

Reforming the Military

A Modest Proposal

On August 25, Secretary of Defense Donald Rumsfeld announced that he would look into ways to strengthen U.S. combat power without increasing the size of the military. While the “end-strength” of 1.4 million should stay the same, he intends to rebalance the active and reserve components, sending underutilized active-duty personnel to the reserves and moving to the active force such high-demand reservists as civil-affairs specialists. In Rumsfeld’s estimate, 300,000 active-duty personnel could be freed up for combat-related duties if noncombat jobs were contracted out.

The following day, the number of American soldiers who had died in Iraq since President Bush declared the war over on May 1 exceeded the number of fatalities during the preceding six weeks of combat operations.

The Bush administration hopes to deal with the problem of a thinly stretched military and of mounting casualties by deploying soldiers from such countries as India and Turkey in Iraq and by training a new local force for security duties. It may not work: Other countries are weary of sending their men to Baghdad after the bombing of the U.N. headquarters there, which sent the message that every foreigner is fair game as long as the Americans stay. Every Iraqi who aids the Americans is also a potential target, which deters would-be recruits whose reliability would be doubtful in any event. If the present level of U.S. troops in Iraq has to be maintained (or even increased) beyond the middle of next year, however, the military will be seriously overstretched, proving former Army Chief of Staff Gen. Eric Shinseki right when he warned against pursuing “a 12-division strategy with a 10-division Army.”

In a better world, America would revert from becoming a global empire to being a republic, her soldiers would no longer die in Iraq because none would be left there, and Mr. Rumsfeld would not need to worry about human resources. Nearly 1.5 million active-duty personnel, equipped with the deadliest arsenal and supported by the most advanced

technology the world has ever known, would be more than enough to maintain the security of the United States in perpetuity. The troops would come home from Afghanistan, Iraq, Japan, Kosovo, Liberia, Bosnia, Germany, Korea, and everywhere else. No “civil-affairs specialists” would be needed. The country would “steer clear of permanent Alliances, with any portion of the foreign world.”

In the real world, none of that will happen any time soon, and a major shift in elite thinking—probably coupled with a cataclysmic event at home or abroad—will be needed before it does. Since the policy of global interventionism, in whatever ideological guise, is here to stay for years to come, it behooves a realist to look for bold and creative solutions to Mr. Rumsfeld’s dilemma and to the rising death toll in Iraq.

One solution worth examining is the creation of a private, for-profit mercenary military force—or, better still, several mutually competing mercenary forces, not necessarily based in the United States—that could be hired by the U.S. government for a variety of tasks currently performed by the U.S. military, such as the occupation of foreign lands in the aftermath of preemptive wars, antiguerrilla and anti-insurgency operations, peace-keeping missions, and disaster relief.

Of course, there are many private military companies (PMC’s) already in existence, and the sector is estimated to be worth \$100 billion per year. For the time being, however, their activities are limited to the provision of services such as training of foreign soldiers and security personnel, intelligence gathering, engineering, equipment maintenance, and the logistical support of operations. The U.S. government uses PMC’s sparingly, mostly when it wishes to extend military assistance to a foreign country but does not want to be seen as doing so directly. This was notably the case with MPRI’s role in the Balkans in the early 1990’s and with DynCorp International’s ongoing engagement in Colombia.

The Pentagon’s reliance on PMC’s has been relatively small-scale so far (some



\$25 billion per year), which is regrettable in view of the sector’s potential. Any potential expansion of the role of PMC’s should include the establishment of privately managed and officered tactical units of mercenary soldiers up to the brigade level, recruited in different countries around the globe and equipped on a commercial basis by the United States. They could replace the U.S. military in most but not all of its current overseas operations.

This approach would yield many advantages. To start with, a lot of money would be saved. A raw recruit costs the Army \$60,000 per year in salary and benefits alone. When the costs of training, transportation, and billeting are computed, it is obvious that paying a private combat unit provider \$100 per man per day to patrol the streets of Baghdad makes perfect sense. In addition, the American soldier would be out of harm’s way, he would not be subject to demoralization (a very big problem in Iraq right now), and his time could be spent training for more complex and sensitive jobs that mercenaries cannot or should not do.

Inherent risks to life and limb notwithstanding, even if only \$50 per day were to be paid to the mercenary soldier himself, there would be hundreds of thousands of eager candidates flocking to PMC recruitment centers in many underdeveloped or impoverished lands. To create crack units for tough jobs, the recruiters could focus on regions with an established military tradition, such as the Caucasus, the Balkans, Southeast Asia, and Ethiopia, or on particular groups within those lands known for their fighting qualities, such as the Cossacks. There are tens of thousands of battle-hardened veterans still only in their late 20’s or early 30’s all over the former Yugoslavia right now, and their lives are often going nowhere.

They would make excellent mercenaries, although it may be advisable to keep Serbs, Croats and “Bosniaks” in different theaters. General-purpose units and non-combat specialists—sappers, medics, drivers, cooks—could be recruited all over Latin America, Eastern Europe, and the Indian subcontinent.

The mercenaries would soon develop their own *esprit de corps*, an essential precondition of their effectiveness, provided that their units are kept monoethnic and unidenominational. Private recruiters would not need to pretend that they pursue “diversity,” and they would not be open to political pressures by various interest groups and ideologues who see the U.S. military as a tool of cultural revolution. Since their focus would be on the bottom line and not on social engineering, there would be no women or homosexuals.

Privately recruited soldiers would owe their allegiance to themselves, their outfit, and the community from which they are recruited, not to a national flag *per se*, although the use of national symbols should be allowed. Unlike so many of their peers in regular national armies, they would not have to pay lip service to an abstract or even abhorrent ideology, whether Baathism, Marxism, or multiculturalism. Their fighting qualities would be enhanced by the kind of group loyalty otherwise known only to athletes and their fans. A healthy competition could subsequently develop between the 2nd Montenegrin Brigade and the 4th Gurkha Rifles over who will be the first to enter Damascus, while Sikh Scouts could compete with Tartar Troopers over who will kill more Taliban guerrillas.

Judicious choice of specific mercenary units for particular tasks would yield additional benefits not open to U.S. forces. A company of Red Army Afghan veterans would command more credibility in the streets of Kandahar than a battalion of G.I.’s. Local would-be resisters are currently emboldened by the knowledge that Americans are reluctant to risk large-scale civilian casualties in retaliatory raids. Mercenaries are likely to be far less squeamish about this delicate subject, which will probably keep conquered areas more effectively pacified.

Certain unpleasant things would probably occur in the process, of course—they occur in all wars—but international laws that theoretically apply to “crimes against humanity” committed by traditional soldiers operating under nation-

al flags would hardly be applicable to those without a state. If such complications are likely in any given operation, the contracting by Washington can be done discretely and through third-party intermediaries. In any event, the ongoing controversy concerning the proposed immunity of U.S. military personnel from the International Criminal Court would no longer poison our relations with Europe: Soldiers as dispensable as they are effectively unprosecutable would replace Americans. Tracking and arresting retired war-crimes suspects in Outer Mongolia or Nepal on behalf of the ICC would be dangerous and tricky—but it could also mean more work for an enterprising PMC specializing in that field.

Mercenary deaths would not make the news, in America or anywhere else, freeing Mr. Rumsfeld from the costly and annoying restraint of fighting casualty-free wars. Tactical commanders could display some old-fashioned creativity. The families of the fallen would be taken care of—one final payment of \$3,000, say, would go a long way in their home countries—and the disabled would not be a drain on VA hospitals. There would be no body bags, since burial *in situ* would be the norm.

The pool of recruits would not be limited necessarily to the impoverished lands beyond the former Iron Curtain and in the Third World. A few thousand English soccer fans who are considered a tad too risqué for the British army could be organized into units named after their favorite teams, with appropriate flags and insignia. Many young Americans of the otherwise unemployable sort might also find the prospect interesting and join units named after their inner-city neighborhoods, which could be a relief to their families and communities. At the same time, the U.S. military would no longer have to focus on bribes in order to induce young people to enlist or to renew their contracts. The present system often attracts the wrong sort anyway. The mercenary types who are lured by money, rather than by patriotism and an abiding commitment to the U.S. Armed Forces, should become mercenaries.

Conservatives should support this initiative on not only pragmatic but cultural grounds. A venerable tradition would be revived. The word *mercenary* has unfairly negative connotations and should be made as value-neutral as *freelancer*. Originally, a *free lance* was a knight or roving soldier whose services were available for

hire, while *mercenary* has an ancestor in the Latin *merces*, “the price paid for something, wages,” or “reward.”

This could be an important economic activity in underdeveloped countries, as it historically has been in some parts of Europe. Take the Swiss: They were not always rich, but, starting in the Middle Ages, tens of thousands of Swiss pikemen honorably earned their living as mercenaries in the armies of many European states. Their archrivals, the Swabian *Landsknechte*, came to be considered the best fighting troops in Europe. They served in a variety of imperial armies and in organized bodies as mercenaries elsewhere in Europe. In France, they fought for the League and for the Protestants with equal ferocity and dedication, but French kings also kept their famous Garde Suisse. Roman pontiffs still do and have done so ever since 200 men from the cantons of Zurich and Lucerne came to Rome in 1506 and were taken into service with a papal blessing in St. Peter’s Square. Almost five centuries later, the *Cohors pedestris Helvetiorum a sacra custodia Pontificis* still guards the Vatican.

Being a mercenary can be respectable, and having them at your disposal can be useful. Even under the proposed scheme, the job of defeating conventional enemy forces in the field would still have to be done by the regular U.S. military, but that is exactly the job it is meant to do and at which it evidently excels. American soldiers are not very good at maintaining occupation garrisons, hugging babies, learning local languages, and keeping restive civilians under control. They should be spared the trouble by having such duties contracted out to the latter-day freelancers.

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EDUCATION

Michigan's Race Factor

by Greg Kaza

The U.S. Supreme Court's June 23 decision striking down the University of Michigan's race-based undergraduate admissions policy ended a decade-long struggle started by university administrators and finished by conservative legislators and their grassroots supporters.

On April 23, 1997, Michigan State Rep. David Jaye, a paleoconservative Republican from suburban Macomb County, sponsored an amendment to the higher-education appropriation prohibiting any public "institution of higher education" from implementing

an admissions policy that includes any quota, set-aside, numerical goal, time table, extension of application deadlines, grade adjustment, or other objective based on race, color, religion, sex, or national origin.

Jaye's amendment targeted the undergraduate admissions policy at the University of Michigan, the state's most prestigious public school. Jaye, a U of M graduate of Polish-American heritage, argued that the policy was race-based and unconstitutional. A coalition of liberal Republicans and Democrats defeated his measure. Michigan's Republican leadership feared a challenge to U of M's race-based policy would increase black voter turnout in Detroit and harm the electoral chances of statewide GOP candidates. Their indifference to the young victims of U of M's discriminatory policies was one factor that prompted four conservative legislators (Jaye, Deborah Whyman, Michelle McManus, and me) to initiate the process that led to the landmark legal decision *Gratz v. Bollinger*.

Data obtained by U of M philosophy professor Carl Cohen under the state Freedom of Information Act in 1996 was, perhaps, the key factor. The data made the legal challenge possible, revealing

that U of M used a grid system, the outright intent of which was to discriminate against white applicants. "I finally got a batch of documents and then more documents later on, and then more," Dr. Cohen told PBS reporter Elizabeth Brackett. He termed the documents

shocking, shocking data, which the university wants to keep confidential. I've got some samples here, but, you see, there they put "confidential, internal use only." But, of course, that doesn't protect it from the "Freedom of Information" Act request.

Another factor was Whyman's tenacity in confronting Michigan's most-powerful public school. Only four of the 78 Republican legislators serving at the time publicly endorsed the challenge. Many were liberal Republicans who support race-based admissions, but others were intimidated by U of M and by corporations that support reverse discrimination. The four of us released a statewide notice that encouraged students who had been denied admission to contact Whyman's office. More than 100 victims stepped forward.

The final factors were Jennifer Gratz, a courageous teenager, and the Center for Individual Rights (CIR), a conservative Washington public-interest law firm that had triumphed in similar cases. The legal work of CIR attorneys was crucial to the ultimate outcome. In fall 1997, CIR filed suit against U of M on behalf of Gratz, a graduate of Southgate Anderson High School in blue-collar Downriver Detroit. According to the complaint,

Defendants used different admissions standards based on each student's self-identified race. As a result, students from favored racial groups had a significantly greater chance of admission than students with similar credentials from disfavored racial groups . . . Defendants did not merely use race as a "plus" factor or as one of many factors to obtain a diverse student body. Rather, race was one of the predominant factors (along with scores on standardized admissions tests and high school grades) used

for determining admission.

Among those filing *amici* briefs opposing U of M were the Asian-American Legal Foundation, the Center for New Black Leadership, the National Association of Scholars, and Ward Connerly.

U of M officials defended their use of race-based practices dating to the early 1990's. President Lee Bollinger tried to frame the issue as "resegregation." However, weaknesses in U of M's grid system soon became apparent. In 1998, it was replaced by a point system that still awarded 20 points (out of a possible 150) to "underrepresented minorities." Students needed 100 points to gain admission. Applicants with perfect GPA's obtained 80 points; Michigan residents received 20 points; and high entrance exam scores earned 10 points. Gratz graduated with a 3.8 GPA and an ACT score of 25. The results placed her on U of M's waiting list, while a black applicant was admitted. By mid-1999, U of M's attorneys were arguing in court:

[A]n examination of admissions data cautions against overstating the significance of the grids. The data show that the grids were not rigidly applied to compel certain results, but rather served as a guide to decisions made in the exercise of professional judgment by the counselors. The data therefore confirm that the grids did not produce mechanical results.

The Supreme Court rejected that argument, striking down U of M's undergraduate admissions policy 6-3. Chief Justice William Rehnquist wrote for the majority:

[T]he Court finds that the University's current policy, which automatically distributes 20 points, or one-fifth of the points needed to guarantee admission, to every single "underrepresented minority" applicant solely because of race, is not narrowly tailored to achieve educational diversity.

Justices Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, Clarence Thomas, and Stephen Breyer joined Rehnquist,