



Dr. Yussuff examines draftees 21 January 1919 at Camp Devens, Massachusetts. (Photo courtesy of the National Archives)

Selective Service

Before the All-Volunteer Force

Dr. Barry M. Stentiford

Chief Warrant Officer 5 Ralph E. Rigby was drafted in 1972 and served continuously on active duty until 2014.¹ With his retirement, the final link between conscription and the Army ended. No soldier currently in the U.S. Army or any military branch has served with or led conscripts. Conversely, when conscription ended in 1973, few soldiers had experience with a completely voluntary force. The

U.S. military adopted the all-volunteer force (AVF) as an alternative to the peacetime use of conscription to make up for recruiting shortfalls. The fiftieth anniversary of the AVF is a good time to reflect on the system of compulsory military service it replaced.

The United States employed conscription—mandatory military service—four times during the twentieth century for a total of thirty-five years. Relying on

individual volunteers rather than using selective service to fill the lower enlisted ranks of the U.S. military in 1973 did not introduce something new in American military history. Mandatory military service at the federal level has been more of an aberration than the norm.² For most of its existence, the Regular Army existed as a peacetime repository of military knowledge around which an expanded wartime army would form. During most of the nineteenth century, wartime expansion came primarily with militia or state-raised volunteer regiments.³ Congress authorized the establishment of temporary federal volunteer regiments during the war with Spain in 1898 and the subsequent Philippine wars. The Nation's sole experiment with conscription before 1917, from 1863 to 1865 during the American Civil War, created as many problems as it attempted to solve. The rise of the National Guard in the decades after the Civil War, codified through the Militia Act of 1903 and the National Defense Act of 1916, changed the paradigm.⁴ Still, the authors of those pieces of legislation never envisioned the National Guard to be sufficient to meet the anticipated manpower demands of a major war.

The Nation developed a successful conscription program during World War I. The Selective Service System provided the basic model of conscription for World War II and the early Cold War. In late 1940, the Nation began peacetime conscription as part of a so-called "Protective Mobilization Plan." This plan was superseded by wartime conscription—for "the duration plus six months"—following the Japanese attack on Pearl Harbor on 7 December 1941.⁵ The World War II-era draft lasted until 1947. In 1948, the United States resumed a peacetime draft after it became clear that voluntary enlistments would not generate enough recruits. Initially authorized for two years, Congress intended this post-World War II draft to be a stop-gap measure in anticipation of passing legislation for universal military training (UMT). That legislation stalled, and Congress restarted selective service, initially for two years, but renewable. That conscription from 1948 served not only during peacetime but also during the Korean War (1950–1953) and the Vietnam War (1964–1973).

Americans' first experience with federal conscription occurred during the U.S. Civil War (1861–1865) and was generally considered a failure. Both belligerents employed some form of draft to fill the ranks of their armies. The Confederate government began

conscription in 1862; the U.S. government began conscription the following year with the passage of the Enrollment Act.⁶ All able-bodied white men between the ages of twenty and forty-five were required to register. In the states remaining loyal to the Union, the federal conscription law empowered the Provost Marshal General's Office to use soldiers to compel service by eligible males in the regiments from any state that did not meet its quota of volunteers.⁷ Fewer than 5 percent of soldiers in the U.S. Army entered through conscription. The act authorized a man to pay a substitute \$300 to go in his place, allowing wealthier men to avoid military service and fostering a market for men willing to serve for the right price. The use of soldiers to compel service ran counter to American ideals. Conscription itself was seen as disgraceful; volunteers tended to look down on the drafted soldier, viewing them as "slackers who were not to be trusted under fire" and likely to desert.⁸ Opposition to conscription fueled a deadly riot in New York City that lasted four days in July 1863 and took federal troops to suppress. While generally judged a failure, the Civil War conscription did motivate the states to redouble their efforts to raise their assigned quotas of soldiers through voluntary measures. This was done largely by increasing the incentives for volunteers in the form of cash payouts and bonuses, and even land grants upon completion of service.

With the entrance of the United States into World War I in April 1917, the Nation

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again needed a massive and rapid expansion of the Army to have an impact on the course of the war. After studying the failure of the Civil War conscription, the administration of President Woodrow Wilson crafted a new system to avoid previous errors.⁹ Although the United States declared war against Germany on 6 April 1917, it was not until 19 May that Wilson signed the Selective Service Act of 1917, which was quite different from earlier draft laws.¹⁰ Constitutional authority for conscription came from the language that allowed Congress “to raise and support armies.”¹¹ Anarchist and socialist groups such as the International Workers of the World urged men to avoid registration, arguing that conscription was unconstitutional in that it violated the Thirteenth Amendment’s protection against “involuntary servitude,” but the Supreme Court ruled in 1918 that the Constitution placed no limit on how Congress could raise armies.¹² This ruling provided the constitutional underpinning of mandatory military service for the rest of the century.

Conscription during World War I reflected Progressive-era ideals.¹³ The Progressive movement of the late nineteenth and early twentieth centuries sought to use scientific inquiry and technology to make a more rational and orderly society and to correct the ills of modern life. Additionally, many proponents believed conscription would mold men into better citizens. Had the Army relied only on voluntary enlistments, the burden would have fallen more heavily on the patriotic “better classes” while allowing the selfish and the unpatriotic to escape their civic obligations. Many of those volunteers held important roles in the civilian society and economy, and their absence for military service caused inefficiencies. Selective service reflected a bipartisan desire for an orderly and rational society, which meant applying scientific methods to deciding who would fight and who would not. Men would serve where the government needed them, whether on the farm, in industry, or in uniform. Under the 1917 act, boards composed of each registrant’s “friends and neighbors,” not military officers, would decide who would be compelled to serve in the military. In each county or town in the country, a Selective Service Board, informally known as a draft board, was created. Members appointed to boards were, in

REGISTRATION CARD—(Men born on or after April 28, 1897 and on or before February 16, 1897)

SERIAL NUMBER 1. NAME (Print) ORDER NUMBER

U. 2214 HUDDIE LEDBETTER

2. PLACE OF RESIDENCE (Print) 604 E 9th ST. N.Y. N.Y. N.Y.

(Number and street) (Town, township, village, or city) (County) (State)

[THE PLACE OF RESIDENCE GIVEN ON THE LINE ABOVE WILL DETERMINE LOCAL BOARD JURISDICTION; LINE 1 OF REGISTRATION CERTIFICATE WILL BE IDENTICAL]

3. MARRIAGE ADDRESS SAME

(Mailing address if other than place indicated on line 2. If same insert word same)

4. TELEPHONE NONE 5. AGE IN YEARS 53 6. PLACE OF BIRTH FREEPORT

(Exchange) (Number) (Date of Birth) (Town or county) (State or country)

7. NAME AND ADDRESS OF PERSON WHO WILL ASSIST IN YOUR ANSWERS MARSHA LEDBETTER 604 E 9th ST. N.Y.C.

8. EMPLOYER'S NAME AND ADDRESS UNEMPLOYED

9. PLACE OF EMPLOYMENT OR BUSINESS

(Number and street or R. F. D. number) (Town) (County) (State)

I AFFIRM THAT I HAVE FURNISHED ABOVE ANSWERS AND THAT THEY ARE TRUE.

D. M. S. FORM 1 (Revised 8-1-42) (over) 16-2100-2 Huddie Ledbetter (Register not a signature)

Huddie Ledbetter’s World War II draft card is shown here. The American folk and blues singer-songwriter was better known as “Lead Belly.” (Photo courtesy of the Department of Defense)

theory, local civilians who were respected in their communities, men and women who could evaluate each registrant. Most members served without pay. In North Carolina, to use one example, the state’s Council on Defense ensured the “right men” served on draft boards—white men from the middle and upper classes who supported the prevailing power structure in the state.¹⁴ Normally, Selective Service Board members included local politicians, law enforcement officials, prominent veterans, school officials, medical personnel, business owners, and others who were known in their communities and who, in turn, knew the people well.

Registration with Selective Service for all men between the ages of twenty-one and thirty began on 5 June 1917. In September 1918, the range of ages liable was expanded to eighteen and forty-five. Eventually, twenty-four million men registered. Around three and a half million men failed to register during World War I, which made them subject to trial and punishment under military law rather than civil law. The obligation to register applied not only to citizens but also to resident aliens. Members of the Selective Service Boards were to consider the physical and mental health, intelligence, police record, and education of the young men within their district. Board members were also to consider dependency. Was the man an only child, and did he have parents who would increasingly depend upon him in their old age? Did he have a wife? Did he have children? Were there others depending on him for their

support? At root was whether people would be impoverished or become dependent on the community while the young man was away in the military or, worse, were to die in service.

Another factor that weighed heavily on the decision of who served and who did not was each man's role in the economy. Certain skills and professions were deemed so important to the economy and to the war effort that the act exempted workers who performed these tasks. Farmers and railroad workers, for example, were largely excluded from military service. Other men who worked in trades or professions deemed essential to the war effort, such as machinists or plumbers, were likewise excluded for their skills would be needed to supply the tools of war. Around one hundred thousand men were exempted from conscription during World War I because they worked in shipbuilding, something that caused resentment when it became public.¹⁵ Registrants could apply for recognition as a conscientious objector, but to do so required that the applicant demonstrate that he belonged to a recognized religious denomination with an acknowledged pacifist creed such as the Society of Friends (Quakers) or one of several Amish sects. Such men were not automatically excluded, though, and some were inducted but ideally assigned to positions that did not involve carrying arms. Members of some denominations, such as the Hutterites, received no such recognition and were severely persecuted. One of the most famous American soldiers from the war, Sgt. Alvin York, originally applied for conscientious objector status based on his Christian beliefs. The problem was that his church did not have a tradition of pacifism. He reported for induction while his case was under review, but after discussions with his company commander, he withdrew his application and became an infantryman.¹⁶ The system for accounting for sincere and demonstrated pacifism became more accommodating during World War II and the Vietnam War.

Based on the total military-age male population of a town or county, the Selective Service Board was to select those most suitable to serve to meet its quota. Those men judged most eligible to serve were given a rating of A1 and assigned a number. Men who volunteered for military service—voluntary enlistment was still allowed until the summer of 1918—counted against the quota. On 20 July 1917, the first of a series of lottery-style

drawings was held. Men holding the numbers selected were to report to one of the newly established mobilization camps in early September. Initially, some 180,000 men were selected to serve, but more calls would be coming. About one man in nine of those who registered was eventually conscripted.¹⁷ Men inducted into the Army through Selective Service were termed *selectees* rather than conscripts or draftees.¹⁸ Selectees were not in the Regular Army, in the National Guard, or some sort of reserve. Instead, they were assigned to the Army of the United States and not to any component. Selectees were assigned to all divisions in the Army, accounting for at least 25 percent of the soldiers in the divisions that came from the National Guard by 1918.¹⁹ Most, however, would be assigned to the new National Army divisions. Selectees assigned to the Navy or Marine Corps were designated as Reservists.

The Army based its initial calls for selectees on its ability to provide adequate training facilities and leadership for the new soldiers. New mobilization camps had to be built across the Nation to receive the selectees, such as Camp Devens in Massachusetts and Camp Knox in Kentucky. Perhaps more important than the physical building of camps, Regular Army officers, some National Guard officers, and a smattering of Reserve officers had to be assigned to the camps and the initial group of temporary National Army officers had to be selected and trained. These officers, along with essential noncommissioned officers, had to arrive at the new mobilization camps prior to the arrival of the selectees. Once cadre and selectees were assembled, the process of turning civilians into soldiers could begin. Selectees were expected to serve on active duty until no longer needed by the government, which usually meant discharge for wounds or disease, or at most within six months of the end of the war. Calls from the American public and their elected representatives for discharge shortly after the Armistice was signed on 11 November 1918 meant that very few of the selectees served for more than two years during World War I.

The government and the Army understood that if selective service was to succeed, the conscripted soldier needed to be treated differently than he had been in the past. The use of the term *selectee* rather than *conscript* or *draftee* was, in part, to emphasize that the soldier had been selected to serve rather than forced. The government used newspapers and other media to make the



President Franklin D. Roosevelt signs the Selective Training and Service Act into law on 16 September 1940. (Photo courtesy of the Department of Defense)

public and the selectees themselves take pride in being chosen to serve.²⁰ With Selective Service, involuntary military service became seen as something honorable. Coverage of the selectees in particular and the enlarged wartime Army in general stressed the essentially democratic nature of wartime conscription.²¹ Traditionally in wartime armies raised by the United States, class and ethnicity were often cornerstones on which temporary wartime regiments formed. Selective service would in theory eliminate class and ethnic distinctions that were often apparent in Regular Army, National Guard, and earlier volunteer regiments. In practice, selective service did take a higher percentage of men from the lower strata of society; however, men with high school and even college degrees and whose ancestors had been in this country before the revolution served alongside men with perhaps an eighth-grade education, or who had themselves arrived in this country as immigrants. Although some of the narrative on the essentially democratic nature of conscription was hyperbole, the reality was that men from very different parts of American culture served together. The exception was African American men, who while subject to conscription, were trained at segregated camps and served in segregated units.²²

The Armistice on 11 November 1918 led to the suspension of conscription. Most of the selectees were released back into civilian life within months. In all, the government counted 2,819,296 men who had

been inducted through selective service.²³ Shortly after the war ended, Congress largely dismantled selective service. However, Congress wanted to preserve something of the wartime Army, with the idea that in a future large war, selective service would again be used to fill its ranks. In the National Defense Act of 1920, Congress created the Organized Reserves to preserve the structure of the National Army in a cadre form. The Organized Reserves consisted of units down to battalions that contained most of their officers with reserve commissions but very

few, if any, enlisted men. These units existed to provide partially trained units that in an emergency could rapidly expand to war strength using selective service and complete their training.²⁴ The use of selective service to expand the military during World War I had been successful and remained the model for the next war. With some modifications, especially regarding the length of service a selectee had to serve, the selective service model created when the United States entered World War I would serve the country again when it returned to conscription as the means of manning the military. The model would last until 1973 and remains the model for future conscription.

On 31 July 1940, following Nazi Germany's conquests of Denmark, Norway, the Low Countries, and France, President Franklin D. Roosevelt implemented the Protective Mobilization Plan.²⁵ Under it, Congress granted the president the authority to order the National Guard and Organized Reserves onto active federal service for a year of training. At the same time, the Reserves of the Navy and Marine Corps were also activated. The executive order was issued on 31 August. The first units entered active duty on 16 September 1940, with the last entering at the end of February 1941.²⁶ Concurrent with the mobilization of the National Guard and Reserves, Congress authorized the resumption of selective service—the Nation's first peacetime draft.²⁷ This was done through the Selective Training and Service Act of 1940. This act created a more robust structure than in World War I, creating the Selective Service System—a new federal agency. While a civilian agency, the head of the Selective Service System was a serving Army officer. Initially, all men from



Men line up to register for the draft circa 1918–1920. (Photo courtesy of the Library of Congress)

twenty-one to thirty-five years of age were required to register, with obligatory active service of twelve months for those selected. In a change from conscription in World War I, civilian courts and not military courts would deal with those who failed to register.

The Selective Service System during World War II operated similarly to that of World War I, though the criteria for selection was more specific.²⁸ Selective Service was implemented to induct selectees onto active service to bring Regular Army, National Guard, and especially the battalions of the Organized Reserves to wartime strength. The Organized Reserves divisions went to the mobilization camps, some of which were new while others were refurbished from World War I, and began taking in selectees for training. Selectees were also assigned to the Navy and, eventually, the Marine Corps. The selectees, as well as the guardsmen and reservists, were brought on active service to train intensively, not to enable the Roosevelt administration

to take a more aggressive posture toward the Axis. Under the mobilization, guardsmen, reservists, and selectees were not to deploy outside of the Americas, except to United States possessions such as Hawai'i, the Philippines, and Guam. In a correction to a problem from World War I, federal law guaranteed that selectees could return to their former employment without loss of benefits.²⁹

Selectees soon comprised most of the manpower in the divisions that had been part of the Organized Reserves; the divisions numbered seventy-five and higher. Because the wartime strength of companies in the U.S. Army at the time was about two hundred men, which was almost three times the peacetime strength, selectees soon accounted for most of the manpower in the lower ranks of Regular Army and National Guard divisions as well. As in World War I, throughout the years of conscription, selectees were assigned "without component," meaning that whatever the origins of the

division to which they were assigned, they served in the Army of the United States, and not in the Regular Army, National Guard, or Reserves. The same did not hold for the Navy or Marine Corps as Congress did not create an institution like the Army of the United States for the Navy, and thus, selectees in those branches were again designated as “reservists.” Selectees assigned to the Regular Army and National Guard divisions initially complained that they were treated poorly by soldiers who had volunteered to serve, but by the autumn of 1941, selectees were a plurality of all Regular and National Guard divisions and even a majority in some divisions.³⁰ The numerical dominance of selectees became more pronounced over the years of the war.

In July 1941, when the year of military training mandated by the Selective Service and Training Act of 1940 was halfway through, the Service Extension Act extended for six months the time reservists, guardsmen, and selectees were to spend on active duty, meaning they would have to serve for eighteen months rather than one year.³¹ The measure passed Congress by a single vote. Before the entrance of the United States into the war, almost 922,000 men had been conscripted. The 7 December 1941 attack on Pearl Harbor and subsequent declarations of war by the United States meant that all soldiers, sailors, and marines, no matter how they entered military service, were to serve for the duration of the war plus six months, unless released sooner.³² At the same time, geographic restrictions on the employment of selectees were dropped. Conscription also encouraged more men to volunteer, which gave a man more control over where he served, and thus the Army Air Forces, Navy, and Marines, as

well as the Army Service Forces, tended to get more volunteers. The practice of allowing voluntary enlistments to continue was seen as inefficient, and military leaders urged its discontinuance, and such enlistments were ended in December 1942. In all, almost twelve million men entered the military through selective

service during World War II, with about eight million of them serving in the Army. Authority to involuntarily induct men into the armed forces continued after Germany and Japan surrendered in 1945, with 183,383 men conscripted in 1946.³³

Members of Selective Service Boards were like those from World War I. Fifty-four state, district, and territorial boards oversaw the system, while the bulk of the 184,000 or so board members served on one of 6,442 local boards and seventy-two appeals boards. Again, most served without pay. Boards served a county or town, with an additional board for every 30,000 residents. State and territory adjutants general played an important role in making sure the system functioned in their respective state or territory. Maj. Gen. Lewis

B. Hershey, who had been involved in prewar mobilization planning, was confirmed as director on 31 July 1941.³⁴ His name became synonymous with Selective Service, since he would oversee the system until he was reassigned in 1970.

Following the end of the war, Selective Service operated in reduced form, pending decisions on the size of the postwar military establishment. President Harry S. Truman and military leaders such as Gen. George C. Marshall expected Congress to pass legislation for UMT, which would require almost all eighteen-year-old men to spend a year with the Army.³⁵ After their year



A World War II recruiting poster, attempting to appeal to patriotism, encourages men to enlist rather than be drafted. (Photo courtesy of the Department of Defense)



A soldier of the 12th Armored Division stands guard over a group of Nazi prisoners circa April 1945. President Harry S. Truman issued Executive Order 9981 in July 1948 banning racial discrimination in the armed forces to help pave the way for the ill-fated universal military training. (Photo courtesy of the National Archives)

on active service, most would be assigned to the general reserve, unless they opted to join the Regular Army, Navy, Marine Corps, National Guard, or Organized Reserves. Men in the general reserve would be liable for recall to active service in the event of war for six years.³⁶ However, political opposition to UMT due to its cost, utility, purpose, and the issue of racial segregation meant that the likelihood of it passing in 1947 or 1948 was poor.³⁷ The potential for African American leaders to oppose any form of mandatory military service in a segregated military was part of the reason Truman issued Executive Order 9981 in July 1948 banning racial discrimination in the armed forces.³⁸

Authority for conscription was ended by Congress on 31 March 1947.³⁹ However, voluntary recruiting failed to bring the military to its authorized strength. As a stop-gap measure, Congress passed the Selective Service Act of 1948, which was initially to last for two

years.⁴⁰ Under the new act, peacetime selectees were to serve for twenty-one months on active duty, with an option either to serve an additional twelve months on active duty, or thirty-six months in a reserve status. Conversely, a man liable for conscription could voluntarily enlist in the Regular Army, Navy, Marine Corps, or Coast Guard for four years, or in a reserve component for six, and not be drafted. The secretary of the Army spelled out his vision of the peacetime Army and the Selective Service's role in an article published in the October 1948 edition of *Military Review*. He believed that, based on voluntary recruiting, the numbers of selectees would be about thirty thousand a month.⁴¹ Truman and others continued to hope UMT would be adopted, and selective service ended. However, the political difficulties with UMT could not be surmounted, and instead, Congress continually extended selective service until 1973. The initial annual draft calls were



Enlistees for the Florida Army National Guard, among other branches, are sworn into the military by Cmdr. John Fay, executive officer for the U.S. Navy Blue Angels, on the football field at Florida State University's Doak Campbell Stadium in Tallahassee prior to kickoff 22 November 2022. (Photo by Sgt. Spencer Rhodes, U.S. Army)

small because voluntary enlistments were allowed, with selective service only to fill recruiting shortfalls. Around twenty thousand men were drafted in 1948 and half that in 1949, a far cry from the million or more called each year during World War II. Almost all selectees went into the Army.

The peacetime Army after World War II broke from previous American tradition in that it was to be large. As in World War II, selectees were assigned without component and technically served in the Army of the United States. The peacetime standing army consisted of Regular Army formations augmented with selectees. The presence of selectees in the Regular Army divisions meant that the number of officers on active duty had to be expanded beyond the authorized number of officers holding Regular Army commissions, which was based on the number of enlisted men in the Regular Army. As a result, many officers on active duty from World War II until 1980 served under either a Reserve or Army the United States commission. The National Guard and the

newly fleshed-out U.S. Army Reserve, which replaced the Organized Reserves, were envisioned as a strategic reserve to be mobilized only during a major war. Voluntary enlistment in the Regular Army was for three or four years, whereas drafted soldiers served initially for twenty-one months, later extended to two years. In the two world wars, selectees were required to serve as long as the government required them but not longer than six months after the end of the war. In the post-World War II conscription, the two-year obligation for service for selectees remained unchanged even during the Korean and Vietnam Wars.

The draft calls for fiscal year 1949 numbered fewer than ten thousand because the military, while larger than previous peacetime establishments, had greatly shrunk since the end of the war, and voluntary enlistments filled most positions. Truman's decision to defend South Korea against the North Korean invasion that began on 25 June 1950 led to greatly enlarged draft calls, with over half a million men conscripted

in 1951.⁴² Many mobilized National Guard units were far below authorized strength. To bring the Army up to the strength needed to fight the war and deter the Soviets from any aggression in Europe, a million and a half men were drafted from 1950 through 1953.⁴³ The Army wanted to use selectees to fill the understrength Regular Army and National Guard units and to prevent the war in Korea from absorbing all of America's reserve forces. Leaders feared the war was a feint before a main Communist thrust into Western Europe, and so six of the National Guard divisions mobilized served in the United States as a strategic backfill or in Europe. The two National Guard divisions sent to Korea entered combat near the end of 1951, after the war had settled into a stalemate.⁴⁴ Throughout 1952, guardsmen were rotated out of those divisions and replaced with selectees.⁴⁵

A pattern soon set in. During peacetime, voluntary enlistments were high enough that annual draft calls were low. In the early 1960s, talk of ending conscription became more common as the population of military-age men continued to grow. In 1954, shortly after the end of fighting in the Korean War, 54 percent of men inducted were selectees. By 1961, just 22 percent were. In 1964, right before the United States became heavily involved in Vietnam, only 11 percent of soldiers on active duty came in through conscription. Because the draft quotas were so low, Selective Service Boards were given a host of reasons to allow potential selectees to defer or avoid conscription, such as marriage, the pursuit of a college education, other service, and careers seen as economically important. The result was that conscription fell ever more heavily on poor whites and, later, blacks and other minorities. Communities used the draft to rid themselves of idlers and minor delinquents in the belief that military discipline might reform them, and if not, at least they would no longer be the community's problem. For these and other reasons, some military and civilian leaders began to question if conscription was necessary. If intelligence standards were lowered, and pay for the lower enlisted ranks increased, the argument went, then conscription could be done away with entirely in peacetime. While this argument had some merit, it avoided the issue of the added financial cost of raising the pay for first-term enlistees across the force, the impact on combat effectiveness of lowered

standards for enlistment, and the influence conscription played in motivating voluntary enlistments.⁴⁶

Unlike wartime conscription, voluntary enlistments continued throughout the post-World War II draft, and in most years, the bulk of men came in voluntarily. Conscription spurred voluntary enlistment in the Regular Army, as selectees had less say in the type of duties they would be assigned, whereas voluntary enlistees had some control. Conscription also inspired many men to enlist in the National Guard or reserve of any branch. However, the reserve components found recruiting former selectees into their ranks difficult, as most men who had completed their mandatory service had little desire or incentive to continue service in a reserve component. At the same time, when draft calls fell, as in the late 1950s, fewer men sought to join the Guard or reserves to avoid the draft.⁴⁷ Women were not liable for conscription. They could, however, voluntarily join the Women's Army Corps or the Army Nurse Corps if qualified. When the war in Vietnam involved the military ever more deeply, the annual draft calls increased, peaking in 1966 with 382,010 inducted. As selectees had less say over where they served, a greater percentage ended up in the infantry, in Vietnam, and in combat. As a result, conscripts were overrepresented among casualties. In 1965, 28 percent of combat deaths in Vietnam were among conscripts; the percentage rose to 34 percent in 1966 and 57 percent in 1967.⁴⁸ The two-year commitment of conscripted soldiers created inefficiencies for the Army during war. After completing his basic and follow-on training, a drafted soldier was usually sent to Vietnam for one calendar year. Upon his return from Vietnam, he usually had around eight months of further mandatory service, an insufficient period for him to be of much use to his gaining unit.

The movement to end conscription had a long gestation. The Army had been planning for its end for more than a decade, although the war in Vietnam delayed implementing a return to total dependence on voluntary enlistments. President Richard M. Nixon saw the unfairness of the system that largely allowed middle-class men to avoid service, and so in 1969, replaced many of the deferments of the Johnson years with a return to a lottery, where in theory the burden of military service would fall equally on all able-bodied men. Some deferments remained, for hardship, certain occupations, conscientious objectors, clergy, and high

school and college students. A student deferment was only temporary, and Nixon argued for ending student deferments. One result was a large increase of opposition to the war, and not coincidentally conscription, on college campuses, as men in college now had a greater chance of receiving the call. Antidraft demonstrations became common while growing opposition to the war ended the national consensus on conscription. An estimated 210,000 American men resisted the draft during the Vietnam War—a number not out of line with earlier wars—with some thirty thousand emigrating, usually to Canada or Sweden, to avoid conscription.⁴⁹ With the winding down of American involvement in the Vietnam War, the impetus to end the draft was plausible, at least during peacetime. The Gates Committee created by Nixon to study the issue reported that with increased pay and other reforms, voluntary recruits could be enticed in numbers sufficient for the peacetime Army.⁵⁰

In 1971, Nixon signed legislation establishing the AVF. That September, Congress extended the government's authority to conscript into 1973, but the end was in sight. The AVF concept was originally envisioned as a peacetime manning process only, with selective service retained in structure to provide men during war. The draft call in 1973 was the lowest ever, 646 selectees, and authority for conscription ended that June when Congress did not extend it. The Selective Service System remained in existence, though in truncated form.⁵¹ With the ending of the draft, all military service became voluntary, and all service was in a particular component—Regular Army, Army National Guard, or Army Reserve. The era of conscription had ended, at least for the peacetime Army. In 1980, Congress passed legislation requiring all men between the ages of eighteen and twenty-six to register with Selective Service. Whether conscription will return remains an open question. ■

Notes

1. Reshema Sherlock, "Last Continuously Serving Draftee Retires after 42 Years of Service," *Army.mil*, 29 October 2014, accessed 17 July 2023, https://www.army.mil/article/137112/last_continuously_serving_draftee_retires_after_42_years_of_service#:~:text=Begin!,1972%2C%20during%20the%20Vietnam%20era.

2. Compulsory service in the militia for almost all free English men was the norm in most colonies, although as these societies became larger and more complex, the militia acted more as a pool from which men could be compelled either through enticements or force to serve. For more on this phenomenon, see Jack S. Radabaugh, "The Militia of Colonial Massachusetts," *Military Affairs* 18, no. 1 (1954): 1–18, <https://doi.org/10.2307/1982703>; Michael D. Doubler, *I Am the Guard: A History of the Army National Guard, 1636–2000* (Washington, DC: U.S. Government Printing Office [GPO], 2001), 14–21; John K. Mahon, *History of the Militia and National Guard* (New York: Macmillan, 1983), 14–26; and Harold E. Selesky's *War and Society in Colonial Connecticut* (New Haven, CT: Yale University Press, 1990), 3–47. For the federal concept of the militia, especially for its federal role, see the "Militia of the United States: An Act More Effectually to Provide for the National Defence by Establishing an [sic] Uniform Militia throughout the United States," in U.S. Congress, *U.S. Statutes at Large, Volume 1 (1789–1799), 1st through 5th Congress* (Boston: Charles C. Little and James Brown, 1845), 271–74, accessed 26 June 2023, <https://www.loc.gov/item/lsl-v1/>.

3. See the current author's *Army Expansions: Augmenting the Regular Army during War* (Fort Leavenworth, KS: Combat Studies Institute Press, 2022), 21–55.

4. "An Act to Promote the Efficiency of the Militia, and for Other Purposes," *Statutes at Large of the United States of America*, 32, no. 1 (1904): 774–80; "An Act for Making Further and More

Effectual Provisions for the National Defense, and for Other Purposes," *Statutes at Large of the United States of America* 39, no. 1 (1917): 166–217.

5. Selective Training and Service Act of 1940, 50a U.S.C. §§ 302–315 (amended 13 December 1941).

6. "An Act for Enrolling and Calling Out the National Forces, and for Other Purposes," Cong. Globe, 37th Cong. 3rd Sess., Ch. 74, 75 (3 March 1863). For more on the Civil War draft, see Marvin A. Kreidberg and Merton G. Henry, *History of Military Mobilization in the United States Army, 1775–1945*, Department of the Army Pamphlet 20-212 (Washington, DC: U.S. GPO, November 1955), 104–13, accessed 26 June 2023, https://history.army.mil/html/books/104/104-10/CMH_Pub_104-10.pdf.

7. James Geary, *We Need Men: The Union Draft in the Civil War* (Ithaca, NY: Northern Illinois University Press, 1991), 65–66.

8. *Ibid.*, 74.

9. See Lewis B. Hershey, *Outline of Historical Background of Selective Service* (Washington, DC: U.S. GPO, 1960), 6–7. Much of the understanding of the errors of the Civil War draft were compiled in a report by Brig. Gen. James Oakes in 1866 and then forgotten until World War I, when it was rediscovered. Among Oakes's recommendations were no substitutes, no bounties for volunteers, and especially that the entire process be managed and run by civilians at the local level.

10. Selective Draft Act of 1917, Pub. L. No. 65-12, 40 Stat. 76 (1917).

11. Separate constitutional support for conscription comes from the idea of the federalized militia, in effect arguing that the conscripted soldier is a federalized militiaman. However, federal conscription since the Civil War was not implemented through the state militia structure. Also, federalized militia can only

"execute the Laws of the Union, suppress Insurrections and repel Invasions." U.S. Const. art. I, § 8, cl. 12. While arguably a declaration of war is an act of law, and thus sending conscripted soldiers abroad is to "execute the Laws of the Union," such an argument would not work in an undeclared war, as in Korea and Vietnam. U.S. Const. art. I, § 8, cl. 15.

12. *Arver v. United States* [Selective Draft Law Cases], 245 U.S. 366 (1918). The ruling was based on the history of compulsory military service in the colonial and national periods, as well as the meaning of the United States as a sovereign nation, as much as on the wording in the Constitution. For an opposing view, see Leon Friedman, "Conscription and the Constitution: The Original Understanding," *Michigan Law Review* 67, no. 8 (1969): 1493–1552. Friedman argued that the Supreme Court erred and that the Founders never intended to empower the federal government to conscript men into the military.

13. The standard work on conscription during the First World War is Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (Oxford: Oxford University Press, 2008).

14. Nathan K. Finney, "All War Arrangements Are but Schools in Patience: The North Carolina Council of Defense and the Associational State, 1917–1919" (PhD diss., Duke University, 2022), 72–121, accessed 26 June 2023, <https://hdl.handle.net/10161/25249>.

15. Hershey, *Outline of Historical Background of Selective Service*, 8.

16. Douglas V. Mastriano, *Alvin York: A New Biography of the Hero of the Argonne* (Lexington: University Press of Kentucky, 2014), 21–42. Chapter 3, "At War with the Army," covers the issue of whether York believed serving as a combat soldier aligned with his Christian faith.

17. John S. D. Eisenhower and Joanne T. Eisenhower, *Yanks: The Epic Story of the American Army in World War I* (New York: Free Press, 2001), 25.

18. Russell Weigley, *History of the United States Army* (New York: Macmillan, 1967), 372.

19. Les Andrii Melnyk, "A True National Guard: The Development of the National Guard and Its Influence on Defense Legislation, 1915–1933" (PhD diss., City University of New York, 2004).

20. John A. Boyd, "America's Army of Democracy: The National Army, 1917–1919," *Army History*, no. 109 (Fall 2018): 11–12.

21. *Ibid.*

22. For more on the experience of African Americans with Selective Service and in the Army, see Chad L. Williams, *Torchbearers of Democracy: African American Soldiers in the World War I Era* (Chapel Hill: University of North Carolina Press, 2010), 52–60, 105–144.

23. "Induction Statistics," Selective Service System, accessed 3 April 2023, <https://www.sss.gov/history-and-records/induction-statistics/>.

24. Forrest L. Marion and Jon T. Hoffman, *Forging a Total Force: The Evolution of the Guard and Reserve* (Washington, DC: Office of the Secretary of Defense, 2018), 23.

25. Mark Skinner Watson, *Chief of Staff: Prewar Plan and Preparation* (Washington, DC: U.S. Army Center of Military History, 1991), 26–30.

26. Exec. Order No. 8530, 5 Fed. Reg. 3501 (4 September 1940).

27. The standard work on conscription since World War II is George Q. Flynn, *The Draft, 1940–1973* (Lawrence: University Press of Kansas, 1993), 88–258.

28. Selective Training and Service Act of 1940 (aka Burke-Wadsworth Act), Public Law No. 76-783, 54 Stat. 885 (1940).

29. Hershey, *Outline of Historical Background of Selective Service*, 10.

30. Memorandum for the Assistant Secretary of War, 24 October 1941, at the Ike Skelton Combined Arms Research Library. The memorandum was in response to a letter from a New York attorney, Jacob Rubinoff, which listed a host of factors that Rubinoff believed was depressing morale among men in the National Guard divisions. The negative attitude of selectees toward Regular Army officers was a common theme in postwar literature and memoirs, such as 1962's *The Thin Red Line* by James Jones, who served in the 25th Infantry Division in the Pacific theater.

31. Service Extension Act of 1941, 50a U.S.C. § 352, 55 Stat. 626 (1941).

32. Public Resolution No. 96, 76th Cong., 54 Stat. 858 (1940).

33. "Induction Statistics."

34. Hershey, *Outline of Historical Background of Selective Service*, 12–13.

35. *Ibid.*, 165–66.

36. *Ibid.*, 39, 99.

37. William A. Taylor, *Every Citizen a Soldier: The Campaign for Universal Military Training after World War II* (College Station: Texas A&M University Press, 2014), 1–12.

38. "Executive Order Establishing the President's Committee on Equality of Treatment and Opportunities in the Armed Services," 26 July 1948; Executive Orders, 1862–2016; General Records of the United States Government, Records Group 11; National Archives at Washington, D.C., accessed 2 August 2023, <https://catalog.archives.gov/id/300009>.

39. Pub. L. No. 80-26, 61 Stat. 31 (1947).

40. Hershey, *Outline of Historical Background of Selective Service*, 17.

41. Kenneth C. Royal, "Selective Service 1948," *Military Review* 28, no. 7 (October 1948): 3–11, reprinted in *Military Review* 77, no. 1 (January-February 1997): 7–10.

42. "Induction Statistics."

43. Brian McAllister Linn, *Elvis's Army: Cold War GIs and the Atomic Battlefield* (Cambridge, MA: Harvard University Press, 2016), 168.

44. The 40th and 45th Infantry Divisions served in Korea, while the 28th and 43rd served in Germany. The 31st, 37th, 44th, and 47th remained on active duty in the continental United States.

45. William M. Donnelly, *Under Army Orders: The Army National Guard during the Korean War* (College Station: Texas A&M University Press, 2001), 89–122.

46. Robert K. Griffith Jr., *The U.S. Army's Transition to the All-Volunteer Force, 1968–1975* (Washington, DC: U.S. Army Center of Military History, 1997), 9–10.

47. *Annual Report of the Chief, National Guard Bureau, Fiscal Year Ending 30 June 1959* (Washington, DC: U.S. Government Printing Office, 1959), 33.

48. Griffith, *The U.S. Army's Transition to the All-Volunteer Force*, 11.

49. Lawrence M. Baskir and William A. Strauss, *Chance and Circumstance: The Draft, the War, and the Vietnam Generation* (New York: Random House, 1978), 169.

50. *Ibid.*, 35–36.

51. *Ibid.*, 29–33.