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Review: Tax, The Draft

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THE DRAFT: A HANDBOOK OF FACTS AND ALTERNATIVES. Edited by Sol M. Tax. Chicago: The University of Chicago Press, 1967. Pp. 487. \$12.95.

In the decade or so between the partial demobilization at the end of the Korean conflict and the military build-up in Vietnam, little attention was paid to the requirement of compulsory military service, which we call the draft. Draft calls were relatively small, sometimes going as low as 5000 men per month, although occasionally increasing at times such as the Berlin crisis. The armed forces had raised their standards of physical and mental fitness and were taking fewer men from the most disadvantaged elements of the population. With the enactment of the Reserve Forces Act of 1955, it became possible to limit active duty service to six months by enlistment in the Ready Reserve or National Guard, and large numbers of young men took advantage of this opportunity. For the ever-increasing number of young men going on to college, military service was something that could be

deferred until the distant future, and many college graduates were able to avoid service altogether.¹ In 1959 and again in 1963, Congress voted four year extensions of the basic selective service law² with little fanfare.

Around the middle of 1965 the United States discovered that it was again engaged in a major conflict. As it became apparent that the combat ranks in Vietnam were to a considerable extent being filled by draftees, compulsory military service suddenly became a burning national issue. And, because of the changes that had taken place in American society since the end of the Korean conflict, the issue was a complex one. In the first place, the number of young men eligible for military service under the law greatly exceeded the number needed or wanted by the military. Somewhere in the neighborhood of 1,800,000 men were reaching draft age each year, while the military needed only one-third to one-half of these, depending upon current requirements.³ The question was, as aptly stated by the National Advisory Commission on Selective Service, "Who Shall Serve When All Do Not Serve?" At the same time, the concept of non-military national service had come to be recognized. Many members of the younger generation of the sixties inspired perhaps by President Kennedy's advice to "ask not what your country can do for you, but what you can do for your country," saw themselves as serving their country by joining the Peace Corps, VISTA or one of the many other non-governmental organizations working to improve the lot of the poor or to end racial discrimination.

Military service must be viewed in the context in which such service is to be rendered. Most of the present generation of young men were born after World War II had ended, and reached the age of political awareness after the cold war had "thawed." They were not imbued with the notion that "communism is the enemy," so prevalent in this country in the late forties and early fifties. To some of them the questions of poverty, injustice and discrimination, in this country and abroad, were far more significant than whether the government of

¹ By attending graduate school they often were able to retain their student deferments. Upon reaching age 26 they went to the bottom of the order of call, and only rarely was anyone 26 or over drafted. Or, by marrying and fathering a child, they were deferred so long as they lived with their family. This has been changed by the Military Selective Service Act of 1967, and holders of student deferments are for the most part ineligible to receive other deferments after their student deferments have expired. It is unlikely that college graduates will now be able to avoid military service as readily as in the past.

² The basic selective service law is the Universal and Military Training and Service Act of 1951, 50 U.S.C. §§ 451-73 (1951), which superseded the Selective Service Act of 1948.

³ See NATIONAL ADVISORY COMM'N ON SELECTIVE SERVICE, WHO SHALL SERVE WHEN NOT ALL SERVE? 3 (1967).

South Vietnam would be "communist" or "anti-communist." The issue for many of them was not "Should I serve my country," but "Would I be serving my country if I were drafted and sent to kill Vietnamese?" Dying in war is never a pleasant prospect for a young man. But if he cannot understand why the government is engaged in the war in which it is asking him to fight, and if the enemy is a backward, underdeveloped nation (or part of it) some 8000 miles away, he may find it difficult to believe that dying in that war is "dying for his country."⁴ Nor is he inclined to accept the representation that the conflict in Vietnam is a fight for "freedom," when he sees freedom being repressed in so many countries that his government classifies as part of the "free world." And if he is black or identifies with those of his countrymen who are, he may ask whether the place to fight for freedom is in Vietnam or in the United States.

The question of compulsory military service, therefore, must be considered from the following perspectives: First, only a portion of our young men are needed to meet military manpower requirements. The question, then, is how these men shall be selected. Secondly, the concept of non-military service competes with military service as representing fulfillment of one's "obligation to his country." Finally, military service today means to many young men fighting in (or assisting in the prosecution of) a war which they believe to be morally wrong and contrary to the best interests of their country and the world.

A hallmark of a democratic society is the freedom to discuss and debate any subject, including, and perhaps particularly, the policies that are being pursued by the government. Our society believes that through such discussion and debate, through the clash of opposing ideas and viewpoints, we will eventually arrive at sound solutions to our problems. One of the most crucial problems facing our nation at this time is compulsory military service, or to state it more broadly, the military obligation which the government may require of its

⁴ It may be true as the poet Horace said, that "*Dulce et decorum est mori patriae.*" (Sweet and fitting it is to die for one's country). However, the attitude of many of the present generation is better expressed by the following language from Joseph Heller's popular novel, *Catch 22*:

. . . . Open your eyes, Clevinger. It doesn't make a damned bit of difference who wins the war to someone who's dead.

Clevinger sat for a moment as though he'd been slapped. 'Congratulations!' he exclaimed bitterly, the thinnest milk-white line enclosing his lips tightly in a bloodless, squeezing ring. 'I can't think of another attitude that could be depended upon to give greater comfort to the enemy.'

'The enemy,' retorted Yossarian with weighted precision, 'is anybody who's going to get you killed, no matter which side he's on. . . .'
J. HELLER, *CATCH 22* 136 (1935).

citizens. We should, therefore, devote careful attention to a work that has as its stated purpose the presentation and discussion of viewpoints on all aspects of that problem. Such a work is *The Draft: A Handbook of Facts and Alternatives*.

The book, edited by Sol Tax, Professor of Anthropology at the University of Chicago, is a collection of papers presented at, and a selected transcript of the discussion of, a conference held at the University of Chicago on December 4-7, 1966. Some 135 persons were registered for the conference, and the book lists over 70 persons who presented papers and/or participated in the discussions. With respect to perspective distribution, the greater number of participants were drawn from the academic world, including a number of students. However (and this is reflected in the papers presented), a particular effort was made to obtain the views of all sectors of the population interested in the subject of national service. General Lewis B. Hershey, Director of Selective Service, contributed two brief factual papers; and one of the most valuable papers in the book is that presented by Colonel Samuel H. Hays, Director of the Office of Military Psychology and Leadership at the United States Military Academy, which effectively states the military's arguments in favor of a system of selective service. Other military analysts and government officials also presented papers and participated in the discussion. The legislative branch was also represented, as were organizations such as the Central Committee For Conscientious Objectors and the American Friends Service Committee, which are significantly involved with the problems military service poses for particular persons. The diversity of viewpoints was apparent in the papers presented, and was even more evident in the transcript of the discussion. Certainly this is a subject on which the nation is divided, and the division of opinion takes a variety of directions.

The book is divided into three parts. Part I consists of the papers that were presented, while Part II is a selected transcript of the seven discussion sessions of the conference. Part III is an Epilogue, focusing on the Military Selective Service Act of 1967.

The initial segment of the conference, of course, was concerned with the present draft, that is, the system of compulsory military service for young men who are selected, according to statutory criteria and executive regulations, to render such service. Three basic questions arose. First, is compulsory military service necessary in order to meet the nation's military needs, and do the advantages, military and otherwise, of compulsory military service outweigh the disadvantages? Secondly, if compulsory military service is found to be necessary and

desirable, what is the best method by which young men should be selected to perform such service? Thirdly, should there be a system of national service by which young men not selected for military service (and perhaps young women) would be required or would be given the opportunity to render another form of service to the nation? These questions are necessarily interrelated, and cannot be separated from even more fundamental questions concerning the function of the military in a democratic society and the relationship that national service, in the military or without, bears to the implementation of national goals and objectives.

Perhaps the greatest value of any book is the opportunity that it gives the individual reader to develop his own ideas in light of the "new learning" that it contains. This opportunity is greatly enhanced when a book purports to present a number of differing viewpoints on a controversial subject. Perhaps the best way to review such a book, then, is for the reviewer to discuss how his ideas on the subject were affected by his reading of the book and what insights he derived from the experience. In so doing, of course, it should be noted that one rarely approaches a subject such as military or national service with anything like an "open mind." One, such as the present reviewer, who is strongly opposed to the existing system of compulsory and selective military service, is not likely to conclude that he favors that system as the result of having read a book on the subject, no matter how comprehensive the book is and how effectively the opposing viewpoints are presented. Nonetheless, he may see the problems in a somewhat different perspective and may weigh the pros and cons in a different light. Perhaps he may become even more convinced about the soundness of his original views, reinforced by the insights and information he has obtained, or he may question those views and ask whether there is some middle ground between the differing positions. In rare instances, he may alter the substance of his views significantly. In any event, I propose now to explore some of my thoughts on the subject of military and national service after having read *The Draft: A Handbook of Facts and Alternatives*.

After reading the paper presented by Colonel Hays, one clearly understands why the military "establishment" finds a system of selective service most suitable for its needs if it is to perform the function it is now expected to perform in our society. That function is to supply the force or deterrence that our country's political leaders deem necessary for national security or the advancement of the national interests; the present system enables the military to expand its forces most expeditiously and most economically *as the demands of*

force and deterrence change in response to the changing world situation. The threat of compulsory service serves as an incentive for voluntary enlistment, and since the military needs only a minority of draft age men to meet its needs (short of total war), it can (1) impose relatively high standards of acceptability both for enlistees and draftees, and (2) automatically expand or contract the size of the armed forces by increasing or decreasing draft calls. The military can concentrate on its primary function, the defense of national security and the promotion of national interests, without concern as to whether it will be able to recruit a force of sufficient size to perform that function. From this perspective, the soundness of a system of compulsory selective service is clear, and again from this perspective, it is not unfair for the defenders of the system to place the burden of proof in regard to any alternative upon the system's opponents.

This burden is readily accepted by those who favor an all-volunteer force. One of the strongest proponents of such a force is Professor Milton Friedman of the University of Chicago, who was Senator Barry Goldwater's economic advisor during the 1964 Presidential campaign. Professor Friedman's paper systematically lists the advantages and disadvantages of a volunteer force and concludes that the advantages clearly preponderate. More significantly, he introduces a new element into the matter of cost by demonstrating very cogently, in the opinion of the reviewer, that the economic costs of the present system are substantially *greater* than the costs of a volunteer army, but that they appear to be less *because much of the cost is borne by the individuals who happen to be drafted.* He observes:

The real cost of conscripting a soldier who would not voluntarily serve on present terms is not his pay and the cost of his keep. It is the amount for which he would be willing to serve. He is paying the difference. This is the extra cost to him that must be added to the cost borne by the rest of us. Compare, for example, the cost to a star professional football player and to an unemployed worker. Both might have the same attitudes toward the army and like—or dislike—a military career equally. But because the one has so much better alternatives than the other, it would take a much higher sum to attract him. When he is forced to serve, we are in effect imposing on him a tax in kind equal in value to the difference between what it would take to attract him and the military pay he actually receives. The implicit tax in kind should be added to the explicit taxes imposed on the rest of us to get the real costs of our Armed Forces.⁵

The same position is taken by Professor Walter Y. Oi of the University of Washington, whose paper contains a great deal of economic data

⁵ S. TAX, THE DRAFT 204 (1968).

including an analysis of the dollars and cents cost of a volunteer force.

An entirely different aspect of "cost" is considered in the paper presented by Professor Kenneth E. Boulding of the University of Michigan. Professor Boulding develops the concept of the "legitimacy of the national state." He points out that we as a people are constantly asked to make "sacrifices" for the benefit of the national state, such as giving up a percentage of our income in taxes, conforming to its laws even if we disapprove of them, and so on. For the most part we make these sacrifices willingly without questioning the legitimacy of the national state as an *institution*. But, he suggests, a point may be reached where these sacrifices become too much and we begin to question whether the national state as an institution is worth its cost. If this seems farfetched, he notes that other institutions which once seemed as invincible as the national state seems today, such as the monarchy and the empire, have lost their "legitimacy." When this occurred, the institution was either transformed into a entirely different kind of institution or was destroyed. In most countries today the once powerful monarchy has either been overthrown (such as in France, Italy and Russia) or transformed into a powerless figurehead (such as in Great Britain and the Scandinavian states). So too, the Age of Empire has ended, and not only does the sun now set on what is left of the British Empire, for example, but the vestiges of that imperial power (such as a "presence" East of Suez) are also being abandoned on the ground that the nation can no longer afford the "cost."

The draft, Professor Boulding argues, may well be evidence of the decline of the legitimacy of the national state as an institution, since military service is not seen as something to be performed voluntarily for the benefit of the national state, but something that is grudgingly exacted (by the threat of five year jail sentences) from unwilling conscripts. It may be that by the draft, the national state is asking more than its citizens are willing to give, so that they will begin to question the legitimacy of the national state itself. This questioning can lead to a de-emphasis on nationalism and an acceptance of the view that controls should be imposed on the national state by international institutions such as the United Nations. Or, in more extreme cases, some people might conclude that the national state is indeed not worth the costs it imposes and voluntarily expatriate themselves. While only a small number of young men have actually fled the United States in order to escape military service, it is disquieting to realize that many more have seriously considered this as an alternative to the draft.

It appears to me that even though most men submit to induction into the Armed Forces, this is often all they do. It must be remembered that the young man of draft age today was born after World War II had ended and that his memories of the cold war are very dim. When he thinks of military service, he thinks of the war in Vietnam, and in ever-increasing numbers, he resents being drafted for such a war. It may be asked whether exacting military service in these circumstances promotes "love of country" or whether the effect is, in actuality, to alienate young men from their country and to cause them to ask "Is it worth it to be an American?" That such attitudes exist in this country may seem inconceivable to a generation whose own attitudes were formed during World War II and the cold war period, but the nation is deluding itself if it thinks they do not exist. It may also be asked whether the prospect of compulsory military service, particularly in the context of the Vietnam war, may not be a factor giving rise to the extreme forms of behavior now evidenced by many of our youth. Professor Boulding's paper demonstrates that we may be paying a very high "price" for compulsory military service, and that this is something to consider when we weigh the relative "costs" of this system against the costs of proposed alternatives.

If we must rely on military service in order to meet military needs, then we must decide which persons are to serve and how they are to be selected. Since the function of our armed forces has been a purely military one, that is, to supply the force and deterrence necessary for national security and the promotion of national interests, it follows that selection is made with reference to the utility of the individual to the military mission. But it is possible to see military service as having additional functions. For example, such service could be designed to provide an opportunity for the disadvantaged sectors of our population to acquire the skills and education that would enable them to improve their lot in civilian society. This is one of the functions that military service is designed to perform in Israel, as described in a paper presented by Colonel Mordechai M. Bar-On, Chief Education Officer of the Israel Defense Forces. Some of the proposals for national service that have been advanced envisage that kind of role for our armed forces. Here I would agree with the observation of Colonel Hays that: "It would appear to be unwise to confuse our purposes by assigning multiple objectives to one program. Social welfare and the rehabilitation of citizens are certainly worth while programs, but they should not be confused with programs to improve the efficiency of our Armed Forces."

In Israel, military service is universal rather than selective because

of that country's overwhelming defense needs. This being so, such service can perform the additional function of integrating the disadvantaged "Oriental" sector of the population into the modern Israeli society. But in this country, even if we were committed to undertake such a program with respect to our disadvantaged population, and ignoring for the moment the question of whether this objective could or should be achieved by compulsion, we have or could establish other agencies to which this function could be assigned. This is not a function that the armed forces desire or are particularly equipped to perform. Military service, then, should emphasize the contribution of the individual to the military needs, and if this is so, the question remains as to how people are to be selected to perform that service.

The inequities of the present system of selection are demonstrated in a number of papers in the book and in the discussions. The blanket student deferment, which many critics of the present system consider to be its most serious inequity, comes under particular attack, especially in a paper presented by Harry A. Marmion of the American Council on Education.

What is missing in the book is a comprehensive defense of the present system of selection which emphasizes deferment and exemption so that at a given time only a minority of eligible men are subject to induction.⁶ It would have been desirable if a paper setting forth the arguments in favor of the present method of selection (as opposed to some system of selective service, which is ably defended in the paper presented by Colonel Hays) were included. However, what does stand out in the papers presented by the military and government representatives is that the needs of the armed forces are not necessarily *best* met by the present method of selection. A leading military analyst, Brigadier General S.L.A. Marshall, suggests that the effect of student deferments is to make college students contemptuous of military service, and that the present system of selective service, with the emphasis on deferment and exemption, promotes an "evasion mentality." The end result is that the military is being deprived of the services of intelligent, educated young men in combat units, where he thinks these men are needed most. Whether one agrees with General Marshall or not, the fact remains that what the armed forces want is *some* form of selective service, *although not necessarily the*

⁶ As of September 30, 1966, for example, approximately 7,000,000 men were eligible for military service. Of those, only 1,350,000 were in Class 1-A (available for induction), while 1,523,000 were deferred solely on the ground that they were full-time students. NATIONAL ADVISORY COMMISSION ON SELECTIVE SERVICE, *WHO SHALL SERVE WHEN NOT ALL SERVE?* 136-47 (1967).

one now used. It is my opinion that abolition of the blanket student deferment—which is the most serious inequity in the present system—would in no way interfere with military efficiency, and if General Marshall is correct, would even improve it.

When we consider the alternative of universal national service, one point which is clear—and this is reinforced by the papers and the discussion in the book—is that military service cannot be equated with non-military service. Irrespective of whether military service is to be given priority over non-military service (on which there may be disagreement), the fact remains that military service is different in kind from any other form of service, since by its very nature it may demand the citizen's life as well as his service. Although, as Peace Corps experience indicates, dangers may be involved in other forms of service, only military service is predicated on the assumption that the individual may be involved in lethal combat. This distinction is taken into account in the comprehensive proposal for national service presented by Professor Morris Janowitz of the University of Chicago. Under this proposal, the individual could choose either military or non-military service; but if the armed forces' manpower requirements were not met by volunteers, the deficiency would have to be supplied from those opting for non-military service. In that event, Professor Janowitz advocates selection by a lottery. In other words, any proposal for national service must still deal with the "equity" of the selection for military service, and when we talk about national service, we mean service by those who are not taken into the armed forces.

Any system of universal national service would have to include the disadvantaged sectors of the population, and if this were so, such service would have to be organized around the principle of "From each according to his ability, to each according to his need." Through such service the disadvantaged hopefully would receive necessary re-education and would acquire "marketable skills." Their contribution to society as a result of such service would be felt after they had been discharged from the service and absorbed into the civilian economy. Such a program is suggested in a paper presented by Dr. Margaret Mead, including, as might be expected, national service for women as well.

Another dimension to the problem of military and national service comes out very clearly in the transcript of the discussions, namely, the interlocking cause and effect relationship between services, military and non-military, and national goals and objectives. On the one hand, the kind of service we require and whether we require service at all will depend on our national goals and objectives. But, at the same

time, the fact that we do or do not require such service may influence the decision on what those goals and objectives should be. The war in Vietnam furnishes a cogent illustration of this point. It may be conceded that if we are to be involved in Vietnam as we now are, we need a larger armed force than could be raised by voluntary enlistment. Therefore, so long as our involvement in Vietnam continues on the present scale, it is probably unrealistic to think of abolishing compulsory military service. However, if we had not had compulsory military service at the time we decided to alter the nature of our involvement in Vietnam by assuming major responsibility for the prosecution of the war, that decision might have gone the other way. The existence of compulsory military service and a large pool of draft-eligible young men, which enabled us to significantly expand the size of our armed forces, may have influenced the decision insofar as it eliminated any consideration of whether we *could* assume that responsibility.

In other words, whether or not we need compulsory military service will depend on the nature of our foreign policy objectives in the years ahead. But so long as we have compulsory military service, the government—particularly the executive—may be able to steer foreign policy in a direction that it would not be able to do if it had to rely on a voluntary army to meet the military commitment that such a policy would require. It is interesting to note that Congress, by providing for compulsory military service under a method of selection by which the size of the armed forces is expandable at will, has given the President the effective authority to commit the nation to a major military involvement without a Congressional declaration of war. If Congress complains that it was not consulted before the President made the decision to commit the nation to war, it may be pointed out that the draft law enacted by Congress enabled the President to do that very thing.

It is from a perspective such as this that the question of military and national service must be considered, and the decisions we make will significantly affect the future of the nation and of the world. Hopefully, we will make these decisions through the democratic processes of discussion and debate. It is those processes that form the basis of *The Draft: A Handbook of Facts and Alternatives*, and the book represents a valuable contribution to our understanding of this crucial issue now facing the nation.

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