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A Brief History of Conscription 1812-2002

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**Appendix E - UNIVERSITY HONORS PROGRAM
SENIOR PROJECT - APPROVAL**

Name: Meaghan Morgan

College: A&S Department: Political Science

Faculty Mentor: Dr. Romeiser

PROJECT TITLE: A Brief History of Conscription-1812-2002

I have reviewed this completed senior honors thesis with this student and certify that it is a project commensurate with honors level undergraduate research in this field.

Signed: John B. Romeiser, Faculty Mentor

Date: May 6, 2002

General Assessment - please provide a short paragraph that highlights the most significant features of the project.

Comments (Optional):

A Brief History of Conscription from the War of 1812-2002
Senior Honors Project
Meghan Morgan

AMERICA AT WAR

Since its inception America has faced many battles, both on the battlefield and on the home front. Although patriotism and a love for our country's freedoms abound, having men volunteer to serve and to protect those freedoms has not. Conscription has been a factor in every major battle America has fought since the War of 1812.

Conscription is another more technical term for what is referred to as the draft or as Selective Service. Conscription is compulsory enrollment of personnel for service in the armed forces (www.encyclopedia.com/articles/03080.html). In American history, conscription had been looked at both positively and negatively. Though practiced in many other countries besides the United States, long before it was considered in the U.S., Americans seemed very hesitant to force military service on its citizens. State militias were common, but a federally mandated draft was something that many across America disagreed strongly with at the beginning of the 19th century- lasting even to today. Conscription was used for a variety of reasons in the history of America. It has been used as an attempt to encourage volunteerism, as a way to maintain the standing army size, and as a tool to make sure that even in time of peace America could be assured full protection.

Conscription has been around for thousands of years possibly dating back to 550 BC. In many ancient cities, male citizens were required to do compulsory military service, and if that was not the case, males were required to register in case their services would be needed for defense of the state should a situation arise. Conscription in ancient history could be seen with the samurai in Japan, warriors in the Aztec empire, in Ancient

Greece and Rome, and in Middle Age Europe

(www.encyclopedia.com/articles/03080.html). In my analysis and brief history of conscription I will focus on American conscription from the War of 1812 until today.

During the War of 1812, America fought with an all-volunteer army. While this seemed like an ideal situation and in line with the principles of individual freedom that America was founded upon, an all-volunteer army had problems that could easily be seen. Namely there was not sufficient manpower for replacement of the numbers of casualties that were occurring. Even if numbers were there, the quality and fitness of the troops was less than desirable. There tended to be a lack of discipline. The nation called on state militias to provide the men for service, and the system proved to be improvised and decentralized at best (Carleton, 70). Communications between the state militias proved minimal and communication between state militias and the federal government was even less. Although American ideals of volunteerism, patriotism, and national pride were there, there was not a strong enough all-volunteer army to ensure America's protection from invasion and to maintain the caliber of armed forces America desired.

There were many abuses of localism- favoring those from one area over another (Carleton, 71). Election of military officers looked similar to that of a political campaign in many cases (Carleton, 71). Also, one could observe in conflicts that the vast majority of those who volunteered had regional interests in the area. For instance in the War of 1812, troops from Texas were the majority, while very few troops were even alerted in

Boston. Troops fought for where their own interests lay, not necessarily for the best interest of the nation as a whole.

The commitment once one volunteered was often just for a year. Many would serve and then as soon as their term was over, would just leave. They would leave in the heat of battle, in the middle of fights. There was no interest after their year of volunteerism in remaining longer. Enlistees believed, "I've served my time, now let the other fellow serve his" (Carleton, 71).

There was also no real way to train volunteers adequately. With volunteers there is little ability of the government to convince large numbers of them of the importance of training and fitness. Due to the nature of volunteerism, it is hard to ask someone who comes on his own accord to acquire more commitments of time, energy, and labor than those same commitments that were originally agreed upon.

In 1812 President Madison saw the need for an army that was not based solely on volunteers. The ideal proved to be just that- idealistic. James Madison proposed a bill to Congress that asked for 100,000 men to be raised by conscription, but the proposal was "unacceptable to both Congress and the public alike" (Carleton, 70). In 1814 the Secretary of War, Monroe, at the request of William Giles, chairman of the senate committee on military affairs during the War, requested that a study be done to try to solve some of the problems faced in the War of 1812. Monroe (who became President in 1817) proposed a draft on 18-45 year olds as a possible solution stating that the draft was

Constitutional because of the power the Constitution grants to raise armies necessarily implies giving the nation the means to put that into effect. Monroe proposed legislation that was vetoed. Conscription in the War of 1812 might have died in Congress, but the idea would remain and eventually be adopted in 1863 (Monroe, 503). (See appendix I-Johnsen's reasons for and against a draft).

Some of the public obviously did not like the idea of moving away from the all-volunteer army. Some believed that the movement to give the national government conscription rights took too much power away from states' rights and the militia. Still many of the country's families had left England for a fresh start in America, and one reason for its attractiveness was acknowledgment in the Constitution of the danger of a professional and standing army (Carleton, 74). States' rights should prevail over a federal conscription law. Many citizens felt forced service to a state was wrong. Others felt like Americans owed it to the nation to stand up for what America is and protect its freedoms. State servitude should be a must.

Conscription was finally established in 1863 during the Civil War, although not without controversy. The Confederate Conscription act, the first draft in US history, was signed by the President of the Confederate States of America, Jefferson Davis, in 1862. The Confederates decided to conscript because the year long enlistment time for enlistment contracts already signed was dangerously close as Union troops closed in on Richmond. The Confederate States feared that without such an act, they were doomed to lose both by land and men (<http://jeff.zaius.org/writings/1998-1999/conscription>).

The Union Conscription Act (Enrollment Act) was similar to the act passed by the Confederates and was signed into law by President Abraham Lincoln on March 3, 1863. The law authorized release from service to anyone who furnished a substitute and to those who could pay \$300. Definitely favoring the upper class, civil unrest became a reality. Riots in the Northeast and Northwest began springing up, the most serious occurring in New York as the nation learned of the passage of the draft by both the North and the South. The July 13, 1863 riots lasted 3 days and ruined many portions of New York. Firefighters joined the angry mobs, mad because they were not included in the list of exemptions- a controversy that would come up again (<http://jeff.zaius.org/writings/1998-1999/conscription>). Obviously the draft had a questionable future.

By 1917 World War I was underway and America once again faced a real danger. President Wilson made a decision to institute a draft for several reasons. First, the economy was in great shape- most people had jobs working to provide all types of services and goods for the allies. Many Americans already volunteered with the Canadian army, or own regular army, navy or National Guard. "In America, at this time, the proportion to volunteer would be smaller than normal, for nearly 3 years of watching the Western Front had brought realization that war, under modern conditions meant hardship, dirt, and death, and very little glamour or romance." (Sullivan, 26) Wilson personally did not like the draft. He was of the opinion that America should be able to produce an all-volunteer army (Sullivan, 26). In the minds of American's, conscription

was equal to autocracy (Sullivan, 27). The last time the draft had been instituted brought thoughts of the Civil War riots and the chaos that ensued.

Wilson made the decision to institute a draft before he called Congress to declare war-a good 2 months before the legalizing act was passed. In an agreement made between Wilson, Secretary of War Baker, and Judge Advocate General Enoch H. Crowder, the draft would be instituted before the country even knew it was a consideration (Sullivan, 27). Wilson's objective was to choose the least offensive method to approach the issue. He outlined that civilians should carry out the process and not uniformed army officers so as to avoid the sentiment of complete nationalization and government control. All men were to register at the local precinct where it was their custom to vote in order to help facilitate the process and to make the process seem more familiar (Sullivan, 27). Civilian officers would pick the numbers of those drafted, not uniformed officers.

Wilson made the decision to have the machinery and infrastructure in place to institute a draft when the draft act was passed. In order to accomplish this, he had to do lots of behind the scenes planning. Baker got in touch with the head of the Government printing office to "secretly print more than 10 million blanks that would be required to put the draft into effect" (Sullivan, 28). Secrecy was never an issue for the printer because it was the same printer who printed advance notice to the President on Supreme Court decisions-secrecy was something that printer could handle (Sullivan, 29). Baker on April 23 wrote a confidential letter to all Governors explaining to them the draft plan and

the urgency for secrecy and asking them to be ready to cooperate if the congressional act was passed. Next, the sheriffs were “taken into confidence” and mailed the blank draft notices because they would be the local level officials in charge of delivering them. Finally, the local draft boards were secretly selected and notified to “eagerly await(ed) the signal” (Sullivan, 29).

On May 18, 1917, “An Act to authorize the President to increase temporarily the Military Establishment of the United States” was presented and passed after much debate (White, 220). “The law, as its opening sentence declares, was intended to supply temporarily the increased military force which was required by the existing emergency, the war the and now flagrant” (White, 220). “The singularly brief act delegated to the President more power than any of his predecessors had been granted over the lives and destinies of their fellow citizens”(Sullivan, 30). On June 5, 1917 from 7 am to 7 pm all 21-30 year olds were required to register under the penalty of one year in prison (Sullivan, 31). Draft dodging was considered severe. The close of WWI brought an end to the draft for 15 years until 1933 when the National Recovery Act was begun. The technique used to begin the 1933 draft was the same as used in 1917.

The Constitutionality of the draft is an issue of debate now, and was immediately following the draft's institution. The Selective Draft Act had been signed into law on May 18, 1917, and the June 5 registration deadline came. Joseph F. Arver and Otto H. Wangerin, two young men who refused to register, were indicted on June 8, 1917, tried in Minnesota, found guilty and sentenced to one year in prison (Friedman, 233). The

Supreme Court granted a writ of error and the case was presented on December 13 and 14, 1917 (Friedman, 234). The defendants held two primary arguments: “that the thirteenth amendment’s prohibition of involuntary servitude deprived Congress of any power to conscript; and that the draft conflicted with the militia clause of the Constitution since the federal government had effectively destroyed the state forces by drawing all the members of the state militia into federal service and shipping them overseas” (Friedman, 234). Questions were raised as to whether the Constitution in its wording “necessary and proper means to raise armies” allowed for a federally instituted draft as well (Friedman, 234). “In essence, Chief Justice White found that the constitutional provisions granting Congress power ‘to declare war’ and ‘to raise and support armies,’ combined with the necessary and proper clause, permitted the Government to draft citizens directly into a federal army” (Friedman, 235). The Court had spoken unanimously. Was that the correct decision made by the Supreme Court in interpreting that those words meant a draft was lawful? The Selective Draft law cases and *Arver v U.S* remain controversial decisions. Many argue that the Supreme Court ignored the founding fathers constitutional intent to guard against a professional army when making the decision. The institution of the draft, by those opposed to it, unlawfully delegated legislative authority to the President (Friedman, 254). Nonetheless, the Court had spoken and the draft was upheld as constitutional. The next time the draft would appear would be in 1940.

The first peacetime draft in this country's history was signed on September 16, 1940. The peacetime extension of the selective service act passed in the House 203-202 (Gillam, 104). Everyone expected a return to volunteerism and a break from permanent

military conscription in about a year. The Law entitled "The Selective Training and Service Act" required any men between 21-36 living in the country to register. In times of peace, no more than 900,000 men could be drafted. The act created today's Selective Service System (<http://jeff.zaius.org/writings/1998-1999/conscription>). Previously the draft had only been called on issues of "national emergency" and in 1940 it was instituted in peace. "What constitutes an emergency," and "how great does the threat have to be," were questions commonly asked (Gillam, 104). "America had taken her first small but significant step down the long road toward a system of permanent peacetime conscription" (Gillam, 105). The country hesitantly stood behind the peacetime extension seeing it as necessary in response to Adolf Hitler and his capture of France and bombing raids on London. By 1943, 3,323,970 men were drafted into the armed forces - more than any other year in our history (<http://jeff.zaius.org/writings/1998-1999/conscription>). Many men looked at it optimistically and saw the draft as a way to break out of economic immobility. At least service to the nation would help them provide for their families. Others were not so optimistic about the chances of their return and thought thinking of the future was futile.

When men registered, they were assigned a number from 1-8500 by their local draft boards and a lottery was used to pick those who would have to enlist. A 10gallon fish tank was utilized to draw the draftee's number. The first draft number ever drawn was 158 (<http://jeff.zaius.org/writings/1998-1999/conscription>). The Selective Service System was the system created by the military selective training and service act of 1940- its primary responsibility is to fill vacancies in the armed forces. It ensured the proper

use of the draft from 1940-1973 and outlined the rules and procedures of the selective service system in the United States (<http://jeff.zaius.org/writings/1998-1999/conscription>).

During World War II, over 10.8 million people were drafted into military service. To put a perspective on things, Vietnam drafted roughly 1.8 million people, approximately 1/6th the number drafted in WWII (<http://jeff.zaius.org/writings/1998-1999/conscription>). Americans drafted had a huge effect on the outcome of the war. Troops were fresh and young, and the supply was not likely to run out. Victory was not because of the skill of our troops, but by sheer number and some luck-not to say strategy and skill were not involved, but the number of reinforcements America had was staggering. As casualties mounted more troops were mobilized to head to Europe as reinforcements. Men were drafted into every branch of military service and those unable to fight were given home front draft assignments in many cases (<http://jeff.zaius.org/writings/1998-1999/conscription>). Local draft boards notified all men whose numbers had been drawn when called upon to induct more men. During WWII there were 6,500 local draft boards consisting of 3-5 unpaid citizens who kept track of the citizens available for the draft and classifying men as they came to register (<http://jeff.zaius.org/writings/1998-1999/conscription>). These local drafting agents held the responsibility to ensure that the process was carried out fairly and without bias. Ensuring this was often a difficult task with built in exemptions and loopholes in the drafting system.

As mentioned earlier, exemptions during the War of 1812 had caused riots in the streets of New York, and in WWII the controversy over exemptions was still in full swing. The firefighters who had been dispatched to aid in the containment of the New York riots in 1812 did not respond as expected because they were upset they were not one of the groups entitled to be exempt. Over the course of the history of selective service many groups have counted themselves as “lucky” enough to be exempt. Several of those exempt groups over the course of history have included: railroad workers, river workers, civil officials, telegraph operators, miners, druggists, teachers, those who were mentally or physically disabled, those in the ministry, those in school (repealed in WWII), new fathers (repealed in WWII), those with bad hearing and tooth decay (repealed during WWII), those with venereal diseases (repealed during WWII), felons (repealed during WWII) and illiterate men (repealed during WWII) (<http://jeff.zaius.org/writings/1998-1999/conscription>). As one can see many of the exemptions prior to WWII were repealed due to the seemingly never-ending need for troops both at home and in Europe during WWII. By the end of WWII, 100,000 felons, 200,000 men with venereal diseases, and 100,000 felons had been drafted (<http://jeff.zaius.org/writings/1998-1999/conscription>). Rules allowing false teeth were instated as long as, “they were well mounted and of good occlusion, and sufficient to sustain a man on army rations” (<http://jeff.zaius.org/writings/1998-1999/conscription>). America was truly at war.

Selective service was extended into peacetime (1945-1947) once again as WWII came to a close. Congress had the intention of returning to an all volunteer army once

again under the leadership of President Truman (Gillam, 104). In early 1948, out of a growing suspicion of Russia, Truman reluctantly asked for a renewal of the peacetime draft and for "universal training" (Gillam, 104). Congress rejected the "universal training", but the draft was reinstated for another 2 year period and Congress lowered the required period of service from 24 months to 21 months in an effort to help gain public support (Smith, 119). In 1950, both Houses of Congress were considering bills that would maintain an all volunteer army when, on June 27th, President Truman decided to intervene in Korea. A recommendation came back to conference committee to extend the draft another year and give the President the power to begin its use once again (Gillam,110). After Korea, civilians questioned the necessity for a large standing army in peacetime. Many began to debate the administrative rationale of the draft (Gillam, 110). By 1955, the Conscription Act of 1951 could be extended in Congress with minimal debate (Gillam, 113). By 1959 the House Armed Services Committee saw it as "vital to the preservation of the American way of life" (Gillam, 113). The true irony seen by those in opposition to the draft was that "it disturbs what it wants to protect" (Gillam, 113).

Vietnam is arguably the most controversial time that the selective service system has been utilized, and questions over its rationale still abound. Avoidance of the draft during Vietnam was often considered a political statement against American involvement. Confrontations and protests regarding the US's involvement in the Vietnam conflict were prevalent. Draft dodgers were caught and many were prosecuted. In many cases dodging did not only carry prison time, but also social consequences. Some

veterans and families of those fighting made public embarrassment of those that dodged or hid from the draft boards.

During Vietnam over 1.8 million men were drafted (<http://jeff.zaius.org/writings/1998-1999/conscription>). While in WWII fish tanks had been used to draw draft numbers from and numbers from 1-8500 were assigned, in Vietnam numbers were drawn from two drums and instead of serial numbers, draftees used their birth dates. One number was chosen from a drum with consecutive numbers from 1-365 and one was drawn from a drum containing every day of the year. “The men whose birth dates were drawn and paired with the number one from the other drum would be drafted first, followed by those paired number two, then three and so on” (<http://jeff.zaius.org/writings/1998-1999/conscription>). The draft officially ended in 1973 (after Vietnam at the orders of President Nixon and Ford) and people no longer had to register after 1975 until the draft was once again reinstated in 1980 due to increased tension in Afghanistan. Registration became mandatory once again and has remained so ever since.

Steps have been taken since 1980 to ensure that all males register. For example, the Solomon Amendment to the Selective Training and Service Act requires registration if students want to qualify for financial aid and the Thurmond Amendment (added to the Defense Authorization Act in 1985) requires men to be registered to be eligible to work in most government and federal jobs (<http://jeff.zaius.org/writings/1998-1999/conscription>). Many men enlisted in military service when called. Others choose

other alternatives such as deferment, claiming conscientious objector status, emigrating to other countries to avoid the possibility of going to fight, or facing prison time if they fail to either register or to report if called upon (Johnsen, 12). Immediately following Vietnam there were over 4,088 draft boards in the U. S. and its territories (Tatum, 17). Each draft board was responsible for reporting the classification status of all those that registered to the Federal government.

The Selective Service today estimates that 91% of men from the ages of 18-25 and 97% from 20-25 have registered for the draft. That means there are roughly 13.5 million names and addresses on file with the Selective Service System of men 18-25.

The only significant difference in how a draft would be conducted now versus in Vietnam, would be that the local draft boards would include people of mixed ethnic backgrounds, representatives of the people they serve, a sharp criticism of the Vietnam draft (<http://jeff.zaius.org;/writings/1998-1999/conscription>). Draft boards would be reflective of the ethnic and racial diversity of the areas in which they are to select the draftees. Aside from that one difference, drafts would be carried out as they were in Vietnam. The likelihood of having to utilize a draft again is becoming minimal with the advent of technical warfare. Far fewer ground troops have been utilized by the United States in conflicts since Vietnam. Hopefully the changing face of war in today's society will help to save the lives of sons, fathers, brothers and husbands. Hopefully, the U.S. will never suffer casualties and be in need of troops who did not enlist again. Hopefully the world will soon learn to recognize the dangers of war and to consider the human toll

that war has. Until that time though, the United States military is armed with the ability to call upon all able bodied male citizens to aid in the defense of our country. The changes in our country's philosophy with respect to selective service, or rather, our country's reluctant acceptance of selective service, has enabled our country to have a system to ensure troops in both war and peace. The draft is now a part of the American way of life and if needed in the future, will be able to provide young men to serve and protect our country.

Appendix I

Johnsen's reasons for and against a draft (Johnsen, 48-50)

FOR:

1. Necessary for adequate national security
2. Prepares us for our future international obligations
3. Ensures improved physical fitness of the nation
4. A generalized program would help to produce a highly professional army if the future needed one
5. Could provide a means for helping people to recognize their personal duty to the country and not just the countries' duty to the individual
6. Could inspire appreciation of our national heritage and that of other citizenship's
7. Could help encourage the establishment of other specialized schools (other than military)
8. Could continue technical training opportunities not otherwise available
9. Youth guidance
10. Could reduce youth immaturity and irresponsibility
11. Could serve some youths as well as the Civilian Conservation Corps
12. Could bring home veterans earlier
13. Utilization of existing army and navy facilities
14. Swiss success proves it could be used favorably in a democracy
15. Could help create jobs.

AGAINST:

1. Foreign to American ideals
2. Immigrants came to escape compulsory service
3. Military Hierarchy could prove to be dangerous in American politics
4. Could increase political patronage
5. Prevent tax reductions
6. Would prevent extension of public education
7. Interfere with higher education
8. Could hurt secondary education
9. It doesn't guarantee national security (look at France during Revolution)
10. Does not ensure peace and democratic processes
11. Need and size of a standing army is not known
12. Question of national service shouldn't be decided at times of war
13. A national health program would be more beneficial to the health of the entire nation
14. Physical conditioning can be done in schools, not reliant on compulsory service
15. Professional army would do better recruiting than forced enlistment
16. Creation of serious moral problems (where is motivation in times of peace?)

Works Cited

- Carleton, William G. "Raising Armies Before the War." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (67-78).
- Friedman, Leon. "Conscription and the Constitution: The Original Understanding." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (231-282).
- Gillam, Richard. "The Peacetime Draft: Volunteerism to Coercion." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (97-116).
- Graham, John Remigton. A Constitutional History of the Military Draft. Minneapolis: Ross and Haines, Inc, 1971.
- Johnsen, Julia. Peacetime Conscription. New York: H. W Wilson Co, 1945.
- Monroe, James. "Recommendation for a Federal Draft." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (505-513).
- Smith, Donald. "The Volunteer Army." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (117-130).
- Sullivan, Mark. "Conscription." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (25-33).
- Tatum, Arlo, and Joseph S. Tuchinsky. Guide to the Draft. Boston: Beacon P, 1969.
- White, Edward. "Selective Draft Law Cases: A Supreme Court Decision." The Military Draft. Ed. Martin Anderson. Stanford: Hoover Institution P, 1982. (217-229).