior service, skilled, strategic reserve administered either by the SSS or the DoD, with training, incentives, and an accession policy for inclusion in the reserve. This reserve, offering robust

<sup>4</sup> Selective Service Questionnaire to National Commission on Military, National, and Public Service, October 2017.

<sup>5</sup> Bernard Roskter, “What to Do with the Selective Service System? Historical Lessons and Future Posture,” Santa Monica, CA: RAND Corporation, 2018, <https://www.rand.org/pubs/perspectives/PE197.html>.

<sup>6</sup> James Jay Carafano, “The Draft Should be Left Out in the Cold,” The Heritage Foundation, May 18, 2017, <https://www.heritage.org/defense/commentary/the-draft-should-be-left-out-the-cold>.

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incentives, might include a requirement to transition to active duty status, similar to U.S. military reserve components in the event of a national security emergency.

## **Modify the MSSA Structure to Prepare for an Emergency Draft**

The Commission is considering proposals to modernize the MSSA. Except for the 1980 resumption of active registration, the MSSA has remained structurally unchanged since standing conscription ended in 1973. As part of that modernization, the Commission is exploring policy alternatives that would adjust:

- **The age of those who are drafted.** The current order of call for those selected for conscription starts with all individuals in the 20-year-old cohort. The draft age could be expanded to include a wider age cohort, yielding a greater proportion of individuals with professional and educational experience.
- **The duration of conscription.** The MSSA currently requires conscripts to serve 24 consecutive months of service, which may no longer be appropriate considering comparatively longer training times, a volunteer force that may be called to active duty beyond the duration of the conflict, and an uncertain location, scale, or duration of a future conflict in which the nation would need to mobilize.
- **The assignment policy of conscripts.** When the draft was last active, conscripts were often assigned to low-skill supporting tasks and did not get to provide preferences for their assigned role.<sup>7</sup> Although great value is placed on incentivizing volunteers, it may be preferential to capture conscripts' talents and abilities as part of an induction process and assign them in such a way as to best meet military needs.

## **Consider Models to Access Critical Skills**

A portion of the Commission's review is to consider the feasibility and advisability of modifying the military selective service process to conscript individuals with skills for which the nation has a critical need. The Commission seeks feedback on the use of the Health Care Personnel Delivery System, which envisions a post-mobilization registration process targeting medical skills, as a model process for the induction of other critical skills.<sup>8</sup>

## **Issues to Consider**

### **Solemnity and Transparency**

Some have argued that the military selective service process provides a link between the American people and the military.<sup>9</sup> Proponents of this view generally uphold the value in providing at least a narrow possibility of sharing the burden of military service beyond volunteers, arguing that it is unhealthy for

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<sup>7</sup> Cindy Williams, "From Conscripts to Volunteers," *Naval War College Review* Vol. 58, No. 1, Article 3; Robert K. Griffith, Jr, *The U.S. Army's Transition To The All-Volunteer Force: 1968-1974* (Center Of Military History United States Army, 1997), 11.

<sup>8</sup> The Health Care Personnel Delivery System (HCPDS) is a "standby plan developed for the Selective Service System at the request of Congress" designed to "draft health care personnel in a crisis...in connection with a national mobilization." For more information, see "Medical Draft in Standby Mode," Selective Service System, 2019, <https://www.sss.gov/About/Medical-Draft-in-Standby-Mode>.

<sup>9</sup> Major General (retired) Dennis Laich, testimony submitted to the National Commission on Military, National, and Public Service, March 2018.

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American society to shift what should be a commonly held responsibility of mortal risk to a handful of fellow citizens.<sup>10</sup> However, others remain skeptical that the military selective service process, particularly registration, supports individual understanding of these risks, pointing out that many Americans register through secondary processes such as state Department of Motor Vehicles (DMV) offices or the Department of Education’s Free Application for Federal Student Aid (FAFSA) application, and women do not currently register.<sup>11</sup> Changes in the registration requirement in particular may impact the solemnity and transparency of the process.

## **A “Fair and Just” Selection System**

The SSS is predicated on an equal obligation for able-bodied men within a given age range to serve in the military.<sup>12</sup> While ‘equal sacrifice’ may only be possible if everyone serves, a just and fair draft process could mean that all who are eligible should be available for selection, and if selected, treated consistently in their evaluation for service. The military selective service process supports ‘equal sacrifice’ through a random lottery that applies to all those eligible for the draft. However, not everyone is equally eligible for conscription and not everyone can be equally removed from the civilian economy. Decisions concerning who is or is not conscripted inevitably balance the values of contemporary society with national economic and security needs. A selection process from a sub-population of Americans, distinguished by their individual traits such as demographic or expertise, could jeopardize the shared perception of a ‘common obligation’ if those individuals had a higher probability of being compelled to serve than their peers.

## **Implementation**

Should the need for a draft emerge, DoD capacity to rapidly integrate a large number of non-prior service personnel is questionable given that the military’s capacity for growth is “based upon the institutions and practices that no longer exist or are extremely degraded.”<sup>13</sup> Any review of the military selective service process must rest on a clear understanding of both the needs of the DoD and its capacity to absorb conscripts.

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*The April public hearings of the National Commission on Military, National, and Public Service are intended to generate discussion of issues surrounding selective service in America. Feedback can be shared at [www.inspire2serve.gov/content/share-your-thoughts](http://www.inspire2serve.gov/content/share-your-thoughts).*

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<sup>10</sup> David Barno and Nora Bensahel, “Why We Still Need the Draft,” War on the Rocks, February 23, 2016, <https://warontherocks.com/2016/02/why-we-still-need-the-draft>.

<sup>11</sup> Bernard Rostker, “What to Do with the Selective Service System? Historical Lessons and Future Posture.”

<sup>12</sup> Bernard Rostker, *America Goes to War: Managing the Force During Times of Stress and Uncertainty* (Santa Monica, CA: RAND Corporation, 2007), 32.

<sup>13</sup> U.S. Army Heritage and Education Center, Historical Services Division, *The Myths of Army Expansibility: A Study from World War I to the Present*, August 21, 2014, <http://publications.armywarcollege.edu/pubs/3265.pdf>: 5.