

THE ALL VOLUNTEER FORCE, CONSCRIPTION, AND OTHER ALTERNATIVES

INTRODUCTION

The United States has relied on volunteers to man its armed services for most of its history. In recent decades, however, a draft has been utilized to provide personnel for the armed services. On January 27, 1973, the United States reverted to its tradition of volunteer service when Secretary of Defense Melvin R. Laird announced the abolition of the draft. This decision followed the recommendation of the Gates Commission which had been established by President Nixon to determine whether the United States should end conscription.¹ The return to an all volunteer force (AVF) ended over three decades of conscription.

The draft has frequently been a controversial and hotly debated subject from the days of World War II to Vietnam. Our modern AVF has proven to be just as controversial from its inception. Its critics charge that its personnel are of a subpar quality, that discipline is lax and that it is ill equipped to defend the interests of the nation in the event of another war. But the AVF also has its defenders who believe that not only is it capable of doing an adequate job of protecting us in wartime, it is also, perhaps, the best peacetime army this country has ever had.

The purpose of this note is to evaluate the AVF, to discuss the possibility of a return to the draft and to review other alternatives to the present AVF.

AN ASSESSMENT OF THE AVF

Educational and Mental Levels

Most defenders of the AVF also admit that the present method of recruitment has its share of difficulties.² The principal problem of the AVF is its inability to attract enough quality people to join the enlisted ranks. The educational levels of male enlistees today are significantly lower than that of the civilian population or the army enlistees of 1964, the year of the last peacetime draft.³ All of the services have had difficulty attracting high school graduates to their ranks, with the Army having the most difficulty. In 1977, for example, only fifty-six percent of Army enlistees were high school graduates.⁴ The percentage of high school graduates is an important statistic since high school

1. The Report of the President's Commission on an All-Volunteer Force (1970).

2. See, e.g. Report by W. King, Senate Comm. on Armed Services, 95th Cong., 1st. Sess., *Achieving America's Goal: The All-Volunteer Force or National Service* (Comm. Print 1977) and C. Moskos, "The Enlisted Ranks in the All-Volunteer Army," in *The All-Volunteer Force and American Society* 39-80 (John B. Keeley ed, 1978).

3. Moskos *supra* note 2, at 41.

4. *Department of Defense Authorization for Appropriations For Fiscal Year 1979: Hearings on H.R. 10929 Before House Comm. on Armed Services*, 95th Cong., 2d Sess. 161 (1978) (written statement of John P. White, Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics). [hereinafter cited as *1978 House Hearings*]. One expert has predicted that by 1985 the services would be fortunate to attract a proportion of 43 percent high school graduates. See: *The All-Volunteer Armed Force: Hearings Before the Senate Comm. on Armed Services*, 95th Cong., 1st Sess. 19 (1977) (statement of Martin Binkin, senior fellow, The Brookings Institution).

graduates seem to perform better in their jobs and have a lower attrition rate than non-graduates. Specifically, high school graduates are almost twice as likely to complete their enlistments as those who have not completed high school.⁵

Mental levels of male enlistees have also declined under the AVF.⁶ The percentage of enlistees in the top fifty percentile in mental level in the general population had, by 1977, dropped to its lowest level in the history of the AVF. Meanwhile, the percentage of enlistees in the lower fifty percentile had risen from 32.5 percent in 1974 to 49.6 percent in 1977.⁷ As a result of the low mental levels, Army officers frequently complain of enlisted men forgetting the skills they have been taught.⁸ While mental levels have declined, military weaponry has become much more sophisticated in recent years with the result that units in the field often have soldiers who are incapable of operating weapons which were assigned to them.

Attrition Rate and Discipline in the AVF

Another problem facing the AVF is the shockingly high attrition rate among its first term enlistees. By 1978, almost forty percent of all first term enlistees in all services failed to complete their first term of enlistment.⁹ This high rate of attrition has served to increase the costs of the AVF since it must spend substantial amounts of money to recruit, train, feed, clothe and house individuals who give little or nothing in return.

The AVF is also troubled with discipline problems. The percentage of enlisted men leaving the service with an honorable discharge has declined during the time of the AVF to the point where, in 1976, only eighty-six percent of all discharges were honorable.¹⁰ In the Marine Corps, from 1973 to 1975, Absent Without Official Leave (AWOL) rates increased by twenty-eight percent and desertion rates increased by sixty-six percent. Although these rates have declined since, the price for this has been an increase in the first term attrition rate.¹¹ In the Navy, absentee rates more than tripled and desertion rates almost doubled between 1973 and 1976 to reach record high levels – higher than any previously recorded, including the Vietnam and Korean periods.¹²

AVF Recruiting Problems in the Future

In addition to having difficulty recruiting a high caliber of enlisted individuals, the AVF has also had a problem attracting sufficient numbers of

5. Moskos *supra* note 2, at 70.

6. All recruits are classified into mental aptitude levels according to their score on entrance tests, formerly known as the Armed Forces Qualification Test (AFQT) and more recently as the Armed Service Vocational Aptitude Battery (ASVAB).

7. Report by R. Beard, Subcomm. on Manpower and Personnel of the Senate Comm. on Armed Services, *An Analysis and Evaluation of the United States Army* 95th Cong., 2d Sess. 152 (Comm. Print 1978) [hereinafter cited as *The Beard Report*].

8. *Status of the All-Volunteer Armed Force: Hearing Before the Subcomm. on Manpower and Personnel of the Senate Comm. on Armed Services*, 95th Cong., 2d Sess. 14 (1978) (statement of Col. William C. Chamberlain, Inspector General, 8th Army, Korea) [hereinafter cited as *1978 Senate Hearings: Status*].

9. *Costs of the All-Volunteer Armed Force: Hearing Before the Subcomm. on Manpower and Personnel of the Senate Comm. on Armed Services*, 95th Cong., 2d Sess. 53 (1978) (written statement of Senator Sam Nunn) [hereinafter cited as *1978 Senate Hearings: Costs*].

10. *Id.* at 53.

11. *Id.* at 53.

12. *Id.* at 53.

recruits to fill its ranks. The active services have managed to remain within one and one half percent of congressionally authorized strengths in every year since the beginning of the AVF. However, this has been possible only because Congress has steadily decreased its personnel authorizations for the armed services.¹³ Congress has taken this action because of its recognition of the AVF's recruiting difficulties. Congress also feared that if it did not decrease the personnel strengths of the armed services, they would lower their standards for enlistment even further.¹⁴

While the AVF has enough difficulty recruiting sufficient personnel to presently man its services, recruitment difficulties will, in all likelihood, increase in the near future. This will come as a result of changes in long term trends which previously have benefitted the AVF. The AVF has been able to recruit as well as it has up to this point because of three factors. First, during the first six years of the AVF, there has been an unusually high number of males from seventeen to twenty-one years old, the age bracket from which the AVF solicits the vast majority of its first term enlistees. In the future, however, as the number of men in this age group steadily decreases,¹⁵ recruiting new enlistees will be more difficult.

The military has also benefitted from high unemployment rates among youth, particularly in the case of minorities.¹⁶ Although economic forecasts are not always reliable, the Congressional Budget Office has forecast a decline in the unemployment rate from 7.9 percent in September, 1976 to 4.2 percent in 1982, with corresponding declines in the rate for eighteen to nineteen year old males from nineteen to ten percent.¹⁷ Studies have shown that there is a direct correlation between an increase in unemployment and an increase in enlistments.¹⁸ When employment rates drop, therefore, an even greater squeeze will be placed on recruiters to meet their quotas.

AVF recruiters have also profited from large salary increases for enlisted men in the last ten years. One study has estimated that the real increase in pay for military recruits, that is, total pay increases minus pay increases to keep up with inflation, has been about 193 percent from 1964 to 1973.¹⁹ It is unlikely that pay increases will be able to go forward at the same pace in the future. Military leaders and government officials have become concerned about personnel costs consuming an ever increasing percentage of the defense budget.²⁰ Therefore, it is unlikely that the armed services will be able to attract a greater number of recruits in the future by drastically increasing salaries.

As recruiting becomes more difficult, recruiters are frequently resorting to illegal methods of recruitment. On November 19, 1979, the Army discharged

13. 1978 Senate Hearings: Status, *supra* note 8, at 50 (statement of John P. White, Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics).

14. *Id.* at 50.

15. There were 1.8 million males in this group in 1977. This will decrease to 1.6 million in 1985 and 1.4 million in 1994. See: 1978 House Hearings, *supra* note 4, at 162 (written statement of John P. White, Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics).

16. The Beard Report *supra* note 7, at 159.

17. Congressional Budget Office, *Defense Manpower: Compensation Issues for Fiscal Year 1977*, (Background Paper No. 6, Apr. 2, 1976).

18. Cortright, *Economic Conscription*, Society, May-June 1975, at 45.

19. Demirlis, Adjusted Consumer Price Index for Military Personnel and a Comparison of Real Civilian and Military Earnings, 1964-1973 (George Washington University Technical Memorandum TM-1200, Office of Naval Research Project NR 347-024, Nov. 1, 1974) at 9.

20. King *supra* note 2, at 12.

427 recruiters from their positions because of recruiting violations.²¹ About seventy-five percent of the cases involved false information about education records of potential recruits who had not graduated from high school. Other cases involved illegal coaching for enlistment tests and concealment of police records, medical problems, and other information. There is also evidence that recruiters frequently mislead potential recruits and promise them things they will never receive in order to get them to enlist.²²

Costs of the AVF

One factor which may lead to the eventual demise of the AVF is its high cost. If costs continue to rise as they have been, the AVF may reach a point where it is simply cost prohibitive. A report issued by the General Accounting Office has estimated that the AVF has contributed to a three billion dollar annual increase in the defense budget since 1973.²³ Most of the increased costs are due to pay increases which have come into effect since the advent of the AVF. The actual cost is more easily understood when one realizes that personnel costs represented forty-three percent of the defense budget in 1964 and constituted fifty-four percent of the budget in fiscal year 1976.²⁴ As a result of this increase, the Defense Department has shifted resources away from weapon procurement and research and development to pay for personnel.

Status of U.S. Reserve Forces

United States defense strategy presently employs what is known as the total force concept which combines active duty AVF with the reserves. Under this plan, heavy reliance is placed upon the reserve forces in the event of another major war. Army reserves now constitute fifty-four percent of the total force in the event of war.²⁵

The problems of the active component of the AVF pale in comparison with those of the Reserves. Recruiting has been extremely difficult for the Reserves since they no longer have the draft as a motivation for enlistment. Also absent is the large flow of individuals from the active component with long residual obligations of Reserve service. As a result, Selected Reserve units have had a great deal of difficulty keeping their strength up to authorized levels. By the end of 1978, there was a shortage of 53,000 in reserve personnel with the bulk of the shortage falling within the Army Reserve and Army National Guard.²⁶

In addition to the organized reserve units or Selected Reserve, the AVF relies on the Individual Ready Reserve (IRR) to meet its wartime requirements.

21. Chicago Tribune, Nov. 20, 1979, at 3, col. 1.

22. A substantial number of first term recruits feel that they have been misled by recruiters who promised them things they have never received. See: 1978 Senate Hearings: Status, *supra* note 8, at 8 (statement of Robin Beard, U.S. Representative from Tenn.) and The Beard Report, *supra* note 7, at 209-210.

23. General Accounting Office, Additional Cost of The All-Volunteer Force, Report FPCD-78-11 (1978).

24. King *supra* note 2, at 12. Congressional Budget Office estimates for defense manpower costs under current defense policy, i.e., costs reflecting inflation and increased retirement costs but not policy changes show manpower costs rising from 55.8 billion in 1977 to 75.9 billion in 1981, a 36 percent increase. See: *Defense Manpower: Compensation Issues for Fiscal 1977*, Background Paper No. 6, Congressional Budget Office, April 2, 1976, Table 11, p.37.

25. The Beard Report *supra* note 7, at 188.

26. The overall shortfall is predicted to more than double from the current 53,500 by the end of fiscal year 1978. See King *supra* note 2, at 23.

The IRR is composed of servicemen who have completed a tour of active duty and remain in the reserves although they are not attached to a specific Selected Reserve unit. The IRR is programmed to bring certain active and reserve units to their authorized wartime strength and to replace combat losses sustained by organized units in the early stages of war. From a level of 920,000 enlisted personnel in 1971, the IRR has dwindled to a level of approximately 140,000 and may go as low as 120,000.²⁷ Depending on who is making the estimates, the Office of the Secretary of Defense or the Army, the Army alone is from 200,000 to 500,000 men short of its needed strength.²⁸ In the event of another major war, organized reserve units would have to be broken up to provide replacements for casualties in active units unless something is done about the IRR shortage. If this happens, the wartime strength of the United States will be seriously crippled.

CONSCRIPTION: A PUBLIC POLICY CHOICE BETWEEN LIBERTY AND EQUALITY

It seems certain that an attempt to reinstate some type of conscription will be met with substantial opposition. American memories of the Vietnam era and its draft are too vivid. Indeed, the anti-militarism which the Vietnam experience engendered in American society was probably one of the major causes behind the decision to go to an AVF.

Debates over a return to conscription have produced some unusual political configurations. Ordinarily, one would expect liberals to be opposed to a return to the draft and conservatives to be in favor of such a move. The traditional labels, however, can no longer be used to predict opinions on this subject. Such staunch pro-military conservatives as John Stennis of Mississippi and Sam Nunn of Georgia have found themselves allied with liberal Senator Edward Kennedy of Massachusetts when they advocate a return to the draft. At the same time, the noted conservative and ally of the military, Senator Barry Goldwater of Arizona, is an uncompromising foe of a return to the draft.²⁹

Much of the difference in opinion can be better explained as one between libertarians and levelers. Democratic societies have traditionally espoused the twin doctrines of liberty and equality as being two of the most fundamental values of their culture. What is often forgotten, however, is that these two values are often competing ones, with one being promoted at the expense of the other.³⁰ To increase the equality among citizens in a society often necessitates an increase in governmental power and a lessening of individual freedom. By the same token, when a government adopts a stance of strict non-interference in the lives of its citizens, it will not be able to remedy inequalities in its society.

27. *Department of Defense Authorization Act, Fiscal Year 1980: Hearing Before the House Comm. on Armed Services*, 96th Cong., 1st Sess. 125 (1979) (report by William D. Price, professional staff member, House Comm. on Armed Services) [hereinafter cited as *1979 House Hearings*].

28. *Id.* at 126.

29. Kennedy may have changed his views somewhat since his statements before the Senate Comm. on Armed Services. His objection to an AVF at that time was that it would be inequitable. Goldwater has not changed his views since the Hearings. See: *Selective Service and Military Compensation: Hearing Before the Senate Comm. on Armed Services* 92nd Cong., 1st Sess. 108 and 284 (1971) (statements by Senator Edward Kennedy and Senator Barry Goldwater).

30. See The discussion in Alexis De Tocqueville, *Democracy in America* at 503-506 (1848).

Since a disproportionate number of men in the enlisted ranks of the AVF are from lower income groups and minorities,³¹ a return to a non-discriminating draft would help to distribute the burden of national defense more equitably among all social classes.³² While a return to conscription would promote the value of equality, it would, however, also infringe upon the personal liberty of those citizens who do not wish to serve in the military. Attitudes toward a draft can often be explained by examining which value an individual places above the other. Kennedy favors a return to the draft because he is a leveler; Goldwater opposes it because he is a libertarian.

A good argument can be made for a return to a non-discriminatory draft on the grounds that it is more equitable than the present AVF system. The return to the AVF has served only to perpetuate the inequalities of the Vietnam era draft.³³ If it was wrong for the Vietnam draft to draw disproportionately from among the poor and minorities, it is wrong for the AVF to do the same.³⁴ Unless Congress enacts a non-discriminatory draft statute, the next war will be a poor man's war just as Vietnam was.³⁵

PROPOSED CONSCRIPTION PLANS

Universal Military Training

If the choice is based solely on considerations of equity, justice and fair play, a logical plan is universal military training. That is, all males (and perhaps females)³⁶ would be obligated to perform a minimum amount of military service. The length of service required would probably be from one to two years of active duty or a shorter period of active duty coupled with a reserve obligation. An individual's military obligation would be divided between active and reserve duty according to the needs of the military and the desires of the individual.

Universal military training would appear to be the best type of draft plan. Besides its appeal to equitable principles, it has other advantages. It would provide a pool of trained manpower available for an emergency since large numbers of civilians would have some military training. The depleted strengths of reserve units could also be augmented. In addition, the active forces could be decreased and greater reliance could be placed on a quickly mobilized reserve.

31. King *supra* note 2, at 16.

32. One must keep in mind that a reinstatement of the draft will not accomplish the task of achieving a more equitable proportionment of the burden of national defense if a draft similar to that of the Vietnam era is enacted. Any new draft statute must not, for example, grant deferments to college students while conscripting those who do not choose to go to college or cannot afford to do so.

33. The old draft statute, Pub. L. 90-40, § 1(6), 81 Stat. 103 (June 30, 1967), deferred the drafting of college students until their graduation. This was the law until 1971 when it was repealed and replaced by 50 U.S.C. Appx. § 456(i)(2) (1976) which merely postponed, rather than deferred, the induction of college students until the end of the semester or academic year. Thus, from 1971 on, more college students were drafted.

34. 1978 Senate Hearings: *Status*, *supra* note 8, at 30 (statement of Senator Dewey Bartlett).

35. Badillo and Curry, *The Social Incidence of Vietnam Casualties: Social Class or Race*, 2 Armed Forces and Society, 397-406 (1976).

36. The question of whether women should be drafted is a worthy one and should be considered in a note by itself. Therefore, it is beyond the scope of this note and will not be considered here.

Although this concept is attractive in many respects, it has little chance of being put into practice simply because it is too impractical. The military's training facilities would not be able to accommodate the number of individuals who would be involved in such a plan.³⁷ Large amounts of military resources, including its personnel, would have to be diverted to train this large number of recruits with the result being the decreased effectiveness of military forces.³⁸ The cost of such an undertaking would probably be enormous. One estimate has predicted that if all recruits were to serve one year of active duty the gross cost would be thirty-five billion dollars.³⁹

A Draft Lottery Plan

Perhaps the best alternative to universal military training is a draft lottery. In such a system all eligible individuals would be placed in a common pool and draftees would be chosen randomly from that pool. Deferments would be given, ideally, only to the physically and mentally handicapped and the clergy. Large segments of draft age men, such as college students, would not be granted deferments as was the case with the Vietnam era lottery draft.⁴⁰ Such a system would not be as equitable as universal training since some would be chosen while others would not; it would, however, be cost effective.

The armed services under a lottery draft would be similar to those of the pre-AVF era, i.e., a mixture of volunteers and conscripts. There would be a draft to make up the difference between authorized personnel levels and the number of volunteers. Since the AVF is presently meeting its personnel needs for the most part, at least in terms of numbers, it would appear that only a small number of draftees would be required. The military could, however, increase its qualifications requirements for personnel with conscription available as a means of acquiring personnel. For example, the military might require that all volunteers be high school graduates. The armed services could alter their qualifications requirements depending upon the percentage of volunteers and conscripts they desired.

The foremost advantage of a lottery draft is that it would provide a better caliber of recruit for the armed services. The services would get the type of recruit the AVF is not attracting: the middle and upper class college-bound individual.⁴¹ An increase of these individuals in the ranks of the armed services would provide the manpower needed to operate the increasingly sophisticated weaponry now used by the services. In addition, discipline and attrition problems would be curbed.⁴²

37. If the military only began taking all men who turned eighteen every year they would have to recruit and train 1.8 million in 1980. See: *1978 House Hearings*, *supra* note 4, at 162 (statement of John P. White, Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics).

38. King *supra* note 2, at 56.

39. *Id.* at 56.

40. *Supra* note 33.

41. There is an extremely conspicuous absence of middle class individuals in the armed services. See: *Continuing Review of the All-Volunteer Force: Hearing Before the Military Personnel Subcomm. of the House Comm. on Armed Services*, 95th Cong., 2nd Sess. 3 (1978) (statement of Dr. Charles C. Moskos, Professor of Sociology, Northwestern University) [hereinafter cited as *1978 House Hearings: Review*].

42. High school graduates are twice as likely to complete their initial term of enlistment as non-graduates. An influx of college individuals should, therefore, decrease attrition. See Moskos *supra* note 2, at 70.

ADVANTAGES AND DISADVANTAGES OF CONSCRIPTION

The armed forces may be perceived as being akin to social welfare centers or job training organizations devoted to teaching useful skills to our youth. Indeed, the military has cultivated this image for itself in its recruitment drives. Therefore, the question arises as to whether a draft would cut off the armed services as a source of social betterment of many disadvantaged youth.

In reality, the armed services play a very limited role in training soldiers in skills transferable to the civilian sector. Some skills, such as combat arms, obviously do not have civilian counterparts, while other skills, which are technical in nature, also have no value for civilian employment. For example, an electronics technician specializing in missile guidance is not qualified to repair television sets.⁴³ Other skills are transferable to civilian life. The civilian sector, however, often does not employ as many individuals in that specialty as do the services. For example, in 1960, 10.6 percent of all enlisted people worked in aircraft mechanics, compared to only 0.3 percent of the civilian labor force. In absolute terms, 194,000 enlisted people worked as aircraft mechanics, compared to only 117,000 persons so employed in the entire civilian economy.⁴⁴

Despite their limited utility for training youth in employment skills, the armed services continue to portray themselves as vocational training schools rather than as organizations geared to fighting wars. To do so, while few recruits ever learn skills which will benefit them in civilian life, is fraudulent and deceptive. A return to the draft would help to eliminate the necessity of using misleading recruitment advertisements to attract enlistees.

The armed services do, to a very limited extent, serve as vehicles for social betterment for disadvantaged youth. This could be preserved under a return to the draft provided certain policy steps were taken. The principal step would be to place draftees in the combat arms branches of the various services since these skills are not transferable to civilian life. Volunteers could be placed in positions where they could acquire useful skills which could be transferred to civilian life. Underprivileged youth would for the most part, however, do better with civilian vocational schools such as the Job Corps if they desire to learn useful skills.

Under the present AVF system, recruiter promises of acquiring useful skills which are not fulfilled help cause post entry disillusionment among recruits. Draftees would not suffer from the disillusionment of many volunteers because they have not been made extravagant promises and thus have lower expectations than do volunteers as to what military life will be like.⁴⁵ As disillusionment goes down so will the attrition rate.

43. Cortwright *supra* note 18, at 45.

44. *Id.* at 45-46.

45. Moskos *supra* note 2, at 62.

A return to the draft would also result in cost savings for the taxpayers.⁴⁶ The services would not have to pay attractive salaries and large bonuses to draftees as they presently do to volunteers.

One objection to such a conscription plan is that it would increase the militarism in our society and make government leaders more prone to engage in foreign conflicts.⁴⁷ This objection does not hold up under close analysis. In fact, a return to conscription would discourage military adventurism.

The greatest inhibition on the decision of a democratically elected leader to wage war is the inability to obtain the people's support.⁴⁸ Common sense dictates that voters will be less likely to support foreign military adventures if their sons, husbands, and relatives are in the armed services. Under the AVF, the enlisted ranks are composed, for the most part, of individuals from lower income groups and minority groups.⁴⁹ Thus, the middle and upper classes are underrepresented in the armed services.⁵⁰

The middle and upper classes would be less vocal in opposing foreign military involvements if their relatives are not doing the fighting. They would simply not have as great a stake in the outcome of a governmental decision to go to war.⁵¹ This encourages military adventurism since it is these groups which carry the greatest political weight in the United States; they are more active political participants than people in the lower classes. It is a well accepted generalization in the literature of political science that people of higher social and economic status participate more in politics than people of lower social and economic status.⁵² This generalization holds true whether one uses level of education, income or occupation as the measure of social status.⁵³ They interact more frequently with those who are politically active and thus receive greater political stimuli. The middle and upper classes also have the resources needed for political participation, such as information, skills and competence. In addition, they possess the requisite norms, such as feelings of obligation and civic duty, that motivate them to participate.⁵⁴

One instance which demonstrates the political power of these groups is the change in American opinion concerning the Vietnam War. The majority of the electorate did not oppose the Vietnam War in 1967, but by 1971 there was widespread opposition to the war.⁵⁵ Public opinion did not turn against the war because of protests on college campuses. It changed when the draft

46. The savings would vary according to how many people were draftees and how many were volunteers, but would be at least 500 million dollars. This has been characterized as a conservative estimate. See 1978 Senate Hearings, *supra* note 9, at 32 (statement of Elmer B. Staats, Comptroller of the U.S.).

47. Conrad, *The Draft: Is It Coming Back?*, Christian Century, April 18, 1979, at 45.

48. Califano, *A Presidential Nation* 74 (1975).

49. King *supra* note 2, at 16.

50. *Supra* note 41.

51. Califano *supra* note 48, at 75.

52. For a comprehensive survey of the literature in this field see Milbrath, *Political Participation* 114-128 (1977).

53. Verba and Nie, *Participation in America: Political Democracy and Social Equality*, 125 (1977).

54. Milbrath *supra* note 52, at 92.

55. In a Gallup poll conducted in May, 1967, 37 percent of all Americans opposed the Vietnam war. By May, 1971, this had increased to 61 percent.

laws were revised in 1971 and middle class boys started coming home in coffins.⁵⁶ President Nixon began the withdrawal of American troops from Vietnam because he knew he needed the support of the vast American middle class if he was going to be reelected. He also knew that he would not receive that support if American men continued to die in Vietnam. A return to a non-discriminatory draft which would place greater numbers of middle class and upper class youths in the military would act as a similar constraint on American presidents in the future.

Another argument against the draft is that soldiers require long training periods to learn how to operate the increasingly sophisticated modern weaponry of the armed forces.⁵⁷ Those who subscribe to this view believe that conscripts would not be in the service long enough to learn how to operate these weapons. While it is true that sophisticated weaponry often requires long training periods, not all the weaponry used by the services is that complex. There are many positions in the combat arms, a rifleman in a rifle company being the perfect example, which do not require long periods of technical training and could easily be filled by draftees. One must also consider the possibility that some draftees of higher mental and educational levels than most volunteers would be able to absorb the technical knowledge needed to operate weaponry much more quickly than the average volunteer.⁵⁸ Thus, they would not need long periods of training.

An armed services composed of volunteers and a substantial number of draftees would be preferable to the current AVF for a multiplicity of reasons. First, it would be a more equitable method of distributing the burden of national defense, which is every citizen's responsibility. Second, it would save the taxpayers' money since the armed services would not have to pay high salaries to obtain personnel.⁵⁹ This would also halt the current trend of increased spending for personnel costs and less spending for weapon procurement and research and development.⁶⁰ Third, it would increase the number of middle class and upper class individuals in the services. This in turn would provide the services with people of higher mental and educational levels. Such a change in personnel composition would help to reduce attrition and discipline problems. Fourth, the reserve forces would be strengthened, both in terms of numbers and quality of enlisted personnel, thus making the total force concept a more viable one.

56. Califano *supra* note 48, at 75.

57. Drew Middleton, *The Voluntary Army in Review*, Atlantic, December 1977, at 10.

58. It should be noted that the Army has rewritten its training manuals, downgrading them from an eleventh grade level to an eighth grade level. See 1978 *Senate Hearings: Status*, *supra* note 8, at 92 (statement of Robin Beard, U.S. Representative from Tenn.).

59. *Supra* note 46.

60. *Supra* note 24.

ALTERNATIVES TO THE PRESENT AVF OTHER THAN CONSCRIPTION

Modification of the AVF

One alternative to conscription is a proposal by Dr. Charles Moskos, who is concerned about the low mental and educational levels of enlisted personnel in the AVF.⁶¹ He believes that a major priority of the AVF should be to recruit more intelligent and middle class individuals to the enlisted ranks, and especially to the combat arms branch. He has proposed that the services offer a two year enlistment option which would be restricted to combat arms, low-skill shipboard duty, aircraft security guards and labor intensive jobs. No promises of learning civilian skills would be made. In return for satisfactorily completing this enlistment, the enlistee would receive a scholarship to college from the government.

A strong point of this plan is that it would eliminate the use of the fiction of acquiring civilian skills to induce people to enlist. This would help to alleviate post-entry disillusionment and thus reduce the attrition rate and the number of discipline problems. One problem, however, is that it may not be able to attract a sufficient number of people to enlist. Many of the individuals who might be attracted to such a program would be the same ones who would go to college immediately after high school on an ROTC scholarship. The ROTC route would attract a sizeable number of people away from Dr. Moskos' program. The recipient of an ROTC scholarship also receives a free college education and, although he has to serve four years in the military as opposed to two, he serves those four years as an officer, rather than as an enlisted man.

The ease of obtaining grants and loans from the federal government and state governments for college may also keep many young people from enlisting in this program. As a solution to this, Dr. Moskos has proposed that the receipt of these educational benefits should be tied to military service.⁶² Such a step might, however, engender more of an uproar than a return to conscription. Military service tied to aid for education would not be an equitable solution to conscription problems, since individuals from higher income brackets who do not have to use grants or loans would be exempt from this method of compelling military service.

Other proposals to alleviate some of the AVF's manpower problems have suggested increasing the number of women in the services and the hiring of civilians to do work presently done by the services themselves.⁶³ The problem with these solutions is that they ignore the fact that the crucial shortages of personnel are in the combat arms branch. Increasing the number of women and civilians will not provide more personnel for the combat arms since neither women nor civilians can serve in the combat arms. Furthermore, such a plan

61. For a more detailed account of Dr. Moskos' proposal see: *1978 House Hearings, supra* note 41, at 4.

62. *Id.* at 7.

63. See Report by Binkin and Johnston, Senate Comm. on Armed Services, 93rd Cong., 1st Sess. 47-49 *All-Volunteer Armed Forces: Progress, Problems, and Prospects* (Comm. Print 1973).

will not release men presently in non-combat duties to combat arms. The logistics of such a move would be prohibitive as would be the cost of reassigning and retraining personnel. In addition, a change in duty from non-combat to combat for large numbers of personnel would probably cause attrition and discipline problems.⁶⁴

A Return to Registration

The registration of men for the draft without resuming conscription has also been proposed as a method of upgrading the capabilities of the AVF. President Ford suspended registration in 1975 and it has not been reinstated since then. The President, as Commander-in-Chief has the authority under current law to register every male citizen from eighteen to twenty-six years of age.⁶⁵ Recently, Congress voted against a proposal to renew draft registration for eighteen year olds.⁶⁶

A good case can be made for a return to registration. United States strategy, should war break out in Europe, is based on the AVF backed up by an effective standby draft.⁶⁷ The United States, however, does not have an effective standby draft. The Selective Service System is in deep standby and has been since 1977. It now maintains only 100 fulltime employees plus approximately 750 Reserve and National Guard officers on a part-time basis.⁶⁸ As a result, draftees would not be available to complete training and enter units until 210 days after a decision was made to return to a draft. If registration was reinstated, this time would be reduced to 110 days.⁶⁹

Because of the recent Soviet invasion of Afghanistan, President Carter recommended a return to registration in his state of the union speech of 1980. He did not feel it was necessary to immediately return to a draft.⁷⁰ A later proposal of President Carter recommends that all men and women born in 1960 and 1961 be required to register for the draft. This plan does not include a physical examination or classification of the registrant. It is not clear, however, whether his proposal will be passed by Congress because of the great debate which is expected to ensue over the registration of women.⁷¹

According to the Joint Chiefs of Staff, an effective standby draft is an essential part of U.S. strategy, should a Nato-Warsaw Pact war break out in Europe. It is their opinion that the lack of an effective standby draft, coupled with the critical shortage in the Individual Ready Reserve, make for a very dangerous situation should nuclear deterrence fail.⁷² Thus, it would appear that registration is necessary to protect United States security.

64. Moskos *supra* note 2, at 77.

65. 50 U.S.C. Appx. § 453 (1976).

66. H.R. 4040, 96th Cong., 1st Sess., 125 Cong. Rec. H7783 (1979).

67. The Report of the President's Commission on an All-Volunteer Force *supra* note 1, at 5-6.

68. 1979 House Hearings, *supra* note 27, at 18 (report by William D. Price, professional staff member, House Comm. on Armed Services).

69. Staff of Senate Comm. on Armed Services, 96th Cong., 1st Sess., *Report on Reinstitution of Registration* 3-4 (Comm. Print 1979) [hereinafter cited as 1979 Senate Report].

70. Carter, *State of the Union 1980*, Vital Speeches of the Day, February 1980, at 228.

71. Washington Post, February 9, 1980, at 1, col. 1.

72. 1979 Senate Report, *supra* note 69.

National Service

An interesting and radical alternative to the present AVF or a return to conscription is a plan of national service for youth.⁷³ The idea of national service has a lengthy tradition in the United States. It is based on the philosophy of interdependence and hence reciprocal responsibilities. In other words, each member of society has an obligation to enrich the society in which he lives and society has an obligation to give each citizen an opportunity to perform services for society so that he can improve as an individual.⁷⁴

Proponents of national service ideas wish to blur the distinction between military and non-military service to one's country whereby military service becomes just another type of national service. There are several different types of national service plans; some plans are compulsory and others are voluntary.⁷⁵ A compulsory scheme of national service would require all youth to enroll in either military or civilian national service for a fixed time period.⁷⁶ A voluntary, or minimally coercive plan, would require the registration and evaluation of all youth but would not require any actual service.⁷⁷ Such a program would attempt to encourage young people to volunteer by registering them and, in so doing, give them information about the various types of national service.⁷⁸

Since the idealistic ethic is a part of the American cultural heritage, there would probably not be widespread opposition to the implementation of a national service plan. Such a plan might be good for the general welfare of the nation if managed correctly. A major question, however, is whether such a plan would remedy the ills of the AVF. In all probability, a minimally coercive or volunteer program would not be of much help to the AVF. Anyone who wishes to serve his country by enlisting in the military can do so already. Therefore, a voluntary national service plan would probably not create a great influx of new recruits for the AVF.

73. There have been a number of different proposals and discussions of national service. See King *supra* note 2, at 6-7 and 57-58. Also see Janowitz, "The Logic of National Service;" Cullinan, "National Service and The American Educational System;" Margaret Mead, "A National Service System as a Solution to a Variety of National Problems;" Eberly, "Guidelines for National Service" and "Mitrison, Voluntary National Service" in *The Draft* (Sol. Tax ed. 1967).

74. Eberly *supra* note 72.

75. For an in depth discussion of the various types of plans see Cullinan, *supra* note 72.

76. See Mitrison *supra* note 72 who advocates the enactment of a compulsory national service plan.

77. See Janowitz *supra* note 72 for an example of a voluntary national service plan.

78. King *supra* note 2, at 57.

A compulsory system of national service, in all likelihood, would help alleviate the personnel problems of the AVF. This would especially be true if those who chose military service were given shorter enlistment terms and higher salaries than those who chose civilian service. The major drawback to such a plan, however, is its cost. William King has suggested that a minimally coercive national service plan would cost as much as 7.9 billion dollars more than the AVF.⁷⁹ Another observer, however, places the real cost at about twenty-five to forty billion dollars.⁸⁰ Undoubtedly, a compulsory plan would cost even more. In addition to the problem of costs, there is no guarantee that the government will not mismanage what could prove to be a very cumbersome program because of the large number of people involved. In short, until further research is done in the area, national service is probably not a realistic alternative to the AVF.

CONCLUSION

The AVF has some serious problems. It is having difficulty meeting its recruitment goals, both in terms of numbers and quality, and the prospects for improvement in the future appear dim. Under the AVF, personnel costs have risen steadily to the point where they are no longer sustainable. In addition, attrition and discipline problems have crippled its effectiveness.

The most serious charge which can be leveled against an all-volunteer force, however, is not that it is inefficient, but rather that it is inequitable. The AVF is a continuation of the policy of the Vietnam era draft which conscripted disproportionate numbers of the poor, the uneducated and the minorities. Today's AVF does rely on economic conscription to fill its enlisted ranks. More often than not, they are composed of individuals who feel that they have nowhere else to turn for employment. Those individuals with better economic opportunities do not join the enlisted ranks of the AVF.

Whether one favors liberty above equality or vice-versa is often indicative of one's attitude toward conscription. This author places equality above liberty on his scale of democratic values and hence, favors a return to the draft. But the draft is more than just an ideal solution to the problems of the AVF; it is a pragmatic one also. There are no other plans which have been proposed which will solve the AVF's plight as well as a draft. A minimally coercive national service plan would fail to provide the necessary personnel for the armed services and would be much more costly than the present AVF. A compulsory national service plan would provide the required personnel but would be cost prohibitive. Increasing the number of women and civilians in the military is not a solution either, since the critical personnel problems in the armed services occur in the combat arms branch. While a return to registration will help to upgrade the readiness of the AVF, it will not provide the extra manpower needed by the armed services.

79. *Id.* at 81.

80. Cooper, *After Four Years: Concern Over Volunteer Army*, Cong. Q. 535, March 26, 1977.

The ideal system of personnel selection for the armed services is universal military training, with no deferments except for the physically and mentally handicapped and the clergy. National defense is every citizen's responsibility and should be shared equally by all social groups. Universal military training is the ideal because it is the most equitable system. It is, however, also an unrealistic proposal since it is cost prohibitive and impractical.

The next best alternative is a lottery draft. While it would conscript some and not others, it would be more equitable in the sense that each individual of draft age would have an equal chance of being drafted. It would also be a more equitable means of distributing the responsibility of national defense than the AVF. In addition to being more equitable, a lottery draft would also be more economical and efficient. It would provide a higher caliber of recruit for the services since it would obtain its personnel from all strata of society. It would also help to decrease the attrition and discipline problems of the armed services. The Reserve forces would also be strengthened, and the total force concept would be a more viable one. A lottery draft is clearly the alternative to the AVF which the United States should adopt in the near future.

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