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# The Evolution of Military Conscription in the United States

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TIMOTHY J. PERRI

## Conscription before the Civil War

**M**y history of conscription begins with colonial militia. All of the colonies except Pennsylvania had similar militia laws. Substitution was allowed, and some colonies permitted one to pay a fee to avoid service (an option known as “commutation” in the Civil War). Conscription was designed to provoke volunteering (Levi 1997). Decentralized militia drafts were used in the Indian wars, the Revolutionary War, and the War of 1812 (Hummel 2001). The tradition of local defense meant the militia would often not cross state and national borders, so regular British units were required to fight the French and Indian War (Rafuse 1970). Other problems with the militia were the popular election of officers and the relatively short terms of service (Murdock 1967).

States used militia drafts in the late 1770s to maintain the Continental Army, and substitution was permitted (Chambers 1987). During the Revolutionary War, annual recruiting began in 1777. One’s term of service was no more than one year, ending in December each year (Royster 1979). The Continental Congress assigned each state a quota, which each state allocated among the towns. A militia commander then called for volunteers in a town. Few usually came forth. Thus, the state, town, or private citizens (sometimes all three) offered bounties to fill the quotas.

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There were several proposals for conscription in the War of 1812. These plans were very similar. One version was close to being enacted when the war ended. The plans essentially involved shifting some of the burden of financing the military to individual classes of twenty-five men. If a member of a class could not be induced to volunteer, the class would pay a tax based on its members' wealth. Cotton Lindsay (1968a) argues that these plans did not really involve conscription because no one would be forced into the military, and those with less wealth would pay a lower tax if no one in their class could be induced to volunteer. Indeed, Lindsay (1968a) and John Rafuse (1970) claim that these plans were similar to the then proposed and now existing volunteer military in the United States.

### Conscription in the Civil War

The militia system was initially used to provide and finance troops. A variety of states appropriated funds in 1861 to pay for recruiting and equipping the militia.<sup>1</sup> Before enactment of the militia law of July 1862, calls for troops were voluntary. The Militia Act of 1862 was the beginning of the transition to federal authority in raising an army. The act provided for a draft of the militia if a state did not fill its quota of three-year volunteers. Exemptions and substitutions were allowed. The prospect of a draft provoked riots in many states. The draft was rescinded, and the use of bounties, along with the threat of a draft, enabled states to meet their quotas.<sup>2</sup>

The Enrollment Act of 1863 completed the transition to federal control of recruitment and national conscription. Enrollment was similar to draft registration in recent history, except that it was conducted as a census: individuals were sought out to be enrolled. Enlistment quotas were assigned to each congressional district by its pro rata share of the number the president called minus the number of previous enlistees from the district. After fifty days, a lottery would be held to obtain the remainder of a district's quota. Thus, some districts had drafts, whereas others did not. The draft calls were in October 1863, March 1864, July 1864, and December 1864.<sup>3</sup>

In all four drafts, one could furnish a substitute and avoid service for three years. Also, in the first draft, one could pay a \$300 commutation fee and be excused from service for three years. In the second draft, commutation bought one out of service only for that draft. In July 1864, President Lincoln signed a bill eliminating commutation except for conscientious objectors. Commutation effectively ended after the second draft. Until February 24, 1864, a substitute could come from those who were

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1. New York raised \$3 million and Rhode Island \$500,000 (Shannon [1928] 1965, 1:23–24).

2. The quotas were for 300,000 nine-month militia and 300,000 three-year volunteers (Billings 1968, 335–36; McPherson 1988, 601). Before the Civil War, militia service had become voluntary throughout the United States. With the Militia Act, compulsory militia service was restored, but states ignored it and filled quotas with volunteers by using bonuses (Cutler 1923, 171).

3. A call might mean a series of requests for volunteers within a short period of time, so a draft's precise date is somewhat ambiguous. Draftees served for three years or until the end of the war (Rostker 2006, 22).

enrolled; after that date, a substitute could come only from those exempt from military service. Thus, for the last three drafts, substitutes consisted of individuals younger than twenty, honorably discharged veterans with two or more years of service, alien residents, and (later) black citizens (Murdock 1967, 14; Geary 1986, 217; Levi 1997, 98).

In January 1862, the Union army had 575,917 men; one year later there were 918,121; 860,737 in January 1864; and 959,460 in January 1865 (Livermore 1957, 47). The regular army was authorized to have 42,000 men, but it never approached this number (Shannon [1928] 1965, 1:47). Most of those who served the Union did so in volunteer units.

One of the criticisms of Civil War conscription is that only the wealthy could afford to commute or hire a substitute.<sup>4</sup> The commutation fee was comparable to the average annual earnings in manufacturing in 1860.<sup>5</sup> However, Eugene Murdock (1964) suggests that commutation was feasible for most working men. Only 2 percent of those who served in the Union army were draftees, and of those who were called in a draft, only 6 percent were forced to enter service (table 2 in Perri 2008). The low percentages of those drafted reflect the lack of difficulty that individuals who were called had in paying for a substitute or commuting.<sup>6</sup> Individuals could afford to commute or hire substitutes because of the substantial state and local bounties that defrayed the amounts they had to spend and because both informal and formal draft insurance existed with a price substantially lower than \$300. Thus, it does not appear that most individuals found it difficult to avoid being drafted in the Civil War.

Government at all levels offered bounties. The total amount paid in federal bounties was approximately \$300 million, with more than 1.7 million recipients (Rafuse 1970, 19). Local bounties were estimated at \$285 million (Rafuse 1970, 19).<sup>7</sup> These bounties were sometimes paid directly to volunteers and substitutes but could be paid to men who had been called to enable them to hire a volunteer or a substitute.<sup>8</sup> For example, in New York City in the fall of 1863, a volunteer could receive \$300 from the county and \$75 from the state, the \$100 federal bonus available to all who entered service, and the additional federal bonus of \$100 to

4. Lindsay claims that \$300 was an unattainable amount for a laborer or farmer and that it implied a tax of that amount on those called who could not otherwise avoid service (1968b, 133). He ignores the substantial bounties provided by local communities and the availability of draft insurance. Enrolled men formed "mutual protective associations" to which each contributed funds. For example, fees ranged from \$10 to \$50 in Ohio (Murdock 1963, 12–17). Late in the war, firms in Illinois and Indiana sold explicit draft insurance. Draftees who purchased insurance had substitutes hired for them (Murdock 1971, 172).

5. Clarence Long (1975) uses the census of manufactures to derive average annual earnings in manufacturing of \$297 and \$384 in 1860 and 1870, respectively. James Geary claims a common laborer could earn about \$300 per year in 1860, which rose to more than \$400 in 1864 (1986, 214).

6. The low percentages also reflect the relative ease of simply not reporting when called. Twenty percent of those called did not report (Perri 2008, table 2).

7. Army pay is estimated to have totaled approximately \$500 million for the Civil War (Rostker 2006, 23).

8. In Brooklyn, when commutation was in effect, an individual who was called was given \$300 to commute or to hire a substitute or to keep if he entered military service (Murdock 1967, 21).

\$300 (for one to three years of enlistment)—for a total possible bounty of \$775. Such a bonus was large relative to military pay.<sup>9</sup>

## U.S. Conscription in the Twentieth Century

### *World War I*

The National Defense Act of 1916 allowed the regular army to expand to 175,000, asserted the principle of military service for able-bodied males ages eighteen to forty-five, and empowered the president to draft militia units if sufficient volunteers did not appear. A draft of individuals was adopted in May 1917.<sup>10</sup> Secretary of War Newton D. Baker coined the term *selective service*. The ostensible objective was to choose the men the army wanted, leaving out those who were valuable to the war economy or who favored forms of nonmilitary production. Although skilled workers were eligible for deferments, the Wilson administration rejected blanket deferments for categories of skilled workers, fearing these exemptions would erode support for the draft. Local draft boards classified 10 million draft registrants into five categories by eligibility. This system fit the era's view of scientific classification of manpower. A lottery was then used to draft those deemed least essential for the civilian war effort (O'Sullivan and Meckler 1974, 122, 124; Chambers 1987, 188–92; Flynn 2002, 37–39).

Richard Cooper (1982) argues that the World War I draft minimized the cost of those serving in the military because it chose only those with the lowest value elsewhere. John Warner and Sebastian Negrusa (2005) argue similarly that a draft that targets those with the lowest civilian wages will tend to induct the same people who would volunteer, provided that wages and nonpecuniary aspects of military service are unrelated. Some evidence in favor of this argument is the fact that 70 percent of those drafted during World War I were manual laborers (Flynn 2002, 38).

However, it is not clear whether those actually drafted were the ones with the lowest opportunity cost. First, local draft boards exercised much favoritism. This might have been more likely to benefit those who had higher wages or income, but there might also have been, for example, dilettante sons of the wealthy who had low civilian earnings. Second, the draft board reflected the views of the upper and middle classes, in which social and occupational groups had greater value, and these appraisals might not have always coincided with the actual value of some individuals' occupations to society (Chambers 1987, 191–92).

9. John Rafuse (1970) claims a union private earned \$6.40 per month in 1864. Ella Lonn (1928) says pay was \$13 per month at the beginning of the war, rising to \$16 per month by May 1864. Fred Shannon ([1928] 1965, vol. 2) says pay was \$11 per month at the outset of the war. With the \$16 per month figure, annual pay would have been \$192, and the bonus per year in New City in 1963 would be about triple that amount (\$575) for a one-year enlistee, and more than 35 percent larger than base pay for a three-year volunteer ( $\$775/3 = \$258.33$  versus \$192).

10. The first British draft occurred in 1916 (Chambers 1987, 118).

Moreover, for some, civilian earnings and nonpecuniary aspects of the military might have been negatively related. One's opportunity cost of military service is the sum of civilian monetary compensation and the disutility of being in the military (relative to civilian employment). If one prefers military employment to civilian employment (at identical wages), one's opportunity cost of being in the military is less than one's civilian earnings. If some individuals had high civilian monetary compensation but large utility from military service, then these individuals could have had a low total opportunity cost, but because monetary earnings were high, the draft boards might not have selected them. Evidence of such individuals manifested itself in the Spanish-American War. Many individuals in the Rough Riders represented the elites of society.<sup>11</sup> Some of them were Theodore Roosevelt's Harvard classmates, and some represented famous American families, with names such as Astor, Fish, and Tiffany (Walker 1998, 109–10). When Roosevelt again tried to raise a volunteer unit for World War I less than two decades after the Spanish-American War, similar men might have wished to enlist as volunteers.<sup>12</sup>

### *World War II*

In World War II, the draft authorities did not attempt to induct those with the lowest opportunity costs (ignoring nonpecuniary aspects of the military). The draft was enacted in September 1940. Once the United States formally entered the war, the first few drafts were by lottery; after that, the oldest ones in the eligible pool were drafted first. Volunteers were allowed until December 1942. The draft was intended to share the obligation of military service, but as in World War I (although with a different objective) the goal may not have been attained. Although no occupational groups as such were deferred, the president was allowed to provide exemptions for public health and safety reasons. More important, local draft boards had a good deal of discretion, and they generally preferred to defer married men and fathers rather than unmarried essential workers (O'Sullivan and Meckler 1974, 177; Flynn 1993, 54, 2002, 59, 100, 127, and 171; Rostker 2006, 26).

Farmworkers received a significant number of draft exemptions, even though group deferments supposedly did not exist. Although 9 percent of nonfarmworkers were deferred, 17 percent of farmers received job-related deferments (Flynn 1993, 58, 65, 2002, 173). Many single men consequently left industrial jobs that paid better than farming but offered a lower probability of receiving a deferment (Flynn 1993, 68). Thus, as in World War I, the draft during World War II did not result in either

11. Of course, as noted previously, some of these individuals might have had inherited wealth but low civilian earnings.

12. A more recent example of someone with a high value of civilian earnings and a high utility from military service was University of Chicago economist Paul Douglas. Although fifty years old and a professed pacifist, Douglas was so upset at the Axis powers' atrocities in World War II that he enlisted as a marine private. He fought and was severely wounded at Okinawa, losing the use of his left arm (Van Overtveldt 2007, 333).

conscription of the men with the lowest opportunity cost or the use of a random lottery in which occupational and social status played no role.

### *Korean War*

In the Korean War, an attempt was made to return to the selective draft of World War I. Educational and occupational deferments were used in order to continue the flow of workers into scientific and professional jobs (Janowitz 1982, 406). Even when no one was drafted, the draft was a tool to induce volunteers to apply. Although volunteers served for three years as opposed to the twenty-one months that draftees served, the latter also had a five-year reserve obligation. An estimated 40 percent of the volunteers enlisted to avoid the draft, and volunteers were allowed throughout the Korean War. Although the draft's goal seems to have been to protect the economy while maintaining war production, farmworkers once again received a disproportionate number of deferments. In 1951, those in key industrial jobs received 24,000 deferments, whereas farmworkers received 85,000 deferments (Flynn 1993, 111, 118, 129–30).

### *Vietnam War*

The draft during the Vietnam War operated essentially in the same way as it did during World War II. Individuals registered at age eighteen and were called between the ages of eighteen and a half and twenty-six for two years (plus a reserve obligation). In 1969, one out of six individuals in the military was a draftee, but 88 percent of the infantrymen in Vietnam were draftees (Flynn 2002, 75–76). As in the Korean War, educational and occupational deferments were given. The latter were based on lists from the Department of Commerce and the Department of Labor that supposedly identified jobs that were critical for the civilian sector (Curtis 1982, 595).

In addition to the war's unpopularity, a neglected reason for the significant draft opposition during the war in Vietnam may have been the relatively poor pay for those in the lowest ranks. Between 1946 and 1966, median real family income increased by 69 percent. The real pay of generals almost kept pace, increasing by 64 percent; senior sergeants' real pay increased by 48 percent; but privates' real pay declined by 24 percent.<sup>13</sup>

## **Why the Draft Changed Significantly in the Twentieth Century**

As discussed in Perri 2008, the bounty system and the hiring of substitutes for the Union army in the U.S. Civil War were fraught with problems. However, these

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13. This information is contained in a July 1967 memo from Gardner Ackley, the chairman of the Council of Economic Advisers, to Secretary of Defense McNamara (Ackley 1967).

problems were the result of the inability to identify individuals (allowing some to accept bounties and then desert),<sup>14</sup> the federal government's weakness at that time, and the ignorance of many who went as volunteers or substitutes and believed they could do so only by using brokers. The difficulties in operating a bounty system would be much less significant today, and the problem of a weak central government no longer existed after the Civil War.

An 1865 report by Illinois assistant provost marshal General James Oakes (reprinted in O'Sullivan and Meckler 1974, 93–101) focusing on the Civil War draft's workings in Illinois captured the dissatisfaction with some of the draft's features. It served as a blueprint for the next draft in World War I. Subsequent drafts in World War II, the Korean War, and the Vietnam War essentially followed the template used in World War I. The Oakes report was very critical of substitute brokers and recommended that no substitutes or bounties be used. If bounties were to be used, Oakes believed they should be paid only after some service. As noted in Perri 2008, the federal government's weakness during the Civil War was the likely reason that bonuses (other than those from the federal government) were paid up front.<sup>15</sup> Although by World War I there were still no current means of identification, there was a more powerful central government, so bonuses could have been paid over time during that war. Today, having the ability to find deserters, the U.S. volunteer military uses bonuses, some of which are paid up front.<sup>16</sup>

For reasons I discuss later, support for universal military training (UMT) and a draft increased before World War I. From the theoretical model in Perri 2008, it can be deduced that if opposition to a draft is less costly to the federal government, a lower military wage will be paid, and more men will be drafted. Because of (1) the changing U.S. role in international affairs and (2) domestic politics, the public's view of the draft and UMT had changed by the beginning of the twentieth century. The first point has two parts: international trade and immigration.

Until the end of the nineteenth century, U.S. foreign policy involved isolationism along with economic and territorial expansion. Because of increased international trade, many of the elites in business, academia, and government were convinced the U.S. government should take a more interventionist stance in the world. This view led them to support UMT and a draft. These individuals wanted the United States to be prepared for war and to have a foreign policy consistent with the country's growing economic clout. Also, they believed a strong military was necessary for the maintenance of international trade and the preservation of national

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14. Gary Becker (1957) notes that with modern communications and the easy identification of individuals, desertion would be a less serious problem today. He also suggests that bounties may have been a form of life insurance for enlistees.

15. The weak federal government was reluctant to impose too many constraints on the states. Thus, a man apparently counted toward a draft quota even if he deserted before arriving at a training camp.

16. In July 2007, the army offered a new \$20,000 bonus to those who signed up by September 30 (Shanker 2007).

honor (Chambers 1987, 76, 84, 265–66; Flynn 2002, 35). In 1914, the United States had an army of 100,000. Germany and France each had a conscript army of 800,000. The United States had relatively high civilian wages, so some feared the payroll costs of a U.S. volunteer army would be too high, so they agitated for a draft (see Chambers 1987, 75).<sup>17</sup>

The second international factor that induced increased support for conscription was the increased immigration to the United States at the end of the nineteenth century, which changed many native-born Americans' attitudes. Many believed that the new arrivals were not becoming assimilated. Thus, some became convinced that these individuals should not be left free to pursue their own interests. The majority demanded conformity with Anglo-American values and viewed citizen service as an obligation. Many of the elites who supported a greater international role for the United States viewed UMT as a means of assimilating recent immigrants. Once World War I began, more Americans supported the use of government power to induce conformity. Conscription and UMT were natural parts of this movement toward national citizenship (as opposed to allegiance to a state). Of course, a half-century earlier, the Civil War had also fostered this emphasis on national citizenship (Chambers 1987, 87–89, 93–95, 192, 264; Flynn 2002, 99).

Despite the clamor for a draft and UMT, President Wilson resisted both and never approved the latter. He also initially opposed conscription (Rostker 2006, 24). On March 25, 1917, he told his generals he wanted to move quickly with volunteers. Yet a few days later he proposed that volunteers be limited to regular army and National Guard units. Wilson's seemingly inconsistent decisions had much to do with Theodore Roosevelt's political maneuvering at the time.

As described in Perri 2008, volunteers in the Civil War served in volunteer units. This practice continued in the Spanish-American War, and, as I argue shortly, many still considered it viable in World War I.

In the Spanish-American War, future U.S. president Theodore Roosevelt led the First U.S. Volunteer Cavalry Regiment, more commonly known as the "Rough Riders."<sup>18</sup> Before U.S. entry into World War I, Roosevelt met with Secretary of War Baker, and after the United States declared war, he met with President Wilson. On both occasions, he proposed that volunteers be dispatched to Europe, and he requested permission to raise a division. Both the French and British endorsed the use of U.S. volunteer units, and Roosevelt had found regular officers to lead these units (Chambers 1987, 136–37; O'Toole 2005, 310–11, 317–18). In April 1917,

17. The fear of too high a U.S. payroll cost may have been overblown. Regular soldiers were paid \$15 per month, but, the full cost per soldier supposedly was \$1,700 per year, suggesting the wage bill was barely 10 percent of this cost. During World War I, pay was \$30 per month (plus food and housing), and civilian wages averaged about \$80 per month (Chambers 1987, 167).

18. Roosevelt was initially a lieutenant colonel and second in command to Colonel Leonard Wood, but before the famous charge at San Juan Hill, he was promoted to colonel and given command of the regiment. The actual charge occurred on Kettle Hill, and most of the men charged on foot because they had been forced to abandon their horses before they got to Cuba (Walker 1998, 143, 187, 212–23).



the U.S. Senate voted to *require* four volunteer divisions—a corps of 100,000 men. The final statute passed by Congress simply *allowed* the volunteer divisions, but in fact no volunteer units were used during the war. After the war, U.S. military officers opined that the Allied Expeditionary Force might easily have been staffed with volunteers (Chambers 1987, 167–71).

Two historians—John Chambers (1987), who has extensively studied U.S. wars and the raising of troops, and Patricia O’Toole (2005), a biographer of Roosevelt—have concluded that Wilson changed his mind on volunteer units because his party feared that Roosevelt would repeat his military heroics of the Spanish-American War and thus become a formidable Republican presidential candidate in 1920. But one cannot rule out the importance of the internationalists, who clamored for a draft and UMT. However, UMT was not adopted, so the question is: Why was a draft implemented, with no volunteer units, but UMT was not adopted? At the very least, it appears that the Roosevelt factor raised the political cost of a volunteer military sufficiently so that a draft was adopted, but volunteers units were not employed.<sup>19</sup>

## Conclusions

Before World War I, conscription was not designed to attract individuals directly. From colonial times through the Civil War, draftees could hire substitutes, and they often could pay a fee to avoid service. The first widespread use of conscription in the United States was in the Civil War. As argued in detail in Perri 2008, Civil War conscription was designed to induce states and communities to use their funds to defray military personnel costs. Only 2 percent of those who served in the Union army were drafted owing to the bounties that were available to pay commutation fees, hire substitutes, and pay volunteers.

Only in the twentieth century, beginning with World War I, was conscription used to bring men directly into the military. Had it not been for Woodrow Wilson’s fear of Theodore Roosevelt’s gaining popularity by leading a volunteer division and then seeking the presidency in 1920, it is possible the United States might again have used volunteer units as the U.S. Senate desired.

Although conscription has existed in the United States since colonial times, only in the past century has it been used to engage individuals directly. Those who advocate a return to conscription should recognize that conscription operated much differently before World War I. There was much less coercion of individuals, and the emphasis was placed on shifting some of the financial burden to the states and municipalities. Given the growth in the national government’s relative size and power since World War I and especially since the 1930s, the problem of federal financing of

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19. Individual volunteers were prohibited in 1918 (Chambers 1987, 73). Ironically, in trying to replicate his heroics in the Spanish-American War, Roosevelt, one of the strongest proponents of the volunteer system, helped to end the U.S. volunteer system (Chambers 1987, 268).

the military is no longer as serious as it once was. Thus, the rationale for conscription that existed prior to World War I no longer exists.

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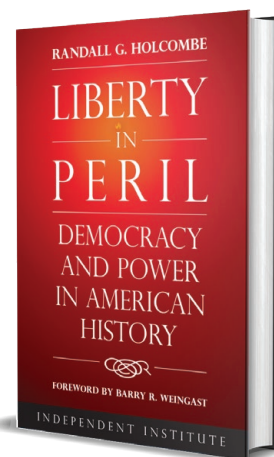
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