

**Document Background** Both documents used in this lesson are located in the Selective Service Collection, Record Group 1800.97, Administrative Records 1917 - 1919, Box 390472.

**Background Information** The tradition of citizen responsibility for defending home and country in this country is rooted in English tradition. The 1181 English Assize of Arms of Henry II “required all free men to possess arms, according to their class.”<sup>i</sup> English citizens were required to be ready for summoning, when necessary, to defend their homeland and their King. Almost five hundred years later, with the establishment of the New World, Massachusetts’ first settlers followed this tradition and obliged its citizenry to possess arms and use them in defense of self, home, and homeland.

The militia, historic forerunner of the National Guard, stands in contrast to today’s volunteer army of men and women who choose to devote their lives to the defense of the country. Members of the colonial militia were known as citizen-soldiers; their task was to respond to the defensive needs of their communities. These groups of citizen soldiers were required to bring their own weapons, to stand for “muster,” or regularly scheduled training sessions of community militias. Militiamen served without pay; service was seen as a responsibility of citizenship. As the threat of attacks by Native Americans decreased and the desire for political autonomy began, the need for a standing army, the Continental Army, was recognized. Individual colonies held the power to “draft” members of the militia into service for short periods of time. During these times of forced service, small stipends were paid. The need for a well trained, more permanent military force began the two forms of military service that still exist in the United States today: a professional military composed of career men and women versus the National Guard, composed of civilians who have other careers but see it as their civic duty to spend time in the defense of their country.

The guarantees of the citizens’ rights and responsibilities to bear arms in defense of their country were codified in George Mason’s draft of the Virginia Declaration of Rights in 1776. Section 13 dealt with the right of the state to call into service a standing army. “That a well-regulated militia, composed of the body of the people, trained to arms, is the

proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.” This particular section was later adapted by Thomas Jefferson and served as the basis for Amendment II of the Bill of Rights: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” During “the American Revolution, the new state governments assumed the colonies' authority to draft men, through county militia officers, for their short-term militias. They extended it to the long-term state units of the Continental Army, but they denied Gen. George Washington's request that the central government be empowered to conscript. As the initial volunteering subsided, most states boosted enlistment bounties and held an occasional draft, producing more hired substitutes than actual draftees.”<sup>ii</sup> During this initial conscription, men could be exempt from service for religious reasons or because they were conscientious objectors.

After the Revolution and during the drafting of the Constitution, the need to guarantee a military force to be brought into service was recognized. In 1788, Alexander Hamilton wrote in Federalist Paper 29 that “It is, therefore, with the most evident propriety, that the plan of the convention proposes to empower the Union ‘to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, RESERVING TO THE STATES RESPECTIVELY THE APPOINTMENT OF THE OFFICERS, AND THE AUTHORITY OF TRAINING THE MILITIA ACCORDING TO THE DISCIPLINE PRESCRIBED BY CONGRESS.’” The infant standing military would serve the nation but actually be under the control of the state.

In 1792 the first national conscription act, the Uniform Militia Act, was passed. This law mandated that all “able bodied men” between the ages of 18 and 45 had to enroll in the militia. Again, the states maintained control of the forces; there were no penalties for those who chose not to follow the mandate. Thus, this first law can be seen to be merely a recommendation to the states for enrollment of their male citizens. With the War of 1812, the necessity for a mandatory conscription act became obvious. The militia troops

had abandoned the capital in the face of the British onslaught. “After the conflict, Secretary of War James Monroe made the first proposal for a federal draft in which military service would be compulsory for all young men.”<sup>iii</sup> Congress rejected the proposal but did approve payment for men choosing to serve in the military, thus the militia concept was on the wane as the standing volunteer army grew slowly in popularity.

The onset of the Civil War brought about the first major enforceable draft act. In 1862, as the need for soldiers continued to climb and the militia pool was vanishing, the Militia Act of 1862 was signed into law and mandated that states upgrade their militia by assigning bounties, or payments for service, to those pledging service in the Union forces. Since an all volunteer force was not sustainable due to the length of the conflict, the first mandatory draft act, the Enrollment Act of 1863, was enacted and signed into law. While this act did require military service of all white males, it also provided a series of exemptions from service. “Men who were mentally or physically impaired, the only son of a widow, the son of infirm parents, or a widower with dependent children were exempt.”<sup>iv</sup> An additional provision endowed the more affluent with the option to pay a “commutation fee” and send a substitute in the place of the draftee. This provision led to the perception that the law was discriminatory against the poor, and primarily against the Irish immigrants in Northeastern cities. As a consequence of the Act and the associated exemptions, the New York Draft riots occurred in 1863, causing 1.5 million dollars in damages. The draft raised about 150,000 troops; yet fully 75% of the draftees were substitutes.<sup>v</sup>

World War I initiated a second mobilization program because, much like the time of the Civil War, a sustainable and sizeable military force was *only* guaranteed through national conscription. Consequently, Congress enacted legislation in May 1917, the Selective Draft Act of 1917, which mandated three designated registration days in 1917 and 1918. Congress specifically tailored this legislation to avoid the Civil War conscription scandals of paid substitutes, paid exemptions, and bounties. Inductees were required to serve for the duration of the “emergency.” The draft process resided in the hands of local draft boards during this recruitment. There were over 4,550 local draft boards operating under 155 supervisory districts. “Exemptions from induction were allowed for: (a)

Persons already in the armed forces or national guard [sic][Only these men were also exempt from registration] (b) Officers of the federal and state legislatures, judiciary and executive branch(c) Clergy and theological students (d) Those who were physically or "morally" deficient (e) Those with dependents (f) Persons whose occupations were necessary for maintaining military or national interests.” The local boards had discretionary powers to grant or deny deferment requests. While there was inherent difficulty with this approach, a positive outcome was the large measure of hometown support granted board members, and consequently the draft. The President of the United States had discretionary powers to defer elected officials, mail carriers, and local customs house officials. During the Great War, as World War I came to be known, there were no exemptions granted to conscientious objectors. Special Boards convened to hear the cases and arguments of those who declared themselves to be conscientious objectors. The draft did exempt from combat duty, however, members of religious groups, such as the Quakers and Mennonites, which historically had been opposed to war.

Some brief facts from the WWI draft:

1. Desertion totaled almost 350,000 men by war's end.
2. Draft boards were criticized for drafting too many agricultural and war industry workers.
3. Most draftees were unmarried.
4. 75% of married men who requested deferments received them.
5. Native Americans claimed the fewest deductions of any group.

At the conclusion of World War I, the military was demobilized and the forces reduced from 6 million to approximately 147,000. With the increase in tensions in Europe as Adolph Hitler and the Nazi forces began overrunning countries, President Franklin D. Roosevelt addressed the United States Congress on May 31, 1940 and requested that “The expansion of our defense program makes it necessary that we undertake immediately the training and retraining of our people, and especially our young people, for employment in industry and in service in the Army and Navy.”<sup>vi</sup> Roosevelt proposed to the Congress that they enact legislation authorizing him to set in motion the call-up of sufficient National Guard troops to “maintain our position of neutrality and to safeguard the national defense....”<sup>vii</sup> On September 16, 1940, President Roosevelt signed into law

the first legislation enabling a peacetime draft: the Selective Training and Service Act of 1940. This legislation limited the number of men who could be in training to 900,000 and also authorized the creation of the Selective Service System, an independent agency within the Federal government. Increasingly aware of the world's precarious situation, on July 21, 1941, President Roosevelt requested that Congress authorize the extension of the Act beyond the mandated 12-month expiration of the bill. Roosevelt wrote that

.... we would be taking a grave national risk unless the Congress were to make it possible for us to maintain our present full effective strength and during the coming year give training to as many additional Americans as we can, when immediate readiness for service becomes more and more a vital precautionary measure, the elimination of approximately two-thirds of our trained soldiers, and about three-fourths of the total officer personnel, would be a tragic error. <sup>viii</sup>

With these words Roosevelt convinced the US Congress to extend the active duty status of 900,000 men for another 18 months. Shortly after the bombing of Pearl Harbor on December 7, 1941, the United States officially entered World War II and 10,110,114 men served in the military as a result of the draft.<sup>ix</sup> Men between 18 and 45 were liable for military service; all men between 18 and 65 were required to register. Term of service was extended to six months after the end of the war. As in World War I and the Civil War, exemptions from service existed. Among the primary criteria for exemption were: physical or mental disability, religious beliefs, employment in war or agricultural industries, or the presence of dependents. Conscientious objectors often served in non-combatant roles, much as they had done in World War I.

Following World War II another mass demobilization of military personnel drafted for service occurred. "The Truman White House could not contain the overpowering public and bipartisan Congressional outcry--accompanied by riots at overseas military bases in January 1946--for the early return home of American soldiers.<sup>x</sup> Following the war, the United States reverted to its prewar penchant towards isolationism. Even though the "enemy" appeared to be Stalin and the Soviet Union, Truman decided against

maintaining a large peacetime force; the Selective Service Act expired in 1947 and brought an end to the draft. Truman's philosophy followed that of George Kennan: containment of the enemy through economic means was to be far more damaging to the countries than the cost of lives drafted into service for a potential conflict.

Tensions erupted when Truman was forced to reinitiate the draft for the Korean Conflict. On June 24, 1948 Truman signed into law the Selective Service Act of 1948 enabling the Department of Defense to draft young men for a period not to exceed 21 months. This was later extended to 24 months. In 1951, President Truman signed into law the Universal Military Training and Selective Service Act and "extended selective service until 1955, lowered the draft age from 19 to 18 1/2 and increased the period of service to 24 months. It also provided a method for reconstituting the depleted reserve by imposing an obligation on men completing their term to continue in the reserve for six more years. At the same time, it made necessary the release of many Inactive and Volunteer reservists previously called to active duty by stipulating that any who had served in World War II should be released on the completion of 17 months service.<sup>xi</sup>" The following year Congress passed, and the President signed into law, the Reserve Forces Act, which mandated that every man between the ages of 18 and 26 register for the draft, serve some active duty time, and be eligible for recall to active duty for a total of six years. With these pieces of legislation, the United States ended its historic embargo against maintaining a standing army.

During the sixties and seventies, the draft continued as the United States became embroiled in conflicts in Southeast Asia. While the 1950s saw little overt anger at the perpetuation of the draft, the sixties, characterized by vicious and often-violent street protests, ignited an enduring explosion of anger against the military and its involvement in a far-off, small area of the world.

In the United States, military conscription, or the draft, had been in place virtually without interruption since the end of World War II, but volunteers generally predominated in combat units. When the first U.S. combat troops arrived in Vietnam in 1965 they were composed mainly of volunteers. The Air Force,

Navy, and Marines were volunteer units. The escalating war, however, required more draftees. In 1965 about 20,000 men per month were inducted into the military, most into the Army; by 1968 about 40,000 young men were drafted each month to meet increased troop levels ordered for Vietnam. The conscript army was largely composed of teenagers; the average age of a U.S. soldier in Vietnam was 19.<sup>xii</sup>

As with earlier drafts, the Selective Service System fulfilled its mission of drafting young men for military service through local draft boards. Again, the local draft boards determined the suitability for service of young men between the ages of 18 1/2 and 26. The draftees, or selectees, had the option to apply for deferments based on the initial classification of their eligibility as determined by the Board. Some of the classifications in place during the Vietnam era were:

***1-A*** Available immediately for military service. ***1-O*** Conscientious Objector- conscientiously opposed to both types (combatant and non-combatant) of military training and service - fulfills his service obligation as a civilian alternative service worker. ***1-A-O*** Conscientious Objector - conscientiously opposed to training and military service requiring the use of arms - fulfills his service obligation in a noncombatant position within the military. ***2-D*** Ministerial Students - deferred from military service. ***3-A*** Hardship Deferment - deferred from military service because service would cause hardship upon his family. ***4-C*** Alien or Dual National - sometimes exempt from military service. ***4-D*** Ministers of Religion - exempted from military service. ***Student Postponements*** - a college student may have his induction postponed until he finishes the current semester or, if a senior, the end of the academic year. A high school student may have his induction postponed until he graduates or until he reaches age 20. ***Appealing a Classification*** - A man may appeal his classification to a Selective Service Appeal Board.<sup>xiii</sup>

An additional classification, 4F, was applied to those men who did not meet the physical qualifications necessary to serve in the military. Since the draft boards were appointed by the director of the Selective Services agency upon recommendations of the state governors, many during the Vietnam era believed that an unacceptably high number of poor and/or African American young men were drafted. As the war dragged on and the number of men needed in service continued to grow, Congress passed legislation that preempted the potential of favoritism applied by the local boards. A lottery, the first since 1942, was held and the order in which young men would be called to service was determined by the random drawing of 366 birth dates. During the Vietnam era as the casualty lists grew, the opposition to the war became widespread. Many men chose to avoid service in the military during this time. Interestingly, as the country was

...faced with well over 100,000 apparent draft offenders, the federal government indicted 22,500 persons, of whom 8,800 were convicted and 4,000 imprisoned. As the Supreme Court expanded the criteria from religious to moral or ethical objections, Conscientious Objector exemptions grew in relation to actual inductions from 8 percent in 1967 to 43 percent in 1971 and 131 percent in 1972. Between 1965 and 1970, 170,000 registrants were classified as Conscientious Objectors.

The most common form of draft "protest" was evasion. Of the 26.8 million young men who reached draft age between 1964 and 1973, 16 million (60 percent) did not serve in the military. Of those who avoided service, 15.4 million received legal exemptions or deferments, and perhaps 570,000 evaded the draft illegally. Among illegal draft evaders 360,000 were never caught, another 198,000 had their cases dismissed, 9,000 were convicted, and 4,000 sent to prison. In addition, an estimated 30,000 to 50,000 fled into exile, mainly to Canada, Britain, and Sweden.<sup>xiv</sup>

The continuing unpopularity of the war and the fracturing of the country due to the US's involvement and the draft led to a legislative proposal in the 1970s supporting the

formation of an All Volunteer Force and an end to the draft. In 1975 President Gerald Ford suspended compulsory draft registration. President Jimmy Carter reinstated the registration during the Soviet invasion of Afghanistan.

Today, almost all US men between the ages of 18 and 25 and resident aliens between those ages are required to register with the Selective Service. This does not imply a call to active duty. If the draft to active service were reinstated, a lottery system would be in place from the onset. Student deferments would be issued only until the end of the current semester in which a student is enrolled.

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