



## The Draft Should Be Left Out in the Cold

James Jay Carafano

May 18, 2017

In both the Civil War and World War I, the United States instituted wartime drafts to ensure that the U.S. had strong military capabilities. However, the drafts were ended when hostilities concluded.

The first peacetime draft was initiated in 1940, prior to U.S. entry into World War II. It enabled the U.S. response to the attack on Pearl Harbor. A resulting piece of legislation—The Selective Service Act of 1948—serves as the basis for the modern Selective Service System.[1] Between 1948 and 1979, the Selective Service System was put on stand by. However, efforts in the 1980s led to the current form of the Selective Service System seen today.[2]

The Selective Service System was first instituted when America's capacity and capabilities to defend its vital interests were very different from what they are today. Almost 100 years later, however, the country's interests and needs have changed. The Selective Service System is outdated. Congress should assess the relevance and practicality of the current system and look into an alternative form of service, one that gives individuals the opportunity to voluntarily join an inactive reserve, to be an effective solution.

### THE DRAFT IN PERSPECTIVE

It is important to differentiate the *Selective Service System* from *the draft* since the two are routinely conflated. While the draft is an actual call up of citizens to serve, the Selective Service System is more like a contingency plan—a collective list of citizens capable of serving if the need arises.

A draft is used to conscript people into military service. It is a decision made by Congress and the president, and the subsequent process legally forces people to join the military. The U.S. has used the draft several times, when going to war and on other occasions when it determined its permanent or standing force was too small for the task. It expanded the U.S. military during the Civil War, both World Wars, and the wars in Korea and Vietnam. Draftees accounted for as little as 10 percent of the force in the Civil War and roughly half the force employed during World Wars I and II.[3] They represented one-third and one-fifth of the force during Korea and Vietnam, respectively.[4]

To implement a draft, Congress and the president must authorize one. Congress passes legislation that the president then signs. In order to initiate a draft, the government needs to know who is eligible to be called up.[5] This is typically a segment of the population comprised of men between the ages of 18 and 35. The Selective Service System was enacted in its earliest form in 1917 and has been resurrected, modified, and used throughout the 20th century, as needed, to

create and maintain a registry of potential draftees in the event the country needs to mobilize for large-scale war.[6]

The system has been periodically challenged, even at its inception. On at least a half-dozen occasions, the U.S. Supreme Court has ruled that it is constitutional, authorized by Article I of the Constitution which states that Congress has the power to raise a military.[7] Again, the Selective Service System is not a draft per se; it only provides the means by which a draft can be implemented if and when the need arises. Essentially, the Selective Service's purpose is to enable a draft should the United States need more military power than exists in the current all volunteer force.

## **LESSONS FROM HISTORY**

The relevance and utility use of the Selective Service have changed over time. Throughout much of the 20th century, war meant a mass army employed for years and subject to casualty levels requiring regular replenishment of the force. From the 1991 Gulf War on, the wars waged by the U.S. have seen American casualties at historic lows, really without precedent, though sometimes protracted, as in Iraq and Afghanistan. The standing force composed of the active duty, reserve, and National Guard components, ably handled these more recent conflicts.

The types of threats challenging U.S. security interests have been small when compared to the massive conventional and nuclear threat once posed by the Soviet Union. Further, few people truly believe we will find ourselves enmeshed in a full-scale war with the likes of Russia or China.

A few major points to consider when discussing the current Selective Service System include: its impact on U.S. military capacity and capability, its relevancy to current needs, its practicality, and its impact on the greater international order.

Selective service has not always been a U.S. military instrument, and there is no reason to assume the United States should axiomatically retain the program. Debates over having a draft or some other form of compulsory service are nothing new. President James Madison wanted a military draft in 1812 to defend the young republic from the British invasion.[8] Congress said no. The government did authorize conscription during the Civil War, but over the course of the war conscripts, including substitutes paid by some conscripts to serve in their stead, accounted for less than 10 percent of the Union Army.[9]

In 1917, barely a month after the U.S. entered World War I, Congress enacted a law establishing the national selective service. This selective service existed to provide a database of qualified men who could—if the need arose—be drafted to serve in the armed forces. At the end of the war, this particular draft was discontinued.

In 1940, Congress once again authorized the use of the Selective Service System.[10] About 10 million were called to serve during World War II.[11] At the height of the war, draftees comprised about half of the more than 16 million in uniform.[12]

After World War II, the nation had its fullest debate over creating a requirement for universal military training. General George Marshall argued that all young males should be required to give one year of military service.[13] President Truman signed off on the idea, but Congress did not. Marshall tried again during his tenure as Secretary of Defense. Again, Congress said no.[14]

The perceived need for the selective service system arose over concerns about the Cold War. Although Congress had ended the two prior drafts after World War I and World War II respectively, it reinstated the Selective Service System in 1948 as global tensions rose. Of the some 5 million Americans in uniform during the Korean War, approximately 1.5 million were draftees.[15]

Over the next decade, the draft was used to help fill out the ranks of the armed forces, but that was not the primary purpose intended by the 1948 law. The goal was to build a larger pool of manpower with military experience that could be brought back if the U.S. had to fight World War III with the Soviet Union.

Relatively few draftees fought or died during the years of the Eisenhower presidency. Indeed, only a very small proportion of the eligible population was actually drafted.[16] Consequently, the public—worried about the Red Menace behind the Iron Curtain—generally tolerated conscription.

A little over 9 million people served in the armed forces during the Vietnam War.[17] Total draftees for that period were under 2 million. Compared to other modern wars, the number of draftees, relative to the size of the armed forces serving during the conflict, was not disproportionately high. Nevertheless, the controversy over conscription reached unprecedented levels during Vietnam. In *To Raise an Army: The Draft Comes to Modern America*, John Chambers argues that the draft became such a contentious issue because:

*[President] Johnson and his national security managers overextended the use of the draft beyond the consensus established in the world wars and the early Cold War....As the war became increasingly unpopular, the draft became the major focus of dissent.[18]*

The lesson of Vietnam, and previous wars, is that drafts require political consensus. However, such consensus cannot be presumed before a conflict. The existence of selective service does nothing to ensure that the nation is willing to support a draft when the times come. The nation makes that decision at the time. Thus, selective service does not automatically ensure that conscription can be a reliable means of expanding military capability.

President Nixon ended the draft in 1973.[19] However, the Selective Service System remains in force, though its continued existence says virtually nothing about its value as a military asset.

### **...THE ARGUMENT FOR CONSCRIPTION WAS BASED ON MILITARY NECESSITY...**

There are two important points to extract from the American conscription experience. First, the argument for conscription was based on military necessity: generating the forces necessary for the government to fulfill its obligation for the common defense. For example, Marshall made the case for universal military training based on operational requirements. He assumed the military model employed for the next world war would be similar to that of the first two: armed forces would be drastically reduced in peacetime, then rapidly mobilized for war.

Marshall saw universal military training as an efficient way to speed mobilization for future conflicts. In the future, selective service should be judged in the same manner, but on whether it actually benefits the military's abilities or not.

### **...CONSCRIPTION WORKS ONLY WHEN THERE IS BROAD, BIPARTISAN SUPPORT FOR A DRAFT**

Second, conscription works only when there is broad, bipartisan support for a draft. The draft riots of 1863 reflected, in part, growing frustration with Lincoln's handling of the war, similar to the backlash that built up against the Johnson administration in the 1960s. The mere retention of selective service is no indicator that there will be national will for actually drafting anyone—that is a decision the nation makes at the time.

## **ASSESSING THE UTILITY OF A DRAFT**

Neither the selective service or conscription produces greater capacity or capability for the U.S. armed forces. In fact, it harms military readiness because individuals in the selective service cannot be ready to go into battle without proper training beforehand. Conscription is a manpower model designed for mass mobilization. Instead of implementing the Selective Service System, the U.S. should continue to rely only on an all-volunteer force. A drafted army is marked by increased disciplinary issues, turnover and focus on leaving the military rather than staying in it.[20] As the Gates Commission laid out in 1970, an all-volunteer military—with a mix of active and reserve components—would be more efficient and cost-effective than sustaining a peacetime draft.[21]

However, more than just *not adding* increased value to the military, the Selective Service System *actively damages* current readiness and capabilities. The armed forces are divided between operating and generating forces. Operating forces conduct current operations. Generating forces raise, train, prepare and support operating forces. Turning selective service into combat power would require a vast expansion of the generating force. The Heritage Foundation's *Index of U.S. Military Strength* measures the United States' military posture in terms of readiness and effectiveness. By comparing U.S. vital interests to the military's current ability to effectively protect these interests, the Index concluded the current U.S. military is marginal at best.[22]

In good part, that rating comes from having inadequate ground forces. Expanding the generating force to make mobilization realistic would require either further cutting the operating force or investing additional resources. Investing additional resources to expand the operating force would be far more cost-effective than investing in future mobilization. A conscripted force tends to turn over more than a volunteer force.[23] This means the military spends more money on individual training and less time on operational performance. A volunteer force naturally costs less because individuals chose to be there and are more likely to serve longer terms.[24]

The Selective Service System is no longer relevant to contemporary national security needs. The current system is based upon assumptions about conscription that are more than 60 years old.

In Vietnam, for example, the use of the draft was unnecessary. President Johnson could have generated the same levels of combat power by deploying National Guard forces. His decision to rely on the draft was not based on military necessity but on the political culture at that time. President Johnson wrongfully assumed that the public would find the draft less disruptive than a Guard mobilization.

More recent experience demonstrates that the draft is not necessary to sustain force levels over time. The U.S. military not only sustained operational force levels, it expanded and maintained forces for operations in Iraq and Afghanistan and did so for years. Indeed, recruiting and retention levels remained strong even as operations dragged on and became more publicly

controversial. Likewise, public support for and popularity of the military remained high, even as the dissatisfaction with the wars grew. Ultimately, there is no longer a military necessity for the Selective Service System.

Furthermore, the draft itself is impractical. It is estimated that upwards of 70 percent of the draft age population are unfit for military service.[25] Add to that number the people who would be exempt from the draft due to various deferments and the proportion of truly eligible draftees is only a small portion of those in the selective service pool.[26] Americans might consider it patently unfair to demand mandatory service from such a small population. Moreover, the armed forces have already demonstrated the capacity to tap this population for military service through the all-volunteer force.

Finally, the retention of the Selective Service System does not act as a deterrent to potential competitors. There are three overseas regions critical to the protection of American vital interests—Europe, the Middle East, and Asia. The threat of mass mobilization of American civilians does not appear relevant to any of these three regions.

### **AN INCONVENIENT TRUTH**

More fundamentally, conscription today would be antithetical to the conception of American liberty. While the U.S. Constitution does not preclude selective service, there is nothing in it—or in the American conception of liberty—that argues for a permanent Selective Service System.

At America's founding, liberal philosophers concluded that the best way to build a virtuous civil society was to maximize the freedom of the individual. They might have been horrified by the idea that mandatory national service could be implemented as a means for the government to *impart* civic virtue.

The concept of freedom established by liberal thinkers such as John Locke and Adam Smith remains relevant today. Habitual conscription has no role in sustaining a free society. That was certainly the conclusion reached by the Gates Commission.[27] Economist Milton Friedman, who served on the commission, argued that, rather than inspire civic virtue, the draftee model inspired quite the opposite.[28]

Friedman saw the distinction between being forced to serve and volunteering to serve as being key. The volunteer had entered into a contract, thus exercising freedom, in joining the armed forces; the draftee had been coerced into labor. A draft in a free society is a necessity not a virtue. And, arguably there is no necessity for the U.S. to have one given the costs provided above.

### **WHAT'S NEXT?**

Congress should move to consider a different solution than the current Selective Service System, but lawmakers should not make any changes to Selective Service until both houses have fully reconsidered the matter.

Congress might well, for example, consider an alternative form of service: a path that allows individuals to voluntarily join an inactive reserve. Such a reserve would provide the services with an additional pool of manpower without relying on compulsory military service.

Further, the debate over the Selective Service System—and any new approaches suggested both within and outside the system—should be framed by what best supports the national security interests of the American people.

No matter what the issue, any successful reform effort requires solid information, fresh thinking, and sober reflection.