

Should we reinstate the selective service draft or continue to rely on a volunteer...

[Government](#), [Army](#)



This paper seeks to determine whether the Americans should reinstate the Selective Service Draft or continue to rely on a volunteer army. This paper posits that it is more advantageous to rely on volunteer army than military draft. . No need to reinstate the military draft One of the strongest arguments why America need not reinstate the Selective Service Draft and instead continue to rely on volunteer army is the positions presently taken by the Bush Administration.

Burns said, " The Bush administration sees no need to reinstate the military draft, but it is pushing for improved Pentagon management of the 1. 4 million-strong force in order to meet wartime needs, Defense Secretary Donald H. Rumsfeld said Thursday. " He further quoted Rumsfeld saying , "" I don't know anyone in the executive branch of the government who believes it would be appropriate or necessary to reinstitute the draft," to the Newspaper Association of America's annual convention. " The system of military conscription that was abandoned in 1973 just came from some members of Congress on whether the long-term nature of the global war on terrorism might require a return to same. It was Sen.

Chuck Hagel, R-Neb. , who raised the possibility that compulsory military service might be necessary. Burns quoted Hagel as seeing the nation as engaged " in a generational war here against terrorism" and " It's going to require resources. " The main argument of Sen. Hagel was for burden sharing, hence, he was quoted as saying: " Should we continue to burden the middle class who represents most all of our soldiers, and the lower-middle

class? " " Should we burden them with the fighting and the dying if in fact this is a generational - probably 25-year - war? "

Burns found Rumsfeld not addressing the issue of burden-sharing, except to say the old system of conscription had " a lot of difficulties," including loopholes that permitted many to avoid being drafted. Rumsfeld was found to have said that the military simply does not need to abandon its all-volunteer approach and to have said the following statement, "" We have a relatively small military. We have been very successful in recruiting and retaining the people we need... Although the military is strained by its commitments in Iraq and elsewhere, it is working on ways to get more combat power out of the existing force.

" Burns also reported Rumsfeld arguing that the Army, for example, is reorganizing to increase the number of combat brigades from 33 to as many as 48 over the next several years and the Pentagon is finding ways to pull troops out of jobs that could be done by civilian Defense Department workers or government contractors, thus freeing more troops for combat-related duties (Paraphrasing made) . Hence it would mean that there is no need to reinstate the Selective Service since under the present circumstance, volunteer army is a possible option.

In trying therefore to analyse the statements of Rumsfeld, Selective Service draft should only come as an option if the present number of army could not be augmented through other means like pulling troops out of jobs that could be done by civilian Defense Department workers or government contractors. Why resort to compulsory service then when there are easier ways. As state

earlier, the main argument for selective service is the shared burden principle between rich and poor. Equitable Spread of burden of military service

Greenberg, David (2003) said that the proposal for selective service by Rep. Charles Rangel, D-N. Y. is based on the argument that in our anomicculturewe need mandatory service to instill common values, provide a shared experience for young people of all races and social stripes, and equitably spread the burden of military service. Hence, in writing in the New York Times, Greenberg found Rangel recently to have urged a " return to the tradition of the citizen soldier," and arguing that " if we are going to send our children to war, the governing principle must be that of shared sacrifice.

" (Paraphrasing made). Greenberg further said, " Cries like Rangel's have arisen in every war and quite often in peace as well. In 1940, inaugurating the first-ever peacetime draft, Franklin Roosevelt argued that the new policy " broadened and enriched our basic concepts of citizenship. " A quarter century later, Lyndon Johnson called the draft " a part of America, a part of the process of our democracy. " Indeed, appeals topatriotism and democracy have often accompanied the imposition of mandatory sacrifice. " Equalitycontradicting liberty

The laudable purpose of equality is not however unopposed because of the element of coercion which convinces many that equality need not liberty. Thus, Greenburg agreed difficulty of selling conscription because equality could be contradicting liberty. He said, " Despite these fine words, though, conscription has always been—and probably will always be—a tough sell.

The reason isn't that Americans crave an unjust system, although they haven't shown too much regret over the draft's inequities. Rather, the draft's perennial unpopularity stems from an abiding national regard for freedom from state coercion.

For all Rangel's rhetorical bows to the "citizen soldier" and "shared sacrifice," his proposal addresses America's historic concern for equality but skirts its even more primary veneration for liberty. "As to the validity of the claims equality in the sharing the burden, perhaps it would be proper to take a look at the past. Had people readily accepted conscription in the past? Greenburg said "Indeed, the notion of the citizen soldier of the Revolutionary War to which Rangel hearkens—the common man trading plowshare for sword to fight an imminent threat—actually points up the flaws in the argument for conscription.

The Revolution's vaunted Minute Men were, after all, volunteers who needed no official prodding to take up arms against a threat to their liberty. The Continental Army certainly had its manpower problems—in the winter of 1776, Tom Paine decried the "summer soldier and the sunshine patriot"—but even in those trying times, states rejected George Washington's plea for national conscription. When individual states did hold drafts, they allowed wealthy conscripts to hire substitutes, who were predominantly poor and unemployed. Service was hardly a shared experience. "

If President Washington plea for national conscription was rejected when the country needed the citizen then to defend it was rejected, would it be easier to accept today? Could this happen with Bush administration when his

defense secretary was saying that there is no need for military draft? But going back still in the past, it was found that draft really existed but it was just temporary to address an emergency. Thus, Greenburg added , “ Whatever problems hobbled the Continental Army, the new nation's founders remained convinced that state encroachment on personal freedom was the greater danger.

The Constitution's drafters conferred on Congress the power to " raise and support armies" but not to conscript citizens—an omission notably at odds with the practice in Europe. Virginia's Edmund Randolph, one of the few founders to raise the issue during the constitutional debates, argued that a draft would " stretch the strings of government too violently to be adopted. " Such sentiments carried the day even when British troops invaded American soil two decades later. During the War of 1812, President James Madison sought a draft.

But even though Secretary of War James Monroe promised it would be just a temporary, emergency measure, Congress opposed it, in Sen. Daniel Webster's words, as " Napoleonic despotism. " It never got off the ground. " If success in the past may have to be used as a justification to put one today, would it be more acceptable? Historically this was not supposed to be the case since success seemed t far from good. Greenburg said, “ In the Civil War, both North and South continued to rely mainly on enlistment, although they did adopt conscription when the volunteers dried up.

Even though the Civil War drafts were extremely limited—only 8 percent of Union's 2 million soldiers were draftees—they were far from successful. The

Confederate government gave exemptions to those in certain occupations, sparking popular protest. Meanwhile, the delegation of such vast powers to the Confederate government baldly violated the principle of "states' rights" and undermined the South's rationale for its rebellion. "The limited number then of military draft appear to post now a strong objection to reinstating military draft now that they situation was not as dangerous before.

There could be problems with impracticality because a forced military service may just cause desertions or non reporting which. This actually happened. Greenburg confirmed this when he said, "Fifty years later, with Europe at war, Woodrow Wilson courted the animosity of isolationists left and right by pushing through Congress a sweeping (but temporary) conscription program. To ensure fairness, the law barred the hiring of substitutes and the offering of bounties for enlistees.

But the draft's more fundamental flaw—its coerciveness—still fueled protest. Waves of conscripts, perhaps as many as 3 million, refused to register for the draft, and of those actually called to serve, 12 percent either didn't report or quickly deserted. Local vigilantes took to shaming or brutalizing resisters into service. Civil libertarians sued the government, arguing that the draft was unconstitutional under the 13th Amendment, which outlawed involuntary servitude, but in 1918 the Supreme Court upheld it as constitutional.

"What could be more depriving than coerciveness? We have seen coercion generating protest but it does not mean that military draft is not without use and purpose. Hence Greenburg explained that the draft was scuttled when peace returned, but in 1940, when Germany invaded France, FDR sought to

resurrect it. There must be a war to justify the draft. But how was it accepted then because of the war? Greenburg said, " Again, opposition was fierce; Sen.

Arthur Vandenberg, for one, accused FDR of " tearing up 150 years of American history and tradition, in which none but volunteers have entered the peacetime Armies and Navies. " But FDR won out, and resistance faded after Pearl Harbor. As it was in so many ways, the experience of the " good" war proved an exception to a historical pattern. Yet FDR's policies also set a precedent for the more questionable Cold War draft, which would last 25 years. " In the cold war , America had the draft during the Cold War but the Vietnam experience have taught them a lesson.

Greenburg confirmed this when he said, " It took the catastrophe of Vietnam to end the draft. By the late 1960s, the mounting body counts and anti-war sentiment made it increasingly hard for President Johnson to justify sending young men to die in battle. Until 1969, Maj. Gen. Lewis B. Hershey, the head of the Selective Service, blocked efforts to reform or end the draft, but when Richard Nixon assumed the presidency he saw draft reform as a way to silence the peace movement and steal the Democrats' thunder without a precipitous pullout.

Nixon forced Hershey into retirement, set up a lottery to make the draft fairer, and indicated he would move toward an all-volunteer force (AVF). In a debate over whether to continue the draft in 1971 or adopt an AVF, it was Nixon and Gen. William Westmoreland who argued for the AVF, while leading Democrats in Congress such as Ted Kennedy and one Charlie Rangel pressed

to keep the draft in place. " Given past events, will America repeat the same mistake?

The Americans have spoken about their positions in the last 2006 elections by giving more seats to Democrats over the Republicans. The constitutionality of mandatory military service One of the issues that may be invoked in trying to oppose the military draft is through constitutional means. Smolla, R. said, " The military draft has been rhetorically attacked as a form of involuntary servitude that violates the Thirteenth Amendment, [23] but, despite the hyperbolic utility of the argument, it has never been taken seriously by the Supreme Court.

As early as the 1918 Selective Draft Law Cases, [24] the Court stated that as we are unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation as the result of a war declared by the great representative body of the people can be said to be the imposition of involuntary servitude in violation of the prohibitions of the Thirteenth Amendment, we are constrained to the conclusion that the contention to that effect is refuted by its mere statement.

[25] " It is therefore clear that legal battle appears a weak option because the court could still sustain legality so the decision is political and which using the result of the recent elections would show that the volunteer army is the better option. Conclusion: The evidence would go for continuing volunteer army instead of selective service draft. To serve ones' country it is best to respect voluntary service.

Americans need not be reinstated the military service if it could continue with volunteer army To force young Americans to join the draft was a difficult experience in the past where enlisted personnel failed or deserted, constituting a big percentage. The compulsory draft in the past was made to address to an emergency. The executive department through the defense chief declared the lack of need to restore the military since the government can still have volunteer army.

Forcing people to render a military service is being viewed as having the element of coercion which is one the greatest objection to selective military draft but the latter is arguing on the basis to shared sacrifice and therefore invoking equality. However, opponents of military draft rationalized that equality need not violated liberty which the Constitution was made to promote. The present jurisprudence however holds that force military draft is constitutional and hence the issue of legality may still allow the decision to pursue military draft over that of volunteer army.

Since there is no emergency to invoke military draft, then said option must not be pursued. Works and Cases Cited: Burns, Robert, Defense Chief Sees No Need to Reintroduce the Military Draft, The Associated Press , Agonist Discussion, Re: WILL THE US FEEL A DRAFT SOON? , Reply #26 on: April 22, 2004, 03: 44: 24 PM, {www document} URL, <http://discuss.agonist.org/?board=1%3Baction=display%3Bthreadid=18596%3Bstart=0,,> Accessed November 28, 2006.

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