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The Military Draft and a Possible War with Iraq

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Summary

Since the possibility of a second major war with Iraq became apparent in mid-2002, interest and concern about a return to the draft have manifested themselves for the first time since the 1991 Persian Gulf War. As was the case in 1991, a review of military manpower levels and potential war scenarios suggests that only a prolonged war, with major military reverses for U.S. forces, or new international developments creating the need for substantially larger armed forces, would result in a military requirement to reinstitute the draft. Virtually all proposed scenarios for a war with Iraq assume that it would not last long enough, result in high enough American casualties, or require enough additional forces to necessitate a draft. The *military* rationale for resuming the draft to meet the needs of the armed forces for manpower during an Iraqi war, therefore, does not seem to be compelling.

However, there are possible scenarios that might tax the ability of the armed forces to recruit a sufficient number of volunteers. One such scenario could combine an Iraqi conflict with other confrontations (e.g., North Korea). Other scenarios could involve the need for very large peacetime deployments of U.S. forces (e.g., the possible occupation of a defeated Iraq) or major demands for domestic deployments based on threatened or actual terrorist activity.

Some of the *sociological* arguments in favor of conscription involve different interpretations of the same data; others are more philosophical and not related to quantitative analysis or interpretation. While African Americans are present in the enlisted ranks to a considerably greater extent than their proportion of the American population, the Hispanic proportion is less, rather than more, than their presence in the American population. If upper-middle class youth appear to be underrepresented in the enlisted ranks, they are present in the officer corps. Throughout American history there has been a debate about whether compulsory military service is (1) a civic responsibility and display of patriotism, not subject to individual whim as to whether it is performed or not; or (2) a violation of individual liberties that, if implemented at all, should only be used in times of grave emergency.

Legal authority for the involuntary induction of men into the Armed Forces expired on July 1, 1973. New legislation would be required to reinstate an active draft. Currently the Selective Service System operates on standby status. Young men are required to register with the system within 30 days before or after their 18th birthday. If the draft were to be reactivated, young men age 18 through 26 would be subject to induction (up to age 35 if deferred when initially called). Student deferments were drastically restricted by law after they caused so much controversy during the Vietnam War of 1964-1973. Graduate student deferments were in fact abolished early in the Vietnam War, in 1966. Under current law, undergraduates who were drafted would be allowed to finish an ongoing academic semester (or their senior year, if about to graduate), and would then have to report for induction. Married men would not be exempt from any actual draft. This report will be updated as events warrant.

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The Military Draft and a Possible War with Iraq

Introduction

Since the possibility of U.S.-led military action against Iraq began increasing in late 2001, there has been interest and concern about whether such a conflict would require the United States to resume conscription.¹ This concern has been heightened since roughly mid-2002, as President Bush has repeatedly stated that if Iraq did not comply with various United Nations (U.N.) resolutions and inspection activities dealing with its weapons of mass destruction and other activities deemed to be a threat to international peace and security and U.S. national interests, military action would be required to assure that compliance.²

There have been no indications that the Bush Administration has any intention of deviating from the national policy of volunteer recruiting which has been in effect since the end of 1972. Furthermore, although there have been occasional calls by analysts, commentators, and Members of Congress for a resumption of conscription, largely on grounds of perceived “social equity,”³ there does not appear to be broad-based public support for the enactment of legislation that would reinstitute draft authority. Public opinion polls indicate that, in relation to the war against terrorism, Americans would be very supportive of conscription, but that a draft for other purposes, or other wars, would face more opposition. For instance, an *Investor’s Business Daily/Christian Science Monitor* poll taken in mid-October 2002 asked “If the United States finds itself at war and needing many more active-duty personnel for the armed forces, would you prefer...the reestablishment of the draft or only voluntary recruitment for the military?” Only 26% of respondents preferred a draft, while 69% preferred to stick with volunteer recruiting. On the other hand, a May 2002 Fox News survey asked “If more soldiers are needed in the war against terrorism, would you approve or disapprove of re-instituting the draft?” The response here had 57% supporting a draft and 34% opposed. A virtually identical question posed in November 2001 saw 74% supporting a draft and only 18% keeping voluntary

¹See, for example, Rangel, Charles B. “Bring Back the Draft.” *New York Times*, December 31, 2002: A-21.

²See CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy* by Kenneth Katzman, updated regularly; and CRS Report RL31533, *The Persian Gulf: Issues for U.S. Policy*, 2002.

³See, for example, the column by Representative Rangel cited in footnote 1; Smith, Jeffrey H. “Paying the Cost in Blood and Treasure.” *Washington Post*, September 24, 2002: 21; and Wickham, DeWayne. “This Time, Fighting Should Not Be Left to Just a Few.” *USA Today*, September 16, 2001: 11.

enlistment only. Several other polls taken as soon as three days after 9/11 had very similar results.⁴

This CRS report analyzes the possible scenarios under which the resumption of a draft might be militarily necessary, describes some of the social rationales for and against resuming the draft that have been cited (independent of military requirements), and itemizes the current status of the draft and action required for its reinstatement.

Possible Military Rationales for Resuming a Draft

Most scenarios for a war with Iraq assume that it would not last long enough, result in high enough American casualties, or require appreciable additional forces so as to require a draft. Despite these assessments, there has been some concern in some quarters about the possible military need to resume conscription.

From a military manpower perspective, a draft could be required for one or both of the following reasons: (1) an inability to secure sufficient voluntary enlistments to replace casualties sustained in future military operations; and/or (2) a need to increase the size of the armed forces beyond that which could be achieved through voluntary recruiting. Most experts currently believe that it is unlikely that either of these eventualities will come to pass as the direct result of any war with Iraq.

Sources of Casualty Replacements

Almost all casualties in a non-nuclear war involving all military services are likely to occur in the ground combat components of the Army and Marine Corps. Casualties can be replaced from several sources before a possible return to a draft. These sources include the ongoing output of Army and Marine volunteer male enlistees from recruit training centers (the ground combat arms of the Army and Marine Corps remain all-male organizations), personnel from Army and Marine units still in the United States (both active force units and reserve units called to active duty), and members of the Individual Ready Reserve (IRR) of the Army and Marine Corps. These sources would appear ample to meet the needs of any future war with Iraq for replacements.

Ongoing Recruiting of Volunteers. Regular recruiting activities of the services would, of course, continue to operate during the period immediately preceding and during a war. The prospect of war or its actual existence would dissuade some potential recruits from enlisting, and bring others forth in greater numbers. Recent experience illustrates these conflicted views. During the period September–November 1990, which were the first three complete months of Operation Desert Shield—the military buildup in the Persian Gulf which preceded the actual hostilities of early 1991—recruiting suffered considerably. Enlistments dropped between 20% and 33% below previously-established goals. However, during the

⁴Information taken from Public Opinion (Dialog File 468; Roper Center for Public Opinion Research, December 13, 2002, by CRS Government and Finance Division.

period October-December 1990, during which war became progressively more likely, the actual number and quality of recruits (including those who had enlisted earlier under the military's "Delayed Entry Program," but actually reported for service later), was actually higher than anticipated.⁵ The nation's most recent experiences with the effects of war on recruiting therefore, is mixed at best, and arguably more positive than negative.

Manpower in Non-Deployed Army and Marine Combat Units.

Casualty replacements can be transferred from combat units not deployed to the theater of operations; the utility of this depends on how many combat units would remain in the United States during a war. Such "stripping" of nondeployed units, naturally, severely degrades their combat readiness until their ranks are filled with new personnel and the unit trained once more to operate as a unit. It has generally been done only in extreme situations.

The Army's combat force structure is much smaller than it was during the Persian Gulf War, although that of the Marine Corps has remained fairly stable. The Army deployed seven divisions plus smaller units equal to two-thirds of a division, and the Marine Corps two divisions, to the 1990-1991 war.⁶ Six Army divisions, and one Marine division, remained in the Continental United States, Alaska, Hawaii, and Okinawa. Two divisions were kept in Europe to cope with a possible Soviet threat which, in 1990-1991, was rapidly declining but still extant; and one remained in Korea, which was judged to face a more likely threat than Europe.⁷

It is not known, of course, how many divisions would be deployed to fight Iraq in any future operation, or how long such a conflict could take. Many more specific estimates were offered in advance of the 1991 Gulf War. However, some estimates are possible. Virtually all agree that a smaller force than that of 1990-1991 would

⁵Willis, Grant. "Army Tops Recruit Goal by 5 Percent." *Army Times*, January 21, 1991: 4.

⁶In the U.S. Army, a *division*, commanded by a major general, has between 10,000 and 15,000 soldiers, and is composed of three brigades plus additional, smaller units. A *brigade*, commanded by a colonel (or, in the case of a brigade not part of a division, frequently a brigadier general), has between 3,000 and 5,000 soldiers, and is composed of two to five (but usually three) battalions plus additional units. An armored cavalry reconnaissance unit of brigade size is called a *regiment*. A *battalion*, commanded by a lieutenant colonel, has 300 to 1,000 soldiers, and is composed of four to six companies (but in most combat units four) plus smaller units. (In the armored cavalry, a battalion-sized unit is called a *squadron*.) A *company*, commanded by a captain, has anywhere from 62 to 190 soldiers and is composed of three or four platoons. (A company-size unit in the artillery is called a *battery*, and in armored cavalry units a *troop*.) A *platoon*, commanded by a first or second lieutenant, will have between 16 and 44 soldiers, and will consist of three or four *squads*, or four to five tanks or other armored vehicles. A *squad* or *vehicle crew* will be led by a noncommissioned officer (sergeant) and have anywhere from four soldiers (the crew of one tank, for example), to 9-11 soldiers in it. With minor exceptions, the terminology of U.S. Marine Corps ground combat units, and modern foreign armies as well, is similar. This description is adapted from material in Headquarters, Department of the Army. *Organization of the United States Army*. Department of the Army Pamphlet 10-1. Washington, June 14, 1994: J-1/J-8.

⁷"Command and Staff," *Army*, October 1991: 189, 194-95, 198-99.

be needed. One reason cited is the unrepaired damage done to the Iraqi military by the earlier war. The second reason commonly cited is the increase in the combat capability of U.S. forces due to new, technologically advanced weapon systems; improved command and control methods and doctrine; and over a decade of U.S. deployments, exercises, and improvements in base structure in the Persian Gulf area. A widely-quoted figure is the possible deployment of 250,000 U.S. troops in the theater of war. If this latter number refers only to Army and Marine Corps forces actually on the ground in or close to Iraq, then it might indicate six Army and Marine divisions.⁸ If, on the other hand, the 250,000 figure applies to personnel of all services, including naval personnel afloat, then it implies about four Army and Marine divisions.⁹ The U.S. active duty ground force structure currently consists of ten active Army divisions (two in Europe, one in Korea, and seven in the United States)¹⁰ and three active Marine divisions.¹¹

Commitment of the largest force which has been openly discussed—five Army and two Marine divisions—would thus leave two divisions remaining in the United States and three in overseas deployments. It is possible that part or all of the two divisions in Europe, given that they are no longer deployed there to meet a Soviet military threat, could be deployed to the Persian Gulf as well. On the other hand, existing U.S. commitments in Bosnia and Kosovo, and the desire to keep post-Warsaw Pact Europe as stable as it has become, might prevent such a deployment. Thus, in a worse-case scenario, two active Army divisions would remain in the United States during a war with Iraq from which individual replacements could be drawn. Such a drawdown would, however, drastically decrease readiness to meet any other contingencies that might threaten U.S. interests around the world, such as a more threatening North Korea..

⁸A peak total of 306,000 Army and 94,000 Marine Corps personnel were deployed to Operation Desert Storm. See CRS Report 94-529 F. *U.S. Military Operations, 1965-1994 (Not Including Vietnam): Data on Casualties, Decorations, and Personnel Involved* Goldich, Robert L., and John C. Schaefer. June 27, 1994: 37. These included the equivalent of eight Army and two Marine divisions as well as nondivisional support forces. Simple arithmetic, dividing the 400,000 total by 10 divisions, leads to 40,000 troops per division. Applying the 40,000 figure for what the Army has always called the “division slice”—the total number of troops required to deploy and maintain a combat division in a theater of war—implies about six divisions for a postulated “Gulf War II” force of 250,000 troops.

⁹Maximum strength of all service—Army, Navy, Marine Corps, Air Force, and Coast Guard—in the Gulf War area of operations was 541,000. Goldich and Schaefer, *U.S. Military Operations: ibid.* Dividing this figure by the ten division-equivalents leads to a figure of 54,000 troops of all services for each ground combat division. Application of this figure to the 250,000 servicemembers possibly needed for a future implies about four divisions. Because Navy and Air Force requirements, however, may have little to do with Army and Marine Corps needs, this latter figure is much more questionable than that involving just the two services with ground forces.

¹⁰“Command and Staff,” *Army*, October 2002: 233-35, 239-41.

¹¹One of these divisions, however (the 3rd, headquartered on Okinawa), contains only six rather than a Marine division’s usual nine Marine infantry battalions. See Polmar, Norman. *The Naval Institute Guide to the Ships and Aircraft of the U.S. Fleet*. Seventeenth Edition. Annapolis, MD, Naval Institute Press, 2001: 45.

The Army could also call National Guard combat divisions or brigades to active duty and use their personnel as individual replacements. There are currently eight Guard divisions and 17 deployable Guard brigades (a division consists of three brigades plus some supporting units).¹² Such an action would meet bitter opposition from the National Guard community, which remembers when virtually all Guard divisions were stripped to provide some individual replacements at the beginning of both World Wars and the Korean War. These actions severely eroded the state affiliation and character of the Guard divisions. However, it could be argued that if, in fact, there is “One Army,” where National Guard and Army Reserve soldiers are considered as capable and usable as active Army soldiers, that Guard and reserve soldiers should be as subject to individual reassignment as any others.¹³ One way in which some of the problems created by stripping units remaining in the Continental United States (CONUS)—whether active Army or Guard—might be mitigated, is to use CONUS units—squads, platoons, companies, or battalions—as replacements for similar units overseas which had sustained heavy casualties.¹⁴

Army and Marine Corps Individual Ready Reserve Personnel. The Army and Marine Corps could also order members of their Individual Ready Reserve (IRR) to active duty to provide casualty replacements. IRR personnel constitute a pool of pretrained individuals with prior active military service for use upon mobilization if necessary to bring units to war strength and replace casualties. In most cases, IRR personnel are young people who have finished a tour of active duty in the armed forces and have elected not to join an organized reserve component unit—i.e., one which is paid and trains regularly—but who must legally be maintained

¹²Ibid.: 241-43.

¹³Related to these issues is the extent to which major reserve ground combat units—at this time, Army Guard infantry and armored brigades and divisions—can be readied for combat before mobilization, and how much post-mobilization training is required for them to be combat ready. The active Army and Guard communities have had periods of extraordinarily bitter disagreement over these matters for well over a century, since the beginning of the modern organizations of the active Army and the National Guard. The most recent period of such acrimony began in late 1990, in the period leading up to the Persian Gulf War of early 1991; continued throughout the 1990s, and did not really begin to abate until around 1998. See CRS Report 97-719 F, *The Army Reserve Components: Strength and Force Structure Issues* (out of print; available only from the author, Robert L. Goldich); CRS Report 91-763 F, *The Army's Roundout Concept After the Persian Gulf War* (out of print; available only from the author, Robert L. Goldich); Towell, Pat. “Budget Crunch Has a Service at War With Itself.” *Congressional Quarterly*, January 3, 1998: 5-11 (also at [<http://www.cq.com>]); and Peters, Katherine McIntire. “On Guard.” *Government Executive*, January 1998 see [<http://www.govexec.com/features>].

¹⁴The Army is apparently attempting to institutionalize some aspects of unit replacement, although virtually all such unit replacement efforts over the past 50 years have failed. See Naylor, Sean D. “Manning Overhaul.” *Army Times*, December 30, 2002: 12-13; Naylor, “Secretary pushes for large-scale personnel reform.” *Army Times*, September 16, 2002: 14; Burgess, Lisa. “White Says Army Will Waste Billions if Individuals, Not Units, are Rotated.” *European Stars and Stripes*, November 1, 2002; Cox, Matthew. “Battle buddies.” *Army Times*, November 13, 2000: 8; and unpublished material from the Army Center of Military History in possession of the author.

in a reserve status until their combined active and reserve service totals eight years.¹⁵ They do not currently train regularly, although they can legally be required to do so. During the Persian Gulf War, the Army called over 17,000 IRR personnel to active duty, of which over 10,000 were infantry, armor, field artillery, or combat engineer personnel.¹⁶

“Stop-Loss”. Although not directly related to a possible draft, it should also be noted that all services instituted so-called “stop-loss” programs shortly after September 11, 2001 and the beginning of military operations in and around Afghanistan a month later. According to 10 USC 12305, during most periods when reservists have been called to active duty, the President “may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.” For practical purposes, stop-loss enables the services to keep any servicemember, active duty or reserve, on active duty and/or in an active reserve status, when that member would otherwise be separating from active duty or active reserve status through retirement or end of the member’s enlistment or obligated periods of service. Stop-loss thus increases the amount of military manpower “in the bank” to replace casualties.

Recall of Retired Military Personnel to Active Duty. According to 10 USC 688, almost all retired regular or reserve military personnel may be involuntarily ordered to active duty for more than 12 months during the 24 months that follow the date on which the retiree first goes on active duty. During the Persian Gulf War, 1,379 Army retirees were recalled to active duty.¹⁷

Casualty Replacements: Will There Be Enough?

DOD and the military services never make public casualty estimates before a military operation (although they are essential in planning military operations, to determine what medical resources will be required and how many replacements for casualties will be needed). The numerous casualty predictions made before Operation Desert Storm were, with only one exception, far above the minuscule 628 U.S. casualties (147 killed, 458 wounded, 23 prisoners of war (POW) returned at the

¹⁵10 USC 651 states that “each person who becomes a member of an armed force...shall serve in the armed forces for a period of not less than six years nor more than eight years...Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component.” DOD enforces this eight-year maximum allowed by law.

¹⁶Currie, Col. James T., U.S. Army Reserve, and Col. Richard B. Crossland, U.S. Army Reserve. *Twice the Citizen: A History of the United States Army Reserve, 1908-1995*, Department of the Army Pamphlet 140-14. Washington, Office of the Chief, Army Reserve, 1997: 493-519.

¹⁷Brinkerhoff, John R. *United States Army Reserve in Operation Desert Storm: Individual Manpower Mobilization: The Army Reserve Personnel Center*. Washington, Office of the Chief, Army Reserve, 1992: 30-33.

end of hostilities) sustained.¹⁸ The key factors pertaining to the Iraqi armed forces which led to the one-sided victory of the U.S.-led coalition in 1991, and to the casualty rate that was so much lower than what virtually all observers and participants expected, still appear operative, according to a recent in-depth analysis of Arab countries' military effectiveness over the past half-century. Most of these reported Iraqi deficiencies include poor performance by junior officers leading small units; inattention to maintenance and repair of weapons and equipment; lack of honesty and accuracy in conveying information between different echelons of command; poor battlefield intelligence; and difficulties in employing technically sophisticated weapons.¹⁹

On the other hand, it has been postulated that Iraqis fighting in their homeland, as opposed to a recently-conquered country, might be much more effective. This could be particularly true in the case of elite military organizations, such as the "Republican Guard," divisions of which offered the most resistance to U.S. and coalition forces in the 1991 war. These have enjoyed much higher standards of living and governmental favoritism than the majority of Iraqis, a status they would not want to lose. Their role in domestic repression could also leave them more inclined to fight to the death, if they knew they would be facing a combination of post-war international and Iraqi justice, as well as the private settling of scores by their previous victims.

The most pessimistic estimates of U.S. casualties made before the 1991 war were those of the Center for Defense Information (CDI), which projected a possible 10,000 dead and 35,000 wounded.²⁰ By the time the Coalition ground offensive began (the ground combat operations of the Gulf War, as in all other wars, being those in which the most casualties were sustained²¹) informal discussions among analysts in and out of uniform in the Washington area were speculating that while the CDI figures had become far too pessimistic, U.S. losses would include at least several hundred killed and a few thousand wounded. This was predicated on assumptions that while many Iraqi forces would surrender or simply flee the

¹⁸For U.S. casualties, see Goldich and Schaefer, *U.S. Military Operations*: 36. The 23 POWs returned in early March 1991 at the end of hostilities does not reflect the case of Navy Captain Michael Scott Speicher, whose initial classification as killed in action has been changed to missing in action, and whose status and possible survival have been the subject of intense controversy. See CRS Issue Brief IB92101, *POWs and MIAs: Status and Accounting Issues*, by Robert L. Goldich, updated periodically.

¹⁹This is adapted and summarized from Pollack, Kenneth M. *Arabs at War: Military Effectiveness, 1948-1991*. Lincoln, NE, University of Nebraska Press, 2002: 264-66, 552-83, and *passim*.

²⁰"U.S. Invasion of Iraq: Appraising the Option." *The Defense Monitor* [published by the Center for Defense Information, Washington, DC], Vol. XIX, #8, 1990; originally cited in Goldich, *The Persian Gulf War and the Draft*: 4.

²¹The Army and Marine Corps sustained 91% of total Gulf War casualties. Goldich and Schaefer, *U.S. Military Operations*: 36. While the Marine Corps figures include casualties among Marine aviators flying fixed-wing aircraft, and both Army and Marine figures include helicopter crew casualties, almost all losses of both ground-oriented services were, in fact, sustained among ground troops.

battlefield without offering much effective resistance, some would stand and fight—and do so effectively. As it transpired, while a fair number of Iraqi units did stand and fight in 1991, in accordance with what were actually well-thought-out and tactically-sound orders, their resistance was almost totally ineffective.

Assuming a scenario for a war with Iraq in 2003, in which U.S. forces sustained casualties of several hundred dead and several thousand wounded—it would appear that existing personnel resources from the sources noted above would be ample to replace casualties in a war with Iraq without resort to a draft. As noted above, these sources would include the following.

Regular Recruiting. Recruits would continue to enlist as the war was being fought. For instance, during FY1991-2001, an average of over 6,000 recruits per month entered the Army and about 2,700 a month entered the Marine Corps,²² although most of these would not have enlisted for combat arms duty, based on the normal distribution of occupational skills required by the peacetime services.

Active Army and Marine Corps Ground Combat Units Still in the United States. Assuming that five U.S. divisions—four Army and one Marine—were committed to an Iraq war (a mid-range estimate), this would leave three Army divisions still in the United States. If necessary, the almost 9,000 soldiers in their infantry and tank units of company size—where almost all casualties are sustained—could be sent to replace casualties.²³ The 3rd Marine Division, with two-thirds the infantry strength of a full Marine division, would probably have about 3,000 Marine infantrymen in its rifle companies that could replace Marine casualties.

Army National Guard and Marine Corps Reserve Ground Combat Units in the United States. *In extremis*, the infantrymen and tankers of the Army and Marine Corps reserve components could be activated, removed from their reserve units, and used as replacements for active force units—or other reserve units—fighting in the theater of war. The eight Army National Guard armored, mechanized infantry, and infantry divisions; and the 15 “enhanced readiness” Army Guard infantry, light infantry, mechanized infantry, and armored combat brigades together have almost 37,000 men in their infantry and tank companies at full strength.²⁴ The Marine reservists in the rifle companies of the 4th Marine Division, and the tankers in the two Marine reserve tank battalions, totalling about 5,000-6,000 Marines, would be similarly available.

²²Calculated from DOD data in CRS Report RL31297, *Recruiting and Retention in the Active Component Military: Are There Problems?*, by Lawrence Kapp, February 25, 2002: 4-5.

²³Calculations based on numbers of infantry and tank battalions, and hence their organic companies, in these divisions. Data obtained from numerous DOD websites; *The Infantry Rifle Company*. Field Manual 7-10. Washington, Headquarters, Department of the Army, 14 December 1990 and changes; and *Tank and Mechanized Infantry Company Team*. Field Manual 71-1. Washington, Headquarters, Department of the Army; and “Command and Staff.” *Army*, October 2002: 233-43.

²⁴Ibid.

Army and Marine Corps Individual Ready Reserve (IRR) Personnel. Finally, as of September 30, 2001, 152,000 soldiers were in the Army IRR and 60,000 Marines in that of the Marine Corps.²⁵ Although most of these personnel have not served in combat occupational specialties, tens of thousands of them have, and could be used as combat replacements with comparatively little refresher training. The experience with mobilized IRR members during the Persian Gulf War was quite favorable.²⁶

Combat-Specialty Personnel Serving in Noncombat Jobs. None of these estimates take into account soldiers and Marines, both officers and enlisted members, who were trained as infantrymen or tankers, have served in combat units and sometimes in actual combat, but who at the actual time war breaks out would be serving in the support organizations of their services.

Finally, it should be noted that all of the categories of personnel listed above would all be immediately, or almost immediately, available for combat duty in the Persian Gulf. Draftees, by law (10 USC 671), must receive at least 12 weeks of training before being sent overseas to serve on land.

All of this would suggest, therefore, that only catastrophic military reverses, on a scale involving the destruction of a substantial proportion of the U.S. forces deployed against Iraq, and/or a prolonged conflict measured in terms of years, rather than several months, would generate a *military* requirement to reinstitute the draft to obtain casualty replacements. Both these scenarios seem unlikely.²⁷

Increasing the Size of the Active Armed Forces under Different Scenarios

A War with Iraq and Possible Modest Increases in Force Size. A requirement to quickly increase the size of the active armed forces, like the need to provide casualty replacements, could be initially met much more quickly with other methods than reinstituting a draft. Even if up to 265,000 reservists are activated for

²⁵*Official Guard and Reserve Manpower Strengths and Statistics. FY2001 Summary.* Office of the Assistant Secretary of Defense (Reserve Affairs).

²⁶Brinkerhoff, *United States Army Reserve in Operation Desert Storm: Individual Manpower Mobilization:* 30-33.

²⁷Some have suggested that Iraqi employment of nuclear, biological, and/or chemical weapons could result in massive U.S. and coalition casualties. However, there appears to be a consensus that despite Iraq's intensive activities to acquire nuclear weapons one way or another, they have not done so. Regarding chemical or biological weapons, informed analysts suggest that the practical difficulties involved in "weaponizing" such agents for practical battlefield use; their susceptibility to rapid atmospheric dispersal; and the wide range of U.S. protective equipment and tactics, would all combine to prevent their use by Iraq from resulting in massive American casualties, although they certainly would be able to inflict some harm to U.S. troops in the theater of war. For a summary of these issues, see Harris, Elisa D. "Baghdad's Weapons of Mass Destruction: What does Saddam have? Will it be used? To what effect?" *Homeland Security Monitor*, Intellibridge Corp., October 23, 2002, at [<http://www.intellibridge.com>]

a war with Iraq (the total number called up for the 1991 war),²⁸ the overwhelming majority of the combat forces of the Army Reserve Components, and perhaps some of the Marine Corps Reserve, would probably not be initially ordered to active duty. A requirement for major increases in active duty strength could be met much more quickly by activating more reserves than by instituting a draft. A draft would not provide the trained officers and noncommissioned officers to man units effectively; it would only turn out freshly-trained junior enlisted recruits. Furthermore, even the latter would not become available until they had finished their recruit and initial occupational skill training, a process which could take roughly three to five months for junior enlisted ground combat soldiers and Marines.²⁹ It seems unlikely that actual hostilities in a war with Iraq would last that long, given the 42-day long 1991 war and the four-day ground war at its very end. If, therefore, the draft were resumed during hostilities, or even a good many weeks before hostilities began, it is unlikely that drafted recruits would reach the theater of war before the war ended.

There are scenarios in which even a short war with Iraq could lead to a long term requirement for larger armed forces. Such increases in the active armed forces might, for instance, be required for the range of postwar occupational tasks the United States might undertake after a [presumably] victorious conflict with Iraq. (In regard to war-related contingencies, as noted above, it would appear that only major military reverses, or a major contingency elsewhere in the world simultaneous with an ongoing war in the Persian Gulf, could generate such a requirement.) There is every indication that such larger forces could, up to a considerably larger manpower total than at present, be maintained by voluntary recruiting alone.

The active Armed Forces have, since FY1999, maintained a strength of slightly under 1.4 million personnel. However, throughout the mid and late 1980s, a force of almost 2.2 million volunteers was maintained, and recruit quality (measured by high school graduate status and scores on a standardized aptitude test) sustained at unprecedented highs. Were quality standards to be relaxed slightly, and/or recruiting and compensation budgets increased as needed, it appears possible that a force of 2.3 or 2.4 million could be maintained as well. Although some prospective recruits would be disinclined to volunteer during hostilities due to reluctance to be involved in combat, others might be more inclined to do so due to the greater degree of excitement, patriotism, and popular prestige resulting from involvement in a presumably successful war.

²⁸This figure has frequently been quoted as a maximum, and CRS is not aware of any predictions which have suggested that more than the 1990-1991 total might be called to active duty. See, for example, the typical statement in Schmitt, Eric. "Buildup Leaves U.S. Nearly Set to Start Attack." *New York Times*, December 8, 2002: 1, which states that "The Pentagon has plans to mobilize as many as 265,000 members of the National Guard and Reserves, roughly as many as for the Persian Gulf war in 1991." There is, of course, no military rationale for making a possible 2003 mobilization the same size as that which took place in 1991.

²⁹Estimates derived from data in Defense Manpower Data Center. *Military Manpower Training Report for FY2002*. March 2002: 17-21, 33-37.

A Longer or Wider War and a Large Increase in Force Size. It would thus appear that both military rationales for resuming the draft—to provide casualty replacements and more manpower with which to expand the active duty force—would probably be absent in regard to a war with Iraq alone, without other actual or potential conflict elsewhere. However, if an Iraq war were followed by the need to deploy a substantial occupation force in that country, and such a requirement were combined with the need to deploy substantial additional forces elsewhere, the services might have trouble recruiting sufficient volunteers to establish and maintain the required higher force levels. Also, at some point the costs of recruiting sufficient volunteers might become prohibitive, and would counterbalance the increased training and personnel management costs that a return to the draft could produce.³⁰

Official pronouncements are firm in stating that the United States could cope with simultaneous wars with Iraq and North Korea—Secretary of Defense Rumsfeld stated on December 23, 2002 that he “had no reason to believe that North Korea feels emboldened because of the world’s interest in Iraq. If they do, it would be a mistake. We are perfectly capable of doing that which is necessary.”³¹ Nonetheless, some analysts believe that U.S. forces are currently either too small to win two such conflicts without a prolonged period of initial stalemate, or possibly the threat of defeat, which could lower the threshold for the use of nuclear weapons.³²

It should be noted that, historically, many wars have tended to last much longer than predicted, either by national political leadership or the military leaders whose job it is to plan for and conduct the war. Few Americans believed, when U.S. ground combat forces landed in [then] South Vietnam in February 1965, that the war would not end for the United States until March 1973. Many predicted in the decade or so preceding the outbreak of World War I in August 1914 that recent technological and organizational advances in warfare would make the conflict short, sharp, and decisive, rather than the four and one-half year grinding struggle that it became. More recently, it is doubtful that Saddam Hussein or his generals—let alone the population of Iraq—thought that when the Iraqis invaded Iran in September 1980 that fighting would continue until late 1988. Almost 65 years ago, Winston Churchill wrote a cautionary note about excessive faith in “short, sharp, decisive” conflicts. It is arguably all the more significant due to the slight archaism of his language; his unquestioned willingness throughout a military and political career in British public

³⁰Most, if not almost all, defense manpower analysts agree that a return to conscription for the purposes of maintaining a peacetime force of roughly the size maintained since the draft ended in 1972 would cost more, rather than less, money than a volunteer force of the same size. See, for example, *The Differential Budget Costs of Conscription-Based Alternatives to the All-Volunteer Force*. Study Prepared for the Manpower and Personnel Directorate (J-1) of the Joint Staff, Contract No. F49642-84-D0038. Springfield, VA, Syllogistics, Inc., July 23, 1986. 215 p.; U.S. General Accounting Office. *Military Draft: Potential Impacts and Other Issues*. Report nos. NSIAD-88-102 and B-229465. Washington, March 10, 1988. 61 p.

³¹Scarborough, Rowan. “Rumsfeld Says U.S. Can Win War in Two Theaters.” *Washington Times*, December 24, 2002: 1.

³²Scarborough, Rowan. “U.S. Ability to Fight Two Wars Doubted.” *Washington Times*, December 25, 2002: 1.

life of almost 60 years to maintain strong armed forces and commit them to combat; and his own personal combat experience (“active service” in British idiom):

Let us learn our lessons. Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter. The Statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events. Antiquated War Offices, weak, incompetent, or arrogant Commanders, untrustworthy allies, hostile neutrals, malignant fortune, ugly surprises, awful miscalculations—all take their seats at the Council Board on the morrow of a declaration of war. Always remember, however sure you are that you can easily win, that there would not be a war if the other man did not think he also had a chance.³³

Social Rationales For and Against Resuming a Draft

A variety of social and philosophical rationales have been advanced in favor of, or opposed to, resuming the draft. Many of these apply in peacetime as well as war, and many, because they involve value judgments, are not subject to “proof” or “refutation.” Two basic social arguments in favor of resuming a draft for the current war are generally advanced: (1) a draft would insure “equitable” (a term itself subject to a broad range of interpretations) socioeconomic, racial, and ethnic representation in the Armed Forces; and (2) it would reinforce the concept of citizenship as entailing responsibilities as well as rights.

Social Representation Arguments in Favor of a Draft

In time of war, some proponents of returning to conscription argue, it is important that the discriminated-against members of American society do not bear more than their fair share of fighting and casualties, and that those who have benefitted the most do not bear less than their fair share. Furthermore, they frequently suggest that the mixing of various socioeconomic classes, races, ethnic groups, and nationalities that would occur with a broadly-based draft would contribute to the social cohesion of the nation.

Those concerned with social representation have tended to concentrate on two specific factors. The first is the greater proportional representation of African-Americans in the military compared to their proportion in the overall American population. As of FY2000, blacks comprised 20% of non-prior service enlistees and 22% of the active duty enlisted force, as compared to 12-14% of the civilians of comparable ages.³⁴ The second is a perceived lesser representation of children of affluent, upper-middle-class and upper class households in the enlisted ranks of the

³³Churchill, Winston S. *My Early Life: A Roving Commission*. New York, Charles Scribner’s Sons, 1938 [reprinted 1958]: 232.

³⁴Office of the Assistant Secretary of Defense (Force Management Policy). *Population Representation in the Military Services, Fiscal Year 2000*. February 2002: B-4, B-36. Hereafter cited as *Population Representation FY2000*.

Armed Forces. DOD statistics also appear to bear out this assertion, although the difference is, arguably, not dramatic. In FY1999, about 24% of the employed fathers of new enlisted recruits were likely to be in “executive, managerial, administrative, or professional” occupations, but almost 34% of all civilian youth ages 14-21 had fathers in those occupations. The figures for mothers of new recruits were almost 29% in the four high-status occupational categories, compared to 33% of the mothers of the 14-21 civilian youth cohort—a much smaller difference than for fathers.³⁵ A more elaborate and technical index of socioeconomic status indicates that “enlisted accessions come from all socioeconomic levels. However, there is a tendency for accessions to come from families in the lower three-quarters of the status distribution. These differences are expressed in the occupations of parents of accessions, as well as discrepancies in education and home ownership.”³⁶

Social Representation Arguments in Opposition to a Draft

Those who oppose returning to a draft simply cite other arguments, and statistics. They note, for instance, that those demographic groups most often cited in analyses of social representation are not uniformly overrepresented in the armed forces as compared to their presence in the overall population—and thus are not threatened with disproportionately high casualties in time of war. For instance, Hispanics are represented in the military to a lesser extent than their proportion in the total population, constituting only 9% of enlisted personnel in FY2000, compared to 13% of the total American population in the comparable age group (18-44).³⁷ Women are much less represented, constituting 50% of the population and about 15% of enlisted personnel.³⁸ Hispanics and women, therefore, by being underrepresented in the armed forces rather than overrepresented, would therefore arguably “benefit” by their differing proportions, as presumably they would suffer casualties below their percentage in the overall population.³⁹

Another example of how today’s volunteer force may be more broadly representative of the American population than some volunteer force opponents suggest involves the inclusion of officers in an analysis of the issue. Members of the middle and upper socioeconomic classes whose military functions are more

³⁵Office of the Assistant Secretary of Defense (Force Management Policy). *Population Representation in the Military Services, Fiscal Year 1999*. November 2000: 7-9. Hereafter referred to as *Population Representation 1999*. Socioeconomic status questions were not included in the FY2000 survey.

³⁶*Ibid.*: viii.

³⁷*Population Representation FY2000*: B-36. In FY1989, these percentages were 4 and 8 respectively, indicating that the presence of Hispanics in the armed forces had become more representative, when compared with the total population, over the ensuing 11 years. See Office of the Assistant Secretary of Defense (Force Management Policy). *Population Representation in the Military Services, FY1989*: July 1990:66.

³⁸*Population Representation FY2000*: v.

³⁹Women, of course, would also suffer far fewer casualties because they are not allowed to serve in ground combat units and certain special operations units, but these restrictions are a separate issue.

analogous to civilian leadership positions are present in the officer corps,⁴⁰ thus, it is argued, mitigating against their proportional absence from the enlisted force. Finally, some point out that a truly “socially representative” force should have fewer blacks, and more whites, and many more less-qualified individuals than the Armed Forces currently accept. Others have suggested that a logical outcome of this latter belief could be the imposition of racial quotas (penalizing capable minority youth who may enlist due to lack of perceived civilian opportunities), or forcing the military to turn away high-quality recruits to make room for less capable ones.

Another statistic cited to rebut the charge of minority overrepresentation deals with the proportion of minorities in combat units. Contrary to many impressions held by the general population, the proportion of African-Americans in enlisted combat occupational specialties is less than that of whites (in FY2000, 18% of white service members served in “infantry, gun crews, and seamanship specialties,” but only 12% of African-Americans served in these specialties).⁴¹ Within the officer corps, in FY2000 39% of white officers served in “tactical operations”—i.e., command and staff in combat branches and units—while 25% of black officers served in tactical operations.⁴² All of these discussions clearly raise the issue about what, if any, kinds of “representativeness” are more significant than others, and why.

Citizenship Rights and Responsibilities

There has also been, since colonial times, a debate about whether, on the one hand, military service is a responsibility of citizenship, not subject to individual whim as to whether it is performed or not; or, on the other, if compelling people to perform military service if they do not wish to is in fact a violation of individual liberties which strikes at the heart of American democratic principles. There are, of course, various middle grounds between these two extremes. One, which arguably represents the national consensus today, as it has evolved since the founding of the Republic, is that compulsory service may be acceptable in time of a major war, if sufficient military manpower cannot be obtained through voluntary recruiting, but it is not acceptable in peacetime. American history contains only 12 years in which a true “peacetime” draft operated—between 1953, when the Korean War ended, and 1965, when the Vietnam War escalated into a major conflict involving large numbers of American ground troops. However, the five sustained major wars, lasting several years, that the Nation has fought since 1861, have seen conscription authorized by public law and implemented.⁴³

⁴⁰The DOD *Population Representation* series does not contain socioeconomic status data on officers comparable to that it has for enlisted personnel, making direct comparisons very difficult.

⁴¹*Population Representation FY2000*: 3-14.

⁴²*Ibid.*: 4-17.

⁴³The Civil War, 1861-1865 (in which both the Federal and Confederate forces were sustained by conscription); World War I, 1917-1918; World War II, 1941-1945; Korean War, 1950-1953, and the Vietnam War, 1965-1973 (the period of major American engagement; much smaller numbers of Americans, not including any ground combat troops, (continued...)

These are only a sampling of some of the main sociological arguments made for and against a return to conscription in anticipation of, or during, a possible war against Iraq. There are a host of other arguments, such as who should serve if there were a draft, that would follow if the fundamental decision for conscription was made. The debate involves fundamental values and assumptions, and what aspects of human existence one considers important and morally significant. As such, they are virtually impossible to bridge, if held strongly. It remains only to note that if the draft were resumed shortly before or after an outbreak of actual hostilities, it seems unlikely that any draftees would actually be committed to battle before a war against Iraq ended.

Current Status of the Draft and Action Required for Its Reinstatement

Legal authority for the involuntary induction of men into the Armed Forces expired on July 1, 1973, having been in continuous existence since 1948 (the World War II-era draft lasted from 1940-1946; there was no draft from late 1946 through mid-1948). The last draftee actually entered the Armed Forces on December 27, 1972, with the exception of a few men who had been drafted before then but received educational deferments and reported for induction later. A public law would be required to reinstate an active draft.

Currently the Selective Service System operates on standby status. Young men have been required to register with the system within 30 days before or after their 18th birthday since President Carter reinstated standby registration in 1980.⁴⁴ At present, 88% of eligible young men ages 18-25, and 92% of those 20-25, have in fact registered as required by law. The penalty for not registering is a maximum of five years imprisonment and/or a \$250,000 fine. Nonregistrants are also ineligible for a wide range of federal grants and loans, including most educational benefits. Women are exempt from registration and induction.⁴⁵ Statutory authority for the standby Selective Service System (and for an active draft, should such ever be reimposed) is contained in the Military Selective Service Act, 50 U.S.C. Appendix 451 *et seq.*

⁴³(...continued)
were engaged from 1961 on).

⁴⁴The Supreme Court upheld the constitutionality of male-only registration (and by inference conscription) in *Rostker v. Goldberg*, 453 U.S. 57 (1981). However, central to the Court's decision was the assumption that the primary purpose of a draft would be to produce "combat troops," and because "women are excluded from combat by statute or military policy, men and women are simply not similarly situated for purposes of a draft or registration for a draft." However, since the Court's decision, statutes barring women from service in combat naval vessels or aircraft have been repealed, and women are currently barred—and by administrative regulation, not statute—only from certain ground combat and special operations forces units and occupational specialties, and from submarines. It might be, then, that all-male registration and drafting would be viewed as some as more vulnerable to a constitutional challenge.

⁴⁵50 USC App. 453 requires only men to register with the System, and 50 USC App. 454 (a) makes certain registrants, after appropriate classification, liable for military service.

A standby network of trained volunteers and administrators is ready to assist in rapidly reconstituting an active draft mechanism, should legal authority for a draft be reinstated by the Congress. The Selective Service System is currently required to begin delivering inductees to the armed forces within 193 days—over six months—after a draft begins operating.⁴⁶ This is a major change from the System's stated capability as it existed during the Persian Gulf War of 1991. At that time the System could fully mobilize and begin inducting men in three days, deliver the first draftees to DOD within 13 days, and deliver 100,000 draftees within 30 days after receiving the authority to do so.⁴⁷ As most of the structure that existed in 1991 is still extant, it is possible that the System could deliver inductees much more quickly than the 193-day requirement indicates, if a draft were activated. Indeed, the speed with which the World War I and World War II draft mechanisms were created suggests that even without a standby Selective Service System, an actual draft could be operating long before 193 days had passed.⁴⁸ (On the other hand, it may be that the current system could in fact deliver inductees well before the 193rd day, but that DOD has stated it simply has no military requirements for an earlier delivery.)

If the existing standby mechanism were to be reactivated, young men age 18 through 26 would be subject to induction (up to age 35 if deferred when initially called). Current plans call for those men turning 20 in the current year to be called first, followed as necessary by men ages 21 through 25, with those called to be determined by a birthday-based lottery, subject to existing statutory and regulatory exemptions and deferments. Existing plans do not envision calling 18 and 19-year olds. Student deferments have been drastically restricted from the way in which they operated throughout most of the draft's post-World War II history, including most of the Vietnam War. A 1971 law provides that undergraduate students would be deferred only until the completion of their current semester or quarter, or, if seniors, until graduation.⁴⁹ Married men would not be exempt. For further information on the standby Selective Service System and standby draft registration, see the System's website, [<http://www.sss.gov>].

⁴⁶See the Selective Service System website, [<http://www.sss.gov>].

⁴⁷Information provided by the Selective Service System in January 1991 in connection with the preparation of CRS Report 91-103 F, *The Persian Gulf War and the Draft* (out of print; available only from the author, Robert Goldich).

⁴⁸For World War I, see Chambers, John Whiteclay II. *To Raise an Army: The Draft Comes to Modern America*. New York, Free Press, 1987; for World War II, see Flynn, George. *The Draft, 1940-1973*. Lawrence, KS, University Press of Kansas: 9-52.

⁴⁹P.L. 92-129, Sept. 28, 1971; the Military Selective Service Act Amendments of 1971.