

**JOINT FORCES STAFF COLLEGE
JOINT ADVANCED WARFIGHTING SCHOOL**

**EVERYBODY FIGHTS, NOBODY QUIT:
CAN COMPULSORY SERVICE EFFECTIVELY MAN THE MILITARY?**

by

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A paper submitted to the faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College, the United States Army, or Department of Defense.

Signature_____

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ABSTRACT

Sustained operations in Iraq and Afghanistan have created the perception among policy makers that a gap has formed between U.S. strategic requirements and our capability to effectively meet the manpower demands of a “long war”, renewing questions regarding the viability of an All-Volunteer Force (AVF). With combat operations straining the Army and Marine Corps and a perceived compromise on enlistment standards, some claim that the AVF is no longer sustainable and suggest that conscription would be a better alternative to our current manpower policy. Proponents of a return to compulsory military service assert that a draft would create a force more representative of American society, would eliminate the growing civil-military gap, and fix many social ills by creating a sense of civic duty and responsibility among the populace. This thesis will disprove the claims regarding the effectiveness of conscription as manpower policy by conducting a historical analysis of the drafts implemented during American Revolution, the Civil War, World War I, World War II, and Vietnam.

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Introduction

“...it cannot be doubted that, in the present state of the world, the form of government exercises a great influence in the development of the military strength of a nation and the value of its troops.”

-Jomini

Sustained operations in Iraq and Afghanistan have created the perception among policy makers that a gap has formed between U.S. strategic requirements and our capability to effectively meet the manpower demands of a “long war”, renewing questions regarding the viability of an All-Volunteer Force (AVF). Since the attacks of 11 September 2001, the demand to recruit, train, and retain quality warfighters has steadily increased while the population of Americans willing and able to serve in the military has dwindled. Both the Army and the Marine Corps have been directed to boost end strength by 65,000 and 27,000 respectively in order to provide the number of troops necessary to sustain current global military commitments.¹ With an increased operational tempo, a protracted war, and propensity and eligibility of America’s youth to serve in the military declining, policy makers within the U.S. government have resurrected the debate of how to best man the force to meet national strategic requirements.

The All-Volunteer Force has been in existence for just over thirty years during which time it has often been contested as to whether it is the “best” means of raising a

¹ Congressional Budget Office Memorandum to Senator Carl Levin, 16 APR 2007. Troop strength increases by end of FY 2012.

military.² A possible antidote to the perceived problems associated with the All-Volunteer Force is to create a compulsory service policy either through the implementation of conscription, often referred to as the “draft”, or a system of compulsory national service, in which a military-aged American citizen has the freedom to choose how he or she will serve their nation. Conscriptionists claim these programs of mandated service would solve all problems created by the AVF by replacing it with a fair and equitable system that distributes the burden of national defense equally among each citizen. A conscript military would be representative of American society, consisting of an equitable mix of citizens from all ethnicities, backgrounds, and socio-economic classes.

Some argue that the civilian leadership and American society in general would feel more connected to the military as a result, and the absence of a civil-military gap would act as a check against the misuse of military forces and would lead to much more deliberation on the necessity of using military force. Much like the King of Argos, Agamemnon, who sacrificed his daughter to appease Artemis and ensure favorable winds to take the Greek Army to Troy, the national leadership would understand what it means to share the burden of defense and would approach the application of military force much more deliberately.³ Supporters of conscription feel a draft ensures the burden of national defense is shared equally by each citizen and such a policy emphasizes that such an important task is in fact, every American’s duty. The social and societal benefits reaped

² Gus C. Lee, *Ending the Draft: The Story of the All-Volunteer Force*, Human Resources Research Organization, (Alexandria, VA, 1977): 46.

³ Euripides, *Iphigenia at Aulis*, (New York: Bantam Classics, 1984), 136. Some versions of this myth maintain that Iphigenia was swiped away from the altar at the last moment and a deer was sacrificed in her stead.

through a draft military, conscriptionists argue, justify the need to shift our policy from one of voluntarism to one of universal service.

Three major trends will emerge during historical analysis of periods when the United States relied on conscription which invalidate the concept of the draft as a means of raising a military. First, conscription has never existed as a sole means of filling military ranks. Conscription in U.S. history has been moderately effective at its best and every time it has been used, it acted in concert with voluntarism. Second, a draft has only been acceptable during times where our national survival was threatened. Citizens and policy makers have only supported conscription when faced with a national crisis and when such an emergency passed, the demand to return to normalcy was massive. Third, a system of universal service has never been all-inclusive. This fact seriously compromises the legitimacy of any argument made by conscriptionists regarding the equity of any policy intended to equally distribute the burden of national defense among all citizens.

At first glance, the case for conscription or compulsory national service seems to offer the greatest benefit to the Nation, but through historical analysis and careful examination of the various arguments made in favor of a draft, one realizes the fallacies of such an argument. This thesis will demonstrate that conscription in any form does not enhance the military's ability to better meet its manpower requirements nor does it create a more effective warfighting force. In fact, all data supports quite the opposite and is routinely overlooked or ignored by conscriptionists. A draft does not provide a more effective method to fill the ranks of our military than a system based on voluntarism, nor does it create a high-quality force comparable to the AVF.

Historical analysis of previous draft periods of the American Revolution, the Civil War, World War I, World War II, and the Vietnam War and associated challenges to conscription as a military manpower policy, proves that the All-Volunteer Force, for all of the claims made about its cost and perceived negative social effects, is the best method of providing manpower for today's military force. The most effective and adaptive military the U.S. has ever fielded was created through the use of a voluntary system. Volunteers stay in the military longer than draftees, reducing yearly manpower churn, resulting in a long-term savings of national resources. Professionals who stay longer in today's military are better-suited to meet the demands of today's battlefield. The result is a more mature, professional, and higher-quality force that is better trained at warfighting than a conscript military (for the definition of quality, see Figure 1 below).⁴ This thesis will inform policy makers of the dangers and unanticipated problems associated with moving to a draft military and prove that the All-Volunteer Force best meets our strategic requirements in the 21st Century.

⁴ Figure 1: Definition of Quality Recruits

<u>Mental Category</u>	Percentile (Armed Forces Qualification Test Score)	Definition (Aptitude/Trainability)
I	93-100	Superior
II	65-92	Above Average
IIIA	50-64	Average
IIIB	31-49	Average
IV	10-30	Marginally qualified for military service
V	0-9	Unqualified for military svc
Note: Quality recruits are defined as men and women with high school diplomas (HSDG) in AFQT mental categories I through IIIA.		

Association of the United States Army, *Is National Service Really Feasible?*, Washington D.C., 31. Also, Department of the Army, *Army Regulation 601-210: Active and Reserve Components Enlistment Program*, Washington, D.C.

Chapter 1

So What is a “Conscriptionist” and What do they Believe In?

“I strongly believe that fighting for our country must be fairly shared by all racial and economic groups....the burden of service cannot fall only on volunteers who, no matter how patriotic, are attracted to the military for financial reasons.”⁵

-Rep. Charles Rangel

Proponents of a return to the draft (called “conscriptionists” by some) cite many reasons why conscription is a superior policy when compared to the current policy of the AVF. Conscriptionists maintain that a draft will achieve the following: close the civil-military gap created by maintaining a volunteer military, ensure the burden of national defense is shared equally by the citizenry through a fair and equitable draft, make positive social impacts on American society, and provide the necessary manpower to fill the ranks of the armed forces.

As fewer people serve within the AVF, fewer citizens have the shared experience of military service. Some pundits argue this trend has created a civil-military gap between the national leadership and civilian populace and the military, a phenomena that results in the misuse and quick commitment of military forces to missions it is ill-suited for.⁶ The concept of a civil-military gap is not new. Henri de Jomini discussed the challenges a nation faces by having a political leadership that was unfamiliar with the

⁵ Time Magazine, Should the Draft be Reinstated?, New York: 29 DEC 2003-5 JAN 2004, Vol. 162, Issue 26/1, pg 101.

⁶ Thomas Ricks, “The Widening Gap Between the Military and Society,” *The Atlantic Monthly* (July 1997), 23.

culture and proper employment of military force in his book *The Art of War*.⁷ The existence of the All-Volunteer Force encourages expeditionary wars and preemptive warfighting because few Americans understand the military as an institution, do not understand its role, and no longer feel any connection to it.

Conscriptionists maintain that each year the civil-military gap widens because of the All-Volunteer Force, further isolating the military, creating dysfunction and possible danger.⁸ Charles Moskos, remarks that a shared experience of service among the populace would serve to unify the nation and close the civil-military gap. “the abandonment of conscription [in the United States] jeopardizes the nation's dual-military tradition, one-half of which—and truly its heart—is the citizen soldiery”.⁹ Reinstating the draft would create unity and a sense of moral seriousness within U.S. society through the shared sacrifice of defending the nation.

The popular perception held by critics of the AVF is that the military is no longer representative of American society and has become too costly due to the increase in enlistment bonuses and incentives to attract new talent. Enlistment bonuses of up to \$40,000 to serve in the Army are not uncommon and often necessary to attract the talent needed for fighting on a technologically complex, non-linear battlefield.¹⁰ This dynamic has led to the claim that the All-Volunteer Force should be renamed the “All-Recruited”

⁷ Antoine Henri de Jomini, *The Art of War* (London: Greenhill Books, 1996) 45. Jomini lists the solution to having a national leadership not schooled in the military art; to have superb generalship, a well-recruited army, and a national reserve. Any weaknesses in national leadership would be offset by this systems approach.

⁸ Joseph J. Collins and Ole Holsti, *Civil-Military Relations: How Wide is the Gap?*, *International Security*, Vol. 24, No. 2. (Autumn, 1999), p200.

⁹ "From Citizens' Army to Social Laboratory." *Wilson Quarterly* 1993, 17 (1):83-94.

¹⁰ “U.S. Army Recruiting Website”; available from [http:// www.goarmy.com/benefits/money_bonuses.jsp#Enlistment](http://www.goarmy.com/benefits/money_bonuses.jsp#Enlistment); Internet; accessed 4 February 2007.

Force, implying that many more serve as mercenaries in today's military versus those who serve out of a deep sense of patriotism and duty as a citizen.

Opponents of the All-Volunteer Force also claim the current policy is incapable of consistently providing the necessary strength (defined by numbers of new recruits and military end strength) to meet the nation's strategic manpower demands and that it lacks the flexibility to rapidly expand during times of national emergency. Claims have been made that the AVF cannot be sustained during a protracted conflict as propensity wanes and some cite the 2005 Army accessions shortfall as evidence of this.¹¹ Also, recent increases in the number of medical and moral waivers for those enlisting in the All-Volunteer Force are often cited as proof that the AVF has compromised on entry standards, further confirming the fact that it is failing.¹² A draft would allow the United States Government to select from the large pool of 17-24 year old citizens in order to meet manpower needs, guaranteeing full-manning of the armed forces.

Currently there are three basic forms of compulsory service that conscriptionists claim would achieve all of the objectives mentioned above: a traditional draft based on current legislation, an updated version of the draft where eligible citizens would be obligated to serve in the military in a limited capacity, or compulsory national service, where all citizens would have an obligation to serve their nation in some form but have the option to choose what capacity in which they will serve.

¹¹ Ann Scott Tyson, "Recruiting Shortfall Delays Army's Expansion Plans," *Washington Post*, October 21, 2005, 22. This article provides a discussion with then Secretary of the Army Francis J. Harvey's remarks on the Army missing FY 2005 active accessions mission by 6,700 recruits.

¹² Lizette Alvarez, "Army Giving More Waivers in Recruiting," *NY Times*, February 14, 2007. Also, Associated Press, "Lower Standards Help Army Meet Recruiting Goal," *USA Today*, October 9, 2006.

A return to a traditional draft through the activation of existing legislation would be the simplest method of resurrecting conscription in the United States. The Military Selective Service Act (50 U.S.C. App 451) currently serves as a back-up to the All-Volunteer Force should strategic requirements require a massive manpower mobilization.¹³ The Selective Service Act also states the following regarding citizen obligation to the defense of the nation

The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.¹⁴

Should the idea of conscription become wildly popular, the current legislation would provide a “fair and equitable” draft policy the citizenry could support since the burden of defense would be equally shared as stated in the excerpt above.

Other conscriptionists such as U.S. Representative Charles Rangel, or sociologist Charles Moskos, recognize that the current Selective Service legislation is old and stale, and have proposed updated versions of a draft called “national service”. Representative Rangel, a Korean War veteran and believer in the social benefits of compulsory national service, has proposed legislation that would impose a system of mandatory servitude for the betterment of the nation.¹⁵ House Resolution 393, “*The Universal National Service Act of 2007*,” would allow young American citizens to choose the nature of their service to the nation, by either serving in the military or in a field that supports national

¹³ United States Congress, *United States Code 50, Appendix 451*, “The Military Selective Service Act,” as of 9 July 2003.

¹⁴ *Ibid.*, 6.

¹⁵ United States House of Representatives, “Universal National Service Act of 2007,” *House Resolution 393*, Introduced 10 January 2007. 3

defense.¹⁶ Rangel argues that the burden of national defense should be equally shared by all citizen and that if everyone served their nation in some capacity, whether in a military or civilian capacity, the social impacts and sense of civic responsibility created among the populace would greatly improve society and reinforce an honorable moral code in each citizen.

Charles Moskos' 21st Century draft, calls for the conscription of citizens who would be trained to guard sensitive sites within in the United States, their duties focused on homeland defense, and that draftees could be paid less since their duties would restrict them to local security and basic policing functions.¹⁷ Moskos also maintains that such a program would also make many positive social impacts on the nation.

At first glance, it seems that a draft would fix a great deal of problems within U.S. society and from a social policy perspective, compulsory national service seems like a viable course of action for the nation. Although some compulsory service concepts seem more progressive, universal service systems still contain the same fallacies and flaws of any other draft policy. First, U.S. strategic commitments require the military to be expeditionary and capable of rapidly deploying anywhere to fight the nation's wars. The draft policy such as one proposed by Moskos only impacts our ability to interdict an attack within the United States not to mention the issue of Posse Comitatus. The military does not require more troops to guard every bridge in every city in America, the military needs trained and disciplined warriors ready to deploy, fight, and win.

¹⁶ Ibid., 4.

¹⁷ Charles Moskos, Paul Glastis, Now Do You Believe We Need a Draft?, *The Washington Monthly*. Washington: Nov 2001. Vol. 33, Iss. 11; pg. 9

Second, compulsory national service only presents the illusion of choice to the young Americans faced with making a decision on what they will do with their two years of mandatory service. There is a great deal of evidence to suggest that such a system would not be any more effective at meeting our strategic manpower requirements than a Selective Service based draft. While such a program could make a great impact on the various social programs it supports, it does not provide a comprehensive solution to military manpower challenges in the 21st Century.

Defense manpower policy should be focused on meeting strategic requirements, not be aimed at solving any perceived “social-ills” within American society or to compensate for possible demographic under-representation within the military. The claims that conscriptionists make regarding the social benefits of having a draft are not relevant to a discussion on how to best meet manpower requirements to fill strategic requirements. All claims as to the positive social impacts that a draft would have on American society are based purely on academic speculation and not on the study of how to best provide the military strength to fight the nation’s wars. In reality, the consequences of such a policy can hardly be anticipated or predicted.

The fundamental flaw with regards to any universal system of service is that it is never universal. History shows all draft policies contain a system of exemptions that make even the most equitable systems non-universal. The presence of exemptions creates loopholes and opportunities to lobby for further refinements which further erode the effectiveness and intent of a universal service policy. Examples such as the increase of draft exemptions during the Vietnam War, or those deemed exempt from militia service in colonial America because of the essential nature of their duties within the

community are illustrative of such a phenomena. This is the Achilles' heel of any universal service system because it cannot be "explained away" by its supporters. As a universal system becomes more selective, fewer people are affected by the policy, undermining the argument that all will serve. Only a few will ultimately serve and it is unlikely that anyone would see the benefit of a universal policy that selects only 1 out of 100 to report for military service.

Instead, one can argue that a draft would create resentment among the select few who had to serve and among the eligible population in general for being subjected to an unfair policy. The universal policy that affects only a select few would likely leave the civil-military gap unaffected since few would ever actually receive the benefit of serving their nation.

Before a policy maker can propose the discontinuation of the All-Volunteer Force in favor of moving to a more socially progressive and fair conscription policy, one must look at the various points in U.S. history where a draft was used to man the military. The study of these periods in our history will show that a draft has never been "universal", the social impacts it creates are unpredictable, American society is resistant to conscription and only resorts to such measures when the citizens feel national survival is at stake, and it is moderately effective at best from a strategic manpower perspective.

Chapter 2

The Citizen-Soldier and the American Revolution

.....every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion toward the expense of that protection, and yield his personal service when necessary, or an equivalent thereto.¹⁸

The United States Government has used conscription to meet military manpower requirements numerous times throughout its history, and many people cite the drafts of the Civil War, World War I, and World War II as prime examples of how conscription has historically closed the capabilities-requirements gap. (Conscription has also been used to meet manpower requirements during peacetime, but only in the context of a perceived threat of total destruction by Warsaw Pact Forces. From the end of the Korean War in 1953, the draft remained in place as the prevailing manpower policy until the end of the Vietnam War when the Nixon administration, acting on the findings of the Gates Commission, implemented the All-Volunteer Force policy).¹⁹

Conscriptionists point to the periods in our history when a draft was used to fill military requirements as proof that a compulsory service policy works. However,

¹⁸ *The Virginia Law Register*, New Series, Vol. 3, No. 12 (Apr., 1918): 895. Also, Thorpe, *American Charters, Constitutions and Organic Laws*, vol. 5, 3082.

¹⁹ President Richard Nixon, *White House Memorandum to Congress*, 28 January 1971. This memorandum urged Congress to take the appropriate steps in funding the movement toward an AVF for FY 1972. The draft would end and the AVF would become the military's manpower policy on 1 July 1973. The Gates Commission, created by President Nixon to examine the utility in moving to an AVF, consisted of a panel of academicians, economists, and business leaders, and was headed by Thomas Gates Jr, former SECDEF and an opponent of the AVF concept. The commission determined that an AVF would not compromise national security, would incur minimal additional cost initially, and would be a fair manpower policy when compared to the draft which had become increasingly inequitable during the course of the Vietnam War. The findings of the commission gave the AVF concept the traction necessary for implementation.

conscription as a means of raising a military has encountered a great many problems throughout our history. If the past confirms anything, it is that compulsory service is not the answer to our strategic manpower needs.

Conscription evokes emotion due to the implication that through the implementation of compulsory service, Americans might lose the most basic freedom of choice, and the personal liberties upon which this nation was founded. It has even been argued that conscription violates the 13th Amendment, equating mandated service in the defense of the nation as a form of involuntary servitude.²⁰ This perceived impact to personal freedoms was clearly expressed as a grievance in the late 1960's, and formed a part of the opposition to the Vietnam War. In reality, this phenomena can be traced back to the origins of the citizen-soldier concept, before the American Colonies were established. The existence of compulsory military service has always been viewed with some form of disdain.

The English Militia System, informally established during the 12th Century in Great Britain, reached its evolved form during the 16th Century and provided the basic concept of military service that would influence the American concept of the citizen-soldier.²¹ The "English Militia Tradition" was based on the ideal that periodic service under arms formed a normal part of every citizen's life. This concept, which informed

²⁰ Richard Danzig and Peter Szanton, *National Service: What Would it Mean?*, (Lexington: D.C. Heath and Company), 1986. This argument was invalidated by the Supreme Court in 1918 during *Arver v. U.S.*, when it was determined that conscription did not violate the 13th Amendment.

²¹ Robert Summers and Harrison Summers. *Universal Military Training*. (New York: H. W. Wilson Company, 1941), 25.

the establishment of the American Colonial militia, was feasible for local defense but was not useful in raising an army to fight expeditionary wars.²²

By the late 17th Century, British nobility subscribed to the theory that the militia system created a sense of social awareness and civic responsibility among the citizens, an all too familiar argument cited in modern times as a benefit of conscription. However, the English system of raising military manpower for the common defense exhibited two of the problems associated with any draft policy: it did not suffice as the sole means of raising an army, and it was not universal. Much of the reliance on the militia system stemmed from the resistance of the British government to create a professional army because of the threat a standing army could pose to the government. This belief would be resident in the minds of those attending the U.S. Constitutional Convention in 1787, as reflected by the wording in reference to the powers of Congress: “to raise and support Armies”.²³

While the militia could be mobilized for both local and national emergencies, by the 17th Century it was widely recognized in Britain that a standing regular army provided a better-quality force, more capable of fighting the nation’s wars.²⁴ The result was that by the mid-1700’s, Great Britain would rely on a volunteer Army as the source of its national military power, even though eligible citizens were still required to serve in the militia.²⁵ Those who were considered eligible were normally the lower class and did

²² Phillip Good, *Evasions: The American Way of Military Service* (New York: Paragon House Publishers, 1985), 52.

²³ *The United States Constitution*, Article I, Section 8 (Washington, D.C., reproduced by CATO Institute, 2002), 23.

²⁴ Summers, 27.

²⁵ George Q. Flynn, *Conscription and Democracy; The Draft in France, Great Britain, and the United States*, (Westport, CT, 2002), 12-13.

not hold a position within society that was considered “key”. Almost four hundred years later, Milton Friedman would argue that this constituted a form of taxation on the lower class, the main reason cited by the Gates Commission as justification for the United States to move to All-Volunteer Force.²⁶

The Revolutionary War and the Roots of Conscription

“Every citizen who enjoys the protection of a free government, owes...his personal services to the defense of it”²⁷

-George Washington

The “draft” policy of the American Colonies leading up to and during the Revolutionary War was based on the militia system previously established under British rule. Under the American militia system, each able-bodied, eligible man would be subject to military service when called in order to combat threats and provide for the defense of the society. All able-bodied men between the ages of 16 and 50 were obligated to serve in the local militia, with transients, paupers, and loose, idle, dissolute persons being exempt.²⁸ Interestingly, such people who had been deemed ineligible or exempt from service in the local militia were not categorized as “citizens” and denied basic rights afforded participants in the colonial militia. This reflects the attitude that the term “citizen” implied some type of civic obligation or requirement to serve one’s community.

²⁶ Thomas Gates Jr., *The President’s Commission on an All-Volunteer Force*, (Washington, D.C., 1970), 9.

²⁷ Walter Millis, *Arms and Men: A Study in American Military History* (New Jersey: Rutgers University Press, 1984), 44.

²⁸ Gold, 11.

Paradoxically, the raising of the Colonial militia reflects how this universal service policy, under which citizens would shoulder the burden of defense equally, was universal in name only. Even during colonial times there was a system of exemptions and a method used to determine who was eligible for “universal” service. The Massachusetts Militia Act of 1647 exempted officers, fellows, and students of Harvard, church elders, deacons, schoolmasters, and fishermen who were employed year-round from military service.²⁹ By the start of the American Revolution the system of exemptions had created a militia that was not representative of society, and in which the burden of military service was not equally shared by the citizenry;

“....the burden of service was progressively lifted from the shoulders of the wealthy and placed upon the shoulders of the poor.”³⁰

It seems the system of exemptions was intended to decrease the impact a mobilization would have on the community, ensuring that the society would face minimal disruption when the militia had to combat a threat. The importance of civic obligation would be trumped by the desire to ensure the smooth function of day to day life within the Colonies. Service in such a militia system was minimal, normally consisting of three months service during the summer months, between planting and harvesting. This was a logical approach given the nature of an agrarian-based society, one that that dates back to

²⁹ David R Segal, *Recruiting for Uncle Sam: Citizenship and Military Manpower Policy* (Lawrence: University Press of Kansas, 1989), 18.

³⁰ Van Dorn, 139.

ancient Greece.³¹ Compulsory military service was valued, but only as long as it had minimal impact on the political and economic infrastructure of the colonies.³²

Serving in the militia did have its benefits though. Participation in the local militia meant that one could participate in the other functions of local government. This facet of the manning policy in colonial America acted as a forcing function and ensured full participation by citizens in the defense of the society. Political participation could also be classified as the first enlistment incentive: it made militia service more desirable, generating interest among those who may have been exempt and otherwise disinterested in military service. Despite this incentivization the manpower policy failed to achieve the desired results.

“As the colonies became more secure and as threats faded, the colonial militia system deteriorated in much the same way that military conscription deteriorated two centuries later. Through a system of deferments and exemptions that moved away from the principle of universal obligation and made the burden of military service increasingly inequitable.”³³

On the eve of the American Revolution, the debate on how to best provide manpower for the colonial Army had gained a great deal of attention. The English militia system presented a possible solution to the problem of manning the force, but as noted above, the system had deteriorated as local threats became less apparent. Henry Lee, a delegate to the Continental Congress, realizing the potential numbers the mobilization of the militia would yield, suggested the creation of a system whereby militias would be

³¹ Victor Davis Hansen, *A War Like No Other: How the Athenians and Spartans Fought the Peloponnesian War*, (New York: Random House, 2005), 16.

³² John Whiteclay Chambers, *To Raise an Army: The Draft Comes to Modern America* (New York: Free Press, 1987), 34.

³³ Segal, 21.

activated as part of a rotational system to fight the war.³⁴ This idea met with a great deal of resistance from both the Continental Congress and the populace.³⁵ Some within the Congress and local communities did not feel the militia existed to feed the ranks of a national military. Mobilizing the militia on a rotational basis to fight England, a world superpower at the time, was unpopular. The thought that any fight to gain independence from the British would be hard fought also affected the propensity of those serving in the militia to answer the call to duty.³⁶

Compulsory service was not a stand-alone policy, as the American militia system was of a dual nature, consisting both of mandated service and voluntarism. The compulsory portion of the militia was called the “common militia” and essentially comprised the mobilization base for the Colonies.³⁷ The common militia was composed of all-able bodied men of property and provided the base from which military forces could be drawn. The “volunteer militia” provided the core of the defensive forces within the Colonies and, as the name suggests, was composed of volunteers within the various municipalities.³⁸ This arrangement could be considered similar to the modern All-Volunteer Force, which uses the Selective Service as a standby draft for national emergency. It is therefore evident that even though the concept of the citizen-soldier was alive and well during the Revolution, its very existence was due in large part to voluntarism versus compulsion. The citizens that formed the core element of the militia

³⁴ Ibid., 22.

³⁵ Ibid, 23.

³⁶ Chambers, 35.

³⁷ Segal, 18.

³⁸ Ibid, 18.

were volunteers who were willing to devote time and equipment to maintain some form of basic military readiness within the Colonies.

In 1774, the Continental Congress, in an effort to better prepare the Colonies for the impending war, implemented a resolution directing the colonies to reorganize the existing militias under leadership friendly to “the rights of the people”.³⁹ The revolutionary government built its military power around the militia, which served as the cornerstone of the patriotic mobilization of the Colonies. Initially, local militias called for volunteers to answer the call to arms. During the siege of Boston, the Continental Congress realized the advantages of raising a volunteer force.⁴⁰ Such an Army would be well-trained and equipped, disciplined, led effectively. This realization resulted in the creation of the Continental Army. Each of the Colonies would receive a number of enlistments needed to raise the appropriate sized Army and manpower would be managed through a system of voluntarism versus a system of conscription. Enlistment incentives were implemented to attract new recruits and the period of service on a standard enlistment was increased to three years to retain soldiers and increase force readiness.⁴¹

Despite the actions taken to raise a volunteer army, the states could not fill the their required enlistment quotas through voluntarism alone. By 1777, many recognized that voluntarism had failed to raise an Army. Even George Washington, who saw the draft as “disagreeable”, remarked on the need to resort to conscription in a report to Congress in that same year:

³⁹ Meyer Kestenbaum, “Citizenship and Compulsory Military Service: The Revolutionary Origins of Conscription in the United States,” *Armed Forces and Society* 27, no. 7 (Fall 2000): 12.

⁴⁰ *Ibid.*, 13.

⁴¹ *Ibid.*, 14.

“Voluntary enlistments seem to be totally out of the question; all the allurements of the most exorbitant bounties and every other inducement, that could be thought of, have been tried in vain.....some other mode must be concerted, and no other presents itself, than that of filling the Regiments by drafts.....”⁴²

By 1781, the majority of those serving in the Continental Army were conscripts.⁴³

The conscription policy enacted by the states in reaction to Washington’s report still contained exemptions. Pennsylvania, Rhode Island, and North Carolina exempted conscientious objectors from military service and many of the upper-class avoided taking sides, motivated by fear of selecting the losing side.⁴⁴ As a result of the exemption policies, the Continental Army was composed mainly of “second-class” citizens, poor whites, blacks, sons of marginal farmers, laborers, and drifters.⁴⁵

It seems that despite the supposed belief of citizen service and obligation to serve, during the time of national emergency, civic obligation did not endure. This is not to suggest that there were no American colonists who eagerly answered the call to arms, but it is illustrative of how a sense of social duty failed to motivate the masses to take up arms against the British.

At the end of the American Revolution, the citizens of the newly formed nation and their national leadership desired a return to normalcy. On 2 June 1784, Congress, fearing a large standing military, discharged the entire Continental Army, leaving only 83

⁴² John C. Fitzpatrick, *The Writing of George Washington for the Original Manuscript Sources* (Washington, D.C., U.S. Government Printing Office, 1931) 365.

⁴³ Kestenbaum, 28. During the Battle of Yorktown, the majority of the Continental Army consisted of conscripts.

⁴⁴ Charles C Moskos, *The New Conscientious Objection: From Sacred to Secular Resistance*, (New York: Oxford University Press, 1993), 28.

⁴⁵ Chambers, 24.

personnel on active duty to guard the ordnance and stores at West Point and Fort Pitt.⁴⁶

The actions taken by the Congress to reduce the Army reflects the start of an enduring theme in United States, which has occurred at the conclusion of every conflict to date. When faced with threats to national survival, the American people take what steps were necessary to raise a military appropriately sized to meet the necessary strategic requirements. However these times of pronounced threat in our nation's history are the only times when a policy such as a draft has proven acceptable to the populace, and this extreme measure would only be tolerated until the threat subsides. As each conflict ends, the military shrinks, with American citizens demanding a return to a pre-war manning level.

The dispute over how to best fill the ranks of the Continental Army is demonstrative of the basic argument concerning what citizenship means and what responsibilities it entails. The English Militia system was founded on the belief that all citizens were obligated to provide for the nation's defense, a philosophy that took root in the United States. While many believed in the militia system and subscribed to the thought that it somehow had a positive impact on society, when the American militia was mobilized, the call was met with little enthusiasm. Perhaps it was the fact that the American militia system was not a truly universal policy since not every citizen served and many others were exempt because of social status.

Voluntarism did fail to raise the required number of troops to meet strategic manpower requirements during the American Revolution, but still made a significant contribution to the ranks of the Continental Army. It did so only because the perception

⁴⁶ Russel F. Weigel, *History of the United States Army*, (New York: 1991), 81.

among the majority of the American populace was that the nation was engaged in a life and death struggle that justified the need to resort to such a bold infringement on individual liberties by resorting to a draft.

The next period in U.S. history where conscription would be used to meet strategic manpower requirements would be the Civil War. Despite the perception that the nation was engaged in a struggle to preserve the Union, the populace would be resistant to a flawed manpower policy that compromised personal liberties and did not equally distribute the burden of national defense among the citizenry.

Chapter 3

The Civil War

“We’re coming, ancient Abraham, several hundred strong
We hadn’t no 300 dollars and so we come along
We hadn’t no rich parents to pony up the tin
So we went unto the provost and there were mustered in.”⁴⁷

The next chapter in the American debate over conscription occurred during the Civil War. Both the Union and the Confederacy would be confronted with manpower challenges during the course of the war and conscription was implemented by both in order to fill the ranks of their respective armies. During this period in American history, the draft would again be the subject of much debate and a great deal of violence in certain cases. The draft policies enacted by both sides during the Civil War would prove to be ineffective and, in terms of social policy, lacked the fairness that many conscriptionists claim is resident in a system of universal service. Exemptions would ensure that the upper classes were able to avoid service, while the poor were taxed with the burden of military service. The argument can be made that the strategic requirement existed to justify conscription in the North as a means to help restore the Union, but in practice the policy failed miserably.

As hostilities became imminent in early 1861, neither the North nor the South had any developed plans to meet the manpower demands of the coming war. In fact, both the Union and the Confederacy began the war reliant on a system of voluntary service, but

⁴⁷ Peter Levine, Draft Evasion in the North during the Civil War, 1863-1865, *The Journal of American History*, Vol. 67, No. 4 (MAR 1981), 816. A parody of a popular Civil War song, this quote illustrates the flawed conscription policy adopted by the Union.

later passed legislation which authorized conscription as the primary means to generate the necessary manpower.⁴⁸

On 16 April 1862, the Confederate Congress voted to abandon a voluntary service model and provided that every able-bodied man between the ages of 18 and 35 serve in the Army for a term of three years.⁴⁹ Interestingly, the Confederate Conscription Act of 1862 was aimed more at retaining the battle-hardened core of the Southern Army, most of who were about to complete their voluntary one-year enlistments, then at finding fresh recruits. Under the new legislation, veteran Soldiers would remain on active-duty for the required three-year obligation. Later, in the spring of 1864, the Confederate Congress would pass yet another law requiring all soldiers to remain on active duty until the conclusion of the war.⁵⁰

In the North, many felt that the existing small standing federal Army, along with state militias, and volunteers would be more than adequate to fight a war that would be over in a matter of a few short months. After a swift defeat by Confederate forces at the battle of Manassas in July 1861, Congress authorized the acceptance of 500,000 volunteers to expand the ranks of the Union Army.⁵¹ This call to service spurred patriotic fervor and volunteers from all walks of life eagerly signed up to serve their nation. By 1863 it was apparent that this policy was flawed and a larger pool of force

⁴⁸ William Shaw, "Confederate Conscription and Exemption Acts," *The American Journal of Legal History* 6, No. 4 (October 1962), 369.

⁴⁹ Frederick Morse Cutler, *The History of Military Conscription with Special Reference to the United States*, dissertation, (Worcester, MA, Clark University, 1922) 14.

⁵⁰ Chambers, 46.

⁵¹ Marvin Kreidberg and Mertin G. Henry, *The History of Military Mobilization in the United States Army, 1775-1945*, (Hawaii: University Press of the Pacific, 2005)

was required.⁵² The numbers of soldiers required, the accumulating losses, and the differing terms of service between the militia and volunteers created a manpower shortage that could only be filled by a draft system, or so it was thought. The use of Napoleonic tactics, married with technological advancements such as rifled muskets, and improved artillery resulted in catastrophic losses for the Union and Confederacy alike. These unprecedented casualty rates surely affected enlistment propensity after the first year of the war, and poor food, inadequate supplies, and disease further impacted those willing and able to serve.

On 3 March 1863, Congress approved the Enrollment Act, the first federal draft law.⁵³ The Enrollment Act authorized the federal government to draft people directly into the Army. The draft of 1863 created a great deal of unrest in the North, specifically in large cities such as Boston and New York, where riots broke out, requiring the commitment of federal troops to quell the disturbances. The New York City draft riots lasted for four days, required the commitment of six regiments of Federal troops fresh from the battle of Gettysburg to regain control of the city and resulted in over 1,000 U.S. citizens killed.⁵⁴

The draft policy enacted by the Union proved to be flawed and contributed very little to the overall manpower of the military. A total of four national drafts would call for 772,829 men to fill the ranks of the Union Army, but only 46,347 would actually

⁵² Bernard Rostker, *I Want You: The Evolution of the All-Volunteer Force* (Washington D.C.: RAND Corporation, 2006), 22. This provides an excellent discussion on the problems encountered with the draft during the Civil War.

⁵³ Segal, 27.

⁵⁴ Rostker, 22. The names of those being drafted were published the same day as the names of those killed in the battle of Gettysburg. While this may have been only part of the reason for the unrest, it surely did not instill confidence and a feeling of patriotism within those selected to serve their nation.

serve, primarily due to the system of exemptions that is present in almost any "universal" system of service.⁵⁵

For those subject to service in the Union Army, two methods of exemption existed under the conscription policy: commutation and substitution. Commutation allowed those who had been selected to serve in the Union Army to pay a three-hundred dollar fee to avoid service in the Army. The substitution rule stated that a draftee could exempt himself from military service if he found someone willing to take his place. In a sense, it made the draftee a "hometown recruiter". The original draftee had in a sense been designated by the government to find one person who was willing to volunteer for military service.

These two special exemption rules provided a choice to those who had been "drafted", and further compounded the problem of an unpopular draft policy, and provided a method one could use to avoid military service. The commutation rule was especially popular among the upper-class draftees who had no desire to fight in a war that was becoming increasingly unpopular. Any citizen who could pay the fee or find a volunteer remained free from any civic obligation to the United States Government. By the end of the Civil War, over 2.1 million men had served in the Union Army. Of that number, roughly 92 percent were volunteers or substitutions (see Figure 2 below).⁵⁶

Figure 2: Civil War- Disposition of Names Drawn for Drafts of 1863 and 1864.

Draft	Names	Failed to	Examined	Physical	Other	Paid	Provided	Held to
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⁵⁵ Levine, 816.

⁵⁶ Chambers, 42.

Date	Drawn	Report		Exemptions	Exemptions	Commutation	Substitutes	Personal Service
July 1863	292,441	39,415	252,566	81,131	83,264	52,288	26,002	9,881
March 1864	113,446	27,193	84,957	21,473	18,479	32,678	8,911	3,416
July 1863	231,918	66,159	138,536	42,589	39,942	1,298	28,502	26,205
Dec 1864	139,024	28,477	46,128	14,210	14,421	460	10,192	6,845
Total	776,829	161,244	522,187	159,403	156,106	86,724	73,607	46,347

Source: *Final Report to the Secretary of War, by the Provost Marshal General* (Washington, 1866) 165-212.

It is also doubtful that the use of conscription during this time period was effective from a social policy perspective. The draft produced many unintended social impacts and unrest because of obvious inequities that policy makers had not intended. Conscription ran against the values of the American populace, and subsequently the call to arms failed. Conscription, as the numbers illustrate, was not the sole means of generating Union forces during the Civil War and when it was implemented, it generated a great deal of resentment among the citizens. While it spurred “voluntarism” (many were draft-motivated volunteers that joined to be assigned to a specific unit or to take advantage of incentives associated with voluntarism) during the Civil War period, the lesson to be drawn from this is that well-targeted incentives can increase the rates of voluntarism for military service even in wartime, not that conscription is in itself an effective policy from a manpower or social policy standpoint.

Despite the flaws inherent in the draft policies used by the Union and the Confederacy, it was only enacted during a time when national survival was at stake. The United States of America had splintered and the only way to restore the Union was through the use of arms. Shortly after the Civil War, the nation reverted to an all-volunteer force and the military contracted much as it had after the Revolutionary War.

The strategic requirements of the Indian Wars, and westward expansion required only a small cadre.

The next point in American history where conscription became the policy to raise an Army would be World War I. Again, young men would answer the call to arms, some voluntarily and others through compulsion. Many similarities previously seen during the American Revolution and Civil War drafts would emerge once more during the Great War.

Chapter 4

World War I

“There is no reason why one woman’s son should go out and defend or be trained to defend another woman and her son who refuses to take training or give service”⁵⁷.

Conscription during the Civil War turned out to be a dismal failure from both a strategic manpower perspective and in terms of fairness due to an exemption system that allowed the rich to buy their way out of military service: at the same time, manpower needs were met in practice largely by volunteer or privately-incentivized forces. However, the hard-learned lessons of the draft were captured in a report by the Illinois provost marshal in 1865 and would inform policymakers when a new draft policy was created during the next major conflict....The Great War.⁵⁸ Manpower policy during World War I would be based on the findings of the provost marshal and conscription would be the primary means of raising an Army to fight the nation’s war.

During this period in U.S. history the following themes emerge regarding the draft: deferments impacted the fairness of the policy, both voluntarism and compulsory service were used to meet manpower requirements, and the draft would not last much beyond the end of the war with military manpower shrinking as strategic requirements decreased. Deferments were also used during the World War I draft in order to ensure the smooth functioning of U.S. society.

⁵⁷ Hugh Scott, *War Department Reports*, Vol 1.(Washington, D.C., 1916), 162

⁵⁸ James Oakes, *Report on the Draft in Illinois*, 1865 reprinted in John O’Sullivan and Alan Meckler, *The Draft and Its Enemies* (Chicago: University of Illinois Press, 1974), 95. BG Oakes discusses the method of conscripting and the need for the government to draft its citizens in the most efficient means possible. Oakes compares the call to service as a form of taxation where the “tax-payer” has the duty to report to the government to pay his debt.

The industrialization of American society just prior to World War I greatly influenced perceptions regarding conscription. Industrialization created efficiencies in industry whereby manufactured products could be created faster than ever before. Some felt that a similarly “industrial” approach could be taken to manning the force to meet strategic requirements. A draft, it was thought, would provide the raw manpower material as the input to the production line that could quickly and efficiently provide a quality military as needed. The following quote, made by Henry Watterson, editor of the Louisville Courier-Journal in 1917, illustrates the opinion that industrialization was the natural progression of American society and that conscription matched this progression.

“The volunteer system, like the stagecoach, served its purpose in primitive times, but like that stagecoach, it proved unequal to the expanding needs of modern time....(The people) know that the volunteer system has been a failure wherever tried, and seeking efficiency they prefer the selective draft system, just as seeking speed they would prefer a locomotive to an ox-cart.”⁵⁹

In this view, voluntarism was considered an outdated and inefficient means of raising military manpower and, like the ox-cart, no longer had a place in modern industrialized society.

Part of the World War I era argument for a conscript military was economic. The Regular Army in the United States at the time consumed one quarter of the national budget: 200 million dollars.⁶⁰ Despite this large expenditure on military readiness, the U.S. had the smallest standing Army among the “great powers” Proponents of conscription felt a standing army was not needed and readiness could be achieved

⁵⁹ Chambers, 73. Also can be found in Louisville (KY) Courier-Journal, April 25, 1917; Congressional Record 65:1st p1123.

⁶⁰ Segal, 73.

through a system of mass conscripted-reserve forces that had received compulsory military training.

Under this proposed policy, each year, 600,000 able-bodied eighteen year old males would spend six months in military training camps as part of the preparedness movement, creating a corps from which an army could be raised.⁶¹ The reliance on a solely reserve military would, it was thought, cut the economic overhead associated with maintaining a regular army. This concept also appealed to those who feared a standing army of any size, claiming that it was inconsistent with the principles of a free society, and was dangerous to free institutions.

The U.S. military relied upon an all-volunteer military during the Indian Wars and Spanish-American War, but by 1915 the concept of universal military training - already being used in Europe – had gained popularity.⁶² Some felt that the military was too small to meet manpower requirements should the U.S. become involved in the Great War and proposed that a draft be implemented. President Wilson initially felt that such a move would be imprudent and unpopular given the situation.

“our military peace establishment should be no larger than is actually and continuously needed for the use of days in which no enemies move against us”⁶³

Wilson was reluctant to implement conscription when the U.S. did not face a perceived threat to national survival. Instead, he introduced in the National Service Act of 1916

⁶¹ Ibid, pg76.

⁶² Rostker, 24.

⁶³ Ibid, 24.

calling for a 31 percent increase in the size of the regular army and voluntarism would be used to meet the desired military end strength.⁶⁴

The President recognized that an increased need for military manpower existed because of the events occurring in Europe. But he also understood that conscription was not necessary in terms of strategic requirements or desired by the American people. In fact, he stated his personal opinion on the patriotic spirit of American citizens when asked whether voluntarism would provide the necessary numbers to expand the military:

“Why, if they did not, it is not the America that you and I know.....I am sorry for the skeptics who believe that the response would not be tremendous”.⁶⁵

By 1917 President Wilson recognized that the U.S. would enter the war in Europe and he approved the Selective Service Act of 1917 to implement conscription and proscribe terms of service for both volunteers and draftees designed to last until completion of the war.⁶⁶ Such a policy reversal would not be the first time in U.S. history when a President would avoid conscription until strategic manpower requirements demanded the nation resort to the necessary evil of a draft versus the more politically acceptable all-volunteer force.

The draft during World War I proved to be an effective means of raising military manpower for the war when compared to previous versions in U.S. history. Approximately 72 percent of the 3.5 million men who served in World War I were draftees.⁶⁷ Despite this fact, implementation of the policy saw many enduring

⁶⁴ O’Sullivan and Meckler, 104.

⁶⁵ Ibid., 104.

⁶⁶ Rostker, 24.

⁶⁷ Chambers, 77.

similarities to other periods in which conscription was used to meet strategic manpower requirements.

The system of deferments implemented during the World War I draft impacted the “universality” of the manpower policy, a trend familiar from earlier implantations of conscription during our history. Approximately 145,000 draftees received three-year deferments in order to avoid military service and another 300,000 would evade service altogether.⁶⁸ This was only a small portion of the draft eligible population, however, while these numbers were much smaller than those seen in the Civil War draft, they still represented a failure to achieve full citizen participation.

Again, following the end of conflict, it is notable how quickly the United States abandoned conscription and moved to an all-volunteer military as strategic needs changed. By the spring of 1920 Congress had rejected any kind of compulsory military training in peacetime and reduced the wartime army of nearly 4,000,000 citizen-soldiers to a volunteer force that numbered only 2,000,000 regulars.⁶⁹ The perceived national security threat no longer justified the need to use conscription to meet strategic manpower requirements: moreover, the will of the people would not support such a policy that impinged on their personal freedoms and any claims made as to the advantages of universal military training faded.

As a result of this strategic readjustment the United States would once again rely on voluntarism to fill strategic manpower needs until the Axis Powers presented a perceived threat to national survival. But many of the same trends noted during the drafts

⁶⁸ Ibid., 78.

⁶⁹ Ibid., 252.

of the American Revolution, Civil War and World War I would emerge again during World War II.

Chapter 5

World War II

The events leading up to World War II were widely perceived as threatening to the national survival of the United States. By 7 December 1941, sovereign U.S. territory had been attacked, most of Europe had been conquered by a fascist dictator, and Great Britain, our one remaining ally, was under constant air attack and in danger of being invaded by German forces. The Japanese attack on Pearl Harbor had destroyed most of the Pacific fleet, and Japan was continuing a “land grab” quest in order to gain absolute supremacy in the Pacific rim.

When the United States formally declared war on the Axis Powers the threat our nation faced was one that endangered the very existence of the United States of America. While historians argue as to whether the Axis powers could have actually launched an attack on the mainland U.S., the contemporary perceptions of both the American people and the U.S. Government was that such an event would occur if the threat remained unchecked. Given the nature of the enemy (the Wehrmacht had the newest equipment and was roughly three times the size of the U.S. military) and the national attitude regarding the threat the Germans and Japanese posed to our national well-being, a draft was not only the most feasible means of raising a military to fight two major theater wars simultaneously against peer competitors, but would seem to have had a high likelihood of public acceptance.

It is often argued that the manpower policy implemented by the United States during World War II represents the intersection of great need with a fair and equitable

policy. However, this assessment fails to consider the political friction and national discussion that surrounded conscription on the eve of our entry into World War II.

Politically, conscription had been a highly-contested issue leading up to the 1940 Presidential election, with a great deal of debate on the necessity and implications of a draft. In mid-1940, President Franklin D. Roosevelt remarked during a speech on the necessity of the draft that, “most Americans, are agreed that some form of selection by draft is necessary and fair today as it was in 1917 and 1918”.⁷⁰ Yet both the War Department and Roosevelt agreed that such a policy would only be used to raise forces for defense of the nation, not for intervention in Europe.⁷¹ As in the case of the American colonial militia, universal service would prove necessary to meet our strategic manpower requirements, but such a force would only be used for the “local” protection of sovereign U.S. territory.

Despite Roosevelt’s strong assertions regarding the draft, he did very little to push the Selective Service Bill through Congress and by mid-August 1940, he expressed a great deal of doubt as to whether it would be popularly acceptable.⁷² Evidently, the challenge of defending such a hot-button topic as the peacetime draft appeared to be an unwise move for a presidential candidate. Roosevelt expressed concern over the timing of the first lottery draw for the peacetime draft, October 1940, and the political impact such an event would have on his reelection in November.⁷³

⁷⁰ George Q. Flynn, *The Draft: 1940-1973* (Kansas: University Press of Kansas, 1993), 9. Also can be found in Walter Millis, *Arms and Men*., 272.

⁷¹ John Whiteclay Chambers, *Draftees or Volunteers*. (New York: Garland Publishing, 1975), 313.

⁷² Ibid, p18. This was a little over a month after his endorsement of the draft.

⁷³ Chambers, 314.

Congress also debated over the need for conscription during the summer of 1940.

Burton K. Wheeler, an isolationist Senator from Montana warned against the use of a peacetime draft during a radio address in late 1940.

“I have said in recent weeks that the United States is marching down the road to war. Peace time conscription is not only another step in that direction but it is the greatest step toward regimentation and militarism undertaken by the Congress of the United States....”⁷⁴

Wheeler would go on to argue that the appropriate troop strengths could be reached through voluntarism, negating the requirement for conscription.

Senator John L. Lewis of Virginia also argued against the use of peacetime conscription, urging the nation not to overreact to the apparent crisis.⁷⁵ Interestingly, in the days just before the bombing of Pearl Harbor, conscription was still strongly debated among policy makers even as the United States was potentially threatened by multiple peer competitors, affiliated with an ideology that ran against the values of our great democracy. Such heated discussion from the Senate floor and the reluctance of presidential candidates to engage on the issue in the face of such a pronounced global threat emphasizes the extent to which conscription runs contrary to the beliefs and values of this Nation. (One can also argue that since the United States was still very much in the

⁷⁴ O’Sullivan and Meckler, 169. In this transcript of his radio address, the senator from Montana, the greatest state in the Union, provides an excellent argument against conscription. He cites the motivation of self-preservation and survival during his address, which the author feels undermines his logic considering the sizable threat the U.S. faced from the Axis powers in 1940. Despite conscription’s obvious flaws, the draft during World War II provides an excellent example of when such a policy must be used to meet strategic requirements of the nation. The strategic environment provided the justification to get the entire nation on a war footing, the motivation being one of national survival.

⁷⁵ Ibid., 174.

Great Depression, these debates of how to best achieve a war-footing yielded to the far more important issue of restoring domestic economic stability and growth.)

Few American citizens were concerned with the accumulating threat in Europe as Nazi Germany occupied the Rhineland and in Asia, where the Japanese continued to grow their empire in Asia.⁷⁶ The American leadership recognized the requirement to modernize the military and grow it, but not at the expense of industry or good-order in the United States. This reluctance to implement conscription is an enduring theme in the efforts of the United States to meet its military manpower needs in times of crisis. So is the need for the continued functioning of American society expected to support the war effort with equipment and supplies and the corresponding tendency to build exemptions into any proposed program of compulsory service.

The Selective Service Training Act was finally passed on 16 September 1940 and it would provide the framework for manning the force for both World War II and the next thirty years.⁷⁷ The legislation, based on the Conscription Act of World War I, would provide the foundation for expanding the military in preparation for possible defense against threats to the homeland. This peacetime draft proscribed every male between the ages of 21 and 36, including aliens, to register for the draft. Each registered male was eligible to serve for one year on active duty followed by ten years of Reserve duty and could only be used in the defense of the Western Hemisphere or in U.S. possessions, including the Philippines.⁷⁸

⁷⁶ Ibid., 174.

⁷⁷ Chambers, 339. Copy of 1940 Selective Service Training Act.

⁷⁸ Flynn, 18. The draft legislation contained many exemptions seen in previous versions. Each state received a quota and deferments were offered for certain public officials and whoever the President authorized for the maintenance of public health, safety, or interest

Much like previous drafts, a system of deferments was created in order to minimize the economic impact of the policy and to maintain good order within local communities. The new draft would prohibit the conscription of:

“those employed in industry, agriculture, or other occupations of employments.....necessary to the maintenance of the public health”.⁷⁹

Conscription would be the answer to national defense requirements, increasing the authorized Army end strength to 900,000 as long as it resulted in minimal impact to daily life in America.⁸⁰

Many challenges presented by the political debates over conscription mentioned above persisted after the passage of the Selective Service Training Act. Politicians and policy makers made use of semantics in order to make the policy more acceptable to the American public, referring to the new conscription legislation draft as “mobilization”, a word not as emotionally charged as the term “draft”. The first “mobilization drawing” was marketed as if it were a night at the Oscars. Widespread media coverage ensured a positive spin on the drawing of the first lots and the pomp and circumstance surrounding the random selection of the first series of names for the American mobilization effort on 29 October 1940.

“...the Selective Service auditorium was filled with reporters and dignitaries. The War Department arranged for war planes to fly over the scene, and some 500 veterans

such as farmers and industrial workers. Religious ministers and those studying to be clergy were exempt. This “selective deferment” is a characteristic of all forms of conscription going back to the citizen militias in colonial America.

⁷⁹ Lewis Hershey, *Selective Service in Peacetime: A Report to the President* (Washington D.C.: United States Selective Service System), 35.

⁸⁰ David P. Handel, *The Selective Service System: A Historical Perspective* (Alabama: Maxwell Air Force Base, 1985), 23.

provided an honor guard for those carrying the capsules. President Roosevelt appeared to offer a benediction on the proceedings....”⁸¹

Today’s “American Idol” could not compete with the showmanship displayed during the first draft lottery drawing. The drawing was held in an election year and some may argue that the motivation to market the draft as such was purely tied to the Presidential race and the winning of support for an upcoming election. The author maintains that in the context of the Great Depression and the fierce political debate surrounding the passage of the Burke-Wadsworth Act, U.S. government efforts to market the draft by appealing to Americans’ sense of nationalism and American identity symbolized its desire to have the policy embraced by the people.

In fact, American identity is based on individual liberties and freedom of choice, two facets of national character that run against any system of compulsory service. American citizens would once again be resistant to a draft much as they had been during the American Revolution and the Civil War. The behavior exhibited by the populace after passage of the legislation authorizing “mobilization” illustrates two phenomena regarding universal service; popular expressions of concern over such a policy, and the unpredictability of the social impact of conscription.

In 1939, the number of marriages among the total U.S. population was just over 1.4 million, but by 1940, as the prospect of imminent compulsory service drew near, the

⁸¹ Flynn, 23. The U.S. government put a great deal of effort into the public relations aspect of the draft in order to minimize any negative perceptions it might have in the eyes of U.S. populace. Roosevelt, motivated by the desire to secure a third presidential term, argued to have the first lottery drawings after the elections for fear of it impacting his “electability”. During the ceremony, Secretary Stimson, slated to draw the first number, would be blindfolded with a cloth taken from one of the chairs used at the signing of the Declaration of Independence and ladle used to stir the capsules had been fashioned from a piece of wood taken from Independence Hall.

number of marriages had increased three-fold to over 5 million.⁸² The optimist would say that many young couples found their soul-mate over the summer of 1939, but the realist would recognize this as a widespread attempt to downgrade draft eligibility by invoking the institution of marriage.

Why would people choose to make life altering decisions in order to avoid a policy that was viewed as wildly popular? It is understandable that the overwhelming majority of people, when given the choice, would choose to avoid going to war. But the United States was more than a year out from Pearl Harbor, and even the thought of serving in the military, however remote the chance may be was scary enough to prompt many to enter into another life changing arrangement- marriage .

Who could have anticipated such changes in social behavior? The upward trend in marriage during this time in U.S. history emphasizes the danger of attempts to implement a policy such as conscription or compulsory national service as a cure to the social ills in our nation. Social behavior can be predicted, but not accurately and the unintended consequences produced by social policies cannot be fully appreciated. One poll shows that in 1940, over 86% of the people within the targeted age group supported the draft policy, while only 10% of the entire youth population supported entry into any war.⁸³

Exemptions started to impact the fair and equitable draft created for defense of sovereign U.S. territory. Initially, colleges such as Harvard and Columbia were supportive of the draft and begun offering three-year curricula in order to ensure students

⁸² Ibid., 29.

⁸³ Ibid., 30.

would graduate before their 21st birthday and would be available for military service.⁸⁴

However, when the draft age was lowered to 18, colleges began to petition for exemptions due to the financial strain created by smaller classes. The AMA petitioned for exemptions for medical students, citing the need for such specialized personnel within the community.⁸⁵

Just as in Colonial America, certain professions would “need” to be exempt in order to maintain good order within the local communities. The universal policy was beginning to look a little more selective. Other occupations and colleges started to “line-up” making their arguments for deferments, claiming they too were necessary for the smooth functioning of U.S. society.⁸⁶ It must have been encouraging to the U.S. government to see such an out-pouring of civic concern as citizens, educational institutions, and industry made their respective arguments for exemption from the “universal” draft. The justification seemed to be that the draft was selective in nature, and that students should be “selected out” of eligibility.

Taken to its logical extreme, this would leave only the “uneducated” eligible for service. The draft had originally been founded upon the ideals of democracy and the fair sharing of the burden of the nation’s defense, but the student deferment debate quickly pierced the thin veil of the legislation, exposing the fundamental flaw of any conscription policy. No universal system of service is truly universal.

Despite the massive expansion of the U.S. military, the draft was slow to yield the desired manpower requirements for the nation. However, in another unintended

⁸⁴ Ibid., 30.

⁸⁵ Ibid., 31.

⁸⁶ Chambers, 316.

consequence, voluntarism increased. Young, eligible men, fearing the ten-year Reserve requirement and desiring better enlistment options, volunteered to serve and provided the overwhelming majority of new recruits in the late months of 1940.⁸⁷ The draft had mixed performance during the early months of 1941; at the same time, an influx of volunteers and draftees presented the Army with the unanticipated costs of building new training facilities and housing.⁸⁸ As during the Civil War, the rapid mobilization of the U.S. military strained our capability to train, equip, and house the troops as the nation moved toward a war-footing.

It required the bombing of Pearl Harbor and the subsequent fighting in the Philippines to galvanize the nation and eliminate much of the debate regarding conscription. After the attack on 7 December 1941, the citizenry understood the need for full-mobilization. The military would experience a twenty-five time growth from its prewar end strength, expanding to 12 million personnel by the end of World War II, 10 million of which would be draftees.⁸⁹

Despite these impressive numbers, there is evidence that the mobilization during World War II was not as full as one might think and that the draft still contained a great many flaws. That is not to say that conscription was not the correct method of meeting strategic manpower requirements during this period of U.S. history. The struggle for national survival and the challenge of liberating numerous nations in order to restore balance in the world required full-mobilization, making conscription the only feasible policy.

⁸⁷ Ibid., 318.

⁸⁸ Ibid., 318.

⁸⁹ Eliot A. Cohen, *Citizens and Soldiers: The Dilemmas of Military Service* (Ithaca: Cornell University Press, 1985), 150.

Conscription, in combination with voluntarism, enabled the United States to field the “right-sized” military to defeat the Axis Powers and end World War II.⁹⁰ The Selective Service Act of 1940 would be renewed in 1945 in preparation for the invasion of Japan (troop estimates for the invasion were approximately 1.4 million men), and a second time in 1946, to maintain appropriate troop strength to check Soviet aggression.⁹¹ However, the draft as implemented during World War II was an imperfect policy that presented draft boards and the U.S. government with numerous obstacles which had to be managed actively in order to preserve some form of equity and fairness in execution.

Manpower requirements at the end of World War II began to shrink as military forces transitioned to occupation duty. In keeping with an American post-war tradition, the issue of demobilization quickly gained scrutiny. There was no longer a strategic need for a large standing military and service members were anxious to be redeployed home. The U.S. populace demanded their speedy return and subsequent restoration of “normalcy” on the home front.

The occupation of Germany and Japan presented obstacles to a seamless transition from a war-footing to the small peacetime military characteristic of the United States. Occupation duties required approximately 2.5 million troops in order to “win the peace” and restore basic functions to the devastated Axis powers and enforce the terms of

⁹⁰ Flynn, 72. Provides an excellent discussion on the realities of the WW II draft. The ongoing challenge of deferments for certain workers, the “work or fight” policy, and the increasing marriage rate throughout the war to decrease draft eligibility provides a perspective unknown to most students of history. Also, included are the actions taken by local draft boards to eliminate obstacles to meeting manpower quotas. Particularly amusing is the line of questioning used to determine if newly-weds were in fact, in love.

⁹¹ Cohen, 156.

surrender.⁹² The draft had become unpopular among the citizens, policy makers, and military leaders by late 1945, but the need to provide occupation forces challenged a return to the All-Volunteer Force policy.⁹³ At the same time, military leaders, recognizing the value of a professional AVF, called for the reinstatement of a voluntary military as soon as possible after the end of hostilities in August 1945.⁹⁴

The implementation of the draft during World War II illustrates two repeated historical trends associated with the use of conscription in the United States; its inability to man the force fully in isolation, and its unpopularity and lack of viability in times when an imminent threat to national survival is not on the horizon. While the Selective Service Act of 1948 extended conscription, it also did a great deal to bolster voluntary enlistments, the act accounted for only about 30,000 draftees over the course of two years, while the number of voluntary enlistments increased by 200,000.⁹⁵ Again, the U.S. public would insist on the drawdown of the military as strategic threats subsided and requirements urged a return to normalcy.

The draft of World War II can be considered the most effective in U.S. history, both because of the number of military personnel who ultimately served and because of the length of time that the draft was used to supply citizens to close the requirements-capabilities gap. However, the challenges of implementing the draft prior to the start of the war illustrate prevailing negative attitudes toward any compulsory service system.

⁹² Ibid., 158.

⁹³ Flynn, 94. After VJ Day, over 80,000 letters from concerned citizens arrived on Capitol Hill urging an immediate end to the draft and begging a return to normalcy.

⁹⁴ George Q. Flynn, *Conscription and Democracy The Draft in France, Great Britain, and the United States* (Connecticut: Greenwood Publishing Group, 2001), 43. Both the Navy and the Army focused on advancing their agenda of reinstating the AVF and retaining veterans through reenlistment incentives.

⁹⁵ Cohen, 155.

Conscription influenced the prosecution of a presidential campaign, had to be “sold” to the American public through media events, and unexpectedly influenced social behavior among those who were eligible for military service as evidenced by the increase in the marriage rate. Exemptions eroded the premise on which the draft was based: universal service. In theory, all eligible citizens were obliged to serve their nation by answering the call to arms; in practice for some the key was to find a way to decrease their eligibility.

Conscription would continue for approximately another thirty years until the AVF policy was implemented in 1973. While there were perceived threats to the United States which “justified” the need for a large standing military as the Cold War gained momentum through the 1960’s, by the time the nation entered the Vietnam War, the draft was no longer a viable policy. The flaws inherent in a system of universal military service had compounded over the decades, creating a military where only the poor and uneducated would fight and the “fairness” of the draft would be challenged by the American populace.

The Vietnam-era draft would be the next period in U.S. history when the issue of conscription became the topic of much debate among the American populace. During this time, the draft lost any remaining perceived legitimacy among the citizenry as draftees reluctantly went off to fight an unpopular war.

Chapter 5

Vietnam

“My objections to the draft are of two kinds. First, it is immutably immoral in principle and inequitable in practice. Second, it is ineffective, inefficient, and detrimental to national security.”⁹⁶

-W. Allen Wallis

By the early 1960's the draft policy originally used by the United States to meet the manpower needs of World War II and extended to deter the Soviet Union, started to show many flaws. At the same time, increasing U.S. involvement in the Vietnam War and the constant threat posed by the Soviet Union continued to justify the strategic need for a large standing military and conscription continued to be the primary means of reaching desired troop end strength each year.

This period of U.S. history saw the intersection of the Civil Rights movement, the rise of American counterculture, and a renewed expression of individual liberties and rights. African Americans would protest American involvement in Vietnam due to discrimination against blacks within the U.S. and impressment of poor minorities to fight a “white man's war”. Overall, American society would experience a cultural revolution during the 1960's that would change attitudes and perceptions of freedom and citizenship.

The use of conscription to man the force during Vietnam must be studied closely; it is the most recent example of the use of a draft in our nation's history and therefore

⁹⁶ W. Allen Wallis, *Abolish the Draft*, 1968. Also: Walter Y Oi, “The Virtue of an All-Volunteer Force,” *Regulation* 26, no. 2 (Summer 2003) 10. W. Allen Wallis was an economist/statistician and later appointed as an economic advisor to President Richard Nixon. He would also serve as an economic advisor during the Reagan Administration.

most accurately mirrors the current conditions of our society and it illustrates the long-term consequences and challenges of using a draft system to man the military.

During this tumultuous time, the American public would collectively demonstrate once again its long standing antipathy towards conscription - and would chose to express it through protest and draft evasion. While it can be argued that draft protests were a symptom of public dissatisfaction with an unpopular war, they also reflected a recognition that the overwhelming majority of citizens serving in Vietnam were forced to be there because of a policy that targeted the lower socio-economic classes.

The Vietnam era yields three lessons regarding the draft. First, service and sacrifice were not experienced universally by the U.S. population. Second, the military created by the draft was not representative of U.S. society. Finally, in practice, the draft did not suffice as a sole means of manning the force. These three facts emphasize the inherent flaws resident in any compulsory service system, facts routinely overlooked by conscriptionists such as Charles Moskos and Rep Rangel when they argue for a return to a form of involuntary servitude.

During the early 1960's the active duty military strength totaled 2,670,000 with a total reserve force of approximately another 3 million.⁹⁷ These numbers appear misleadingly large unless taken in the context of U.S. strategic requirements at the time. The United States was deeply invested in the protection of Europe and South Korea which greatly limited military flexibility. The constant threat of attack by numerically superior Warsaw Pact forces demanded the commitment of large portions of our military to the containment of the Soviet threat and the prevention of the spread of Communism.

⁹⁷ U.S. Bureau of the Census, *Historical Statistics of the United States*.

The draft population (men ages 18-26) had enjoyed an expansion due to the baby boom after World War II, which swelled the numbers of U.S. citizens eligible for the draft to almost 17 million men by the end of 1964.⁹⁸ These numbers although impressive, failed to tell the story of deferments and exemptions affecting the manpower pool from which the Selective Service could draw. Of the total number of 18-26 year old males, some 12,800,000 were deferred or had been placed in ineligible categories.⁹⁹ When other factors were considered (e.g. those serving in the military already and veterans) only two million men were eligible and qualified for military service.

The disparity between total population and population available for conscription set the stage for the inequity of the draft during the beginning of the Vietnam War. This indicator would only become more pronounced as the war became less popular, strategic manpower requirements grew, and the U.S. government attempted to triage a dying system. By 1965, the number of draft calls would double in order to meet the demands of the Vietnam war and sustain the force posture of the Cold War.¹⁰⁰

Moreover, the draft did not produce a military representative of U.S. society. Due to marriage exemptions and college deferments, the military looked nothing like a microcosm of American society. Nor was the burden of risk shared equally amongst those in military service. Draftees were killed and injured at a higher rate than volunteers, due to the fact that most draftees went into military occupations with a short initial entry training program, such as infantryman or field artilleryman. Because draftees only served for twenty-four months the assumption could safely be made that a draftee

⁹⁸ statistic.

⁹⁹ Antonio Haeni, *Draftees or Volunteers*, (New York: Vantage Press, 1969) 57.

¹⁰⁰ Ibid., 59.

would most likely not reenlist. Most draftees would not be used to fill specialized occupational specialties with long training programs that would negatively impact their utilization time in operational units or their timely deployment to Vietnam. By 1967, 57% of combat deaths were draftees.¹⁰¹ This number is staggering considering that only 16% of total personnel deployed to Vietnam were draftees.¹⁰²

Conscription did not suffice as the sole means of obtaining the necessary military manpower, contributing only a percentage of the total personnel strength during the Vietnam War (only 25% of the 6 million men who served were draftees).¹⁰³ It may be that, as in earlier periods of history such as World War I, the draft impacted rates of volunteerism; a majority of the volunteers which entered the military during this time cited their dominant buying motive as “fear of being drafted”. A 1964 survey indicated 40% of those volunteering for military service were “draft motivated”, a figure that would eventually peak at 50% by 1965.¹⁰⁴ Of the roughly 60% first-term personnel (approximately 800,000) that did volunteer for military service during the Vietnam era, only about 40% were considered “true” volunteers, the remainder being motivated out of fear of being drafted.¹⁰⁵

¹⁰¹ Flynn, 171.

¹⁰² Ibid., 171. Draftees comprised 88% of infantrymen in Vietnam. This was due to the fact that most Combat Arms jobs consisted of shorter training programs. Draftees only needed to serve for twenty four months and the prevailing logic was to maximize their operational use out in the field. The result was more draftees in combat arms jobs.

¹⁰³ Ibid., 171.

¹⁰⁴ Ibid., 171.

¹⁰⁵ Congressional Budget Office, *The All Voluntary Military: Issues and Performance*, by Peter Orszag (Washington D.C., July 2007), 3. During the 1960's the Baby Boomer Generation was coming of draft age, greatly expanding the draft pool available. The CBO Reports that the number of draft eligible citizens (defined as 19-25 years of age) increased during the 1960's by 50 percent to 12 million. With a large pool to draw from, the proportion of draftees as part of the total eligible population decreased. By 1970 the

However, a large portion of the Vietnam-era military enlistments were generated out of a sense of voluntarism. In 1967, several years into the war, only 47% of the Army and 16% of the total armed forces in Vietnam were draftees.¹⁰⁶ Contrary to today's popular perceptions, for most of the Vietnam conflict, the fight was prosecuted not by a "draft force", but by a more complex and diverse military made up of career professionals, volunteers motivated to enlist out of fear, and genuine draftees.

During the Vietnam era exemptions steadily increased, and the draft strayed further and further from its "universality". The increased draft calls, ever increasing exemptions, and unpopularity of the Vietnam War resulted in mass protests, a phenomenon seen in earlier historical periods, including the U.S. Civil War. Protestors in major U.S. cities began burning draft cards, returning draft cards to the Selective Service, and harassing draft officials.¹⁰⁷ Resistance to draft calls became more organized and more widespread as the Vietnam War demanded the commitment of more troops. The number of people who applied for conscientious objector status increased greatly over the course of the Vietnam War as young American citizens rushed to change their eligibility status and avoid military service - a trend seen earlier in the days leading up to World War II.¹⁰⁸

Some potential draftees chose to migrate to Canada in order to avoid the draft, but for most, such extreme measures were not necessary to avoid the failing draft system during the Vietnam War. A young male otherwise physically qualified for military

number of 26 year old men who would have served in the military would drop to 34 percent versus 70 percent in 1958.

¹⁰⁶ Ibid., 7.

¹⁰⁷ Michael Useem, *Conscription, Protest, and Social Conflict: The Life and Death of a Draft Resistance Movement*, (New York: Wiley and Sons, 1993), 91.

¹⁰⁸ Ibid., 96.

service only needed to stay in college and achieve passing grades - or get married and have a couple of kids - in order to avoid a draft notice and subsequent service in Vietnam. (These exemptions were the most widely used methods of “disqualifying” oneself from military service). U.S. citizens wishing to downgrade their draft eligibility took a variety of steps (seeking higher education, pursuing early marriage) which created unexpected social impacts. It is estimated that during the Vietnam War, one of every eight men got married earlier due to fear of being drafted – social behavior much like that seen shortly before World War II, when young Americans were faced with compulsory military service.¹⁰⁹

The composition of the Vietnam-era military was also shaped by the deferments policy which could be compared to the commutation clause of the Union draft during the Civil War. Instead of – as in Civil War days - paying a three hundred dollar fee to avoid military service, Vietnam-era young Americans who could afford to attend college would be deferred from draft eligibility. By 1970, about 10 percent of draft registrants, or 2.3 million men, had educational deferments, more than ten times the percentage in 1960.¹¹⁰ The college deferment option offered young middle or upper-class men the option to pursue higher education and provided an excellent means of avoiding the fair and equitable draft. For members of the lower socio-economic classes, the resentment created by this policy was similar to that of the citizens drafted during the Civil War who could not hope of producing the 300 dollars to buy their exemption. The price of commutation during the Vietnam was the price of college tuition, a price too high for America’s poor to buy their freedom.

¹⁰⁹ Flynn, 179. The number of Conscientious Objectors tripled from 1964 to 1971.

¹¹⁰ Orszag, 5.

Deferments for college, exemptions due to marital status, and other draft avoidance techniques created a Vietnam-era military that was not representative of society. The profile of the force resulting from conscription leading up to and including U.S. involvement in Vietnam wholly disproves the theory of universal service where the burden of national defense is equally shared by all. The overwhelming majority of the burden of national defense would be borne by the poor and underprivileged of American society. These men served their nation honorably despite being part of an unfair system that allowed the wealthy to avoid military service altogether. This dynamic, created by the draft, constituted a tax levied by the rich and paid by the poor.

The first seeds of conscription's demise were sown during the Johnson administration, when former President Eisenhower, a man who had previous experience with military manpower requirements, argued that sending conscripted troops to Vietnam would cause a major public-relations problem.¹¹¹ The long-standing national debate about the imperatives of civic duty and personal freedom stood out boldly as the draft became more selective and less equitable. Many felt this loss of equity in the draft bankrupted the spirit of "universalism" in the policy.¹¹²

As the pressure of the Vietnam War mounted, the Johnson administration created the Presidential Advisory Commission on Selective Service (the Marshall Commission) in order to determine the feasibility of moving to an All-Volunteer Force and to assess

¹¹¹ Harry A Marmion, *Selective Service: Conflict and Compromise*, (New York: Wiley 1968), 57.

¹¹² John C. Esty Jr, *The Draft*, 167. The argument was made by "upper class" people. ., headmaster of Taft School testified in front of Congress that "the present practice makes a mockery of the original intent that every able-bodied man serve his country". In fact, the draft had originally been designed to be scientific, modern and selective rather than universal. This provides some interesting insight into the perception of the draft versus the actual policy.

what changes would need to be made to the Selective Service in order to make the draft “fair and equitable”.¹¹³ The findings of the commission were focused on four key points: the elimination of most educational and occupational deferments, changing the order of call to youngest rather than oldest in order to minimize disruption to career planning, the adoption of a national lottery in order to ensure fairness, and consolidation of local draft boards to enforce military entrance standards.¹¹⁴ The report also recommended against the creation of an All Volunteer Force, citing cost as the major challenge to the establishment of a military based on volunteerism.

The recommendations made by the Marshall Commission are interesting in that they precisely targeted the primary problems with the draft during the Vietnam War. A universal policy of conscription that had been originally created to meet strategic manpower needs during World War II, and subsequently extended in order to meet the strategic manpower requirements of the Cold War era, had shown its fundamental flaws. The Commission’s assessment provided the necessary steps to be taken to at least create the perception of a “fair and equitable” universal military service policy. However, the only proposal that would be adopted by the Johnson administration would be the commission’s recommendation that the U.S. government not create an All-Volunteer Force.

Instead, a “Task Force” would be created, consisting of the Secretary of Defense, the Director of the Selective Service, and the Director of the Bureau of the Budget, to

¹¹³ Rostker, 30. The President’s commission would be referred to as the Marshall Commission, named after its chair, Burke Marshall, the General Counsel of the International Business Machines (IBM) Commission.

¹¹⁴ Burke Marhsall, *In Pursuit of Equity? Who Serves When Not All Serve? Report of the National Advisory Commission on Selective Service* (Washington, D.C.: National Advisory Commission on Selective Service, February 1967)

review the findings of the Marhsall Commission.¹¹⁵ This task force would reject all of the Marshall Commission's recommendations and the draft would continue for four more years. At the same time, the idea of moving to an All-Volunteer Force had entered the dialogue between policy makers and the national leadership.

Historical experience shows that American identity displays genuine resistance to conscription. In the Vietnam-era, the fact that the draft portion of the military was comprised of the poor and underprivileged created an impression among the U.S. populace that the draft was not fair and there was no requirement for it. Also, the public perception that Vietnam was an "elective" war, created the public impression that conscription was not needed to meet genuine U.S. strategic needs, which did not include an unnecessary expedition in Southeast Asia.

In summary, the unpopularity and non-universal nature of the Vietnam-era draft is not only consistent with historical precedent, but also predicts the eventual disintegration of any universal military service policy in the United States that is not temporary in nature and that is not implemented in the context of an urgent threat to national survival.

The success of a draft policy is usually defined in one of four ways; in terms of the policy's ability to provide a simpler, more effective solution than recruitment and provision of enlistment incentives to manning the force fully; in terms of the policy's ability to provide a military force which is demographically reflective of the broader U.S. citizenry; in terms of the policy's fairness and equity in spreading risk equally amongst all individuals subject to conscription; or in terms of the policy's positive role in creating social cohesion and a national culture of service. The Vietnam-era draft, like the multiple

¹¹⁵ Rostker, 31.

historical examples in U.S. history discussed earlier, failed on all four counts. These four criteria are often cited by conscriptionists as justification for a move to a modern draft, but as history demonstrates, such allegations are not based on fact.

Public recognition of this failure opened a national debate on how to best meet strategic manpower requirements. The resulting Gates Commission would end a great deal of debate on the inequities of the draft and would serve as catalyst in the transformation of the U.S. military from a force of mass to a force of quality.

The Nation adopts the All-Volunteer Force

The Presidential election campaign of 1967 forced the issue of conscription to the forefront. Recognizing how divisive the policy had become, Republican candidate Richard Nixon ran on the promise of reforming military manpower policy.¹¹⁶ It was, however, unclear how this would be accomplished. Proponents of conscription within the U.S. government and the military claimed that an All-Volunteer Force would not only be impossible to man from a recruiting perspective, but would also be too costly to maintain. Morris Janowitz, a sociologist who specialized in the study of the social aspects of the military and society, claimed that an AVF would be a “predominantly or even all Negro enlisted force” given that service in the armed forces presented an opportunity to the underprivileged.¹¹⁷

Nixon, most likely motivated by a combination of political opportunism and a sincere desire to entertain solutions to a growing problem, appointed a professor from

¹¹⁶ Chambers, 572.

¹¹⁷ Morris Janowitz, *The Draft: A Handbook of Facts and Alternatives* (Chicago: University Of Chicago Press, 1967), 73.

Columbia University, Martin Anderson, to research the possibilities of moving to a military based on voluntarism versus one of compulsion.¹¹⁸ Approximately three months later, Anderson submitted a short memorandum summarizing the debate on conscription and an assessment of the utility in moving to an All-Volunteer Force. Anderson argued the following:

Drafting the youth of our country constitutes two years of involuntary servitude to the State.....Studies conducted by reliable experts show that it is within our grasp to eliminate this last vestige of involuntary servitude without weakening the security of our country in the slightest; to the contrary, we would actually strengthen our security.

During his first tour of duty, an enlisted man earns \$2,400. This is far below the so-called poverty level.....enlisted men could earn at least \$3,600 a year in civilian jobs. Thus they pay a hidden tax of \$1,200 a year—twice that of a taxpayer.

It is likely that most Americans would support an all-volunteer armed force.....With an AVF no income group, no racial group, no educational group, would bear an unjust proportion of coercion; or coercion would exist.¹¹⁹

The three points listed above are the main justifications for the creation of an AVF. First, Anderson argued that national security would not be compromised by moving to a volunteer military, the implication being that a volunteer-base military would be capable of meeting strategic manpower requirements. Creating a military composed of volunteers

¹¹⁸ Rostker, p33.

¹¹⁹ Martin Anderson, *An Outline of the Factors Involved in Establishing an All-Volunteer Armed Force* (Washington, D,C: Memorandum to Richard Nixon, 1967. This is an excellent document that outlines the advantages of moving to an AVF. It also nullifies popular arguments against creating an AVF (they are the same today), such as the Janowitz/Moskos argument that an AVF would be comprised of all African-Americans.

would, Anderson argued, actually increase the effectiveness of the force because of increased troop retention.

Second, Anderson addresses the massive inequity that existed between military pay and civilian pay. This inequity constituted a “hidden tax” meaning that those who were forced to serve in the conscript military were being paid less than what would be considered “fair” pay in the civilian sector. Interestingly, this concept of a hidden tax on those unlucky enough to be conscripted was not a new concept:

“...the sailor is pressed and obliged to serve for the defense of this trade at the rate of 25s (shillings) a month, could have 3.15, in the merchant service, you take from him 50s a month; if you have 100,000 in your service, you rob that honest part of society and their poor families of 250,000 per month.....the question will then amount to this; whether it be just in a community, that the richer part should compel the poor to fight for them and their properties for such wages as the think fit to allow, and punish them if they refuse?”¹²⁰

-Benjamin Franklin

In fact, in 1970 Lawrence Sjaastad and Ronald Hansen conducted an empirical analysis of the hidden tax embedded in the draft policy at the time and calculated the cost of this “tax” was larger than any other tax levied by the federal government.¹²¹

¹²⁰ John T. Warner and Beth Asch, “The Record and Prospects of the All-Volunteer Military in the United States,” *Journal of Economic Perspectives* 15, no. 2 (Spring 2001): 170.

¹²¹ Walter Oi, “The Virtue of an All-Volunteer Force,” *Regulation* 26, no. 2 (Summer 2003): 10. A great article, Oi cites John Kenneth Galbrath who stated “The draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer who benefits by lower taxes to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably freedom of choice here as elsewhere is worth paying for.

Finally, Anderson argued that a manpower policy based on freedom of choice and a military manned by volunteers would be more acceptable to the American populace, given that it would be perceived as fair and equitable, as all who served did so by choice, not by compulsion. This last facet of the argument for an AVF addresses a long-standing public concern about the role of compulsion in American military service.

The Anderson memorandum provided the framework for Nixon to pursue further analysis and planning toward the creation of a volunteer military. In early 1969, Nixon appointed former Secretary of Defense Thomas Gates Jr. to head a commission charged with the mission of developing a plan to move the U.S. military from a system of conscription to an all-volunteer force.¹²² The Gates Commission was composed of a diverse mix of professionals, including academics, policymakers, and economists, and great care was taken to ensure that the panelists were open to reform and had not already made up their minds regarding the issue. In fact, Gates himself did not hold the opinion that the U.S. should move to an AVF, to which Nixon replied that was exactly why he had been hired.¹²³

The Gates Commission Report, which was published in early 1970 provided the following requirements to create an all-volunteer force policy that would be perceived as fair and viable:

- Raise military pay in order to eliminate the “hidden tax”
- Improve the conditions of military service and recruiting

¹²² Rostker, 67.

¹²³ Ibid., 67.

-Establish a standby draft system by June 1971.¹²⁴

Additionally, the Commission debunked many of the arguments made against the creation of an all-volunteer military. As it noted, despite an initial increase in the military budget resulting from the pay raise for military service members, the long-term costs would actually be lower due to increased service member retention and the tax revenue recouped from the pay increase.¹²⁵

The findings of the Gates Commission would be translated into action by the Nixon administration on 1 July 1973, when draft induction authority ended and the AVF policy was finally implemented.¹²⁶ This date signifies the demise of a manpower policy that was ineffective at manning the force, unfair to the lower socio-economic classes, and widely perceived as contradictory to the personal freedoms guaranteed to American citizens in the Constitution.

¹²⁴ Thomas Gates Jr., *The President's Commission on an All-Volunteer Force* (Washington, D.C., 1970), 11.

¹²⁵ *Ibid.*, 12.

¹²⁶ Rostker, 183.

Chapter 7

What If We Had a Draft and Nobody Came? Unanticipated Problems, Faulty Logic

Our national history shows “universal service” through conscription to be a flawed policy, accepted as a necessary evil in the eyes of American citizens only in times of genuine national peril. Its lack of universality, violation of basic freedoms, and mediocre performance should be enough to convince even the staunchest proponents of compulsory service. But what if a draft were to be implemented today, despite these fatal flaws? The current Selective Service Act (50 U.S.C. App. 451) would most likely serve as the parent document for a modern draft. House Resolution 393 could possibly be passed, providing the nation with a modernized form of conscription. If a draft was implemented today, a great deal of bad baggage would accompany such a policy that is often overlooked in the ongoing debate over how to effectively man the force.

First, few American citizens would actually be required to serve in the military if a draft was resurrected. As demonstrated during the historical analysis, conscription of any type would not be a stand-alone policy and would exist to supplement the volunteer military. Young men and, for purposes of this argument, women, would register with the Selective Service Board upon their eighteenth birthday in accordance with current published legislation, probably hoping they wouldn’t be one of the select few who would be “volunteered” to share the burden of national defense. A policy that infringes on the individual liberties of a few thousand citizens cannot be marketed to the whole of society as fair, equitable, and universal.

The “draft eligible” population in the United States today is roughly 8 million people.¹²⁷ Assuming that eligible citizens seeking military careers could still volunteer for military service, a draft would most likely only supplement the current force with some percentage of conscripts. The Congressional Budget Office in its 2007 report; *The All-Volunteer Military: Issues and Performance*, discusses possible challenges of implementing such a system.

“....the draft would have trouble producing a force with the same level of experience as the AVF.....People would be drafted for a shorter period than the four- to six-year obligation typical in the AVF, and most draftees would be likely to leave after their initial obligation.....CBO calculated the accessions and continuation rates that would allow the active Army to achieve its desired size of 547,400 personnel by 2012.....continuation rates were 82.4% for the active Army as a whole in 2005 and 84.5% in 2006. If future continuation rates dropped to a mix of 2005 and 2006 levels, the Army would need between 86,000 and 90,000 volunteers each year to meet its end-strength goal. It could meet that goal by drafting up to 27,000 recruits per year to supplement.....however, that approach would require 14,000 more annual accessions than under the AVF and would reduce the average experience level of the force.”¹²⁸

This emphasizes one of the major challenges a conscription policy would experience in meeting current military manpower requirements. The decrease in utilization of time for draftees to two years would result in higher turnover, lower retention rates, and

¹²⁷ United States Army Accessions Command, *Intelligence Preparation of the Market* (Fort Monroe: August 2007) 15. Data pulled from Camber Prime Market Study, Department of Defense QMA Study, (Washington, D.C.: 2005). Total youth population (17-24 years old) is 31.5million. Total potential market: 14.3 million, 8.4 million of which are considered physically, mentally, and morally qualified for military service (approximately 30 percent of total youth population).

¹²⁸ Congressional Budget Office, *The All-Volunteer Military: Issues and Performance*, Peter Orszag (Washington D.C., July 2007): 19.

subsequently, an increase in the accessions mission each year. The economic cost of training, equipping, and paying a larger number of personnel each year would almost certainly negate any “savings” touted by conscriptionists. In 1982, the Reagan administration’s Military Manpower Task Force determined that a return to conscription would increase military expenditures by \$1 billion annually, not including the costs of draft avoidance, economic dislocations, and unintended social costs.¹²⁹

Additionally, as in the Vietnam-era, draftees would not be used to fill openings in career paths with a long training requirement such as Explosive Ordnance Disposal (EOD), linguist, or interrogator (military occupational specialties currently in high-demand in the current fight); instead, they would probably fill occupational specialties such as truck operator, infantryman, or cannon crewmember. In addition, draftees serving a two-year obligation would only be available for deployments of less than a year due to initial entry training and Military Occupational Specialty (MOS) certification.

Draftees’ relatively short service and the limited number of roles in which they would be eligible to serve limits their usefulness to the military. However, the Congressional Budget Office numbers above suggest that the supposed social benefits of a draft policy would be limited. How much of a social impact would the conscription of 14,000 citizens a year create? The small numbers who would be forced to serve in the most likely draft scenarios would create little, if any positive social impact on the mass of U.S. society, and would be in a poor position to create a sense of civic duty among the American populace. The touted social benefits of sharing the burden of national defense evaporate when the numbers are examined.

¹²⁹ Doug Bandow, “What Ain’t Broke: The Renewed Call for Conscription,” *Ideas On Liberty* 50, Issue 2 (Irvington-on-Hudson: Feb 2000) 223.

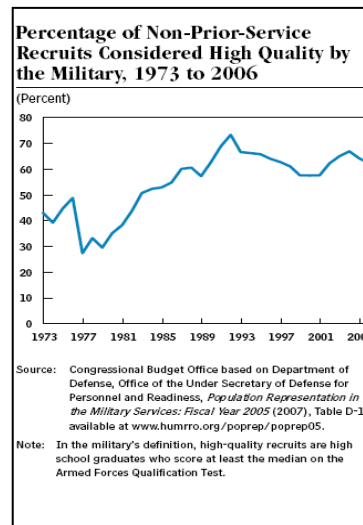
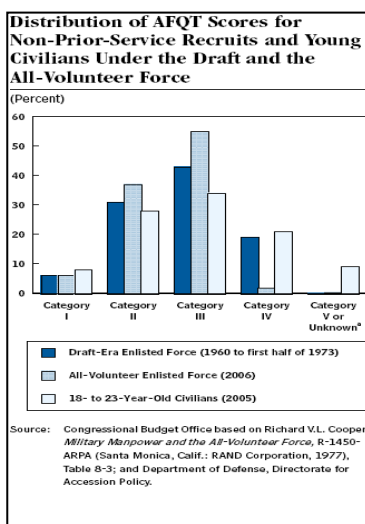
Supporters of conscription could attempt to address this failure of logic by proposing that every single eligible citizen in the age range of 17-24 would serve. The result would be an increase of roughly 8 million personnel in national military end strength. From a budgetary perspective, any claim of savings enjoyed under a draft policy would disappear as the government strains to find money to build barracks, train, equip, pay, and feed an enormously expanded military.

Many proponents of compulsory national service, recognizing that such a bold solution is unrealistic, claim that those who are not needed in the military could serve in jobs that support national defense (a key tenet of House Resolution 393). Such a policy would successfully man other functions of American society, but would be no better than a traditional draft system at addressing strategic manpower requirements or ensuring universality of service.

Another problem that would arise as a result of conscription would be a decrease in the quality of the force. Force quality has increased greatly since the creation of the All-Volunteer Force. The personnel who serve in today's military are better educated, score higher on aptitude tests, and stay longer than under the draft system (see Figure 3 below). Recruits who complete high school are more likely to complete initial entry training in the military and professional troops are 1.5 times more effective at certain tasks than first-term enlistees.¹³⁰

¹³⁰ Orszag , 25.

Figure 3: Increase in Quality of Force since Inception of the AVF¹³¹



If the draft was implemented today, military entrance standards would be lowered to include those previously deemed ineligible under the AVF policy because of current Selective Service verbiage:

“No person shall be relieved from training and service under this title (sections 451 to 471a of this Appendix) by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term of one year”.¹³²

Considering the quote above from the current Selective Service law, under national conscription, quality of the force would suffer greatly since more draftees would have serious criminal backgrounds and any attempts by lawmakers to increase entry standards to correct for this would translate into more exemptions, further accentuating the primary flaw in any “universal” system. Yet a draft must contain some form of exemption in order to exclude those who cannot serve or would be detrimental to good order and discipline. These exemptions as demonstrated during the historical analysis, create a

¹³¹ Ibid., 19.

¹³² Selective Service Act, 26.

slippery slope where more and more exemptions further erode the eligible population to the point where the “burden of the nation’s defense” is no longer equally shared. Who will end up serving when service is no longer universal?

In addition, those who argue that a draft would create a military more representative of society, do not understand the composition of the All-Volunteer Force. In fact, the AVF corresponds closely, demographically, to the American population as a whole, yet is better educated than the population at large.¹³³ Applying the logic used in this argument, if conscriptionists want to create a military that is accurately representative of American society, will the military be forced to accept citizens with lower aptitude scores? Currently, African Americans make up 15.3% of the U.S. population, but only 13.1% of the military population.¹³⁴ Would draft calls be increased among the African American population in order to close the 2 percent gap to ensure equal demographic representation in the military?

Conscription would force a dialogue on many socially divisive issues when attempting to create a draft policy that could be considered fair and equitable. First, lawmakers would have to amend the Military Selective Service Act to include women.¹³⁵ Proponents of a draft tend to equate military service with citizenship. A citizen serves their nation and it is their “duty to fight” when called by the nation. By exempting females under the current Selective Service system legislation, does this imply that they

¹³³ James F. Kelly, “Draft Debate Resurfaces,” *Proceedings* 133, No. 1 (January 2007), 12.

¹³⁴ Joint Advertising Marketing Research and Studies, Washington D.C. (2005)

¹³⁵ U.S. Code 50, App 451, The Military Selective Service Act, Section 453 “Registration”, 2. states that it shall be the duty of every male citizen of the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit registration.....

are somehow less of a citizen? Such an issue might not be as hotly contested as it once was, considering the fact that many women are on the battlefields of Iraq and Afghanistan, proving their toughness and skill daily. However, it would still likely be the cause of significant debate and dissent.

Policymakers would also have to reengage on the “Don’t Ask Don’t Tell” policy, the current Department of Defense policy regarding homosexuality and military service. This issue might seem completely unrelated to manning the force. However, keeping history in mind, this policy could easily be used as a loophole in the “universal” draft policy and exploited by the very small number of citizens unlucky enough to be drafted each year. Charles Moskos remarks on the U.S. societal shift in people’s perceptions regarding homosexuality and its possible impact on the military.

“As the status of homosexuals becomes increasingly accepted in society at large, similar pressures arise to allow homosexuals to serve openly in the armed forces.....Only time will tell whether "Don't Ask, Don't Tell" will hold firm or is only a way-station to the full integration of open homosexuals into the American armed forces. Although the lifting of the ban seems unlikely at the time of this writing, the United States has clearly moved toward greater acceptance of homosexuality than would have been imagined a decade or so ago”.¹³⁶

Could one unintended social impact of conscription be more college-aged male citizens claiming they are homosexuals in order to avoid military service? Such a tactic used to “outsmart” the government would probably earn applause at some colleges and serve as a punch line for fellow fraternity brothers as a young male draft dodger gets

¹³⁶ Charles Moskos, “What Ails the All-Volunteer Force: An Institutional Perspective,” *Parameters*, (Summer 2001): 42.

ready for his hot date with a girl he met at the local pub. This and other loopholes might create a new and disruptive phenomena of draft avoidance.

Medical and physical exemptions would decrease the total eligible population and also provide a means to avoid possible military service, further compromising the policy. Currently, only 3 of 10 Americans between the ages of 17-24 are eligible for military service because of increased exemptions for obesity, mental aptitude, medical disqualifications such as asthma or ADD, and law convictions.¹³⁷ The universality of a draft would constantly be challenged by the ever-increasing numbers of children who are deemed unfit for military service. This is not to argue the need to lower military entrance standards, but only to emphasize that a modern day draft would not be as equitable as its supporters claim. Thirty percent of the youth population does not constitute universal service and given the fact that the U.S. is currently conducting combat operations in two nations in the Middle East with no real end in sight, how many people would be willing to “disqualify” themselves in order to avoid selection? How many children will “develop” asthma, ADD, or some other medical ailment in order to avoid military service? Such social phenomena can only be speculated on.

Lastly, conscription would place the United States on the wrong side of history if the nation were to move to a draft military considering many other countries are beginning to realize the effectiveness and value of having an all-volunteer military. Conscriptionists often refer to certain NATO nations and Israel who maintain draft

¹³⁷ Department of Defense, *QMA Study* (Washington, D.C., 2005). Information taken from Woods and Poole projection for FY 2008. 55% of youth market is disqualified due to weight, medical, moral, and dependency reasons. 44% of the youth population is disqualified because of mental aptitude or education. These numbers are not mutually exclusive. The result is just over 27% percent of American youth population (17-24) eligible for military service.

militaries as proof that such a policy can work if properly implemented. These arguments are not based on fact and fail to take into account the number of nations that are abandoning conscription in favor of a volunteer force.¹³⁸ Additionally, the comparison of one nation's approach to manning the force to another is very rarely clear-cut due to differences in culture, history, values, government, and strategic manpower requirements. However, for purposes of this thesis, the assumption will be made that all nations can be compared from a strategic military manpower perspective. With that in mind, what nations have a draft policy that is fair and equitable, and meets strategic requirements?

In fact, the overall reduced economic cost and efficiencies gained through an All-Volunteer force have been recently realized by some European nations that previously relied on conscription.¹³⁹ Many European allies have moved toward creating an All-Volunteer Force because strategic requirements no longer dictate the need for massive standing militaries. Europe is no longer under the constant threat of invasion and subsequent annihilation by Warsaw Pact forces, and the peace dividend enjoyed by NATO at the end of the Cold War in the early 1990s has forced policy makers to reassess their methods of manning and sustaining military force requirements.

Spain, a nation that uses a mix of conscription and volunteers to man its military is currently encountering similar problems to those seen by the United States during the

¹³⁸ Congressional Budget Office, *The End of Conscription in Europe*, by Christopher Jehn and Zachary Seldon, (Washington, D.C.): 22. 8 of 28 European nations have moved toward the establishment of an AVF citing the following justification: strategic requirements.

¹³⁹ George A. Bloch, "French Military Reform: Lessons for America's Army?" *Parameters* Vol. 30, No. 2, Summer 2000, 36. Also found in Jehn and Seldon, 16. France, the nation that many claim invented the concept of modern conscription, abandoned the draft in 1996 in favor of an AVF.

1960s when the number of exemptions and increased manpower requirements accentuated the non-universal nature of “universal” conscription. The Spanish military reduced the percentage of conscripts in 1991 when the Spanish parliament reduced the size of the military by approximately 90,000.¹⁴⁰ As the percentage of Spanish draftees decreased during the 1990’s the draft became more selective. As seen throughout American history, a universal policy actually only affected a select few, and that small percentage that are selected by their friends and neighbors to serve in the military are in many cases angered that they were unlucky enough to “draw the short straw”.

Germany, which has the largest European conscript army, is currently struggling to shift to an All-Volunteer Force policy and move away from its reliance on compulsory national service.¹⁴¹ Originally, Germany implemented compulsory national service as a fair means of manning the military and ensuring that all citizens served in some capacity. Today, many German policymakers realize the benefits of moving to a volunteer-based military. A study conducted by the University of the Bundeswehr in Munich concluded that a switch to a professional army would result in an economic savings (much like the Gates Commission argued) of up to 3.5 billion euros annually.¹⁴²

Those German citizens exempt from military service because of conscientious objector status or personal choice to serve in other state-approved positions, have provided a huge source (approximately 150,000 citizens) of cheap labor for Germany’s

¹⁴⁰ Jehn and Seldon, 5.

¹⁴¹ Martin Kanz, “Dismissing the Draft: Germany Debates Its Military Future,” *Harvard International Review* 24, no.4 (Winter 2003): 37. This article provides a great discussion on the long-term effects of maintaining a draft military or compulsory national service system. Aptitude scores in the Bundeswehr have decreased and in 2004 the number of citizens who will be exempt from military service will exceed those who are eligible. Perhaps nations really are similar from a strategic manpower policy perspective?

¹⁴² Ibid., 38.

public healthcare sector, creating an unforeseen and economically distorted state-reliance on conscripts to maintain basic societal functions at minimal cost to the state.¹⁴³ At the same time, compulsory national service has created a major obstacle to Germany's move to a force that many of their policymakers recognize would be better-trained, less expensive to maintain, and more capable of meeting its national strategic requirements.

Implementing conscription in the United States would present many problems that could not be wished away by policymakers wishing to move to fair military manpower policy.

¹⁴³ Jehn and Seldon, 9.

Conclusion and Recommendations

Given our uncertain future and the requirement to field a quality warfighting force, an analysis of U.S. history has provided some lessons learned which policy makers and proponents of the virtuous draft should consider when pondering the military manpower problem. Historical analysis of our past provides a great deal of insight as to what happens when American citizens are conscripted, or coerced into national service. Three trends have emerged through the study of previous draft periods in U.S. history; a draft is not universal, it is not a silver bullet means of raising an army, and it has only been moderately effective during times when there was a perceived threat to national survival.

The draft has never been a universal policy in American history and, therefore, never an equitable means of meeting strategic manpower requirements. American citizens have always shown a resistance toward compulsory service and policy makers have accommodated this resistance through the use of exemptions from and qualifiers for military service. During the American colonial period, only land-owning, white males were considered eligible for military service and those holding occupations that were deemed key to the community were exempted from the sharing the burden of military service. The draft of the Vietnam War illustrates the selective nature of a policy that current supporters claim as universal, fair, and equitable. Conscription by the late Vietnam-era, was only universal to the lower class and those who were not in college, married, or had children. The draft had become a tax on the poor of the country, a fact

overlooked by those arguing for a return to a conscript-based military. What is forgotten is how divisive the draft had become by the Vietnam War.

Conscription is not a “silver bullet” policy that will solve the perceived U.S. military manpower crisis. History shows that previous iterations of the draft were not stand-alone policies that solved manpower problems with a single Congressional vote to pass the necessary legislation. During the Civil War both the Union and the Confederacy recognized the need to rapidly expand the ranks of their respective armies (mostly because the tactics of the day required physical mass, which required huge armies) and instituted a draft as the solution. Despite the riots in the northern cities of New York and Boston and its unpopularity within the Confederacy, the Civil War draft succeeded in providing only two percent of the total numbers that would serve. The rest would be volunteers of some sort, whether they joined the cause to restore the Union or to “stand-in” for a draft selectee.

The draft policy of World War II was not a stand-alone policy either. By late 1940, the U.S. government recognized that the military would have to be grown in order to be prepared for a possible fight with the Axis Powers. Despite the passage of a draft policy, the U.S. would still rely on volunteers to fill a large portion of the military ranks. Some have argued that the draft acted to motivate eligible, young men to volunteer for military service, much as it had during World War I, but many volunteered nonetheless. Voluntarism has always provided a great portion of our military strength, the draft has merely gotten us the rest of the way.

The draft has only been moderately successful at meeting military manpower demands during times of perceived threats to national survival, such as World War II.

Even with the constant peril of national destruction, it has been viewed more as a necessary evil by the American population versus a noble and just policy. This is reflected in the public reaction after each major war in U.S. history. The desire to return to normalcy and the thinning of the military ranks reflects the American attitude of ambivalence toward maintaining its war-footing after a conflict. As the strategic requirement for a large military shrank, so did the need and desire for conscription. Almost immediately after the end of hostilities in World War II, the public expressed a strong desire to return to pre-war normalcy and the U.S. government could not demobilized quickly enough. The American psyche can support drastic measures such as a draft only out of necessity. Today, the American public does not appear to feel national survival is at stake despite the Global War on Terror or maybe our society is pleased with the composition and performance of the AVF.

Despite the facts presented through historical analysis, proponents of a move to conscription still feel that the policy would fix the perceived strategic manpower problem, and would create positive second and third-order effects. Conscriptionists argue that a draft would do more than just provide the necessary military force to meet U.S. strategic manpower requirements: that it would also ensure the burden of national defense is equally shared by each citizen. Such claims, as noted through out the body of this thesis, are based solely on personal beliefs on what U.S. citizenship entails and are not informed by the inherent fallacies of a “universal” service system. Conscription forces a small portion of the American population to serve, against their will, in a profession that quite literally involves life and death. This does not constitute a fair policy, based on the virtue of shared sacrifice.

A draft or compulsory national service system would not have immediate and lasting positive social impacts as proponents have argued in the renewed debate over conscription. First, the claim that a draft would create positive social trends and emphasize the importance of civic duty is irrelevant. Such arguments are based in the context of social policy and not how to effectively provide the right number of well-trained troops to fight our nation's wars. Second, despite the great deal of dialogue over the vast improvements to the moral fiber of American society gained by imposing compulsory service on the youth of the nation, there is no way of accurately predicting its real effects. Opinions on the social impacts of a compulsory military service policy are varied and no real evidence exists on what really happens when such policies are enacted, other than history, which demonstrates that the public reaction is unpredictable. Again, the basis of this justification for mandatory military service is one of social policy and not military manpower. Conscription should not be viewed as a solution to a society's ills and should not be used as a justification when its effects cannot be predicted.

Conscription in the U.S. today would be an increasingly ineffective manpower policy for many reasons. If a draft was enacted today in the absence of a massive increase in manpower requirements, where it might be argued as a justification (think land-war against both China and Russia) and it was based on the current Selective Service and Department of Defense policies, many problems would arise, further emphasizing the flaws inherent in such a system.

A modern draft would only effect a very small portion of the eligible population in the United States since many would still volunteer for military service and recruiting in the prime market would still take place. Looking at the Army, the service that is

traditionally the hardest to recruit for and which has the highest accessions mission, it has successfully met its recruiting mission five out of the past six years. (Amazing, given the fact that the Army is fighting a protracted war and growing its ranks by twenty percent.) A draft would have only been relevant from a strategic manpower need one time over the past six years and even then it would only have affected approximately 10,000 citizens. Again, the draft does not seem to be universal as some claim, but more importantly it appears to be unnecessary when looking at the numbers.

The most effective manpower policy for today's military was created over thirty years ago. The All-Volunteer Force has been a success since its inception, but that fact has somehow been overlooked recently. The AVF met our national strategic manpower requirements for the Cold War and now it is effectively meeting our needs for a protracted conflict against Islamic extremism and transnational terrorism. The final validation of a military based on the American principles of freedom of choice and individual liberty, and manned by volunteers has been the Global War on Terrorism. Some felt that the AVF would fail under the stress of a protracted conflict and this theory remained untested until we went to war on 11 September 2001. However, it has proven that the AVF is resilient and capable of producing a highly-skilled military even during a long war.

The AVF has produced a high-quality force that is adaptive and well-trained because of superior retention and reenlistment rates. Volunteers remain in the military much longer than draftees because they serve by choice not by law. High retention rates and a culture of professionalism create mature troops and competent leaders. Such a dynamic within the U.S. military has been responsible for creating a force recognized by

the rest of the world as the most lethal and best-trained force ever. This positive social benefit could have hardly been predicted when the AVF was created in the early 1970s’.

Recently, alarmists have cited statistics such as the increased resignation of West Point graduates or the “compromise” of entrance standards as evidence of a failing force and the degradation in quality recruits. It is true that the AVF is challenged due to global commitments, but many officers are choosing to stay understanding that it means more deployments and the quality of the force remains far superior to any military that could be created through the use of conscription. The recognition of the quality force created by under our current system is evident as many European nations have adopted an All-Volunteer Force or are moving to a system more like that of the U.S. military. Despite my pride in my nation, I hardly think such things are done to try and be more like the United States.

Despite the ongoing challenge to recruit talented, young Americans for today’s military, the AVF continues to be the best method of meeting our strategic manpower needs. The current All-Volunteer Force policy not only respects individual liberties, but provides a quality of warfighter that cannot be disputed. Whether a person supports the war in Iraq or is adamantly opposed to it, one fact that has never been argued over in Congress or protested on the mall in Washington D.C. is that every American currently deployed to fight this war is there by choice.

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