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Army Giving More Waivers in Recruiting

By Lizette Alvarez
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The number of waivers granted to Army recruits with criminal backgrounds has grown about 65 percent in the last three years, increasing to 8,129 in 2006 from 4,918 in 2003, Department of Defense records show.

During that time, the Army has employed a variety of tactics to expand its diminishing pool of recruits. It has offered larger enlistment cash bonuses, allowed more high school dropouts and applicants with low scores on its aptitude test to join, and loosened weight and age restrictions.

It has also increased the number of so-called "moral waivers" to recruits with criminal pasts, even as the total number of recruits dropped slightly. The sharpest increase was in waivers for serious misdemeanors, which make up the bulk of all the Army's moral waivers. These include aggravated assault, burglary, robbery and vehicular homicide.

The number of waivers for felony convictions also increased, to 11 percent of the 8,129 moral waivers granted in 2006, from 8 percent.

Waivers for less serious crimes like traffic offenses and drug use have dropped or remained stable.

The Army enlisted 69,395 men and women last year.

While soldiers with criminal histories made up only 11.7 percent of the Army recruits in 2006, the spike in waivers raises concerns about whether the military is making too many exceptions to try to meet its recruitment demands in a time of war. Most felons, for example, are not permitted to carry firearms, and many criminals have at some point exhibited serious lapses in discipline and judgment, traits that are far from ideal on the battlefield.

The military automatically excludes people who have committed certain crimes. They include drug traffickers, recruits who have more than one felony on their record or people who have committed sexually violent crimes. A felony is defined as a crime that carries a sentence of a year or more in prison.

Bill Carr, the under secretary of military personnel policy, said the military granted waivers selectively and scrutinized a recruit's full record, the nature of the crime, when it was committed, the degree of rehabilitation and references from teachers, employers, coaches and clergy members.

In many cases, Mr. Carr said, the applicant may have committed the crime at a young age and then stayed out of trouble. To his knowledge, he said, recruits who are issued moral waivers are not tracked once inside the military.

"If the community backs them, we are willing to take a hard look," Mr. Carr said, referring to the waiver process, which includes checks of local, state and federal records.

The majority of moral waivers are for serious misdemeanors, most often committed by juveniles. As Douglas Smith, the public information officer for the Army's recruiting command, said, "We understand that people make mistakes in their lives and they can overcome those mistakes."

Fewer than 3 in 10 people ages 17 to 24 are fully qualified to join the Army. That means they have a high school diploma, have met aptitude test score requirements and fitness levels, and would not be barred for medical reasons, their sexual orientation or their criminal histories.

The Defense Department has also expanded its applicant pool by accepting soldiers with criminal backgrounds and medical problems like asthma, high blood pressure and attention deficit disorder, situations that require waivers. Medical waivers have increased 4 percent, totaling 12,313 in 2006. Without waivers, the soldiers would have been barred from service.

In the last three years, the percentage of moral waivers for all new enlistments in the four services combined has fallen 3 percent, with spikes in the Army and Air Force. In all, 125,525 such waivers have been issued since 2003. The Marine Corps issues far more moral waivers than the Army — 20,750 in 2006 — but only because it has a stricter policy on drug use. It requires waivers for one-time marijuana use while the other services do not. Rules on waivers vary by service.

“The data is crystal clear; our armed forces are under incredible strain, and the only way that they can fill their recruiting quotas is by lowering their standards,” said Representative Martin T. Meehan, Democrat of Massachusetts and chairman of the House Armed Services Subcommittee on Investigations and Oversight. He has requested more detailed data from the Defense Department on the use of waivers.

“By lowering standards, we are endangering the rest of our armed forces and sending the wrong message to potential recruits across the country,” Mr. Meehan said. “Our men and women in uniform represent the best and brightest in America, and we need to keep it that way.”

Aaron Belkin, director of the Michael D. Palm Center, a research institute at the University of California, Santa Barbara, that focuses on the military’s “don’t ask, don’t tell” policy regarding homosexuality, obtained the most recent data from the Department of Defense.

Mr. Belkin said the increases in moral waivers in the Army posed a problem only to the extent that the military failed to track these recruits or provide special integration training for them.

Since more than 125,000 service members with criminal histories have joined the military in the last three years, Mr. Belkin said, “you have a sizeable population that has been incarcerated and is not used to the same cultural norms as everybody else.”

“The chance that one of those individuals is going to commit an atrocity or disobey an order is higher,” he said. “Many of those individuals can be good soldiers, but in some cases they have special needs. The military should address those needs rather than pretending they don’t exist.”

Recruiters ask potential recruits to reveal whether they have been arrested or convicted of crimes. City, county and state records are checked, as are federal fingerprint databases. The military searches for convictions but also looks at cases that were dismissed, dropped or settled in some way. If someone is found not guilty, depending on the crime, extenuating circumstances are explored, said Maj. Stewart Upton, a Defense Department spokesman.

The system is far from foolproof, though. Juvenile records can get tricky because of privacy laws; not every state will release sealed information. And if someone has moved to a different state, the criminal history may not always show up.

Decisions on the most serious crimes rise up the chain of command, Mr. Smith said. He said the military invested a lot of money training soldiers and tried to screen its recruits to maximize success.

A General Accounting Office report that looked at attrition from 1990 to 1993 found that service members who were granted moral waivers were more likely to be discharged from the Air Force because of misconduct. But most who were granted moral waivers succeed in completing their term and were more likely to re-enlist.

It is not uncommon for young criminal offenders to turn to the military, hoping for a waiver, experts say, because their records typically narrow their job opportunities.

Beth Asch, a senior economist for the RAND Corporation, said the increase in waivers bore monitoring but was not atypical of what had happened to the military during past recruitment crunches. The moral waivers, Ms. Asch said, particularly for felons, still constitute a relatively small proportion of all enlistments.

“It is something that should be tracked with concern,” she said. “It shouldn’t increase without monitoring but, so far, it is within historic norms.”

John D. Hutson, dean and president of the Franklin Pierce Law Center in New Hampshire and former judge advocate general of the Navy, said the military must tread carefully in deciding which criminals to accept. There is a reason, he said, why allowing people with criminal histories into the military has long been the exception rather than the rule.

“If you are recruiting somebody who has demonstrated some sort of antisocial behavior and then you are a putting a gun in their hands, you have to be awfully careful about what you are doing,” Mr. Hutson said. “You are not putting a hammer in their hands, or asking them to sell used cars. You are potentially asking them to kill people.”