

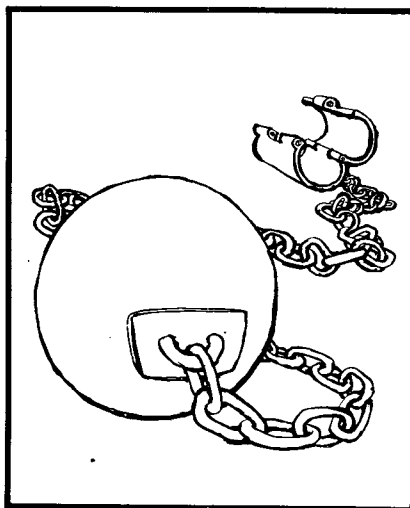
The Conscription Menace RETURNS

With the creation of the all-volunteer army during the early 1970's most opponents of the military draft breathed a sigh of relief, believing they had won a major triumph. The once potent anti-draft movement lapsed into somnolence. Those anti-conscription elements who remained active concentrated mostly on peripheral issues, such as obtaining a blanket amnesty for all Vietnam War era draft evaders. When President Carter issued his pardon last January, the victory over conscription seemed final and total.

Recent events demonstrate that this sense of relief was both premature and excessive. Although expiration of the Selective Service Act did represent a significant victory for individual liberty, the threat of military conscription remains very much alive. Congress retains the power to re-establish the draft machinery and begin coercing America's youth into "defending their country" anytime it chooses to exercise that option. The reality of this danger became evident early this year, when several prominent congressional figures advocated resumption of the draft.

TRIAL BALLOONS

As soon as the new Congress convened, Senators Strom Thurmond and John Stennis leveled verbal barrages at the volunteer military. Both aged conservatives criticized the voluntary approach as "too expensive" and voiced fears about possible unionization campaigns in the ranks. Although their comments were disturbing, one might conclude that enthusiasm for a renewed draft is confined to authoritarian ultra-conservatives. But other incidents make it clear that broader support exists for restoring military conscription. More ominous than the remarks of Thurmond and Stennis were Senator Howard Baker's subsequent pronouncements. Baker, the new Senate GOP leader, easily surpassed both of his Senate colleagues in expressing a commitment to involuntary servi-



A campaign to reinstitute involuntary servitude has been launched by Congressional "moderates" and "conservatives."

by Ted Galen Carpenter

tude. He advocated not merely a resumption of military conscription but also the creation of a "universal service" training program for all 18 and 19-year-olds.

A scholarly report submitted to the Senate Armed Services Committee with much fanfare in March echoed Baker's suggestion. Prepared by Dr. William R. King, professor of business administration at the University of Pittsburgh, this document was a calculated assault on the entire volunteer military concept. Among other things, the King report labeled the volunteer army a "sinking ship" full of "misfits" which was increasingly costly to maintain. The good professor concluded that, at the very least, a standby or backup draft should be instituted at once. In his view, however, the creation of a "major new program of national service" would provide an even more

effective solution. Not only would it automatically re-establish a comprehensive registration system for use in executing an emergency military draft, but in the meantime it would create "a mechanism for performing public service work such as civil defense preparation, public facilities construction and nursing care."

These national service proposals merely reiterate and update the plan that former Defense Secretary Robert S. McNamara advanced unsuccessfully during the mid-1960's. The universal service scheme surpasses even the military draft in posing a dire threat to individual liberty. As the King report suggests, it would convert every American youth into a slave of the State for whatever noble and glorious goals the Federal government decided to implement. One can scarcely envision a more sinister and effective device to inculcate in all citizens the belief that the individual rightfully is the servant of the State.

PRETEXTS

Most of the reasons pro-conscription spokesmen cite for re-establishing the draft appear to represent little more than convenient pretexts. It does not require a military science expert to demonstrate that minimally-trained draftees would be of little use should war erupt between the United States and another major power. Following a "push button" thermonuclear exchange, conscript mass armies would be no more effective or relevant than units of horse cavalry. Of course, if America's governmental elite intends that future wars will be "limited" conflicts similar to those conducted in Korea and Vietnam, conscripts may indeed serve a useful purpose—as cannon fodder. The Pentagon undoubtedly would encounter difficulty enticing enough volunteers willing to sacrifice themselves in yet another glorious interventionist crusade. Georgia Senator Sam Nunn, another prominent critic of the volunteer army, concedes as much when he argues that the United States "cannot

fight a war, even a small one, without going back to the draft." It seems likely that those advocating a renewed faith in conscription include a fair number of unrepentant cold warriors who realize that the draft is an indispensable prerequisite for future global war-mongering.

The "excessive cost" argument so popular with pro-draft conservatives such as Stennis and Thurmond is equally suspect. An army composed of well-paid volunteers undoubtedly is more expensive than a force of conscripts. Nevertheless, that additional cost represents a minute portion of the bloated defense budget. Closing non-essential and obsolete military bases, abolishing that absurd anachronism known as the National Guard, and pruning the size of the regular military establishment would achieve far greater financial savings. Moreover, if cost considerations can justify the forced recruitment of needed personnel, why should the military be singled out for special treatment? Applying the logic which conscription advocates employ, there is no reason why the government should not draft people and pay them substandard wages to serve as police officers, fire fighters or, for that matter, members of Congress. In a free society it becomes necessary to pay whatever compensation is required to attract a sufficient number of individuals willing to perform essential services. Since conservatives insist they favor a free society, it is a trifle mystifying why they wish to circumvent that necessity in the case of national defense.

A strong suspicion lingers that those advocating a new draft system are motivated by considerations transcending cost savings or increased military strength. To them, conscription appears to possess an overriding symbolic significance. It constitutes a device which reminds young citizens that they owe the State certain duties and obligations. Senator Nunn is one draft advocate who exhibits no shyness about emphasizing that point. Nunn expresses concern that the volunteer military will hasten the day when the army is composed solely of the less affluent. What will be the consequences to the nation, he asks, when the sons of the wealthy do not serve "and feel no obligation to serve" their country? Nunn's comments suggest that pro-draft elements would favor conscription as a symbol of State supremacy, even if it offered not the slightest prospect of other tangible benefits.

Although there seems little danger of an immediate revival of the selective service law, the trial balloons being sent aloft by so many prominent congressional figures remain profoundly dis-

turbing. Equally alarming are signs that Pentagon officials seek to lay the foundation for rebuilding the draft. As yet their actions are cautious, but the intent is unmistakable. In early February, Army Chief of Staff General Bernard Rogers informed the Senate Armed Services Committee that the draft may have to be revived in order to overcome manpower

Conscripts may indeed serve a useful purpose in "limited" conflicts like Korea and Vietnam—as cannon fodder.

shortages in the Army Reserves. Since it is questionable whether the Reserves serve any legitimate function in the first place, Rogers' comments seem to presage an effort to revive a "limited" draft in the hope of establishing a more extensive conscription apparatus later on. If General Rogers and the remainder of the military brass can persuade Congress to adopt their views, the chances are excellent that the United States will proceed rapidly along the road toward a new, full-blown draft system. We may awake one fine morning a few years hence to discover that conscription again constitutes an integral part of American life.

FIGHTING BACK

Thus far, anti-draft forces have been slow in reacting to the new conscription offensive. Members of Congress who advocated abolishing the draft during the late 1960's and early 1970's exhibit few signs of rushing to defend the volunteer army they helped establish. Public

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opponents of conscription have shown only slightly greater spirit. One heartening sign is the creation of a new anti-draft organization, *Eliminate the New Draft*. (END). However, except for that development, there is scant evidence that most draft critics are stirring from their long hibernation.

A new campaign against conscription

must begin now while the danger is still in an embryonic stage. Furthermore, it would be short-sighted merely to oppose enactment of a new selective service law. Even if aroused opposition thwarted the current pro-draft offensive, the conscription battle might have to be conducted again and again throughout the foreseeable future. As long as Congress retains the authority to enact a law conscripting any segment of the American population for any reason whatsoever, an intolerable threat to individual liberty exists. The only effective method of removing this threat is to obtain a constitutional amendment prohibiting conscription.

An intelligent observer might be excused for believing that the Constitution already forbids conscription. After all, the 13th Amendment states emphatically:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Since serving in the military against one's will appears to be both servitude and involuntary, and since a draftee's only apparent crime is residing in a nation that conscripts its citizens, the draft would seem to rest on rather shaky constitutional footing. But alas, the Supreme Court has not endorsed that view.

The Court first ruled on the constitutionality of military conscription in *Arver v. United States* (The Selective Draft Law Cases) 245 U.S. 366 (1918). The *Arver* case was decided at the height of the war hysteria fomented by Woodrow Wilson's propaganda apparatus, and the decision reflected the times. The Court ruled un-animously that the power of Congress to classify and conscript manpower for military service was beyond question. Chief Justice Edward D. White, speaking for the Court, asserted further that "the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it." When pacifists challenged aspects of a new selective service law during World War II, the Supreme Court in *Falbo v. United States* 320 U.S. 549 (1943) and *Billings v. Truesdell* 321 U.S. 542 (1944) reaffirmed the authority of Congress to conscript military forces.

In light of these rulings, it is evident that Congress possesses ample power to enact a military draft law whenever it chooses. Whether it also has the authority to pass a "universal service" act for primarily non-military purposes is

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BIG BUSINESS COMES OUT OF ITS CORNER...

by Thomas Winslow Hazlett

The American populace believes more and more that perhaps Chicken Little was onto something. The busing controversy flares; corruption and cheating plague the land; a capitol sex scandal reveals that Congressmen abuse power for fun as well as profit; and our international hopes, in Italy and elsewhere, begin to rest on the cooperation of "moderate" Communists. Yet I suggest that today's most crucial joust, in terms of the ability of the Republic to linger on, is the epic struggle of American Business versus American Government. Allow a war correspondent to sound out some late developments.

The latter party to this slug-fest has bolstered its forces rather impressively in recent years with a battery of new Federal agencies. FEA, OSHA, EPA, EEOC, and the Consumer Product Safety Commission have come on strong to reinforce the efforts of such stalwarts as the ICC, CAB, FCC, FDA, SEC, and FTC. Yet the most recent news from the front involves the belated retaliation of business. No longer are the federals shooting it out with unarmed women and children—the businessmen are firing back! Indeed, with full-page ads in the *Wall Street Journal* (\$27,972) and *Newsweek* (\$22,650) television commercials (\$59,000 a prime time half-minute), and notes to stockholders, the business community has taken to a counter-offensive of considerable proportion. But when the guns are quiet and the dust has stilled, who will be the victor? Perhaps a reasonable projection can be gleaned from a survey of the relative abilities of the respective warriors.

One would think that in any battle of the wits the government—being huge, monolithic, noncompetitive, bureaucratic, and dull—will lose out to the productive paradigms of profit-seeking efficiency found in the world of private enterprise. Yet such conventional wisdom is questionable. There are certain impressive feats of skill that governments can and do perform regularly. Government is both prompt and ingenious at securing phenomenal pay raises for its employees, for instance. And, being astute exploiters of human psychology, the State is a master of negotiation between vested interests, also known as the art of dealmaking. The politicians display a ripe sense of mathematical sleight of hand in their practice of pension-fund arithmetic—the trick of transferring huge amounts of future income from taxpayers to government job-holders while the former think the latter are selflessly enmeshed in altruistic public service. And, according to certain rumors, the government officials are even quite prolific in the intricate and challenging practice of amour.

Before leaving the list of efficacious government enterprises, one should not miss the most obvious and proud State ability, namely, the exercise of killing large numbers of people in short periods of time within basically stationary geographical boundaries. Commonly known as the art of war, government thrives in this theatre of operation in accord with sound economic principle, for there exists a fair amount of lively competition. When beefs between rulers reach the point of humiliation, respective governments openly compete for the largest casualty totals and, as in so many of the aforementioned categories, far outstrip the piker efforts of private capitalists.

So government must be accorded a fighting chance with private enterprise—or even better. For in this rare contest, a draw is as good as a win for the inter-

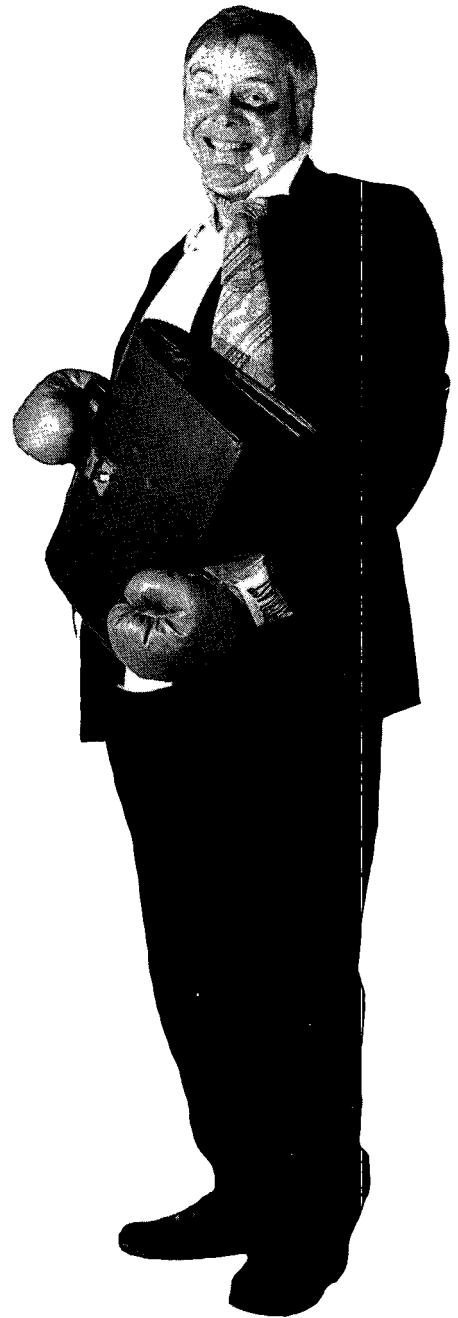


photo by Jeffrey Hettler

..... Fighting?