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The Hatfield-Goldwater Voluntary Manpower Procurement Amendment to the Military Procurement Bill implements the recommendations of the Gates Commission, with emphasis on the following:

~~•End of the President's induction powers by July 1, 1971, with no reinstatement only by joint resolution of Congress.~~

•Increased salaries and benefits for first-termers and non-com officers only (as contrasted to Nixon's minimal across-the-board pay increase).

•Civilianization of military jobs where possible (such as PX clerks and mess hall cooks).

~~•Dismantling of Selective Service boards, with registration remaining.~~

Beware of alternative measures for they are not alternatives at all:

1. Melvin Laird and Richard Nixon want to extend the draft at least one more year, possibly another three. The Gates Commission says we can end the draft NOW. The President does not wish to lose his power, and wishes to break the back of the largest and most diversified anti-draft campaign ever gathered.

2. There is in Congress a bill for national service, which would expand, not contract, the President's power over youth, and would force every young man into two or more years of compulsory servitude to the State.

Senate

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oregon (Mr. HATFIELD) is now recognized for 1 hour.

THE MILITARY PROCUREMENT AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 765

Mr. HATFIELD. Mr. President, I submit an amendment intended to be proposed by me and my colleagues jointly, Senators GOLDWATER, CRANSTON, SCOTT, MCGOVERN, PACKWOOD, YOUNG of Ohio, DOLE, STEVENS, HARTKE, SCHWEIKER, and GOODELL, to the bill, H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 765) was referred to the Committee on Armed Services.

Mr. HATFIELD. Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed in the Record a brief statement made by Daniel Webster in 1814 on the floor of the House of Representatives and a brief outline of a statement by H. B. Liddell Hart in 1945 relating to the subject of conscription.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HATFIELD. Mr. President, three

times in our history, we have had national military conscription, and each time it has met with strong opposition from those directly affected by it. In response to President Lincoln's announcement in 1863 that a draft was being instituted, there were 10 days of rioting in New York alone, with over 1,000 fatalities resulting. Conscription was again introduced for a short period of time during World War I, and 250,000 draftees failed to appear for induction. The first time that conscription had virtually universal acceptance was during World War II when it was instituted for a third time. The past two decades, however, have marked a new era in American history with the advent of peacetime conscription. Today an estimated 60,000 young men have left this country for Canada and hundreds have gone to prison—because of the draft. Yet, the desirability of the draft or any possible alternative has generally gone unquestioned, and our Government has reflected the complacency of the public.

In March of this year, a Commission appointed by President Nixon over 1 year ago to study an alternative to the draft, made its findings public. The Commission was headed by former Secretary of Defense Thomas Gates and was composed of individuals from various walks of life, including the economist Milton Friedman, the executive director of the NAACP, Roy Wilkins, and two former Supreme Allied Commanders, Gen. Lauris Norstad, and Gen. Alfred Guenther. Their conclusions were unanimous: the draft is not the best method of maintaining our Armed Forces. It is inefficient, inequitable, and unjust. Their report stated, further, that the best alternative to conscription is an all-volunteer system, which is not only more ideologically compatible with our traditions, but economically preferable as well.

It has been generally assumed that conscription has been and is needed to maintain our Armed Forces, thus perpetuating the idea that the draft is a necessary evil whereby a small percent of our young men are compelled to join the military.

According to the Gates Commission report:

During the early 1960's, 95 percent of those between the ages of 18 and 35 were excluded

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*Also Senator Mansfield

from the 1-A and 1-A-O pool. . . . The escalation of the Vietnam War in 1965 once again focused attention on the draft. . . . Of the 8 million men who have served in the Armed Forces during the Vietnam War, 26 percent have been draftees.

But is this a needed inequity? Is conscription absolutely necessary to maintain our national security? The Gates Commission concluded that an all-volunteer military is feasible regardless of the manpower requirements of Vietnam. Today we have approximately 3 million men in our Armed Forces. It is anticipated by the Department of Defense that within 1 year the total force level will be 2.5 million or less. Our present mixed force, draftees, draft-induced volunteers, and volunteers, requires 584,000 annual accessions with 184,000 annual Army draft calls. The Gates Commission projects that the required accessions for the same total strength force, 3 million men, would be 410,000 with 193,000 going to the Army. This lower rate of accessions in an all-volunteer force would be the result of higher retention rates. Higher retention would result from numerous factors, including higher pay, higher reenlistment rates, and the absence of draftees, more than 90 percent of whom leave the Army after serving only 2 years. Furthermore, the report states:

The higher retention rate for true volunteers inevitably produces a more experienced force. . . . Projections indicate that by 1980 (in an all volunteer force), 45 percent of Army enlisted men will have four years or more of service experience, as compared with 31 percent for a mixed force of the same size. Since experience involves on-the-job training, a more experienced force is more productive than a less experienced one.

Thus, a 3-million-man volunteer force would be more effective than a mixed force of the same number. In other words, because a volunteer force would have fewer noneffective men, it can be smaller than a mixed force and be just as effective.

What must be done to effect an all-volunteer military? The move cannot occur overnight, but the transition can occur within the next year. However, to accomplish this by July 1971, we need to have improved conditions within the military sufficiently to induce 75,000 more men annually, in addition to the 250,000 true volunteers who are presently enlisting each year. That assumes a force level of 2.5 million men by July 1971. There is an excellent possibility, based upon various statements and possible projections of the Defense Department, that the manpower level will be significantly less than 2.5 million.

Further, Congress could, of course, choose to reduce the manpower requirements. In either case, reductions below the 2.5-million level would reduce further the number of additional needed enlistees above the current 250,000 true volunteers. The additional men will come predominantly from the 1.5 million men who annually turn 19 and who meet the mental, moral, and physical requirements of the Armed Forces. Raising the accession rate to the necessary level will result from reasonable improvements in pay and benefits which, states the Commission,

and in which I concur, should occur regardless of the fate of the draft.

To better comprehend this situation one must understand the difference between two methods of taxation that any government may use. The first, which can be called tax-in-kind, is the compulsory rendering of services or property by citizens on the behalf of the government. The other method of taxation is that of bearing the government's cost of goods and services through monetary taxes levied on the general public. Conscription is the first method of taxation—a tax-in-kind. There are few such taxes today in our Nation, and most governments no longer tax through the means of coercing the services of their citizens, or directly acquiring portions of their property. Such tax-in-kind is generally regarded as a medieval and outmoded form of taxation. The draft, however, is a modern-day continuation of such a form of taxation.

The average level of basic pay for military personnel is \$180 per month. This is approximately 60 percent of what he could be earning in civilian life. In other words, the average first-term enlistee is being taxed 40 percent of what he could and would normally earn. And taking into account the income tax and indirect costs imposed on the enlistee, his total tax rate is in the neighborhood of 51 percent.

The Commission recommends increasing the pay of the first-term enlistee to \$315 per month. Including fringe benefits, clothing, food and lodging, the total compensation would rise from \$301 per month to \$437 per month. This would make the pay within the military roughly comparable to that of civilian life, which, as I stated earlier, should occur irrespective of the fate of the draft. The budgetary cost to effect an all-volunteer force by July of next year would be a maximum of \$3.24 billion for fiscal 1971. That is assuming that we maintain the high manpower force level of 2.5 million men by that date. Reductions in this force level would result in significantly lower costs. This maximum estimate of costs would include increases in basic pay of \$2.68 billion, proficiency pay increase of \$210 million, reserve pay increases of \$150 million, additional medical corps expense of \$120 million, and recruiting, ROTC and miscellaneous increases of \$80 million. Further, this cost does not take into account substantial savings in operation that would be created by a voluntary military.

But one must consider the difference between budgetary cost and actual cost. The first-term enlistee is bearing the burden of 60 percent of the cost of his service. And, as the Commission states in its report:

When the hidden costs of conscription are fully recognized, the cost of an all-volunteer armed force is unquestionably less than the cost of a force of equal size and quality manned wholly or partly through conscription.

The draft often results in the inefficient use of manpower by the military. A recently released study by the Defense Department points to one aspect of this problem. This report indicated that of

the 41,974 college graduates entering the Army in 1969, 5,722 had acquired academic training that would have qualified them for certain military specialties with little or no further training. Of these 5,722 qualified men, only 222, approximately 4 percent, were assigned to the specialty for which they were qualified, while approximately one-third of them were assigned to combat infantry training. Specific examples which the study held to be generally valid included the following:

Of the college graduates who entered the Army last year, 270 had degrees in architecture. Eight were placed in this specialty while the Army had a need for 394 architects.

Sixty-two men who qualified for the Army accounting specialty were placed in those slots, while the Army had 463 openings for accountants and had inducted 912 men who had accounting degrees.

Generally stated, because budget expenses are presently underestimated for the cost of the first-term enlistees, the Armed Services, as the Commission points out, "are led to use more of them than they otherwise would." With compensation raised to equitable levels, the service would be forced to economize.

Perhaps the most costly factor of the present system is the low reenlistment rates among first-term servicemen, creating unduly high turnover rates. Two factors affect this: First, most inductees and draft-induced volunteers are not interested in military careers; second, the inductees' tour of duty is only 2 years in contrast to 3- and 4-year terms for enlistees.

With an all-volunteer force—

The Commission concluded—these longer terms of enlistment will also reduce turnovers and the need for accessions.

The Commission estimates that the annual turnover rate for a volunteer force would be approximately 325,000 men in contrast to roughly 440,000 for a mixed force of 2.5 million men.

Consequently, real savings will be generated. In terms of dollars, the annual savings caused by increased retention for a peacetime force of 2.5 million men is estimated to be \$675 million. Furthermore, there would be an annual savings of \$61 million for the same force due to reduced transportation and administrative costs. In terms of manpower, a volunteer military would reduce the required size of the forces, thus reducing the number of men needed. For instance, it is estimated by the Commission that a 2.5-million man force of conscripts and volunteers would be effectively equivalent to an all-volunteer force of 2.44 million men.

Yet there are additional savings that a volunteer force would induce. These would result in eliminating what the Commission calls "subtle costs" of the present system. Although these are difficult to estimate in monetary terms, we can still analyze their potential influence. As the Gates Commission report states:

The draft erodes ideals of patriotism and service by alienating many of the young who

bear the burden. . . . It thwarts the natural desire of youths to commit themselves to society. . . .

Young men distort their career and personal plans to take advantage of opportunities to postpone or avoid being drafted. . . . 'channeling' young men into college, occupations, marriage or fatherhood is not in their best interests, nor those of society in general.

It is these factors and others that indicate the great loss to society that the draft generates. One indirect method of gaging this in economic terms was stated in the Commission's report:

Prospective inductees also incur costs in their efforts to escape conscription—costs which manifest themselves in a variety of ways such as additional college attendance, movement into occupations which carry deferments, immigration, etc. Indirect evidence suggests these costs may be 1.5 times the implicit tax (i.e., the tax-in-kind born by the draftee). . . . Thus for each \$1.00 of tax-in-kind collected, an average of \$2.50 is forgone by the public. Quite apart from considerations of equity and freedom, this feature of conscription is enough to call it into question.

The institution of an all-volunteer military is desirable not only from economic and moral points of view, but also from a governmental and constitutional perspective. According to article I, section 8 of the Constitution, the Congress has the power—and the responsibility—to raise the armies and provide for the common defense. A volunteer military is a direct extension of this constitutional responsibility and would draw the military closer to the civilian population in general.

A volunteer force will be highly flexible, as conceived by the Commission, although the need for a great influx of men into the military such as required during World War II is not a realistic possibility because of the highly technical nature of warfare today—whether guerrilla or nuclear war. Nevertheless, the Commission recommended a limited standby registration should a sudden influx of men be required.

Aside from economic questions, one of the most often heard objections to a volunteer military is that it would put an undue burden on the black and the poverty stricken within our society. The assumption here is that with increased pay and benefits in a volunteer system a disproportionate number of our minority groups and depressed people would join the military. The Gates Commission report and other studies before it have amply demonstrated that this would not be the case.

Presently there are more than two times as many whites classified below the poverty line as blacks—17.6 million whites compared to 8.3 million blacks by 1967 figures. This year it is estimated that up to 63 percent, 628,740, of the black male population between the ages of 17 and 20—the age group from which first-term enlistments usually originate—will be eligible for military duty—that is, they will pass the physical, moral, and mental requirements for entrance into the Armed Forces. Under our present mixed recruitment system, blacks comprise 10.6 percent of the total force or slightly less than their proportion to the total population.

The Commission, taking these figures into consideration, projects that in a volunteer force of comparable effectiveness to a mixed force of 2.5 million men, blacks would comprise approximately 15 percent of that population—between 5,000 and 10,000 more blacks than a mixed force of the same effective size. In other words, the racial composition of the military will change very little between a mixed force and an all-volunteer force.

Monetary compensation is only one factor in attracting potential employees. Job security, opportunity for advancement, and fringe benefits are other considerations which influence a potential employee. While the attractiveness of the military will increase for the black in a volunteer force, it will increase more greatly among whites.

With present mental, moral, and physical standards of eligibility for military service, 30 percent of the men examined are not acceptable. Of this group a disproportionate number comes from the lower socioeconomic sector of our society. And although a recent study indicates there are over 12,000 military personnel on welfare today, compensation within the Armed Forces in most cases is above the income level of those below the poverty line. Consequently, the monetary attraction to the Armed Forces with regard to those individuals below the poverty level is already existent. To increase pay and benefits regardless of the method of recruitment will induce more qualified individuals to join than are presently attracted. Thus, the general composition of a volunteer military would not be significantly different from a conscripted force.

These facts notwithstanding, objections to an all-volunteer military based on fear of its creating an unfair burden on the black and poverty stricken are misdirected. Not only do these objections question the poor and the black's capacity to make decisions in their own best interest but they also ignore the fact that it is the causes of racism and poverty in our country which should be attacked and not the military or any other institution that may provide people an opportunity for greater economic gain and increased social status.

Just as these questions are ill conceived and shortsighted so are those that assert an all-volunteer armed force would be a group of unquestioning mercenaries who would be loyal only to their commanders, isolated from civilian control, pose a threat to the internal security of our country, and increase the likelihood of foreign adventurism. A mercenary is a foreigner who is hired by another country to fight its wars. This certainly is not the case with a volunteer military. And to argue that there is something regrettable about a professional, equitably paid enlistee is overlooking the fact that our officer corps have been well paid and virtually totally voluntary. To question the loyalty of a soldier because he is paid a fair salary is like questioning the loyalty of doctors, lawyers or any other professionals who are well paid for the services they render. If the country is to have an effective military force, its members should be paid in an equitable man-

ner. And an all-volunteer method of recruitment is one method of insuring this equity.

Critics have argued that a volunteer military would somehow increase the isolation of the military, and that conscription is an effective means of maintaining a civilian influence in the military. The Constitution could not be more explicit about its intention to insure that the army be fully under civilian control. However, it never intended that this be accomplished through military conscription. In fact, appropriations for the military have to be approved every 2 years specifically because the Founding Fathers wanted the entire idea of a standing army to be reviewed that often. The very thought of a peacetime conscription would have been viewed by them as reminiscent of the tyranny of European kings and contrary to the ideals of freedom which caused them to travel to the New World.

Civilian control over the military, as provided for by the Constitution, is to be maintained by the Chief Executive serving as Commander in Chief, and by the very broad powers and responsibilities given to the Congress for raising and supporting the armies. Civilian control should not and cannot be maintained by forcing unwilling citizens to serve for 2 years in the lowest ranks of the army. Further, a volunteer military will not mean that our Armed Forces are suddenly put into some kind of total isolation from civilian life. As I pointed out earlier, the annual turnover rate under a volunteer military a year from now would be approximately 325,000 men. That is a reduction of only about 115,000 from the turnover rate of 440,000 under a mixed force of equal size. Thus, there would still be a very significant flow of men in and out of the Armed Forces each year. So it is fictitious and contrary to evidence to suggest that a volunteer military will in any way create an armed force that is isolated from civilian influence or control.

It may well be that the principle of civilian control over the military is in danger of eroding in our land today. But if that is true, the issue must be solved by perfecting the constitutional relationship between the Congress and the executive branch, and between the Chief Executive and the Armed Forces. Maintaining conscription as a means to preserve civilian control is not only ineffective, but completely contrary to the spirit and the intention of the Constitution.

This is also the case with regard to foreign adventurism. One aspect of the question as to the commitment of troops to war is the preparedness of those troops, and admittedly a volunteer force would be more effective than a conscripted force. However, as the Gates Commission points out:

Decisions by a government to use force or to threaten the use of force during crises are extremely difficult. The high cost of military resources, the moral burden of risking human lives, political costs at home and overseas, and the overshadowing risk of nuclear confrontation . . . enter into such decisions. It is absurd to argue that issues of such importance would be ignored. . . . To the extent that there is pressure to seek military solutions to foreign policy problems,

such pressure already exists and will not be affected by ending conscription.

This pressure is in the form of foreign policy and the already totally volunteer officers corps which makes policy decisions within the Armed Forces. Today we have the worst of two worlds: conscription at the lower ranks and isolation at the upper—to the extent that our officer corps are isolated. An all-volunteer military would have two controls inherent within it that are not present in a conscripted force.

First, Congress would control the manpower level of the military by regulating the budget; the economic incentives to join would diminish beyond a certain manpower limit agreed upon by the President and the Congress. The military could have only a certain number of men in its ranks, which would be an additional constraint on the scope of foreign military involvement. With conscription the President has virtually unlimited manpower resources directly at his command.

This would not be the case with an all-volunteer force. To reinstitute the draft the President would have to make a request to Congress, and conscription could then be reinstated by the joint resolution of the Senate and House of Representatives. This would be well within the purview of article I, section 8 of the Constitution and be a significant contribution to Congress' reassertion of its rights and responsibilities in the area of raising armies, declaring war, and influencing foreign policy.

Another frequently encountered argument is that the abolition of the draft and the institution of an all-volunteer military is important but not as high a priority as eliminating poverty, crime, racism, and other inequities our society needs to resolve. Consequently, the argument continues, we cannot afford at this time to spend the money necessary to create a volunteer armed force. This argument, however, overlooks the major difference between the draft on one hand and the other forms of inequities on the other: conscription is a government institution, created and sustained by the Government which bears the primary responsibility for the Selective Service System, its inequities, injustices, and inefficiencies.

It has been suggested that some form of universal service be implemented in order to equalize the burden among our youth. I favor the concept of service as long as it is voluntary in nature. But compulsory service is not only a contradiction in terms; it is inimical to the fiber of our republic as well. Compulsory national service, assuming there were no deferments and that it were for 1 year's tour of duty, would mean the employment of 8 million people, if women were to serve, and 4 million if only men. With a conservatively estimated expense of between \$4,000 and \$5,000 per person, the total annual cost of universal national service would range between \$16 billion and \$40 billion. As the Gates Commission points out, this would be an amount greater than the entire manpower budget of the Department of Defense and would be highly economically prohibitive

If universal military training were to be adopted with no deferments, more than 2 million men in noncareer positions would have to be employed in the Armed Forces at any one time, assuming the current eligibility standards and a 2-year tour of duty. One year's service would be unrealistic because most of that year would be spent training. Universal military training would be a radical departure from our founding traditions. It would spread the burden of the tax-in-kind to all of our young men and give the military more men than could be productively employed.

Several sections of the legislation I am introducing today deal with important aspects of a volunteer military. These have not received much attention in the past, but the Gates Commission dealt with them in a very thorough and consistent manner. The military is similar in many ways to a business firm. And some of its jobs could be easily performed by civilian personnel requiring no special military training. Consequently, it is recommended that the Armed Forces increase and expand utilization of civilian personnel through lateral hiring, saving an estimated \$100 million.

Furthermore, the Commission proposes an improved and expanded recruiting program for not only enlisted personnel but officers as well. In this connection, ROTC scholarships should be increased from 5,500 to 10,000 per service and specialist educational programs should be expanded as well.

Another important change recommended by the Commission is the formulation of a new pay structure which would provide salary schedules combining basic pay, and quarters and subsistence allowances. The new pay structure should also include another much needed benefit—cash contributions to a retirement system similar to Federal civilian employees. Directions to the Secretary of Defense within this legislation instruct him to have a basic pay table for enlisted personnel and officers developed which will be utilized until the salary system is implemented, although I am hopeful that within the next month and before the final vote on this legislation I will be able to provide such a pay table.

The Gates Commission also called for an increase in combat pay from \$65 to \$200 for those who are actually taking the primary risks and not merely physically present in a combat zone. This would make combat pay more meaningful for those bearing the primary burden of war—those actually participating in combat—while avoiding some of the misuses of the present method of compensating those in combat zones.

One other aspect of military compensation and organization to which the Gates Commission directed its attention was medical treatment. Within its report the Commission recommends that those physicians serving in the military receive special pay increases, that the utilization of civilian medical facilities be maximized, and that a medical insurance program be created for all military personnel. If implemented, these changes would greatly enhance the medical treatment of military personnel while keeping costs to a minimum.

It is ironic that so unjust and inequitable an institution as peacetime conscription, with all of its inefficiencies, should be maintained by unproven assumptions, groundless fears, and the mere momentum of the past 20 years. Even more unfortunate is how the focus of concern is so easily lost when the issue of conscription is discussed. We always proceed by assuming that the status quo is naturally virtuous and preferable, unless proven otherwise. But in this case especially, the first question to ask should not be, will a volunteer military work, or how much will it cost, or what advantages would it have—rather, the first question to ask is why should we maintain conscription?

There is no institution of our Government more contrary to our democratic ideals, more limiting of our freedom, and more disruptive to the lives of our youth than the draft. Further, the draft is laden with inherent inefficiencies, and seems to be a clearly ineffective manner to provide for our Armed Forces and their needs. This opinion now has the support of a Presidential Commission. At long last, the time has arrived to take the first steps toward restoring military service to the degree of respect and regard and prestige it deserves, and to insure that such service will be the free choice of its citizens. In June of 1971, the Selective Service Act will expire. If we act now, and begin the process of building a volunteer military force, it will not be necessary to perpetuate conscription beyond that time. That must be the aim of all Americans who cherish freedom and value our democratic traditions and who want to meet the needs of our military organization.

EXHIBIT 1 IN BRIEF CONSCRIPTION

(EDITOR'S NOTE.—Daniel Webster in 1814 voiced a warning and a prophecy which B. H. Liddell Hart verified in 1945 when he reviewed historical events during the interim.

(It has been said of Daniel Webster (1782-1852), the great American statesman and orator, that his massive mind needed the spur of a great national crisis to make him render his best with words befitting a nation hanging in the balance. Such a situation, he felt, was that of the closing months of 1814, shortly before the end of the conflict with England. Under the pressure of war needs for men and money, a conscription bill was then before Congress, backed by the Secretary of War, in order to further the conflict for the conquest of Canada. The following is extracted from his speech in the House of Representatives in December 9, 1814, a copy of which is on exhibit at the New Hampshire Historical Society.)

This bill indeed is less undisguised in its object, & less direct in its means, than some of the measures proposed. It is an attempt to exercise the power of forcing the free men of this country into the ranks of an army, for the general purposes of war, under color of a military service. It is a distinct system, introduced for new purposes, & not connected with any power, which the Constitution has conferred on Congress.

But, Sir, there is another consideration. The services of the men to be raised under this act are not limited to those cases in which alone this Government is entitled to the aid of the militia of the States. These cases are particularly stated in the Constitution—"to repel invasion, suppress insurrection, or execute the laws." But this bill has

no limitation in this respect. The usual mode of legislating on the subject is abandoned. The only section which would have confined the service of the Militia, proposed to be raised, within the United States has been stricken out; & if the President should not march them into the Provinces of England at the North, or of Spain at the South, it will not be because he is prohibited by any provision in this act.

This, then, Sir, is a bill for calling out the Militia, not according to its existing organization, but by draft from new created classes;—not merely for the purpose of "repelling invasion, suppressing insurrection, or executing the laws," but for the general objects of war—for defending ourselves, or invading others, as may be thought expedient;—not for a sudden emergency, or for a short time, but for long stated periods; for two years, if the proposition of the Senate should finally prevail; for one year, if the amendment of the House should be adopted. What is this, Sir, but raising a standing army out of the Militia by draft, and to be recruited by draft in like manner, as often as occasion may require?

The question is nothing less, than whether the most essential rights of personal liberty shall be surrendered, & despotism embraced in its worst form.

I have risen, on this occasion, with anxious & painful emotions, to add my admonition to what has been said by others. Admonition & remonstrance, I am aware, are not acceptable strains. They are duties of unpleasant performance. But they are, in my judgment, the duties which the condition of a falling state imposes. They are duties which sink deep in his conscience, who believes it probable that they may be the last services, which he may be able to render to the Government of his Country. On the issue of this discussion, I believe the fate of this Government may rest. Its duration is incompatible, in my opinion, with the existence of the measures in contemplation. A crisis has at last arrived, to which the course of things has long tended, & which may be decisive upon the happiness of present & future generations. If there be anything important in the concerns of men, the considerations which fill the present hour are important. I am anxious, above all things, to stand acquitted before GOD, & my own conscience, & in the public judgments, of all participations in the Counsels, which have brought us to our present condition, & which now threaten the dissolution of the Government. When the present generation of men shall be swept away, & that this Government ever existed shall be a matter of history only, I desire that it may then be known, that you have not proceeded in your course unadmonished & unforewarned. Let it then be known, that there were those, who would have stopped you, in the career of your measures, & held you back, as by the skirts of your garments, from the precipice, over which you are plunging; & drawing after you the Government of your Country.

It is time for Congress to examine & decide for itself. It has taken things on trust long enough. It has followed Executive recommendation, till there remains no hope of finding safety in that path. What is there, Sir, that makes it the duty of this people now to grant new confidence to the administration, & to surrender their most important rights to its discretion? On what merits of its own does it rest this extraordinary claim? When it calls thus loudly for the treasure & the lives of the people, what pledge does it offer, that it will not waste all in the same preposterous pursuits, which have hitherto engaged it? In the failure of all past promises, do we see any assurance of future performance? Are we to measure out our confidence in proportion to our disgraces, & now at last to grant away every thing, because all that we have here-

tofore granted has been wasted or misapplied? What is there in our condition, that bespeakes a wise or an able Government? What is the evidence, that the protection of the country is the object principally regarded?

Conscription is chosen as the most promising instrument, both of overcoming reluctance to the Service, & of subduing the difficulties which arise from the deficiencies of the Exchequer. The administration asserts the right to fill the ranks of the regular army by compulsion. It contends that it may now take one out of every twenty-five men, & any part or the whole of the rest, whenever its occasions require. Persons thus taken by force, & put into an army, may be compelled to serve there, during the war, or for life. They may be put on any service, at home or abroad, for defence or for invasion, according to the will & pleasure of Government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to Government at all times, in peace as well as in war, & is to be exercised under all circumstances, according to its mere discretion. This, Sir, is the amount of the principle contended for by the Secretary of War.

Is this, Sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, Sir, indeed it is not. The Constitution is libelled, foully libelled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure & their own blood a Magna Carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, & parents from their children, & compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous & baleful aspect, to trample down & destroy the dearest rights of personal liberty? Who will show me any constitutional injunction, which makes it the duty of the American people to surrender every thing valuable in life, & even life itself, not when the safety of their country & its liberties may demand the sacrifice, but whenever the purposes of an ambitious & mischievous Government may require it? Sir, I almost disdain to go to quotations & references to prove that such an adominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free Government, & that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free Government. It is an attempt to show, by proof & argument, that we ourselves are subjects of despotism, & that we have a right to chains & bondage, firmly secured to us & our children, by the provisions of our Government.

The supporters of the measures before us act on the principle that it is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild free & limited Government, & to demonstrate by a regular chain of premises & conclusions, that Government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood & murder, more full of every form of mischief, more productive of every sort & degree of misery, than has been exercised by any civilized Government, with a single exception, in modern times.

But it is said, that it might happen that an army would not be raised by voluntary enlistment, in which case the power to raise armies would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove anything, it would equally show, that whenever the legitimate powers of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped, as any existing administration may deem expedient. This is a result of his own reasoning, to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed that all powers were granted, which might by possibility become necessary, & that Government itself is the judge of this possible necessity, then the powers of Government are precisely what it chooses they should be. Apply the same reasoning to any other power granted to Congress, & test its accuracy by the result.

If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the Militia into the regular army, he will at anytime be able to prove, quite as clearly, that Congress has power to create a Dictator. The arguments which have helped him in one case, will equally aid him in the other. The same reason of a supposed or possible state necessity, which is urged now, may be repeated then, with equal pertinency & effect.

Sir, in granting Congress the power to raise armies, the People have granted all the means which are ordinary & usual, & which are consistent with the liberties & security of the People themselves; and they have granted no others. To talk about the unlimited power of the Government over the means to execute its authority, is to hold a language which is true only in regard to despotism. The tyranny of Arbitrary Government consists as much in its means as in its end; & it would be a ridiculous & absurd constitution which should be less cautious to guard against abuses in the one case than in the other. All the means & instruments which a free Government exercises, as well as the ends & objects which it pursues, are to partake of its own essential character, & to be conformed to its genuine spirit. A free Government with arbitrary means to administer it is a contradiction; a free Government without adequate provision for personal security is an absurdity; a free Government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous & abominable that ever entered into the head of man.

Sir, I invite the supporters of the measures before you to look to their actual operation. Let the men who have so often pledged their own fortunes and their own lives to the support of this war, look to the wanton sacrifice which they are about to make of their lives and fortunes. They may talk as they will about substitutes, and compensations, and exemptions. It must come to the draft at last. If the Government cannot hire men voluntarily to fight its battles, neither can individuals.

Into the paradise of domestic life you enter, not indeed by temptations and sorceries, but by open force and violence.

Nor is it, Sir, for the defense of his own house and home, that he who is the subject of military draft is to perform the task allotted to him. You will put him upon a service equally foreign to his interests and abhorrent to his feelings. With his aid you are to push your purposes of conquest. The battles which he is to fight are the battles of invasion; battles which he detests perhaps and abhors, less from the danger and the death that gather over them, and the blood with which they drench the plain, than from the principles in which they have their origin. If, Sir, in this strife he fall—if, while ready to obey every rightful command of Govern-

ment, he is forced from home against right, not to contend for the defence of his country, but to prosecute a miserable and detestable project of invasion, and in that strife he fall, 'tis murder. It may stalk above the cognizance of human law, but in the sight of Heaven it is murder; and though millions of years may roll away, while his ashes and yours lie mingled together in the earth, the day will yet come, when his spirit and the spirits of his children must be met at the bar of omnipotent justice. May God, in his compassion, shield me from any participation in the enormity of this guilt.

The operation of measures thus unconstitutional and illegal ought to be prevented, by a resort to other measures which are both constitutional and legal. I express these sentiments here, Sir, because I shall express them to my constituents. Both they and myself live under a Constitution which teaches us, that "the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind." With the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties.

A military force cannot be raised, in this manner, but by the means of a military force. If administration has found that it cannot form an army without conscription it will find, if it venture on these experiments, that it cannot enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace, we may thereby throw away our Government.

CONSCRIPTION

(The following extract is from the notable book "Why Don't We Learn From History," by B. H. Liddell Hart (London: George Allen & Unwin, Ltd., 1944). The author, a distinguished British military authority, is the Military Historian and Critic for *Encyclopaedia Britannica*.)

We learn from history that the compulsory principle always breaks down in practice. The principle of restraint, or regulation, is essentially justifiable in so far as its application is needed to check interference with others' freedom. But it is not, in reality, possible to make men do something without risking more than is gained from the compelled effort. The method may appear practicable, because it often works when applied to those who are merely hesitant. When applied to those who are definitely unwilling it fails, however, because it generates friction and fosters subtle forms of evasion that spoil the effect which is sought. The test of whether a principle works is to be found in the product.

Efficiency springs from enthusiasm—because this alone can develop a dynamic impulse. Enthusiasm is incompatible with compulsion—because it is essentially spontaneous. Compulsion is thus bound to deaden enthusiasm—because it dries up the source. The more an individual, or a nation, has been accustomed to freedom, the more deadening will be the effect of a change to compulsion.

These logical deductions are confirmed by analysis of historical experience. The modern system of military conscription was born in France—it was, ironically, the misbegotten child of Revolutionary enthusiasm. Within a generation, its application had become so obnoxious that its abolition was the primary demand of the French people following Napoleon's downfall. Meanwhile, however, it had been transplanted to more suitable soil—in Prussia. And just over half a century later,

the victories that Prussia gained led to the resurrection of conscription in France. Its re-imposition was all the easier because the renewed autocracy of Napoleon III had accustomed the French people to the interference and constraints of bureaucracy. In the generation that followed, the revival of the spirit of freedom in France was accompanied by a growth of the petty bureaucracy, parasites feeding on the body politic. From this, the French could never succeed in shaking free; and in their efforts they merely developed corruption—which is the natural consequence of an ineffective effort to loosen the grip of compulsion by evasion.

It is generally recognized today that this rampant growth of bureaucratically-induced corruption was the dry-rot of the Third Republic. But on deeper examination the cause can be traced further back—to the misunderstanding of their own principles which led a section of the creators of the French Revolution to adopt a method fundamentally opposed to their fulfillment.

It might be thought that conscription should be less detrimental to the Germans, since they are more responsive to regulation, and have no deeply rooted tradition of freedom. Nevertheless, it is of significance that the Nazi movement was essentially a voluntary movement—exclusive rather than comprehensive—and that the most important sections of the German forces—the air force and the tank force—have been recruited on a semi-voluntary basis. There is little evidence to suggest that the ordinary "mass" of the German army has anything like the same enthusiasm; and considerable evidence to suggest that this conscripted mass constitutes a basic weakness in Germany's apparent strength.

Twenty-five years spent in the study of war, a study which gradually went beyond its current technique to its well-springs, changed my earlier and conventional belief in the value of conscription. It brought me to see that the compulsory principle was fundamentally inefficient, and the conscriptive method out of date—a method that clung, like the ivy, to quantitative standards in an age when the trend of warfare was becoming increasingly qualitative. For it sustained the fetish of mere numbers at a time when skill and enthusiasm were becoming ever more necessary for the effective handling of the new weapons.

Conscription does not fit the conditions of modern warfare—its specialized technical equipment, mobile operations, and fluid situations. Success increasingly depends on individual initiative, which in turn springs from a sense of personal responsibility—these senses are atrophied by compulsion. Moreover, every unwilling man is a germ-carrier, spreading infection to an extent altogether disproportionate to the value of the service he is forced to contribute.

Looking still further into the question, and thinking deeper, I came to see, also, that the greatest contributory factor to the Great Wars which had racked the world in recent generations had been the conscriptive system—the system which sprang out of the muddled thought of the French Revolution was then exploited by Napoleon in his selfish ambition, and subsequently turned to serve the interests of Prussian militarism. After undermining the eighteenth century "age of reason," it had paved the way for the reign of unreason in the modern age.

Conscription serves to precipitate war, but not to accelerate it—except in the negative sense of accelerating the growth of weariness and other unlying causes of defeat. Conscription precipitated war in 1914, owing to the way that the mobilization of conscript armies disrupted national life and produced an atmosphere in which negotiation became impossible—confirming the warning, "mobilization means war." During that war its effect can be traced in the

symptoms which preceded the collapse of the Russian, Austrian and German armies, as well as the decline of the French and Italian armies. It was the least free States which collapsed under the strain of war—and they collapsed in the order of their degree of unfreedom. By contrast, the best fighting force in the fourth year of war was, by general recognition, the Australian Corps—the force which had rejected conscription, and in which there was the least insistence on unthinking obedience.

A system of conscription entails the suppression of individual judgment—the Englishman's most cherished right. It violates the cardinal principle of a free community: that there shall be no restriction of individual freedom save where this is used for active interference with others' freedom. Our tradition of individual freedom is the slow-ripening fruit of centuries of effort. To surrender it within after fighting to defend it against dangers without would be a supremely ironical turn of our history.

An argument in favor of conscription has long been the rule in the continental countries, including those which remain democracies, we need not fear the effect of adopting it here. But the deeper I have gone into the study of war and the history of the past century, the further I have come towards the conclusion that the development of conscription has damaged the growth of the idea of freedom in the continental countries, and thereby damaged their efficiency, also—by undermining the sense of personal responsibility. There is only too much evidence that our temporary adoption of conscription in the last war had a permanent effect harmful to the development of freedom and democracy here. For my own part, I have come to my present conviction of the supreme importance of freedom through the pursuit of efficiency. I believe that freedom is the foundation of efficiency, both national and military. Thus it is a practical folly as well as a spiritual surrender to "go totalitarian" as a result of fighting for existence against the totalitarian States. Cut off the incentive to freely given service, and you dry up the life-source of a free community.

We ought to realize that it is easier to adopt the compulsory principle of national life than to shake it off. Once compulsion for personal service is adopted in peacetime, it will be hard to resist the extension of the principle to all other aspects of the nation's life, including freedom of thought, speech, and writing. We ought to think carefully, and to think ahead, before taking a decisive step towards totalitarianism. Or are we so accustomed to our chains that we are no longer conscious of them?

"If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair. The event is in the hand of God."—Attributed to George Washington during the Constitutional Convention.

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National Council To
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101 D Street, S.E.
Suite 4
Washington D.C.
Tel: 202/544-2041