

## What to Do with the Selective Service System?

### Historical Lessons and Future Posture

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Since the end of conscription in 1973, the question of what to do with the Selective Service System has been asked again and again.<sup>1</sup> Most recently, Congress included a provision in the National Defense Authorization Act for Fiscal Year 2017 to establish the National Commission on Military, National and Public Service to “conduct a review of the military selective service process (commonly referred to as ‘the draft’).” Congress asked the commission to “consider the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops.” As it turned out, the issues Congress raised were essentially the same ones raised in an editorial in the *Los Angeles Times*:

Why should the country require anyone—male or female—to register for a draft that’s purely hypothetical? . . . Does it make sense to extend the Selective Service rule as a symbolic gesture of gender equality without first examining the rationality of maintaining a registry at all in the digital era? Congress should . . . look dispassionately at the practicality of registration and its function as a sort of security blanket for the military. It may well be that this Cold War relic lingers on because it gives the illusion that a massive force of armed Americans could be mobilized immediately to fight whatever threat might come along. It can’t; registry aside, it takes tremendous resources to screen, train, house and feed thousands of new recruits. Meanwhile, registration comes with a real cost to taxpayers and a steep penalty to teenagers who do not comply. (*Los Angeles Times* Editorial Board, 2016)

This Perspective addresses some of those concerns and discusses alternatives to the current system of continuous draft registration.

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<sup>1</sup> The Selective Service System is an independent executive agency whose head, the Director of Selective Service, reports directly to the President of the United States. Congress appropriates approximately \$23 million annually to maintain the Selective Service System as a separate agency. The Selective Service System is currently in standby mode, charged with maintaining an active system of registering those who would be subject to any future draft, if one were authorized by Congress and initiated by the President.

## Ambivalence Toward the Draft and Registration

Ambivalence toward the draft and even registration is not new. In 2004, with American troops engaged in Afghanistan and Iraq and with a bill before Congress to reinstate conscription,<sup>2</sup> Secretary of Defense Donald Rumsfeld wrote to the chairman of the House Armed Services Committee:

A draft simply is not needed. We have 295 million people in the United States of America and there are some 2.6 million active and reserve forces serving. We are capable of attracting and retaining the people we need, through the proper use of pay and other incentives. (Rumsfeld, 2004)

The vote was 402 to 2 to reject a return to conscription. Given such overwhelming support for a volunteer force, one might ask why the United States will spend \$22.5 million in FY 2016 to maintain the Selective Service System and require all males to register when they turn 18. On May 18, 1994, President Bill Clinton gave the answer to that question in what had become the mantra for preserving the status quo,<sup>3</sup> when he wrote to Congress:

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<sup>2</sup>Representative Charlie Rangel (D-N.Y.) introduced a bill to Congress called the Universal National Service Act of 2003 in what many considered as a protest to the Iraq and Afghanistan wars. Republicans brought it to the House floor, where it failed. Representative Rangel has introduced a similar bill in nearly every Congress for the past decade to amend the Military Selective Service Act to require the reinstatement of the draft whenever an authorization on the use of military force or declaration of war is in effect, to provide for the registration of women with the Selective Service System, and for other purposes.

<sup>3</sup>What is now the Government Accountability Office (GAO) repeated this mantra in a 1997 report, saying that the Selective Service System

also commented that our report did not address some aspects of continuing peacetime registration that it characterized as equally important, but less tangible. Those aspects included viewing peacetime registration as (1) low-cost insurance against unforeseen threats, (2) a sign to potential adversaries of U.S. resolve, and (3) a link between the all volunteer military force and society at large. We did not review these

Maintaining the Selective Service System and draft registration provides a hedge against unforeseen threats and a relatively low cost “insurance policy” against our underestimating the maximum level of threat we expect our Armed Forces to face.

... As fewer and fewer members of our society have direct military experience, it is increasingly important to maintain the link between the All-Volunteer Force and our society-at-large. The Armed Forces must also know that the general population stands behind them, committed to serve, should the preservation of our national security so require. (as quoted in Selective Service System, 2016)

Clinton’s argument has three parts: The *low-cost insurance argument*, the *society’s link to the Armed Forces argument*, and the *committed population and resolve argument*. The first suggests there is some tangible benefit to be gained from continuing the registration and the current activities of the Selective Service System. This proposition can be objectively examined. The latter two arguments, however, are much more subjective.

In this Perspective, I am not arguing the merits of the all-volunteer force and accept without reservation the proposition of the President’s Commission on the All-Volunteer Force, commonly referred to as the Gates Commission, after its chairman Thomas Gates, that a viable all-volunteer force may, at some time, need to be augmented by a draft (see Gates, 1970, Ch. 10). Neither am I evaluating the stated requirement for the arrival of inductees at training bases, with first arrivals at 193 days after the mobilization order is signed, and with 100,000 reporting for induction by day 210 after mobilization, even though a recent GAO report found that the “appropriateness of these time frames [for mobilizing inductees] to helping DOD meet

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implications of continuing peacetime registration as part of our audit scope. (Gebicke, 1997, p. 9)

its current manpower needs in excess of the current all-volunteer force is unclear” (Farrell, 2012, p. 4).<sup>4</sup>

I also accept the long-held belief that, if conscription becomes necessary, it must be carried out in a way that is not only efficient but that the American people perceive as *fair and equitable*—meaning, for example, that the system does not appear to be biased in favor of one group over another and that the entire *eligible* population, usually all those of a specific age group, appears to share the burden equally as much as possible.<sup>5</sup> This is all the more difficult because the manpower needs of the armed forces are far less than the population of those eligible to be drafted. The proverbial question for Selective Service continues to be, “Who serves, when not all serve?”

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<sup>4</sup>In 1980, the requirement was for first inductees to report within 30 days; 100,000 inductees to report within 60 days; and 650,000 to report within six months (Rostker, 1980a). For a discussion of how the 1979 plan could achieve this goal, see Rostker, 1980a, p. 2. The current requirement is for first inductees to report 193 days after Selective Service has received authorization to activate conscription and mobilize and for 100,000 inductees to report by day 210 after mobilization (Farrell, 2012, p. 4).

<sup>5</sup>The 2015 annual report of the Selective Service System noted:

Since 1980, each Administration has preserved Selective Service and its program because each knew that it is the only proven manpower mechanism to expand the U.S. Armed Forces, and that it exhibits three important attributes: operates at very modest cost, ensures that any future draft will be fair and equitable, and can respond in a timely fashion. While registration is the only mission component publicly visible during peacetime, preparedness is equally crucial to foster timeliness, fairness, and equity if Selective Service is directed to reestablish conscription. Minimum preparedness requires maintaining a classification structure capable of immediate operation during a national emergency, including an adequate cadre of personnel to reinstitute the full operation of the Selective Service System when directed. (Director of Selective Service, 2015, p. 3)

This Perspective starts with a short history of the current conscription system that resulted from the reforms enacted in 1971 by the Nixon administration as a result of widespread perception that the early Vietnam-era draft was neither fair or equitable. It then considers the decision made concurrent with the move to an all-volunteer force for the Selective Service System to be placed in standby mode and to terminate draft registration—that is, the infrastructure would be maintained even as the authority to conscript was terminated. In theory, all that would be needed to return to a draft was a congressional decision to authorize conscriptions and appropriate funds for that purpose.

To use an analogy, the pipeline that sends draftees to the armed services would be maintained, but the spigot at the end of the pipeline would be turned off. A congressional authorization to conscript would open that spigot, but it would take time for the flow of draftees to reach the spigot at the end of the pipeline. The timing associated with when the armed forces need to induct new personnel determines how much of the pipeline would need to be filled and where in the pipeline a stoppage might be placed. Such a stoppage could be located at the entrance to the pipeline, before or after the pool of those eligible to be drafted was established through a registration process, or could be after the pool of registrants was classified into the various categories that would confirm who was eligible to be drafted. The further down the pipeline the stoppage, the faster the flow would reach the spigot, once it was turned on, and the quicker manpower would flow to the armed forces. The Department of Defense (DoD) has tasked the Selective Service System to deliver the first inductees within 193 days of the signing of a mobilization order and 100,000 inductees within 210 days (Farrell, 2012, p. 4).

The short history then considers President Jimmy Carter’s decision to reinstate draft registration—move the stoppage part of the way down the pipeline—and explores how today’s Selective Service is currently managing that decision. The discussion then considers each of the arguments President Clinton made in 1994: that maintaining the current system of having 18-year-old men registering with Selective Service is a low-cost insurance policy that links society with the Armed Forces and shows that the population of the United States is committed and resolved. Finally, the discussion turns to alternatives to the current system of continuous registration, including options for where to locate a standby organization, were active registration to be suspended.

**The Short History of Conscription and Draft Registration**

**Inequities of the Vietnam Draft**

When Richard Nixon was elected president in 1968, the commonly held view among the American people was that the system of conscription had to change. Delays, exemptions, and deferments had rendered the Selective Service System no longer creditable in the eyes of most Americans. Lawrence M. Baskir and William A. Strauss wrote the most definitive empirical study of inequities during the Vietnam period; the table at right illustrates some of their findings. The disruptions war caused led a large number of individuals to attempt to evade the draft, demonstrating just how unpopular the draft had become. Indeed, the number of apparent draft offenders equaled one-quarter of those who actually served in Vietnam (Baskir and Strauss, 1978, p. 6).

**Reforming Selective Service**

Five days after his inauguration on January 25, 1969, President Richard Nixon raised the issue of the Selective Service and the all-volunteer force at a meeting of the National Security Council. From this beginning, the two issues—moving to an all-volunteer force and reforming Selective Service—were tied together in a White House strategy that saw progress on both fronts as necessary and complementary, even though the all-volunteer force would negate the need for the draft. At this point in the new administration, it was not possible to see which military personnel procurement alternative, conscription or an all-volunteer force, would prevail.

Reflecting this dual strategy, Nixon asked Secretary of Defense Melvin Laird for his views on the draft. On February 3, 1969, Laird told Nixon that the basic problem was “we need to draft only about a quarter of the . . . fully qualified men in the draft-liable

**Likelihood of Vietnam-Era Service (%)**

	Military Service	Vietnam Service	Combat Service
Income			
Low	40	19	15
Middle	30	12	7
High	24	9	7
Education			
High school dropout	42	18	14
High school graduate	45	21	17
College graduate	23	12	9

SOURCE: Baskir and Strauss, 1978, p. 9.

manpower pool—and the figure will become only one in seven if and when we revert to pre-Vietnam strengths” (Laird, 1969, p. 1). Under the system at that time, the draft first called the oldest from the pool of young men under the age of 26 who were classified 1-A (eligible for military service). This “distorted” the labor force because many young men would simply remain in school until they reached that age.

To address this problem, Laird suggested that men should be exposed to the draft only during the year of their 20th birthday. If a man was not inducted then, his draft liability would effectively end, except in the case of severe emergency situations. The legislative proposal Laird sent the Bureau of the Budget on March 4, 1969, included the use of a lottery and the procedures recommended by the Burke-Marshall commission in 1967 (see Marshall, 1967). On May 13, 1969, Nixon asked Congress to amend the Military Service Act of 1967, returning to the President the power he had had prior to June 30, 1967, to modify call-up procedures. In November 1969, Congress passed H.R. 14001, An Act to Amend the Military Selective Service Act of 1967, and President Nixon signed it into law on November 26, 1969, in a ceremony in the Roosevelt Room. At the signing the President said,

As far as this draft reform bill is concerned, it does not remove all of the inequity of the draft, because there will be inequity as long as any of our young men have to serve when others do not have to serve. But the agony and suspense and uncertainty which has hung over our young generation for seven years can now be reduced to one year, and other very needed reforms in the draft can be made by Executive Order. (Nixon, 1969)

Historically, Selective Service ordered the induction of the oldest eligible man under age 26; under the new reforms, which took effect in 1971, young men, and men only, registered when they

turned 18, were classified at age 19 and conscripted at 20, based on a lottery that matched birthdays with randomly ordered call numbers ranging from one to 366. With no educational or occupational deferments, 20-year-olds had a single year of vulnerability to conscription, unless the manpower needs of the armed forces were extremely large. The so-called order of call was 20-year-olds first, then 19-year-olds, then those over 20, with the youngest being called first.

### **The Gates Commission, the Standby Draft, and the Decision to Terminate Draft Registration**

On February 21, 1971, the Gates Commission, established to consider an all-volunteer force, recommended to President Nixon that the country move to an all-volunteer force. The commissioners believed that volunteers could fill the ranks during peacetime but worried that, in time of war, the nation would have to revert to conscription. The need to retain conscription as an option was so important to the commissioners that they devoted an entire chapter of their report to the subject of the “Standby Draft” (Gates, 1970, p. 119). It soon became clear, however, there was little agreement on what a standby draft system might look like. Options ranged from a pool of 100,000 men examined and classified to having no standby pool at all and placing the Selective Service System in “deep” standby.<sup>6</sup> On December 3, 1972, the Director of the National Security

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<sup>6</sup>In September 1971, the Military Selective Service Act was amended to provide for a “standby draft.” Section 10(h) of the act was added, requiring that the structure and organization of the Selective Service System and procedures for registration and classification remain intact, even in a period when induction calls might be suspended, so that the system could react immediately in the event of a national emergency.

Council (NSC), Henry Kissinger, signed National Security Study Memorandum 165, calling for a study to “investigate potential manpower mobilization needs in future crises and alternative ways of fulfilling those requirements” (Kissinger, 1972).

Rather than find common ground among diverse perspectives, Kissinger’s memorandum showed how divided the administration was over the standby draft. DoD, the Selective Service, and the Office of Emergency Preparedness wanted a system that included

registration and full processing by local boards using the present organization with reduced numbers of administrative sites and compensated employees. Complete classification of a pool of physically and mentally examined individuals would permit induction to begin 10 to 15 days after mobilization. (Laird, 1972)

Casper Weinberger, Director of the Office of Management and Budget (OMB), did not agree. His office thought

a more rapid induction procedure . . . [could] be developed which would shorten delivery times under a more austere Selective Service System to meet or reduce the induction time . . . recommended. (as reported in Laird, 1972)

Kissinger did not agree with either position, preferring something in the middle, a “quick reactivation” (Kissinger, 1973b) option. In March 1973, the President, in National Security Decision Memorandum (NSDM) 208, “decided . . . [on] a standby draft structure similar to that of the Office of Selective Service Records in 1947 and 1948” (Kissinger, 1973a),<sup>7</sup> leaving the details to be worked out

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<sup>7</sup>The draft was suspended during 1947 and 1948, with records being maintained by the Office of Selective Service Records. After World War II this is what happened:

Even before the end of World War II, however, with victory clearly ahead, Congress, under considerable pressure from the public, pressed President Truman to end the draft; the draft ended on March 31, 1947.

by the respective staffs. But, as so often happens, the devil is in the details. The staffs could not agree, except to defer implementing NSDM 208 pending further demonstration of the viability of the volunteer force.

By the summer of 1974, the lack of consensus in the new Ford administration was spilling over onto the floor of Congress. Despite the President’s decision in NSDM 208, new Secretary of Defense James Schlesinger testified, “It is essential that the Selective Service operation remain in place. Although no one is being drafted, they still must register, classify and maintain an active stand-by force” (as quoted in Loen, 1974). The OMB still disagreed. Its position was that the “best evidence to date suggests that induction authority will not be required to meet peacetime force objectives [and] maintenance of the existing system can no longer be justified on the basis of the questionable viability of the volunteer force” (Sitrin and Hannon, 1974). After consideration of a number of options, OMB favored a deep standby system that

Suspends local board operations and all standby classification processing. Nineteen year olds would be registered on a once-a-year basis. Four hundred compensated employees would account for the bulk of the estimated \$18 million annual operating costs. Local board members would continue to be appointed during the standby in order to minimize the time (about 30

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In less than a year, however, the world situation had so deteriorated and the Army’s experience with this version of an all-volunteer force had been so disastrous—with a requirement of 30,000 recruits a month, only 12,000 volunteers were coming forward—that President Truman asked for a resumption of the draft. By February 1949, however, inductions were suspended, and by the summer of 1949, the Associated Press reported that “unless an unforeseen emergency develops, the peacetime draft of manpower for the armed forces is expected to expire June 25, 1950” (Associated Press, 1949). On June 24, 1950, North Korean forces invaded South Korea. Three days later, Congress voted to extend military conscription. (Rostker, 2007, p. xiii)



days) required to reconstitute local board operations in a crisis. Planned mobilization processing procedures would deliver the first inductees about 55 days after draft authorization is restored. (Sitrin and Hannon, 1974)

Byron Pepitone, the newly confirmed Director of Selective Service, did not agree with the OMB position and said so to Roy Ash, the new OMB Director. Notwithstanding Pepitone's objections, Ash had him prepare a Presidential proclamation terminating continuous registration and announcing an annual registration, the details of which would be announced at some future date. When the proposed proclamation was reviewed, the NSC staff argued against it on the grounds that it would be unwise to begin dismantling the current mobilization structure until a complete new process had been thought through and formulated and until the administration was certain the new process would work.

In an argument that resonated in the debate about registration that would take place at the end of the decade, the NSC staff felt that terminating registration could be misinterpreted as a weakening of America's willingness to mobilize in a crisis and as a sign of ambivalence concerning what was needed in the way of level of preparedness. After OMB made it clear that terminating registration did not affect the responsibility for young men to register, but only how they registered—"young men who would have expected to register throughout the remaining months of 1975 will be afforded an opportunity to register in 1976" (Davis, 1975)—the NSC changed its position. President Gerald Ford signed the proclamation, "Terminating Registration Procedures Under the Military Selective Service Act, as Amended," on March 25, 1975 (Ford, 1975).

While the proclamation clearly stated registration was being terminated "in order to evaluate an annual registration system . . .

and will be replaced by new procedures which will provide for periodic registration," (Ford, 1975), various parts of the administration still could not agree on how to proceed. OMB argued,

There would appear to be relatively little national security risk in moving to a much deeper standby system than now planned, . . . [even transferring] responsibility to the Department of Defense. (Lynn, 1975).

In fact, the expected "opportunity to register in 1976" never came about, and it fell to the new Carter administration to take up the question when it assumed office in 1977.

### Selective Service in Deep Standby

When Pepitone signed his semiannual report to Congress on December 31, 1975, he had to admit that he had not been successful in his vision of what the standby draft system should look like. He told Congress:

The President on December 12, 1975, decided that a \$6.8 million budget for fiscal year 1977 would satisfy the requirements of the Selective Service System. This extremely austere budget was based upon a current analysis by the Department of Defense of their mobilization manpower requirements in the event of a national emergency. The President's decision necessitates a complete change to the operational concept contained in the agency fiscal year 1977 budget request of \$27.2 million. . . . The Selective Service System will move into a greatly deepened standby posture. (Pepitone, 1975, p. 14)

In a very important way, the move of the Selective Service System into deep standby mode was simply catching up with the realities of a changing Army posture after the Vietnam War. From the end of World War II through the mid-1970s, the official military doctrine of the Army in defense of Western Europe against the Soviet Union was mobilization. Starting in 1973, the Army moved

away from mobilization with a new “come-as-you-are” doctrine of active defense.<sup>8</sup> Now expected to fight with forward-deployed regular formations in Europe that would be quickly augmented by existing National Guard and Army Reserve units and by the fully trained Individual Ready Reserve, the Army rejected the recommendations of the Gates Commission and, later, the Defense Manpower Commission that incorporated the older mobilization paradigm.<sup>9</sup> Assistant Secretary of Defense William K. Brehm summed up the new realities for the Selective Service:

There was a need for a pool of trained and experienced military personnel who, together with our active duty and selected Reserve paid drill personnel, would man and sustain our existing combat force structure in the initial months of an intense conflict. Untrained people coming to active duty, whether volunteers or draftees, would be of little use to the services during this period since they could not be trained in time. (as quoted in Pepitone, 1975, p. 1)

## The Carter Administration

When President Carter took office, one of his first acts was to establish the Presidential Reorganization Project to recommend changes that needed to be made that could reduce cost and increase efficiency throughout the federal government. Among the issues the

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<sup>8</sup> As John L. Romjue, 1984, p. 6, noted, “The doctrine of 1976 thus laid great stress on the demise of the old mobilization concept as a strategic factor. . . . Facing expected superior forces [in Central Europe], ‘The U.S. Army must prepare its units to fight out-numbered, and to win.’”

<sup>9</sup> The Defense Manpower Commission thought that the need for a standby draft was a significant shortcoming of the all-volunteer force and, with one dissenting vote, recommended immediate reform: “The standby draft system should be reconstituted with adequate funding to provide a capability to commence inductions within 30 days” (Tarr, 1976, p. 431).

project considered was what to do with the small Selective Service System headquarters that remained after registration was suspended and what to do about registration itself. The study team concluded that plans should be developed to

relocate the standby [Selective Service System] into the Department of Defense such that upon Presidential proclamation or declaration of war or resumption of registration, the SSS will become independent in its active mode, and return to DOD again by Executive Order when registration ceases. (President’s Reorganization Project, 1978, p. 34)

Importantly, the team also concluded that, “while effectiveness might be enhanced through merger, additional steps should be taken as well to insure that (the Selective Service System) is able to meet the requirements which may be laid upon it” (President’s Reorganization Project, 1978, p. 1). Team members did not see that active registration was necessary.

At DoD, Assistant Secretary John White told Secretary of Defense Harold Brown:

The more I work on the problem of improving the SSS the more I am convinced that this—the so-called “fold-in, fold-out option”—is the best approach if we are going to make it an effective organization that will be able to respond to future mobilization needs without reintroducing peacetime registration. (White, 1978)

A DoD position paper also noted that the proposal that SSS should be collocated in DoD . . . was, in part, based on historical precedent, since the SSS mobilization planning function was a part of the War Department from the early 1920’s until 1940 when registration was mandated by Congress. (Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs, 1979)



The idea of DoD absorbing the Selective Service System might have gone further if the House Armed Services Committee had not acted in spring 1979 to bar transfer of the Selective Service to DoD.

On the issue of registration, the Pentagon was split. The Joint Chiefs of Staff, never very favorable toward the all-volunteer force, pressed for peacetime registration. The Director of the Joint Staff wrote to White's successor, Robert (Robin) Pirie, Jr., that the Joint Chiefs

are convinced that peacetime registration will make a substantial contribution to national security by providing a continuous inventory of potential inductees, thereby insuring early arrival of inductees for training if mobilization is required. . . . The JCS believe peacetime registration and initial screening are warranted. (Wickham, 1979)

Pirie had another view. For Pirie, the ability of the Army to absorb recruits was critical. In a note to Secretary Brown, he said that

Peacetime registration . . . [was] not likely to make a substantial contribution to the national security . . . [because, as he saw it] the soundest planning assumption is that there would be no room [on the training bases] for inductees that, as a result of peacetime registration, might be made available. (Pirie, 1979)<sup>10</sup>

Others in the administration thought registration was the "slippery slope" that would return the nation to peacetime conscription. The Carter White House told Congress that the administration recognized an increasing need for conscripts in case of

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<sup>10</sup> Later, on March 3, 1980, Pirie told Brown, "The Army has made a detailed review of its training base potential for rapidly accepting new trainees after mobilization. That review shows that its training bases could expand more rapidly" (Pirie, 1980c). Pirie was probably right the first time. In 1983, GAO found that, "Although the Army has made some progress, . . . it still needs to do much more" (Gould, 1983). The report provided a number of specific recommendations.

mobilization and the inability of the Selective Service System to deliver the inductees on schedule but actively resisted calls for registration. The administration desperately wanted to find a way to demonstrate to Congress that it had a plan to meet the ambitious timetable without resorting to peacetime draft registration.

Pressure mounted to resolve the Selective Service and registration issues. In spring and summer 1979, Congress considered the mobilization needs of the country, and the quality of new recruits came under question. The issue started to come to a head when, backed by the powerful National Guard Association of the United States, Congressman Sonny Montgomery (D-Miss.) introduced legislation to provide for reactivation of registration and classification under the Military Selective Service Act, a return to conscription, and the induction of 200,000 men a year for three months of active-duty training, with subsequent service in the Individual Ready Reserve.

Given the state of the Selective Service System at the time, the administration believed that options other than peacetime registration should be considered. The most candid assessment and even-handed presentation of these options, however, came not from the administration but from the Congressional Budget Office (CBO). In a presentation to the House Armed Services Committee, the Assistant Director of CBO's National Security and International Affairs Division, David S. C. Chu, and his principal analyst, Dan Huck, laid out the options.<sup>11</sup> They started their review by noting that

there is no reliable plan for a quick, mass mobilization, . . . the computer support . . . available to Selective Service is neither adequate nor appropriate, . . . Plan(s) to reconstitute a field

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<sup>11</sup> They reported on a study CBO released in November 1977 (Huck, 1978).

structure . . . upon mobilization are complex, cumbersome, and outdated. (Chu and Huck, 1979, pp. 68–69)

Chu and Huck then described three options: (1) create a credible postmobilization registration plan; (2) reinstate the peacetime registration that the Ford administration had suspended on March 29, 1975; and (3) not only register but classify young men who would be eligible for induction in an emergency. They did not endorse a return to registration but thought that, providing a viable postmobilization capability and

even minimal assurance that Selective Service can meet DoD's current wartime induction schedule will require at least a year and possibly two years of development and testing of equipment and procedures. If such development and testing is funded in the fiscal year 1980 and 1981 appropriations for Selective Service, a capable system could be in place at the start of fiscal 1982. (Chu and Huck, 1979, p. 106)

What they did not say, but was true at the time, was that the administration did not have a plan or even a clear path to a plan to create a viable postmobilization registration system. In fact, as Chu spoke, the administration was frantically looking for a new director for the Selective Service.

On September 12, 1979, the vote in the House went against the Montgomery proposal by a margin of 163 to 259. The requirement for draft registration was stricken from the bill, replaced by a requirement for the President to report on his plans for Selective Service. The report was due on January 15, 1980, and it would be my job, as the administration's nominee for Director of Selective Service (then awaiting confirmation) to develop the plan the President would forward to the Congress.

The President's January reporting date notwithstanding, Congress delayed my confirmation until late November 1979, less

than two months before the report was due. I was finally sworn in on November 21, 1979. Having worked behind the scenes since the fall, I was able to report to John White, now the Deputy Director of OMB, by Christmas that he had a

“new” Post-Mobilization Participatory Registration option [that is] . . . markedly different from previous Selective Service plans. . . . The major changes are (1) reliance on the U.S. Postal Service (USPS) for registration, (2) the presorting of registration data to facilitate the promulgation of induction notices, and (3) the reliance on operating, in place, testable Federal infrastructures to support the Selective Service in an emergency. (Rostker, 1979, pp. 2–3)

The report to White also included draft memorandums of understanding with the USPS to assist with registration and with the Internal Revenue Service (IRS) and Social Security Administration for data entry. The report also included a new plan for computer support that tied together the Selective Service and DoD.<sup>12</sup>

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<sup>12</sup> To be clear, the prior plan, which had been used for the mass registrations at the start of World War II, called for the Selective Service to contract with state election commissions throughout the country to open polling stations for registration purposes. The new plan utilized the existing federal network of post offices, where registrants could obtain and complete registration forms. The forms were then sent by registered mail to IRS or Social Security Administration processing centers to be keypunched. The initial estimate to activate the polling stations in California alone was \$23 million. In comparison, the cost of using the existing post office network for the entire country was \$13.2 million. In addition, Selective Service paid for upgrading, consolidating, and collocating its computer center with that of the U.S. Military Entrance Processing Command, which was located in a surplus building at the Great Lakes Naval Training Center outside Chicago, Illinois.

For decades, keypunching was the standard way to transfer information, such as data on handwritten Selective Service registration forms and IRS tax forms, into computers. An operator would type the information into a keypunch machine, and the device would punch rectangular holes into precise locations on 80-column Hollerith cards, which were made of stiff paper. The cards were then fed into a reader. Both the IRS and the Social Security Administration had extensive

## President Carter's State of the Union Address

In January 1980, the Soviet Union's invasion of Afghanistan was all the buzz in Washington. In the inner circles at the White House, Counsel to the President Lloyd Cutler was pressing for registration. Cutler was concerned that failure to do so would send a signal of weakness to the Soviet Union. His argument was based on the fact that, in 1941, nearly 40 years prior, the continuation of the draft that passed by only one vote in the House of Representatives signaled to the Japanese that America was not willing to fight. Not everyone agreed with Cutler, however. John White and the President's domestic policy advisor, Stuart Eizenstat, were lined up against Cutler. In the end, President Carter sided with Cutler. The President decided to change policy and move to registration on the Saturday before the State of the Union Address was to be given.

Despite the fact that he would be the one to carry out the change in policy, I was not told of the President's decision to conduct an emergency registration until the day of the State of the Union. My account of the events of that day is recorded in Linda Kerber's book on women and the Constitution:

Early Wednesday morning, I "got a phone call about eight o'clock from John White . . . that said stop everything you're doing, come over here (to the Old Executive Office Building), don't tell anybody where you are going. And I came to his office. He said 'I need you to start writing paragraphs [about] why this is a bad idea.' He stuck me into somebody's office, and I sat there scribbling, sending pieces of paper out. . . . Then about four o'clock he came back and said it's lost, stick around here and the President's going to announce it. (Rostker, as quoted in Kerber, 1998, p. 376)

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capabilities to transfer information from forms to computers through keypunch centers that employed thousands of keypunch operators.

During his State of the Union Address on January 21, 1980, President Carter told the American people:

The Soviet Union has taken a radical and aggressive new step. It's using its great military power against a relatively defenseless nation. The implications of the Soviet invasion of Afghanistan would pose the most serious threat to the peace since the Second World War.

The men and women of America's Armed Forces are on duty tonight in many parts of the world. I'm proud of the job they are doing, and I know you share that pride. I believe that our volunteer forces are adequate for current defense needs, and I hope that it will not become necessary to impose a draft. However, we must be prepared for that possibility. For this reason, I have determined that the Selective Service System must be revitalized. I will send legislation and budget proposals to the Congress next month so that we can begin registration and then meet future mobilization needs rapidly if they arise. (Carter, 1980a)

## Selling Draft Registration

In the press release following the State of the Union, President Carter told the American people, "Registration for the draft is needed to increase our preparedness and is a further demonstration of our resolve as a nation." Following the line that Cutler had articulated, Carter then argued, "A vigorous effort to improve our current capabilities will help . . . to deter Soviet aggression." He stressed that this decision to renew registration was "in no sense a move away from the volunteer force," but that "we have always recognized that [the volunteer force] . . . would have to be supplemented by the draft at a time of national emergency and mobilization" (Carter, 1980b).

The postmobilization registration plan that I had prepared would, in fact, be implemented but not as envisioned. The Selective

Service System would be reactivated with two “catch-up” registrations, one in the summer of 1980 for those born in 1960 and 1961 and one in January 1981 for those born in 1962. Thereafter, continuous registration of 18-year-olds would be carried out at local post offices throughout the country. In a report to Congress, I later noted, “The President’s decision requires that Selective Service substitute an actual registration system for a registration contingency plan and accelerates the process of improving the other components of the Selective Service System” (Rostker, 1980b).

Reinstating draft registration was simple. It could be done by Presidential proclamation. The problem, however, was that the Selective Service System did not have the funds to carry out the summer “catch-up” registration scheduled for the last week of July and the first week of August 1980. Even with President Carter now favoring registration, the antidraft coalition delayed approval of the additional funds until June 27, 1980. The debate dragged on in Congress for a number of reasons. First, orchestrating a complete about face of administration policy could be tricky, especially after a copy of the original postmobilization plan that had been the administration’s policy until the State of the Union leaked to the press. This draft working document, which was now before Congress, made the case that “registration was redundant and unnecessary” (Rostker, 1980a). Second, most in Congress were not supportive of Cutler’s rationale for the decision to reinstate registration. White reported,

From his contacts on the Hill . . . the argument that registration is a symbol of resolve threatens to irritate the conservatives. Their view is that with all the other real problems we have, we shouldn’t be focusing on a symbol. (Office of the Secretary of Defense, 1980)

With the “resolve argument” in tatters on Capitol Hill, a new rationale, the “cheap insurance” argument, was invented,<sup>13</sup> with the cost of actually carrying out the registration pegged at \$13.3 million.

## Results of the Draft Registration

The summer catch-up registration of males born in 1960 and 1961 went very smoothly. Between January and July 1980, Selective Service implemented the exact plan I had developed in late 1979 for postmobilization registration. It showed that the postmobilization registration system was viable, especially given the limited ability of the Army to absorb the influx of draftees. As the GAO noted, “training centers may be hindered in housing and will be unable

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<sup>13</sup> When the draft working document became public, the first inclination of the administration was to attack the plan as unworkable, even though it was the plan that was being implemented to carry out the registration. When asked about the draft, Secretary of Defense Brown derided the plan as naïve, even though only weeks before the document had the strongest backing within the administration. When I heard this, I took White aside and told him,

If the President felt . . . it was important to [have an] extra level of security to have the registration, I can support that. I can support submitting a plan and having the President rationally say that he wants more than the plan gave him, but I am not going to be dragged through the mud of Washington about how I had produced a lousy plan. If the original plan is vilified, I will resign and defend it. (as told to Kerber, 1998, p. 282)

As I saw it, registration might be considered “insurance against the possible failure of the system in the event of a national emergency” (Pirie, 1980c). Eventually, White

agreed to use two arguments: . . . (1) If Congress denies or even comes close to denying the President’s request . . . it will send a signal to the Soviets, [and] (2) the draft paper prepared by the Selective Service System . . . has already proved to be overly optimistic as Selective Service begins more detailed planning with the other Federal agencies. (Pirie, 1980b).

to train these draftees” (Comptroller General of the United States, 1979).

On September 2, 1980, the Selective Service System received the final shipment of keypunched registration forms from the IRS, which had used its seasonal workforce to support the summer registration. The shipment contained all registration forms received through August 22, 1980—3,593,187 registration forms had been keypunched and the individual records were then entered into Selective Service computers. On September 4, 1980, I told President Carter that I estimated “this to be 93% of the eligible population” (Rostker, 1980d). In comparison, I told the President, in 1975—the last year of the registration during the Ford administration—the comparable registration rate was 83 percent.

It fell to the GAO to certify the results of the 1980 draft registration program. On December 19, 1980, Director of GAO’s Federal, Personnel and Compensation Division wrote to me that the GAO “was impressed by the thoroughness, completeness, and accuracy with which this program—draft registration—was conducted” (Krieger, 1980b). The details of GAO’s monitoring of registration were contained in a report sent to the chairmen of Selective Service’s oversight congressional committees. The GAO told the chairmen, “The Selective Service System has been subject to challenge by a variety of critics and organizations” (Krieger, 1980a). To check on the veracity of the system the GAO randomly called 378 of the more than 3.6 million registrants. From this random sample, the GAO was able to conclude that (for the entire registration) fewer than 1,000 registrations had “obviously fictitious . . . names [or] . . . addresses” and that a “final accuracy of 98 percent does not appear to be [an] unreasonable expectation” (Krieger, 1980b).

## Spotlight on the Real Mobilization Bottleneck

GAO, now pleased with the way registration had proceeded, shifted its focus to DoD’s failure to build and sustain a mobilization infrastructure. In 1983, GAO estimated that the Army could “accommodate only about 50 percent of the personnel it needs to begin training within 180 days following mobilization, due to shortages in equipment, trainers and training units” (Gould, 1983). What was more troubling, GAO now questioned the whole mobilization requirement that had been at the heart of the draft registration debate. Five years after the “great debate” over the future of the all-volunteer force and the Selective Service draft registration, GAO told the Secretary of Defense:

DoD has not analyzed systematically the military services actually needed for inductees. Even though the data exists, the system that DoD uses for making wartime manpower planning decisions collects insufficient detailed data on each service’s wartime needs and expected manning shortages and surpluses to enable it to validate the accuracy of the current inductee request schedule. (Conahan, 1984)

While DoD strongly disagreed that it did not have a “systematic method for validating induction requirements,” we can only wonder whether, if GAO’s conclusions had been brought forth in 1979 rather than 1984, the draft registration would have gone forward.

In retrospect, the battle to reinstate draft registration and the experience in actually running a registration in 1980 addressed two of the three rationales for continuing draft registration today: the issue of signaling resolve and cheap insurance. While Congress rejected President Carter’s argument that registering signals American resolve to the Russians, it did, in fact, send a signal. The American people overwhelmingly responded with an *affirmative act of citizenship* by going to their local post offices to register, result-

ing in an on-time registration rate of over 93 percent. In addition, the 1980 registration showed that a well-developed plan could be implemented in a timely manner, providing up-to-date information that could be used to start the induction process. The questions not answered in 1980 were whether a continuous registration program would “maintain the link between the All-Volunteer Force and our society-at-large,” as President Clinton later suggested, and whether it would provide “America a fair and equitable draft when needed” (Director of Selective Service, 2015, p. ii).

### **The Current Selective Service Program**

Since the reinstatement of registration in 1980, the registration process has become so automatic that some have questioned whether it is a real acknowledgement of one’s “link to the Armed Forces.” Selective Service’s stated goal is to have as large a number of registrants as possible so that any future draft would be “fair and equitable.”<sup>14</sup> The purpose is not to create a process that reminds a young man of his obligation to serve. In fact, the latest figures from Selective Service show that only 3 percent of recent registrants actually took the time to go down to their post offices to actively register.<sup>15</sup> Another 21 percent registered using the internet or by telephone, leaving 75 percent who did not make an affirmative

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<sup>14</sup> While the law—the Military Selective Service Act—requires young men to register with Selective Service when they turn 18 and while those who fail to do so face a fine of up to \$250,000 and/or a prison term of up to five years, the real penalty for not registering is loss of student financial aid, the ability of an alien to become a citizen, access to a federal job training program, or a federal job.

<sup>15</sup> In its FY 2015 annual report, the Selective Service reported that, “As of September 30, 2015, the agency had received and processed approximately 68,000 Selective Service registration forms through the U.S. Postal Service mailback program” (p. 6) and 2,129,930 by “electronic registration” (p. 9).

effort to register (see Director of Selective Service, 2015, pp. 6, 9). The vast majority of young men were registered as a by-product of another interaction with the government, such as applying for a driver’s license or a Pell grant.<sup>16</sup> In such cases, their “link” to a possible military obligation is receiving a letter telling them that they had been registered and giving them a Selective Service number.

The largest passive registration program is Selective Service’s Driver’s License Initiative (DLI), which registered 1,021,235 men in 40 states, four territories, and the District of Columbia in calendar year 2014. Registrations were not received from the states of Alaska, California, Massachusetts, Nebraska, New Jersey, North Dakota, Oregon, Pennsylvania, Vermont, and Wyoming (Director of Selective Service, 2015, p. 8).<sup>17</sup> While the Selective Service has long maintained that “registration compliance rates increase significantly in states enacting supportive ‘driver’s license’ laws” (Brodsky, 2003, p. 6), the converse is also true: Compliance is lower in states that do not participate. Clearly, such a program brings its own problems. Some have complained that obtaining such information was a violation of privacy guarantees, the information having been originally provided for other purposes. Others argue that any induction list that the Selective Service could produce would be

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<sup>16</sup> In September 1982, the Solomon Amendment added Section 12 (f) to the Military Selective Service Act in September 1982. Male students who have a requirement to register with Selective Service must satisfy that requirement as an eligibility precondition for receipt of Title IV federal student financial aid. Title IV aid includes such need-based programs as Guaranteed Student Loans and Pell Grants. In November 1985, the Thurmond Amendment to the Defense Authorization Act established Title 5, U.S. Code, Section 3328, which requires Selective Service System registration as a prerequisite for appointment to most federal jobs.

<sup>17</sup> These states have their own programs to facilitate registration; the Alaska Permanent Fund application process is one example.



inherently unfair, since it would surely lack many names from the states that do not participate in the DLI program.

Moreover, the efficacy of the DLI program itself is in question. The University of Michigan's Transport Research Institute recently reported that "teens and twentysomethings are forgoing driver's licenses," noting that

[a]bout 87 percent of 19-year-olds in 1983 had their licenses, but more than 30 years later, that percentage had dropped to 69 percent. Other teen driving groups have also declined: 18-year-olds fell from 80 percent in 1983 to 60 percent in 2014, . . . [and the number was] down about 13 percentage points for those in their 20s. (Sivak, 2016)

As a result, even in the states that participate in the DLI program, the resulting registrations may not foster Selective Service's goal of assuring that America has a fair and equitable draft when needed.

Even with the massive use of third-party databases, the current compliance rate is short of the 93 percent on-time registration rate achieved with the face-to-face registration in 1980. Today, the Selective Service reports an on-time compliance rate of only 73 percent, with an overall compliance rate for 18- through 25-year-olds of 88 percent, far less than what the face-to-face registration of 1980 achieved (Director of Selective Service, 2015, p. 5).

### **Considering the 1994 Rationale for Continuing Registration: Low-Cost Insurance, Sign of Resolve, Link Between Military and Society**

The history of draft registration and the current practices of the Selective Service System provide the information that allows assessment of the arguments President Clinton put forward in 1994 for continuing registration.

### **Low-Cost Insurance**

Low-cost insurance is only valuable if it can be relied on when needed. That does not seem to be the case with the current Selective Service System. In 2012, GAO reported to Congress on the ability of the Selective Service System to meet the stated requirements for new draftees to report to the Army. At the time, Selective Service System told GAO that "the agency is not currently resourced to meet DOD's requirements . . . without jeopardizing the fairness and equity of the draft" (Farrell, 2012, p. 7). The challenge is maintaining both the infrastructure and a high registration compliance rate, at least 90 percent. At this time, the reported compliance rate for 18-year-olds was only 69 percent. Moreover, given how central the use of driver's license records is to the current registration process, the declining propensity for applying for a license and the fact that a number of states do not share that information with Selective Service bring into question whether those eligible for a draft would be targeted equitably. An added problem that does not seem to have been considered is how current the information—particularly contact information—in Selective Service records is. All in all, compared to other government programs, the appropriation for Selective Service might be considered cheap, but since it is doubtful that it can do what it is required to do, it can hardly be considered as insurance against unforeseen events.

### **Sign of Resolve**

The sign-of-resolve argument apparently was the single most persuasive argument that caused President Carter to reverse course and call for draft registration in January 1980. The argument, however, had no credence with the Congress and certainly did not lead the Soviet Union to change its behavior in Afghanistan. Given the cur-

rent world situation, it is doubtful that an ongoing draft registration process—one that is not likely to be effective in mobilizing the manpower of the country—demonstrates resolve.

### **Link Between Military and Society**

It has often been argued that filling out a registration card will remind a young man—and, in the future, possibly a young woman—of their patriotic duty to serve. While there has never been any critical examination of that proposition, the fact that most required to register today never actually have to fill out a form makes the argument highly dubious. Today, for most young men, the most affirmative act of registering for the draft is to open a letter containing notification that they have been registered and giving them their Selective Service number. This is hardly the link with the military envisioned by most who put forth this argument.

### **Overall Assessment**

On all three counts—low-cost insurance, sign of resolve, link between military and society—it is hard to see how the current Selective Service registration system delivers. There are, however, alternatives that should be considered, and these are discussed in the next section.

## **Alternatives to Today's Selective Service System**

### **If Registration Were Suspended, How Could It Be Reconstituted? Postmobilization Registration Options**

Given the current commitment to the all-volunteer force, the time is right to reconsider the need for maintaining an ongoing, continuous registration process, especially since the current goal is for Selective Service to have the first inductees report 193 days after

the mobilization order is signed. There are at least two standby registration options that should allow the Selective Service to suspend its current continuous registration program but reinstate registration with a postmobilization system collecting information that is at least as good as we have today—and likely more complete and up to date. First, face-to-face registration procedures, using USPS facilities, could form the basis for a new standby registration system. Second, the driver's license legislation and the file matching procedures that account for the majority of registrations today could be put in standby, to be activated only when registration would be reinstated. In either case, registration would be a two-part process. The process would not be complete until everyone required to register was issued and could verify that they had their selective service certificate and unique selective service number. The following subsections explain how these options would operate.

### **Face-to-Face Registration**

In 1980, when President Carter ordered registration, the Selective Service System was nothing more than a concept backed by a number of memorandums of agreement with supporting federal agencies. The details had not been worked out. The six months that it took Congress to approve the funds to run the registration were used to fill out the concept. Once the go-ahead was given, the registration materials were printed and distributed, people were trained, and the first registrations started to flow to the keypunch stations within four weeks.

Today, a well-developed standby system should be able to stockpile registration forms so that the registration could take place in a matter of weeks. Sorting registration forms by lottery number would facilitate the entry of data into a computer system quickly,

and orders to report for physical examinations could be sent out. Assuming that the boards had been constituted and trained, they could start to hear claims from conscientious objectors for alternative service and hardship. Such a system has the advantage of clearly demonstrating an *affirmative act of citizenship* by requiring young men to go to their local post offices to register. Moreover, such a face-to-face process would ensure the validity of the registration database, as it did in 1980, when GAO (Krieger, p. 3) estimated the resulting registration database was close to 98 percent accurate.<sup>18</sup>

While a face-to-face registration might seem somewhat old-fashioned in the age of the internet, the system would be closed and secure and could not be hacked. For example, in 1980, the fact that registrants had to fill out their registration forms at a post office and hand them to a postal clerk meant that the number of spurious registrations were kept to a minimum. GAO estimated that, of the 3.6 million registrations recorded in 1980, only 459 were “obviously fictitious registrants” (Krieger, p. 3). The way registration cards were handled and processed meant that, even if the internet had existed at the time, the registration database would never have been online and exposed to possible hacking.

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<sup>18</sup> In 1997, GAO, at the request of a number of congressmen, examined what might happen if registration were suspended. They asked the Selective Service to comment on what it would take to reinstate registration. GAO “did not validate the cost and time estimates but made judgments on their reasonableness, . . . [nor did it] review the policy implications of changing or continuing the peacetime registration program” (Gebicke, 1997, p. 10). The Selective Service told the GAO that it could reinstate a face-to-face registration with first delivery in 217 days, 24 days more than the current 193-day requirement, with an annual savings of \$5.7 million (25 percent of Selective Service’s operating budget). Unfortunately, Selective Service did not provide GAO with a detailed timetable for the registration process. My experience running the 1980 registration suggests that the Selective Service assessment is very conservative.

It should be noted, however, the conditions that existed in 1980 are very different from those of today in two ways. First, over the years, the USPS has significantly downsized (Francis, 2015). Therefore, it would be necessary to determine the conditions under which face-to-face registration at post offices could be appropriately managed. Second, keypunching is a much less prevalent means of entering data into a computer system today than it was in 1980.

### A Modern System Using Information Technology

As previously noted, actual face-to-face registration is today a thing of the past, accounting for only 3 percent of all registrations. Some 97 percent of registrations are recorded through electronic means, with the vast majority of those through the transfer of drivers’ license information from state motor vehicle bureaus. If the current registration system were suspended, there would be no need to actually transfer the information from the motor vehicle bureaus to the Selective Service as long as the state agencies still collected and maintained the information. Once registration was authorized, the most current data could then be transferred from the states to the Selective Service in a matter of seconds. Similarly, other programs that transfer data to the Selective Service could maintain their data files with protocols established for the transfer of data when authorized.<sup>19</sup> These protocols could be tested frequently to ensure the system works as designed. That said, such a system would still have

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<sup>19</sup> In its 1997 report on alternatives to the current continuous registration system, GAO noted that “constitutional issues” might be raised:

Initially, we also considered a passive registration system. Such a system would automate identification/registration, requiring no actions by individuals to register. After consultations with . . . [House] staffs, we discarded this alternative because its implementation would raise constitutional issues. (Gebicke, 1997, p. 1)

the same problems that the existing system has today, with some states not participating and with a declining propensity of young adults to obtain driver's licenses.

## The Second Part of the Registration Process

While most attention is paid to the act of registering, be it face-to-face or through an electronic transfer of data, it is important to understand that this is just the first part of the full registration process. Given that failure to register carries criminal sanctions, such as time in prison and a monetary fine, it is important that those who register and are passively registered can prove they have complied with the law. Thus, the registration process is not complete without the registrant receiving a confirmation letter as proof of registration. Following the procedure used in 1980, a confirmation letter would contain the registrant's "Selective Service Number." Such letters would be sent to those both actively and passively registered. The public would be informed through the news media and social networks (e.g., Facebook, Twitter, Snapchat) that, if a young man in the prescribed age group had not received a letter from the Selective Service, his registration was not complete. After a specific date, anyone required to register who had not received such a confirmation letter would be in violation of the law and would be subject to the legal penalties and administrative sanctions.

## Selective Service in Deep Standby

So far, the discussion has focused on options for undertaking a postmobilization registration, assuming that Selective Service has continued to maintain and train local draft boards to hear claims and has developed a viable alternative service program. Some have also argued that these programs could be suspended and reconsti-

tuted after mobilization. This is usually referred to as placing the Selective Service System into *deep standby*.

While registration is usually talked about as the critical pacing issue in any reconstitution plan, others will take much longer: examination and classification of registrants; the selection, appointment, and training of local board members; and the development of an alternative service program. Registration is just the first step in the induction process. Registrants will have to be examined and classified before formal induction notices can be issued. Historically, about one-half of those examined are found to be unfit to enter the armed forces. Moreover, while the educational and occupational deferments have largely been eliminated since 1971, some deferments still exist, and consideration must be given to those who claim that service would create hardships for their families and to those who conscientiously object to serving in the military.

The importance of the local boards is often overlooked, but a fully functioning system must be able to hear and adjudicate claims. The system would not be "fair" if anyone could simply opt out by applying for a hardship deferment or claiming to be a conscientious objector, without the claim being promptly heard and adjudicated by a local board. Moreover, if conscientious objector status were granted, an alternative service program would have to be available. There is a substantial body of case law from the Vietnam era that would put the whole system in legal jeopardy if both the local board structure and the alternative service programs were not in place and viable. Current activities to maintain the local boards and stockpile viable alternative service options are, however, geared to a rapid reconstitution of the system. The future timetable for the reconstitution of the system would determine the type of standby program. Maintaining and keeping the information tech-

nology infrastructure current is also a factor that would have to be considered in the development of a standby system.

In 1997, GAO considered a deep standby option and reported that Selective Service estimated such a program would save \$11.3 million annually (Gebicke, 1997, p. 5)—almost double the savings from just suspending registration. But, if put in deep standby, the Selective Service judged it would take 374 days to deliver first draftees, compared with the goal of 193 days, citing the previous experience of reconstituting both the draft boards and alternative service programs in 1980. Again, neither GAO nor the Selective Service provided any detailed discussion of how these estimates were made.

As the former Director of Selective Service, responsible for the 1980 reconstitution and registration program, I judge that the estimate of the time needed to carry out a face-to-face registration is overly conservative, but the estimate of the time it would take to reconstitute and train the draft boards and have a viable alternative service program ready is too optimistic. Accordingly, while registration could be suspended, I do not recommend that the Selective Service System be placed in deep standby.

### **Where Should a Standby Selective Service System Be Located?**

One common question is, if the Selective Service System were placed in deep standby, where should the Selective Service be housed? Is it necessary to have a separate independent agency, with

a current budget of about \$20 million, reporting directly to the President?<sup>20</sup>

From the end of World War I until 1926, no work was done for the future mobilization of manpower. In 1920, through the efforts of a number of people who had participated in the wartime Selective Service System, the National Defense Act gave authority for “mobilization of the manhood of the Nation . . . in an emergency” (as quoted in Hershey, 1942) to the War Department General Staff. It took six years for the Secretaries of War and the Navy to create the Joint Army-Navy Selective Service Committee (JANSSC). In 1936, when Army Major Lewis B. Hershey was assigned as the executive, the “entire operation consisted of two officers and two clerks” (Flynn, 1985, p. 63). Hershey got the assignment because of his reputation of being a good staff officer and his “talents at management and personnel. . . . Hershey had originally come from the National Guard, an outfit which had to play a big role in the conscription plan” (Flynn, 1985, p. 63). Under Hershey’s leadership the JANSSC got an annual allocation of \$10,000. He brought in National Guard officers and started to promote training through a number of conferences held throughout the United States. After Congress authorized the draft, the JANSSC became the national headquarters of the newly authorized Selective Service System on September 23, 1940. The first peacetime registration in U.S. history occurred on October 16, 1940.

When the draft was authorized in 1940, the planning cell in the Army General Staff became the headquarters of the Selective

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<sup>20</sup> The question of transferring the Selective Service System’s function to another agency was posed by Kristy Kamarck in a Congressional Research Service report (Kamarck, 2016, pp. 25–26) and by the House Armed Services Committee in the FY 2017 National Defense Authorization Act.

Service System. In the 1970s, when the Selective Service System was put into deep standby, the talk again was of making it a planning section in DoD. President Carter's Reorganization Project recommended that the Selective Service System be "relocated . . . into the Department of Defense such that upon Presidential proclamation . . . [it] will become independent" (President's Reorganization Project, 1978, p. 34).

If the Selective Service is again returned to deep standby, the option of returning it to the "care" of DoD or some other executive agency—for example, the Department of Homeland Security—will surely come up. However, assessing such an option is beyond the scope of this Perspective.

## **Summary and Conclusion**

In 2004, with American troops engaged in Afghanistan and Iraq, Secretary of Defense Donald Rumsfeld asserted that a draft was simply not needed, and Congress voted 402 to 2 *not* to return to conscription. If we did not return to conscription in the middle of

a war, many asked, why do we need to continue to register 18-year-old men? The arguments that registration is low-cost insurance, that it links society to the military, and that it shows that the population is committed to supporting its military ring hollow given the current state of the Selective Service System.

There are alternatives that would place Selective Service in a standby posture yet ensure that DoD's manpower needs are fully met. History suggests that a postmobilization registration following the procedures used in 1980 could be workable today. While that kind of a face-to-face registration demonstrated that over 93 percent of the eligible population could be registered within two months of Congress voting the funds, the current registration program seems much less compelling. If registration were suspended, however, it would be important to continue to develop local boards and the alternative service program for conscientious objectors. Doing this most effectively requires maintaining an active Selective Service System, as we have today, albeit without an active, ongoing registration.



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## About This Perspective

Since the end of conscription in 1973, the question of what to do with the Selective Service System has been asked again and again. This Perspective reviews the history of registration since the advent of the all-volunteer force. It highlights the original decision to place the Selective Service System in “deep standby,” the decision to suspend registration, and then-President Carter’s decision to reinstate registration in 1980. The author considers each of the arguments President Clinton made in 1994: the “low-cost insurance” argument, the “society’s link to the armed forces” argument, and the “committed population/resolve” argument—in light of the history and current state of Selective Service. Finally, the author examines the current registration program and alternatives.

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In 1979, Bernard Rostker was nominated by President Carter and confirmed by the U.S. Senate as the fifth Director of Selective Service. As head of the Selective Service System, he formulated the Selective Service Revitalization Plan and carried out the first mass draft registration since World War II; almost four million young men registered, with an accuracy approaching 98 percent and an on-time compliance of over 93 percent.

He is now a senior fellow at the RAND Corporation, where he has served as associate director of the RAND Arroyo Center and director of the Defense Manpower Research Center in the RAND National Defense Research Institute. He was formerly Under Secretary of Defense for Personnel and Readiness, the Secretary of Defense’s senior policy advisor on recruitment, career development, pay, and benefits for 1.4 million active-duty military personnel, 1.3 million Guard and Reserve personnel, and 725,000 DoD civilians. He also had oversight responsibilities for the DoD health delivery system. Prior to that, he served as Under Secretary of the Army and as Assistant Secretary of the Navy for Manpower and Reserve Affairs.

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