Symbol of American Discontent: The Selective Service During the Vietnam War

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SYMBOL OF AMERICAN DISCONTENT:
THE SELECTIVE SERVICE SYSTEM DURING
THE VIETNAM WAR

by

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B.A. June 1970, Waynesburg College

A Thesis Submitted to the Faculty of
Old Dominion University in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS
HISTORY

OLD DOMINION UNIVERSITY
December, 1986

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ABSTRACT

SYMBOL OF AMERICAN DISCONTENT:
THE SELECTIVE SERVICE DURING THE VIETNAM WAR

Jean B. Todd
Old Dominion University, 1986

This thesis presents an intensive study of the nature and scope of the Selective Service System in an effort to analyze the system that became the focal point of growing discontent with the Vietnam War. The primary objective is to determine whether the Selective Service System equitably executed its congressionally mandated objective of raising military manpower. In order to ascertain whether the System operated with balance and fairness, its structure and procedures are examined. The study of the Selective Service System's structure necessitated an analysis of the characteristics and backgrounds of both administrators and those who met the System's quotas for military manpower.

The thesis adduces evidence to show that the System failed to draft young men equitably for the armed forces. The System was unable to overcome the inherent inequity which exists in any society where the number of available men exceeds the number required by the military.
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INTRODUCTION

Assigned the duty of military manpower procurement, the Selective Service System during the 1960s remained a system largely designed a generation before. Immune to the changing needs and requirements of a new era, the System's leaders generally ignored the continuous barrage of criticism directed at the system's organizational format, policies, and procedures. As the conflict in Vietnam attained greater proportions, the debate over the system's efficacy and viability assumed the characteristics of a crusade. The crusade called into question the very essence and foundation of not only the Selective Service System but also the course of action inherent in President Lyndon B. Johnson's Southeast Asian policy. Many domestic and international observers during the latter half of the 1960s perceived, throughout the American society, a rampant cynicism and polarization which threatened not only the American way of life but also the role of the United States in the world. Given this backdrop of confusion and turmoil, the criticism and subsequent reform proposals aimed at revamping the Selective Service System reached a fevered pitch. Admittedly neither the sole nor paramount cause of American discontent, the Selective Service System became, nevertheless, a symbol of a policy and a program which had
lost both its desired direction and its preferred effect. What many critics failed to recognize was that the less than universal manpower needs of the military made some criteria of selection inevitable. The very fact that choices had to be made led to problems which resisted equitable solution.

As American troops actively entered the Vietnamese struggle late in 1965, public opinion polls revealed widespread support among the American people. When asked in August 1965 whether or not they believed the Johnson Administration erroneously committed American troops to fight in Southeast Asia, 61 percent expressed support for the government's action. At the same time, 24 percent indicated disapproval. As the war in Vietnam and the American military escalation continued, increasing numbers of people questioned the ability of the government to extricate American troops quickly and triumphantly. As a result, public opinion polls in mid-1966 revealed that support for the Vietnam War had declined to 48 percent. The growing disenchantment and dissatisfaction reflected in the polls continued throughout the Vietnam era.¹

As the popularity of America's entanglement in Southeast Asia plummeted, an increasing number of Americans reassessed their support of the Selective Service System.

As in previous wars, an important factor in determining the efficacy of the government's manpower procurement policy proved to be the conflict's popularity. When the majority of the American people accepted the purpose of the struggle, most of them also supported the draft. Increased discontent with the war resulted in greater protest against the government's conscription policy. Reflecting the growing disenchantment with the Vietnam War and the draft system, opinion polls conducted in 1966 revealed that 38 percent of the American people considered the Selective Service System unfair in its procurement procedures. Although not representative of the majority of Americans, that figure rose to 43 percent by the following year. Six out of every ten Americans, furthermore, expressed the conviction that the wealthy and influential manipulated an unjust system to prevent the induction of their own sons. As a result, many reassessed the traditional judgement that all able-bodied men must serve the United States in a time of emergency. Avoiding military service by various means became an accepted practice at every level of American society. Not only was the social stigma of draft avoidance eased, but also few men, declared physically unfit for military

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service, experienced the same frustrations and humiliations felt by their ancestors. ⁴ America's growing discontent, therefore, with both the Selective Service System and the war in Vietnam marked a revolutionary rejection of previously held middle-class values. Ever increasing numbers of Americans were unwilling to send their sons to fight in a war they neither supported nor understood.

Nowhere was the change in attitudes toward draft avoidance more prevalent than on the campuses of America's colleges and universities. Raised to accept mandatory military service as an inherent duty, the young men of the 1960s rejected the draft as an unpleasant interference in their personal lives and as an extension of the country's Vietnam policy. In a survey released by the University of Notre Dame, nearly 50 percent of the nonmilitary respondents had taken successful steps to avoid military service and nearly half of the servicemen polled reported that their own actions had resulted in their noncombatant assignments.⁵

Avoiding either military service or Vietnam, however, did not necessarily mean that these young men remained untouched by the events in Southeast Asia. Successful draft avoidance often meant deliberately altering personal,


educational, or vocational plans. When President John F. Kennedy, by executive order in 1963, authorized the deferment of married men, the marriage rate among 21 year olds rose by more than 10 percent. An examination of national statistics for the years 1965 and 1966, furthermore, revealed that marriage rates rose only among the age group eligible for the draft. During the same period, in a Wisconsin survey of respondents between 21 and 25 years of age, 50 percent replied that they knew of someone whose marriage had been draft-motivated. One young man even went so far as to postpone marriage until his induction into the armed services seemed a certainty. Following the morning portion of his preinduction examination at the Baltimore, Maryland Armed Forces Examining Station, he asked to be excused for lunch. Confident that he would be found eligible for military service, the young man and his fiancee married. When he returned from lunch, he announced his marriage and, consequently, received a III-A deferment from military service.

The threat of the draft also apparently influenced the educational plans of a large number of the Vietnam


generation. Many draft eligible young men enrolled in institutions of higher learning solely to postpone, if not avoid, military service. Statistics for the period indicated that male enrollment in American colleges and universities rose by 6 or 7 percent, and that this increase was largely due to the threat of conscription. In the same study conducted by the University of Notre Dame, researchers found that 12 percent of their survey sample replied that the threat of military service prevented them from temporarily dropping out of school for work or travel. An additional 5 percent, furthermore, changed their majors in an effort to qualify for an occupational deferment following graduation.9

The Selective Service System, aided and abetted by Congress, created a system fraught with legal loopholes for those astute enough to fathom its labyrinth of bureaucratic regulations and provisos. Many young men, as a result, parlayed student deferments into virtual exemptions by attending graduate school following graduation. The University of Pennsylvania, for example, reported that applications to their graduate school of business rose by 24 percent and to their law school by 28 percent in 1967. By pursuing postgraduate studies, these young men, at the least, delayed military service and, at the most, avoided it altogether.10

9Baskir, Chance and Circumstance, p. 29.
10Walton, Draft Mess, pp. 81-82.
Still others had their lives unavoidably altered because, for them, the Selective Service System symbolized the evil and cynicism rampant in President Johnson's Vietnam policy. Neither able to support nor influence the country's action in Southeast Asia, thousands of young men actively and steadfastly pursued a course of action aimed at awakening the conscience of America. Sacrificing themselves and their careers, these men chose noncooperation with a system which they believed to perpetuate many inequities and injustices. In the case of Tom Gardner, the son of a career dental officer in the Navy, exposure to campus activists while attending the University of Virginia led to his involvement in the antiwar movement and his subsequent decision to refuse cooperation with the government's manpower procurement policies. Feeling "strong personal resentment and rebellion against the idea of some distant group of old men presuming to control my life," Gardner decided to withdraw from the University of Virginia and to refuse any induction notices sent by his local draft board.\(^\text{11}\) Although Gardner subsequently altered his stance toward noncooperation and applied for a conscientious objector status, he remained steadfast in his opposition toward both the war and the draft. As with so many young men of the 1960s, Gardner's goals and ambitions of a lifetime were irretrievably changed by decisions and events beyond his control.\(^\text{12}\)

\(^{11}\) Tom Gardner, "Manpower Unchanneled," in We Won't Go, ed. Alice Lynd (Boston: Beacon Press, 1968), p. 44.

\(^{12}\) Ibid., p. 12.
Unlike Tom Gardner, thousands risked incarceration rather than cooperate with the system assigned the task of supplying the government's seemingly insatiable demand for military age young men. One young man, James Rowland, declined a student deferment, withdrew from college, and made no effort to obtain any deferment or exemption. Rowland was convicted and sentenced under the Youth Corrections Act. Like hundreds of his peers, Rowland's life full of promise and dreams seemed to vanish in a maze of bewilderment and confusion created by a system alien to so many of the Vietnam generation.\footnote{13}

In an effort to dramatize both a personal and total opposition to the Selective Service System, other young men elected a more public and salient form of protest. At a demonstration in October 1965, David J. Miller, one of the invited speakers, decided to burn his draft card, an act that risked a five year jail sentence. In front of a large crowd and national television cameras, Miller not only refused to fight, but also denied the government's authority to judge his pacifist views.\footnote{14} When convicted in March 1966 of destroying his draft card, Miller received a suspended sentence subject to his acceptance of a new draft card. After his refusal to accept the new card, Miller received a

\footnote{13}James Taylor Rowland, "Against the System," in We Won't Go, ed. Alice Lynd (Boston: Beacon Press, 1968), p. 44.

two and one-half year sentence from a federal court.\textsuperscript{15} Miller's act of defiance against a seemingly unjust and remote system, the Selective Service System, prompted hundreds of other young men to express their opposition by burning their draft cards.

Undeniably the most vocal and conspicuous of the draft's dissenters, young men and women on numerous college campuses rallied to a cause little understood by the mainstream of American society. Believing their adversary, the Selective Service System, to be unjust and their cause to be morally sound, many of these young people chose avenues of protest destined to restructure their lives and futures. Discontent with the course of domestic and foreign events, however, was not limited to the Vietnam generation. Much of the criticism and opposition aimed at the Johnson Administration's Southeast Asian policy and the Selective Service System became nationwide and involved many segments of the American society.

However warranted an investigation into the nature and scope of American dissatisfaction with overall Vietnam policy may be, this thesis shall undertake, rather, an intensive study of the structure and policies of the Selective Service System in an effort to analyze the System that became the focus of American discontent and, increasingly, rampant cynicism. During the early years of the Johnson Administration,

\textsuperscript{15}Ibid., p. 189.
the country loyally and steadfastly supported the president. By mid-1966, as the fighting, casualties, and draft calls appreciably increased, American support for the Selective Service System eroded. The primary objective, therefore, of this thesis will be to show how the Selective Service System failed equitably to execute its congressionally mandated objective of raising manpower for the armed forces while attempting to approach maximum fairness during a period of partial mobilization. An analysis of the Selective Service System must include analytical comparisons between the law on national conscription prior to the passage of the Military Selective Service Act of 1967 with changes initiated by the Administrations of Lyndon Johnson and Richard M. Nixon. In order to ascertain whether or not the System operated with balance and fairness, its structure and procedures must be examined. All of these factors will be scrutinized in an effort to determine their impact upon the Selective Service System and its operation. Americans perceived a system they distrusted, controlled by an elite group of men with extreme discretionary powers. An analysis of that system will attempt to determine the accuracy and fairness of their fear and skepticism.
CHAPTER 1

HISTORICAL BACKGROUND OF THE DRAFT

During the Vietnam era, criticism of America's conscription laws was nationwide and involved many segments of American society. Few groups, however, received wider media coverage or commanded more rapt attention than the activists in the streets and on the campuses of America. Many Americans, reacting to the vocal dissent and apparent rejection of middle-class values by America's youth, felt threatened. They felt constantly barraged by threats to the values and beliefs they deemed responsible for America's greatness. Central to their value system was the conviction that all able-bodied men must serve the United States in a time of emergency. Convinced that America's conscription system had never experienced such fervid antagonism, mainstream America searched for reassurances that the status quo, their beliefs and values, continued to make the United States the finest and most powerful country in the world. Believing conscription an inherent part of the American culture, many believed that anything short of total acquiescence threatened the very fiber of America's historical traditions. Americans expressed concern and dismay at the young who so blatantly rejected the values and mores esteemed by not only themselves but also
generations of loyal Americans. Convinced that no other era experienced such vehement opposition to universal conscription, many Americans viewed the young protesters as harbingers of America's disgrace and ultimate decline as a world leader.

While many believed the United States never faced such adversity, national conscription, far from being the rule, proved the exception in America's military tradition and attempts to enforce compulsory military service seldom experienced universal compliance from the American people. Far from being a peculiarity of the Vietnam era, opposition to conscription plagued America's past as well as its present.

THE COLONIAL-EARLY NATIONAL PERIODS

As the first settlers arrived in America in the early 1600s, they faced many challenges and dangers. Totally surrounded by increasingly hostile Indian and rival colonial powers, the colonists adopted a system of defense largely inherited from their British ancestors. Distrust of a large standing army and devotion to the principle of localism produced a system designed to meet the needs of America's isolated and agrarian society. People living in scattered settlements developed a reliance on local autonomy and authority. As a result, settlers in the
British colonies developed a respect for individualism and a distrust of centralized control.¹

In order to meet their environmental needs and reinforce their beliefs in localism, each of the original thirteen colonies developed its own militia to protect local citizens. The colonies, furthermore, provided legislation mandating militia service to include all able-bodied men between the ages of 16 and 60.² Colonial statutes also mandated peacetime training and active service in the event of a military emergency. The emphasis on local militia for defense enabled a colony most affected by an emergency or war to participate actively while those far removed from the dangers remained largely passive. Colonial interest in local needs created an aversion to military duty in response to emergencies beyond the borders of one's own colony and often resulted in a refusal to serve in military expeditions in neighboring colonies.³

As threats and dangers diminished in the colonial settlements, many neglected universal military service. A majority of the colonial legislatures, therefore, revised


conscription statutes to meet the altered needs of their settlers. By the time of the American Revolution, avoiding military service was possible by paying a fine or hiring a substitute to fulfill one's military obligation. The bounty system which paid men to volunteer for military service further undermined the conscription system.4

The voluntary militia provided the nucleus of colonial defense by the time of the American Revolution. Though most manpower needs were met with voluntary enlistments, emergencies necessitated the occasional use of conscription. In the event of a colonial crisis, the militia, proud of its volunteer tradition, assumed the responsibility for general protection. When the number of volunteers fell short of the requirements of the emergency, the militia would then resort to conscription. The practice of relying on volunteers until such time that the magnitude of an emergency required the use of conscripts became the norm for subsequent military manpower procurement until the 1940s.5

American distrust of a large professional army and support for the principle of localism continued throughout the American Revolution and into the early days of the

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young republic. General George Washington acknowledged the need for a small army of volunteers to protect the country during peacetime. He strongly condemned, however, the creation of a large professional army and believed, instead, that the nation must rely on citizen-soldiers to meet the requirements of an emergency.6

To provide for the defense of the nation, the United States Constitution gave the federal government the authority to assemble and maintain an army. Several delegates to the Constitutional Convention preferred, because of their distrust of centralized authority, that the federal government request soldiers from the states. Although the Constitution mandated uniformity in the organization of the militia, it limited the federal government in its use of the militia to specifically enumerated situations--to execute federal laws, suppress internal rebellions, and repulse foreign invasions. The states, furthermore, retained the power to appoint officers and to train and equip the militia.7

The Constitution perpetuated, therefore, the military tradition of a small standing army and largely volunteer state militia. In the Militia Act of 1792, Congress mandated compulsory military service, in state


7Chambers, Draftees or Volunteers, pp. 43-45.
militia, for all able-bodied white men between 18 and 45. Convinced that federal control of the state militia was unwarranted and, possibly, dangerous, congressional legislators dictated state supervision and jurisdiction over the militia. The law undermined the viability of the state militia when it provided that individuals supply their own equipment and failed to stipulate penalties for noncompliance by militiamen.8

In the event of a national emergency, the Militia Act of 1792 empowered the president to call out the state militia and to authorize the enlistment of six-month volunteers in the National Army. The Act, therefore, established the tradition of volunteers, who received wages and bounties, directly serving the federal government. Although the statute authorized the president to call out the militia in the event of an emergency, the militia's effectiveness suffered when an amendment in 1794 limited national service to three months in any year.9

During the War of 1812, America's source of military manpower continued to be a small regular army and state militia. Congress authorized the War Department to raise an army of 30,000 men, but they merely increased the size of the regular army from a prewar low of 7,000 men to half its allotted strength—15,000 men in the first year. Moreover, the use of enlistment bounties of 40 dollars cash,

8O'Sullivan, The Draft and Its Enemies, p. 23.
9Chambers, Draftees or Volunteers, pp. 70-71.
three months advance pay, and the pledge of 160 acres of land upon completion of military service contributed to the increased strength.\textsuperscript{10} American effectiveness in the War of 1812 suffered not because Congress failed to authorize an adequate military force, but rather because military manpower procurement relied entirely upon volunteers. Without sufficient inducements, such as conscription, many Americans again demonstrated a reluctance to participate in a conflict they opposed.\textsuperscript{11}

Secretary of War James Monroe proposed to the House Committee on Military Affairs a system of conscription which they subsequently rejected as unconstitutional. Dividing all males between ages 18 and 45 into classes of 100 each, Monroe's plan provided that each class be assigned a quota. In the event that any class failed to meet its required quota, a draft would have fulfilled the obligation of that class. Monroe's proposal further stipulated that the members of that class had to contribute to the draftee's pay and draftees had the option of avoiding military service by hiring a substitute. Monroe argued that his plan was constitutional because of the federal government's authority to raise an army. In order to facilitate the expansion of its military power, the federal government needed to have at its disposal any and all

\textsuperscript{10}Ibid., p. 80.

methods to raise an army, including conscription. Monroe's proposal never got out of committee. The plan revealed, however, a major weakness in the government's policy of manpower procurement throughout the colonial and early national periods. Unable to compel men to volunteer, the government often lacked sufficient military forces to meet the demands of an emergency.¹²

When war broke out between the United States and Mexico, American leaders once again found themselves ill-prepared for the ensuing conflict. In May 1846, Congress enacted legislation which authorized 50,000 volunteers to serve for either one year or the duration of the war. The enlistment term of one year, though better than the six month term suggested by President James K. Polk, eased the difficulty of recruiting but proved to be far too short.¹³ Because the vast majority of the 12-month recruits refused to remain for the duration of the war once their enlistment was up, Polk replaced them, in May 1847, with new recruits enlisted for the war's duration. Although the government was able to supply the necessary number of men for the war effort, a reluctance on the part of the men to serve beyond their original enlistments created severe handicaps for the government's prosecution of the war.¹⁴

¹²Graham, A Constitutional History, p. 84.
¹⁴Ibid., pp. 269-70.
THE CIVIL WAR

When the Civil War erupted in 1861, the federal government's existing army consisted of approximately 16,000 men who were primarily stationed on the frontier.15 In an initial fervor of patriotism, thousands of men attempted to volunteer. Because the government lacked the ability to train and arm this number of men at the same time, many of them had to be turned away. After the initial surge of patriotic support had subsided, the government faced the difficulty of recruiting some of the very men who initially had attempted to volunteer.16 In order to meet its manpower needs, therefore, the federal government relied upon the very policies and methods that had often failed during the colonial and early national periods. The president and Congress determined the necessary number of soldiers, the desired length of service, and the proportionate quota for each state. Once these matters were settled, the state and local governments assumed the responsibility for the actual procurement of the required soldiers. The states often delegated their authority to raise the necessary quota to prominent men or veterans within a state, county, or city.17


17Chambers, Draftees or Volunteers, p. 135.
As enlistments lagged during 1862, the federal government adopted the enlistment bounty as an incentive to young men to volunteer. Because the initial response to the bounty proved disappointing, Congress enacted the Militia Act in July 1862. Designed as a compromise between the need for more manpower and the innate distrust of federal control over manpower procurement, the law authorized President Abraham Lincoln to call state forces into national service for a maximum of nine months. Because some states had failed adequately to meet quotas set down by the federal government, the legislation attempted to stimulate the states to exercise their authority to conscript state militia.18

The Union experienced difficulties in 1863 in meeting its seemingly insatiable demand for military manpower. Military losses, increased civilian wages in the North's factories, and dissatisfaction with Lincoln's emancipation of slaves impeded the federal government's efforts to meet its military requirements.19

Due to the sagging enlistments and the increasing military demands, Congress authorized the first direct national draft in United States history. The Enrollment Act of 1863 provided for a three-year military liability to federal service for all able-bodied male citizens and

18Ibid., pp. 132-33.
19Ibid., p. 124.
declared aliens between the ages of 20 and 44. Ignoring the militia clauses of the United States Constitution, the Act derived its legitimacy from the government's power to raise an army and rested on the assumption that conscription authority offered the only viable means for preserving the Union and democratic government.20

According to the Enrollment Act of 1863, all eligible men were divided into two classes to ensure that bachelors received priority draft status. The group with the highest conscription vulnerability consisted of all eligible men between the ages of 20 and 35 and all unmarried men between 35 and 45 years of age. Once the government had exhausted the first group, the second group, married men between the ages of 35 and 45, attained priority status.21

The Act mandated the exemption of physically or mentally unfit persons, convicted felons, certain federal and state officials, and hardship dependencies when a man provided the sole support for aged parents or orphans. Section 13 of the Act, furthermore, permitted draftees to hire substitutes to serve in their stead. Because the cost of hiring substitutes proved to be beyond the means of most

20 O'Sullivan, The Draft and Its Enemies, pp. 54-55.

recruits, the Act included a $300 commutation fee which the government applied to its federal bounty fund.  

The conscription act divided each state into draft districts which coincided with the congressional districts. Assistant provosts, who designated military officers to visit every house to identify and register all eligible men within the draft district, administered the act. Citizens who resented the practice which denied eligible men the right to initiate registration proceedings often expressed their antagonism by making the enrollment officers' duty not only difficult but also dangerous. Assigned a draft quota, each district held a public ceremony at which a blindfolded individual, chosen because of his impeccable character, randomly selected cards from the file of registrants. Criticism and charges of inequities in the execution of the selection process repeatedly surfaced and, quite often, proved accurate. As a result, resentment and hostility toward the conscription system manifested itself at every level of its administration.

For the first two years of its administration, the system assigned state and enrollment district quotas based on total population, ignoring the total number of draft eligible men within a given area. As a result, some enrollment districts received a disproportionately high quota

22Ibid., p. 336.

23O'Sullivan, The Draft and Its Enemies, pp. 54-55.

while other areas contributed comparatively few men. Because quotas were not adjusted for high volunteerism or in areas where many of the eligible young men fled to the cities, these inequities became especially apparent. Americans often maintained that such inequities inevitably manifested themselves in any system which made individual liberty subservient to central authority. 25

Often motivated by a total distrust and hatred of the European institutions and traditions they had abandoned in the 18th century, the founding fathers created a new republic free of many controls, including the inherent power of the government to form a professional, standing army. To many Americans during the Civil War, the Enrollment Act of 1863 epitomized the worst of Europe's tyrannical and absolute monarchies. As a result, the draft quickly assumed the specter of an evil entity perpetrated on a free people. Failing to appreciate the depth of American distrust of government interference, the Lincoln Administration and, in turn, the press failed adequately to influence public opinion prior to initiating the draft which was a radical departure from American military tradition. 26

Concluding the system to be administered by inept and often corrupt army officials, dissenters disrupted the draft's operation with frequent protests and occasional

25 Chambers, Draftees or Volunteers, p. 196.
26 Ibid., pp. 182-83.
violence. Much of the antagonism directed at the draft stemmed from the ability of some to avoid conscription by paying the $300 commutation fee. Although designed to allow men of middle income and laborers, unable to afford the escalating costs of hiring a substitute, an equitable opportunity to avoid military service, the commutation fee, instead, proved beyond the means of many. Unable to avoid military service and increasingly hostile toward a war apparently designed to free slaves and increase the already fierce job competition in the industrial North, many vented their frustrations and fears by expressing violent opposition to the draft. Although rioting related to the draft occurred in nearly every northern state, New York City, in July 1863, experienced the most violent and widespread problems. Implementation of the draft seemed to unleash a smoldering bitterness against central authority over military manpower procurement and a deep-seated hatred of a war which had assumed the proportions of a moral crusade, the freeing of America's black slaves.27

Although the dissatisfaction with the draft's administration and operation manifested itself at every level of American society, the Enrollment Act of 1863 accomplished its desired effect by motivating thousands of young men to volunteer for military service. Of the two and one-half million men who served in the Union Army during the Civil

War, only about 6 percent entered the army by conscription. Aware of their draft eligibility and of the social stigma accompanying the status of conscript, many chose instead to volunteer and collect the lucrative bounties offered by the local, state, and federal governments. As a result, the system responsible for so much bitterness and resentment in the North proved effective, albeit indirectly, in meeting the Union's tremendous demand for military manpower.28

Faced with a severe military manpower shortage far sooner than the Union, the Confederate States of America adopted mandatory military service in 1862. In the Conscription Act of 1862, the Confederate government usurped the states' traditional role as provider of military manpower and, instead, issued a direct call to national military service. Although the act permitted voluntary enlistments, compulsory induction into the military replaced volunteerism as the government's primary source of manpower.29

The 1862 act declared every white man between the ages of 18 and 35 liable for military service. Over the next several days, supplementary acts exempted numerous professional and economic groups and delegated, to state


29Chambers, Draftees or Volunteers, p. 127.
governors, the authority to enumerate exempted state officials.\textsuperscript{30} In an effort to maintain the industrial and agricultural production necessary to meet the demands of both the civilian population and the armed forces, the list of exempted workers, initially, proved extensive. The acts excused workers in iron mines, foundries, and furnaces; telegraph operators; ministers; medical personnel; teachers; newspaper editors and printers; wool and cotton mill employees; certain skilled workers such as tanners, millers, wheelwrights, blacksmiths; those engaged in the munitions industry; and one person for every 500 head of cattle or sheep. The acts also exempted an owner and one overseer for every 20 slaves.\textsuperscript{31}

As the Confederacy faced severe manpower shortages not alleviated by the Conscription Act of 1862, legislators mandated several key modifications. Congress not only abolished the practice of hiring substitutes in December 1863, but also drastically curtailed the use of industrial exemptions the following February. The conscription law as amended in 1864 limited occupational exemptions to ministers, editors, printers, druggists, and people engaged in the medical profession. The new act also provided for reserve units, composed of 17 year old boys and men from 45


\textsuperscript{31}Chambers, Draftees or Volunteers, pp. 127-28.
to 50 years of age, under Confederate rather than state control.

Highly sensitive to local and state autonomy, many southerners vehemently objected to the operation of the draft. Under the direction of the War Department, military officers assumed the responsibility for registering eligible young men. Although the War Department utilized state militia officers, when feasible, for the enrollment procedure, local resentment surfaced. As a result, in 1864 a Bureau of Conscription which emphasized state participation was established.32

Fierce dedication to the principle of states' rights and devotion to the idea of localism created extensive draft opposition and resistance throughout the South. Several southern newspapers, like the Montgomery Mail questioned not only the law's constitutionality, but also its necessity. Prominent southern politicians, also questioning the law's constitutionality, challenged the Confederacy's authority to draft men directly into federal service. One of the most prominent and vocal critics of the government's action was its Vice-president, Alexander Stephens. Opposition to conscription, however, existed at all levels of southern society. Many young men, vying for a medical exemption,

faked physical ailments or, in extreme cases, resorted to self-mutilation to avoid military service.\textsuperscript{33}

Faced with critical manpower shortages, both the Union and the Confederacy attempted to alleviate the situation by initiating national conscription laws. Both governments, however, experienced widespread opposition from their respective citizens. Much of the criticism focused on the laws' constitutionality and the governments' abandonment of America's military tradition of localism. Resentment of the draft went very deep. On both sides of the Mason-Dixon line, Americans expressed strong resistance to the draft's administration and its apparent inequities. As a result, although the draft met the immediate needs of the government for military manpower, it also left a legacy of bitterness and distrust—a factor that had to be addressed by future administrations, during future wars.

**IMPERIALISM-WORLD WAR I**

Immediately prior to war with Spain, the United States Army consisted of only about 28,000 men spread across the nation. Although the state militia numbered 114,000 officers and men, they were poorly trained and badly equipped. As war appeared imminent, President William McKinley presented to Congress a plan for a volunteer army to serve along with the regular army. According to McKinley's request, an initial call for volunteers between

\textsuperscript{33}Chambers, \textit{Draftees or Volunteers}, p. 128.
the ages of 18 and 45 would be limited to members of the National Guard, with quotas for each state based upon population. Entire National Guard units were permitted to enter federal service under their own officers. The plan provided for three years of duty unless the war proved to be shorter in duration. As enacted by Congress on April 22, 1898, the law reflected McKinley's plan except that it established a two year term of service for the volunteers. On the following day, McKinley issued a call for 125,000 men, the approximate strength of all the existing militia.

Congress, furthermore, increased the authorized strength of the regular army to 64,719 men on April 26. Enlistments in the regular army, however, never reached the maximum authorized strength due to the strict medical standards and, more importantly, the preference of most eligible recruits for service in volunteer units.

McKinley's initial call for volunteers led to the various militia units already in existence being brought into federal service. On May 22, he issued a second call for 75,000 volunteers. Of the approximate 200,442 volunteers during the Spanish-American War, about 136,000 never left the country. Due largely to the war's popularity and short duration, the government never encountered difficulties in obtaining sufficient manpower as did leaders in earlier wars. Throughout America's history, the all-volunteer system had never performed more efficiently or
more capably than it did during the Spanish-American War.  

In 1899, Filipino nationalists, under the leadership of Emilio Aguinaldo, revolted against the American annexation of the Philippines which was the result of America's victory in the Spanish-American War. During the early months of the fighting, the American army could do little more than maintain the positions it already held. Of the 20,000 American soldiers in the islands, 15,000 were volunteers who would be discharged as soon as the peace treaty marking the end of the Spanish-American War was ratified. President McKinley, in August 1899, doubled the call for volunteers to make possible the return of the original Philippine volunteers. They were replaced with volunteers and regulars, numbering 63,000 men, who served until 1901 and the cessation of hostilities.

When the Civil War had ended, the Illinois draft administrator, Brigadier General James Oakes, wrote a detailed report to his superior, General James Fry. In his honest and often openly critical analysis, Oakes not only delineated the draft's deficiencies but also offered recommendations for improvements. According to the Oakes report, the primary inadequacy of draft legislation rested

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in the government's practice of going from house to house in
search of eligible young men. Rather than placing responsi-
Bility for registration with the government, Oakes recom-
dended that the young men begin to assume personal responsibil-
ity for draft registration, thus increasing public cooper-
ation and involvement. Oakes also attacked the practice of
substitutions, commutations, and bounties. He clearly
recommended that these practices be abolished. Finally,
Oakes recommended that the federal government assume total
control of the draft rather than attempting to involve the
states. Submitted in August 1865, Oakes' report offered
possible solutions to the draft's inefficient operation and
to the widespread public opposition experienced during the
Civil War. The report, in part because the crisis had
ended, failed to spur sweeping reforms. Filed away by his
superiors, Oakes' critique gathered dust until a new
generation, facing a new crisis, dusted it off and initiated
many of its recommended reforms.36

As American involvement in World War I appeared in-
creasingly imminent, Brigadier General Enoch H. Crowder re-
examined the Oakes report. Although he realized that
American military tradition, with the exception of the Civil
War, relied on volunteers, Crowder believed that the demands
of World War I warranted a return to the draft. Finding the
report valid and timely, Crowder endorsed Oakes' principal

36 O'Sullivan, The Draft and Its Enemies, pp. 60, 93.
recommendations for changes in the structure and operation of mandatory conscription.\textsuperscript{37} Accepting Crowder's basic arguments in favor of conscription, Newton Baker, Secretary of War, presented the concept to President Woodrow Wilson. Baker, realizing Wilson's commitment to individual liberties, argued that the draft reinforced the principles of democracy because it required universal military service of America's young men. Baker, furthermore, reiterated to the president the experiences Great Britain faced prior to adopting conscription. President Wilson realized that the British failed to utilize their volunteers in areas best suited to the country's needs and the men's talents. As a result, essential factory workers and likely candidates for officer training faced senseless and brutal slaughter on the front lines. Although Wilson had adamantly rejected the idea of universal conscription the year before, by early 1917 he endorsed the draft as the most efficient and equitable method for raising an army sufficient to meet the wartime demands. With conscription, America could channel its men where they were most needed, whether on the battlefield or in the factory.\textsuperscript{38}

When the Administration submitted the draft bill to Congress on April 28, 1917, many congressional observers


\textsuperscript{38}Warren S. Tyron, "The Draft and World War I," \textit{Current History} 54 (June 1968):341.
expected long and heated debates over the proposal's departure from American military traditions and alleged federal attempt to usurp state authority. Although the debates reflected much opposition and bitterness, they did not question the concept of conscription. Legislators, rather, debated points of administration and operation while expressing nearly unanimous support for Wilson's arguments that the draft was the fairest and most efficient method for raising an army without disrupting economic production. Conferences, established to iron out the differences between the House and Senate bills, resulted in many tense and protracted disagreements. The principal issues at stake were the age limits of the draftees, the desirability of continuing volunteerism, and the availability of liquor and prostitutes for the soldiers. Powerful prohibitionist groups, however, quickly dispelled the idea of the government supplying the young men with either liquor or prostitutes.39

Despite the War Department's support for a draft age range from 19 to 25, the conference committee established the eligible ages of 21 to 30 years in an effort to dispel any charges that the government drafted men not yet old enough to vote. Also in the final compromise, both houses permitted, but did not compel, the president to accept volunteers. With the major problems solved, Congress

39Ibid., p. 343.
enacted and the president signed the legislation into law on June 5, 1917.40

When Secretary Baker initially proposed draft legislation to President Wilson, Baker's awareness of public opposition during the Civil War prompted him to recommend civilian control and administration of military conscription. Although he believed that Americans supported United States participation in the war against Germany, civilian, rather than military, control of the draft would enhance the government's ability to win public acquiescence. Baker, however, lost his argument.41 The director of the draft's operation, a provost marshal general, functioned under the secretary of war. Draft operation and administration in each state fell to an adjutant general, answerable to the provost marshal in Washington.42

The Selective Service Act of 1917 also greatly restricted the authority of state governors. Not only was the president authorized to utilize the services of any federal and state officials in implementing the draft, but he also received the power to appoint all military officers. In an effort to eliminate the danger of uncooperative state governors, the act stipulated that refusal to cooperate with presidential orders constituted a misdemeanor.43

43Chambers, Draftees or Volunteers, p. 235.
Although under the control of the War Department in Washington, several of the act's provisions increased public participation and local involvement. Establishing June 5, 1917 as the national registration day, the president required young men of eligible draft age to enroll for the draft at their local voting places. Strongly recommended by the Oakes report and endorsed by General Enoch Crowder, the draft legislation did not send army officers from house to house in search of eligible young men. Despite the fact that thousands of young men rushed out to enlist in order to avoid the draft, the initial stage in implementing selective service proved successful. On the national registration day, approximately 9,500,000 young men voluntarily submitted their names for the draft.44 To enhance further public support and participation, the act established local civilian boards to supervise the registration process and administer the draft on the local level. Authorities believed that decentralized, civilian control negated the potentially dangerous perception of compulsory military coercion by the central government.45

In an effort to stimulate public support and cooperation, the Selective Service System Act of 1917 mandated the use of a lottery as the most equitable method for choosing the required men for the armed forces. On July 20,


1917, Secretary of War Baker selected a single number from a glass bowl containing numbered capsules. The container held 10,319 capsules because that represented the largest number of registrants enrolled at any of the 4,557 local draft board offices. The numbers selected established the order of call within each age class of registered men.46

As men registered for the draft, authorities placed them in classifications according to their availability and liability for the draft. Men in the first classification received priority status until the quota for their local draft board office was filled. Selective Service authorities based a local board's quota on the district's total population.47 In an effort to establish an efficient national manpower policy, draft authorities designated certain occupations as unproductive and immediately placed men employed in these areas in the first classification. Among the men labeled unproductive were waiters, doormen, ushers, clerks, professional baseball players, and the unemployed.48

Realizing that the demands of wartime necessitated the participation of all citizens, whether on the field of battle or in the factory, the Selective Service Act of 1917 gave the president the authority to enumerate specific

47 Tryon, "The Draft and World War I," p. 344.
48 Chambers, Draftees or Volunteers, p. 25.
occupations necessary for the common good. Men employed in vital occupations were exempted from draft liability as long as they continued active in their professions. Exemptions were also enumerated for groups which the government felt should be excused from liability for personal reasons. The exempted included officials of most local, state, and federal offices; aliens without first citizenship papers; ministers and divinity students; pilots and mariners; workers in government custom houses, post offices, arsenals, and Navy yards; the physically or morally unfit; those with families totally dependent upon them; and those involved in wartime production.49

Recognizing that some Americans objected to participation in the military on the grounds of conscience, the act permitted members of the "historic peace churches" noncombatant status. Although the law failed to provide for men who were not members of the peace churches, President Wilson, in an executive order, permitted noncombatant status to all who could verify their opposition to war as conscientious objectors. Authorities assigned these men to noncombatant areas of the military such as in hospitals or in the private sector. If they served outside of the military, any portion of their pay that exceeded 30 dollars a month was donated to the Red Cross.50

50 O'Sullivan, The Draft and Its Enemies, p. 106.
In an effort to make the draft's implementation more efficient and equitable, the Selective Service Act of 1917 eliminated the practices of commutations, substitutions, and bounties.\textsuperscript{51} Considered relics of past wars, these practices represented a system not totally committed to mandatory conscription.

Prior to America's active involvement in World War I and for the first time in United States history, the federal government established conscription as the primary method for raising an army. Although he never availed himself of the congressionally mandated right to suspend voluntary enlistments, Wilson concluded that conscription represented the most expedient and effective method available. As a result, World War I represented the first time in United States history that conscription served as not only the primary but also the major source of military manpower. During the Civil War, barely 6 percent of Union forces entered the army through the draft; in World War I that figure skyrocketed to approximately 72 percent of America's 3,700,000 fighting men.\textsuperscript{52} The United States, with public acceptance and participation, accepted the principle of a federally conscripted armed force to meet the demands of the emergency.

\textsuperscript{51}Chambers, \textit{Draftees or Volunteers}, p. 24.

\textsuperscript{52}Ibid., p. 203.
Although conscription during World War I was generally supported, over 3,000 young men attempted to resist or evade the draft.\(^53\) Realizing the potential disruption thousands of dissenters could have caused to the Selective Service System and the war effort, authorities moved quickly to discourage resistance. Federal officials initiated sanctions prohibiting all antidraft meetings and printed materials, and mandating incarceration for the leaders of a resistance group, and imprisonment for those who either refused to cooperate with Selective Service or urged others to refuse induction.\(^54\)

Several criminal prosecutions for draft evasion resulted in challenges to the constitutionality of the Selective Service Act of 1917. Before the United States Supreme Court, the draft cases, known collectively as the Selective Draft Law Cases, challenged the act's constitutionality on the basis of the Thirteenth Amendment's sanction against involuntary servitude.\(^55\) The Supreme Court agreed with the government's lawyers when they argued that Congress enacted conscription as a "necessary and proper" method for implementing the constitutionally mandated power to "raise and support" an army. Handing down its decision in January 1918, the Supreme Court ruled,

\(^{54}\)Chambers, *Draftees or Volunteers*, p. 33.
\(^{55}\)O'Sullivan, *The Draft and Its Enemies*, pp. 139-40.
therefore, that Congress's enactment of conscription legislation fell within the legitimate parameters of its war-making powers. This decision became the precedent for future judicial decisions concerning conscription's constitutionality.56

Prior to America's actual involvement in World War I, authorities anticipated less than enthusiastic support from the sizable German-American population in the United States. Throughout America's period of neutrality, German-American organizations and individuals had overtly sympathized with the German cause and, up to the last minute, had urged a continuation of American neutrality.57 President Wilson, fearing German-American reaction to a declaration of war against Germany, had sent Henry L. Stimson, under the auspices of the National Security League, to the Midwest to ascertain the mood of the people. Stimson wrote to President Wilson on April 17, 1917 that he had observed nothing but the greatest support, in public meetings, for the president and his proposed mandatory conscription. Stimson wrote the president, "In one respect they are more keenly against the volunteer system than even here in the East."58 On April 9, 1917, just three days after

56Graham, A Constitutional History, pp. 115-16.


congressional approval of a declaration of war, the National German-American Alliance, the nation's largest Germanic ethnic organization, issued a pledge of support for the United States in the war against Germany.\textsuperscript{59} Although previously openly supportive of the Central Powers, German-Americans realized that, with America's formal declaration of war, such support was inappropriate. Although individual German-Americans continued to harbor sympathies for Germany, the vast majority seemed to have adopted America's cause as their own.\textsuperscript{60}

Despite the fact that national conscription during World War I conflicted with several fundamental American values, adherence and acquiescence proved the norm rather than the exception for an overwhelming majority of the American people. Much of the public support resulted from President Woodrow Wilson's personal commitment to the draft's equitable administration. Once pledged to the principle of national conscription, Wilson adroitly utilized his influence and power to enhance public perceptions of the System. The Wilson Administration, therefore, avoided much of the criticism and dissatisfaction faced by President Abraham Lincoln during the Civil War. Although conscription's demise immediately followed the armistice, the draft

\textsuperscript{59}New York Times, 9 April 1917.

had become an inherent part of America's military tradition in times of national emergency.

WORLD WAR II

As the German army of Adolph Hitler marched across western Europe and as United States relations with Japan steadily deteriorated, the administration of President Franklin D. Roosevelt evaluated the weaknesses of America's military preparedness. In 1939, the United States Army, which had been allowed to deteriorate since the November 1918 armistice ending World War I, ranked 17th in the world and numbered a mere 190,000 soldiers. Observing Great Britain's stand alone against the onslaught of German air raids, Roosevelt initiated a plan for war preparation that included a proposal for national conscription.61

On September 14, 1940, both houses of Congress took an unprecedented step, the passage of a peacetime conscription act. Despite American neutrality, the gravity of the situation in Europe and Asia necessitated measures designed to protect the nation's interests both at home and abroad. The proposed draft legislation received overwhelming support not only from government authorities but also from the American public. In a national poll conducted two weeks prior to the final vote, 72 percent of the American people expressed support for peacetime draft legislation.62 The

61Chambers, Draftees or Volunteers, p. 301.

American people had not only clearly stated their preference for a policy which had been vehemently denounced by earlier generations but also endorsed that policy at a time of American neutrality. Despite the peacetime draft legislation's unprecedented support from the American people and their leaders, isolationists in the House of Representatives denounced the act as a precarious step toward American involvement in yet another European conflict. In spite of their vehement dissent, the isolationists failed in their efforts to defeat the measure and, on September 14, 1940, both houses of Congress enacted the national conscription act.63

Reflecting many of the principles of the 1917 conscription legislation, the Selective Training and Service Act of 1940 required the registration of all male citizens and certain aliens between the ages of 21 and 35 years of age. The law authorized the president to induct into the armed forces eligible registrants for one year of military training and service, with emphasis placed upon training. As draftees completed their one year in the military, they had the choice of serving either two years with the regular army or active National Guard or assuming a ten year obligation in the reserves. No more than 900,000 men could be in training at any one time, and, in response to the strength of the isolationists, no draftees could be sent outside of

63 Chambers, Draftees or Volunteers, pp. 303-4.
the Western Hemisphere. Congress then mandated the law's expiration for May 15, 1945. 64

On the national registration date, October 16, 1940, more than 16,000,000 young men enrolled for the draft. 65 Local draft boards received registration cards from the county clerk for all eligible men in their district. Board members randomly assigned each registration card a number which they publicly displayed so that each registrant knew his assigned number. In Washington, authorities placed numbered capsules, ranging from one to the largest number of registrants enrolled at any of the more than 6,500 local draft board offices across the nation, in a bowl to be randomly selected by Secretary of War Henry L. Stimson. If a man held a number selected by Stimson and had been classified as "available" by his local draft board, he was immediately liable for military training and service. 66

Initially the Selective Service System functioned as an independent agency within the executive branch. At President Roosevelt's insistence, the decentralized and largely autonomous system was administered by a civilian director. Roosevelt appointed Clarence Dykstra, president


of the University of Wisconsin, as the System's first administrator.67

By late summer 1941, the news from Europe spurred new debates in Congress over the Selective Service System. Germany's invasion of the Soviet Union and Japan's continued intransigence prompted Congress to extend the term of military liability from the original one year to an additional 17 months and to eliminate the 1940 act's prohibition regarding service outside the Western Hemisphere.68 The Service Extension Act of 1941, stating that the world situation jeopardized America's national interests, waived the original limitation on the total number of men who could serve at any given time and authorized the release from the military of men who proved that the extension caused undue hardship to their dependents.69

Following Japan's attack on Pearl Harbor, Congress enacted an additional amendment to the Selective Training and Service Act. Although the new provision limited military liability to men between the ages of 20 and 45, it required registration for those between 18 and 65 years of age. The amendment further stipulated that an inductee's

67Ibid., p. 348.
68Chambers, Draftees or Volunteers, pp. 303-4.
military obligation would be for the duration of the war plus six months.\footnote{Chambers, \textit{Draftees or Volunteers}, p. 3-5.}

As the war progressed, draft officials concentrated their efforts on the efficient distribution of both military and civilian manpower. Beginning in 1942, the Selective Service System, operating under the newly created War Manpower Commission, wielded centralized and coordinated control over military manpower procurement. The System, then under the military control of General Lewis B. Hershey, a former National Guard officer who had served as assistant director prior to Clarence Dykstra's return to the University of Wisconsin, became a vehicle for not only military manpower procurement, but also a recruiter of skilled workers for the private sector.\footnote{Ibid., p. 306.} Authorities concluded that guaranteeing the continued and uninterrupted flow of war materials to the armed forces was just as important to America's victory as was military manpower. In order to exercise greater control over the distribution of both civilian and military manpower, the Selective Service System abandoned the lottery and, in its place, instituted an order of induction based upon a registrant's date of birth.\footnote{"Evolution of the Draft System," pp. 133-34.}
regulate the distribution of American manpower. Not only were many men with essential skills leaving their jobs, but also a disproportionate share of America's most able men were electing to enlist in either the Navy or the Marine Corps. As a result, President Roosevelt, by executive order, suspended all voluntary enlistments with the exception of 17 year olds.\textsuperscript{73} Draft officials, furthermore, extended draft liability to include 18 year olds.\textsuperscript{74}

To ensure the continued production of essential war goods, Selective Service authorities granted deferments to people engaged in certain war-related industries, such as aircraft and ship production, and agriculture. By January 1944, however, the Selective Service System instructed its local board offices to abandon occupational deferments for registrants between the ages of 18 and 21 and, shortly thereafter, extended the limitation to include men under 26 years of age. As a result, a shortage of manpower in essential industries developed. Authorities, therefore, threatened the early induction of men who held key jobs but were in the higher age groups.\textsuperscript{75}

The Selective Service and Training Act of 1940 also recognized that some Americans opposed participation in the armed forces as conscientious objectors. Authorizing

\textsuperscript{73} Walton, Let's End the Draft Mess, p. 34.

\textsuperscript{74} Huston, "Selective Service in World War II," p. 348.

\textsuperscript{75} Ibid., p. 349.
objectors to serve in either noncombatant roles in the armed forces or essential work at home, the act established Civilian Public Service Camps under the direction of the established peace churches.76

As the war progressed, Selective Service authorities implemented other modifications designed to meet the military's increasing demand for men. In October 1943, for example, the Selective Service System ended dependency deferments and began drafting fathers into the army.77

World War II was the most massive war effort ever undertaken by the United States. While countless millions contributed to the monumental task of producing essential war materials, America trained and equipped an armed force of nearly 10,500,000 men. The Selective Service System, with unprecedented speed and efficiency, contributed 93 percent of America's total armed forces.78 Acknowledging the gravity of the situation, the vast majority of the American people accepted conscription as the logical method for raising an army. Earlier generations had called into question the government's right to enact a national draft; Americans of the World War II era accepted conscription as the only viable solution to America's tremendous need for military manpower.

76Chambers, Draftees or Volunteers, p. 304.

77Ibid., p. 305.
THE POSTWAR PERIOD

Months prior to the cessation of fighting in Europe and Asia, American military leaders decided that the continuation of the draft was not only desirable, but also essential for the protection of the national interest. The administration of President Harry S Truman argued that America's military weakness, during the 1930s, contributed greatly to both Japanese and German aggression. The United States' role as a world leader after World War II, furthermore, necessitated an armed force large enough to protect America's security and guarantee world stability.79

Fearing a recurrence of the apathy that had accompanied the end of World War I, the War Department, therefore, sought an extension of the Selective Service System before the war's end.80

The American people and their elected representatives in Congress reacted to the Administration's proposal for continuing compulsory military service with many of the same arguments voiced throughout American history. Arguing that peacetime conscription imitated the model of America's World War II enemies, draft critics asserted that it would "militarize America, smother democracy, regiment the minds of American youth, destroy the spirit of free labor, contradict

79 Gerhardt, The Draft and Public Policy, pp. 22-23.
80 O'Sullivan, The Draft and Its Enemies, p. 159.
the principle of free conscience, and insult the memory of
the millions who had fled conscript tyranny in Europe
. . . ."Congressional leaders in particular argued
that peacetime conscription represented a deliberate effort
by the military to perpetuate the American wartime machinery
created to meet the crisis of World War II. Increased
suspicion and hostility toward the War Department, there-
fore, prompted congressional leaders to limit the time
period allowed for an extension of Selective Service. On
May 15, 1945, Congress limited the Selective Service's
authority to induct men to an additional year.\textsuperscript{82}

Despite the end of World War II in August 1945, the
Truman Administration and War Department officials pressured
for, and won, another extension of Selective Service in the
spring of 1946. Draft proponents argued that the need for a
sizable occupation force in Europe and Asia necessitated a
large standing army. Unless the draft continued, they
argued, the length of service of men already in the military
would have to be extended because an all-volunteer army
would not meet the demands of America's occupation forces.
Despite the public demand for the rapid demobilization of
the army many in Congress accepted the War Department's
argument. Drafting men who had not yet served in the armed
forces appeared the most equitable solution.

\textsuperscript{81}Gerhardt, \textit{The Draft and Public Policy}, pp. 22-23.
\textsuperscript{82}Ibid., pp. 22, 39.
Strengthening the argument of those who endorsed an extension of the draft was the deteriorating climate in East-West relations. In 1940 Americans accepted mandatory military service largely because they perceived an external threat to the United States. By 1946, the developing Cold War between the Soviet Union and the United States seemed to be an ominous warning that, although the shooting war had ended, American security continued to be threatened by forces beyond the nation's control. The atmosphere in Soviet-American relations, therefore, offered credence to authorities' arguments that American security needs necessitated a large standing army that could not be maintained without conscription.63

Congress approved an extension of the Selective Service System, with certain modifications, until March 31, 1947. Included in the legislation were limits on the total size of the armed forces and future induction quotas were to reflect both the limits and the rate of voluntary enlistments. During 1946, authorities, therefore, liberalized deferments granted students, teachers, and research workers in certain scientific fields and decided to defer all high school students rather than just those enrolled in their last semester. At the same time, the various branches of the military made their physical standards for induction more stringent.64

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64Gerhardt, *The Draft and Public Policy*, pp. 41, 47.
As Selective Service's 1947 expiration date approached, the Truman Administration elected not to fight for another extension. Realizing that congressional leaders considered conscription an unnecessary holdover from World War II, authorities decided to concentrate their efforts on enacting Universal Military Training. Universal Military Training offered a means for providing a postwar "citizen army" that could be mobilized quickly. As proposed by Truman, Universal Military Training called for a one year military training period for all men between 18 and 20 years of age. Although they would receive basic military instruction, they would not become professional soldiers. During their year of training, they would remain civilians who, in the event of an emergency, could be called into active service more quickly and efficiently. Congress, aware that the American people were far more interested in getting men out of the service, argued that the atomic bomb raised doubts about the practicability of large armies in the future.\textsuperscript{85} The Selective Service System ended on March 31, 1947, and the United States, once again, returned to an all-volunteer armed force.\textsuperscript{86}

In the aftermath of Selective Service's expiration, world events became increasingly precarious. No single


\textsuperscript{86}O'Sullivan, The Draft and Its Enemies, p. 162.
event created greater fear and trepidation in the American people and their leaders than the Soviet Union's role in the coup d'état of 1948 in Czechoslovakia. Events in Czechoslovakia and other Eastern European nations seemed to darken American hopes for a return to the normality of peace with new threats to the security of the world, and consequently, the United States.

At the same time, figures revealed America's diminished military capability to meet international crises. In the year since the expiration of compulsory military service, army enlistment and reenlistment increases averaged under 14,000 per month, while discharges soared to over 29,000 per month. As a result, the Army's overall strength during the year fell from a total of 594,100 to 469,500 men, a figure below authorized strength. While both the Navy and the Marine Corps experienced similar declines, the Air Force reported an increase in manpower.

The Truman Administration, in response to the world situation in general and Czechoslovakia in particular, initiated a new drive for Universal Military Training in early 1948. Realizing that a new program for universal military service would have been too slow to meet manpower needs, the Joint Chiefs of Staff successfully urged the Administration to endorse the immediate reenactment of the Selective Service System. Presented as a temporary measure to meet the immediate requirements for military manpower,
Selective Service would be discontinued once Universal Military Training was fully implemented.

Much of the criticism that had been leveled at the draft since the end of World War II dissipated in America's anti-communist fervor of the late 1940s. Reflecting the depth of American fears over the world situation, Congress enacted, with relative ease, the Truman Administration's proposed reenactment of the Selective Service System, but not its concept of universal military training.87

THE KOREAN WAR

Congress has never operated in a vacuum and, as a result, the products of congressional deliberations have reflected the period in which enacted. So it was with Selective Service legislation in 1950. As debates over yet another extension raged in Congress, the North Korean Army, on June 27, charged across the 38th parallel. Less than three days later, Congress approved a one-year extension, to July 1951, of the Selective Service System and authorized President Truman to call up the National Guard and other reserves. Faced with an immediate danger, Congress reacted with unity and speed.88

As the war continued in Korea, Congress passed the Universal Military Training and Service Act of 1951. Implicit in the new legislation was the premise that, given

87Gerhardt, The Draft and Public Policy, pp. 84-90.
88Ibid., pp. 128-29.
the world situation, the United States required, for an indefinite period of time, a volunteer military force supplemented by Selective Service. Congress, therefore, abandoned the yearly extension votes and granted Selective Service a four year continuance.\textsuperscript{89} Congress voted further extensions in 1955 and 1959 with relative ease.\textsuperscript{90} Clearly, much of the post-World War II distrust and hostility toward the draft evaporated in a world climate of danger and uncertainty.

Although the title of the 1951 act implied mandatory military service for all young men, the law retained the selective characteristics of earlier conscription legislation. While maintaining that military service shared by all draft-age young men was the ideal, Congress recognized that this was neither a realistic nor particularly beneficial goal. Authorities realized that, while supplying men for the armed services, they must also take steps to guarantee the continued effective operation of the private economic sector. Congressional leaders, furthermore, stressed that the need for continued progress in selected scientific and technological endeavors was also vitally important to the security of the nation. The act stressed, therefore, the need to pursue equity, but in a selective manner. To facilitate a balance between equity and selectivity, legislators placed the responsibility with the

\textsuperscript{89}\textit{Evolution of the Draft System}," p. 134.

\textsuperscript{90}Chambers, Draftees or Volunteers, p. 368.
draft's administrators. As conceived by Congress, the Universal Military Training and Service Act was to procure sufficient armed forces while equitably protecting the interests of the nation.91

While volunteer enlistments fell short of the required military needs during the Korean War, the available manpower pool contained greater numbers than the enlarged military establishment needed in a time of partial mobilization. The Selective Service's process of selection and the granting of deferments helped to allocate men efficiently where they were most needed but, at the same time, became the center of controversy. Central to much of the criticism was the fact that 43 percent of the nation's registrants, by 1953, received deferments. Included in the many deferments were men in essential occupations such as farming and defense plants, dependency and physically disabled cases, government officials, ministers, and college students. Authorities justified student deferments by the needs of the military for college educated personnel and in the fear that the Korean War mobilization might so disrupt individuals' educations, and so reduce university enrollments, as to damage both the institutions and the flow of skilled men into the economy.92 Student deferments led to the charge, for the first time in nearly 100 years, that

91Gerhardt, The Draft and Public Policy, pp. 182-83.
92Chambers, Draftees or Volunteers, pp. 419-20.
Korea was "a poor man's war." Critics, arguing that only upper and middle income families could afford to send their sons to college, voiced the most serious disapproval of the Selective Service System since the Civil War. In response to the opposition leveled at the draft, Congress mandated that the liability of deferred men continue until age 35, thus preventing a deferment from becoming a virtual exemption. Also in an effort to enhance the System's image of fairness, Congress forbade dependency deferments for husbands without children.

Unlike the Selective Service's practices during World Wars I and II, authorities met military manpower needs with a nearly equal emphasis placed on volunteering and conscription. Faced with a partial mobilization and continued volunteerism, the Selective Service System drafted approximately 1,500,000 men out of a total force that, at its peak, reached 3,700,000.

America's military procurement policy had entered a new phase. While external dangers required the continuation of Selective Service, the conditions of limited warfare meant that the available manpower pool exceeded the needs of the military establishment. Many of the criticisms that resulted from the imbalance returned to haunt congressional

94 Gerhardt, The Draft and Public Policy, p. 183.
95 Chambers, Draftees or Volunteers, p. 418.
leaders and Selective Service authorities throughout the Vietnam era.

CONCLUSION

The concept of determining the most viable method for fielding a military force in times of emergency went through revolutionary changes in the course of American history. Initially, American beliefs in the principles of localism and distrust of a large professional army endangered the security of the young nation. The reluctance of both the government and the American people to raise anything more than an all-volunteer force during the colonial and early national periods often frustrated the government's efforts to assemble an effective armed force during an emergency. Faced with a critical shortage of volunteers during the Civil War, the United States government initiated the nation's first direct national draft. Due to the fact that federal conscription apparently abandoned America's military traditions and that authorities executed the law with little regard to the ideals of fairness, the American people resented the government's intrusion into their lives.

Wars of the twentieth century placed new demands on the military and economic establishments. Faced with not only a tremendous demand for military manpower but also a continued flow of military hardware, authorities assumed the responsibility for channeling men into areas where their abilities benefited the national interest. Aware of the
monumental dangers posed by World Wars I and II, the American people, with some reservations, accepted conscription as a necessity. With a return to peacetime, however, citizens expected a return to America's military tradition, an all-volunteer force.

The late 1940s brought a new kind of danger, not an armed conflict but hostile aggression nonetheless. In light of the world situation and the Truman Administration's claims that volunteerism failed to meet sufficiently the needs of the military, the American people accepted, albeit reluctantly, the idea of continuing the Selective Service System beyond the cessation of hostilities.

Developments in Korea in 1950 reinforced the arguments of Selective Service supporters who asserted the need for both volunteerism and the draft. As the conflict came to an end, however, many observers noted a drastic change in the attitudes of both the American people and their leaders toward a continuation of Selective Service. Conscription in peacetime, for the first time in American history, met with general support and acceptance rather than hostility. Clearly perceived yet not understood perils posed by the Cold War silenced many of the System's former critics. As a result, most Americans by the late 1950s accepted mandatory military service to the point that conscription, rather than being viewed as a governmental intrusion, represented a duty, an obligation owed by America's youth.
CHAPTER II

THE SELECTIVE SERVICE SYSTEM:
STRUCTURE AND PROCEDURES

When United States troops assumed an active role in the Vietnam War in 1965, the Selective Service System, assigned the duty of military manpower procurement, represented an America of an earlier time. Basically designed a generation before, the System reflected, in both structure and procedures, many of the characteristics originally established by the Selective Service Act of 1917. Although the basic structure of the Selective Service System remained virtually intact, congressional leaders and the System's authorities had introduced, during the World War II and post-war eras, a number of elaborate rules and regulations designed to modify the System and meet the needs of America's military establishment. By the Vietnam era, therefore, the Selective Service System represented an elaborate structure of deferments, exemptions, legal technicalities, and noncombatant military alternatives that confused and baffled many of America's draft-age young men. To many of the System's registrants, the Selective Service System appeared to be a system fraught with a maze of legal loopholes. The System's labyrinth of bureaucratic regulations and provisos, therefore, proved too complex for all
but the most astute to fathom. As a result, the majority of the System's registrants remained ignorant and ill-informed about the draft and their most fundamental rights under the law. An examination of the System's structure and procedures more than reinforces the reasons for the confusion and unfamiliarity that existed for the Vietnam generation.

STRUCTURE OF THE SELECTIVE SERVICE SYSTEM

Established by Congress as an independent agency under the authority of the president, the Selective Service System supplied the United States military with sufficient manpower but within the limitations established by Congress and the president.¹ In order to meet the demands of any future emergency, the Selective Service System also developed a current list of available military manpower resources and assumed the responsibility for channeling registrants into occupations and skills vital to the national welfare.²

The basic structure and apparatus of the Selective Service System remained virtually unchanged throughout the Vietnam era. Intended to be decentralized and to permit maximum local board autonomy, the System administered its functions and responsibilities on a national, state, and local level. (See Appendix 1) At each level, Selective


Service personnel administered appropriate sections of the conscription laws.³

Central to the mission of the System were the 4,080 local draft boards whose manpower pool varied in size from the Hinsdale, Colorado board with 28 registered men to the country's largest board in North Hollywood, California where more than 50,000 men registered.⁴ Local board members received no compensation for their work. Required by law to be at least 30 years of age and civilian citizens of the United States, these individuals were expected to be competent and respected community members who had special understandings of local social and economic needs.⁵ In the Military Selective Service Act of 1967, Congress mandated that local board members, rather than being permitted to occupy their positions for an indefinite tenure, could serve neither for more than 25 years nor after reaching the age of 75.⁶ Conscription legislation further mandated that all local boards have at least three members. Congress charged the president with the responsibility for appointing qualified local board members. In practice, however, the president delegated the authority to the National Director


⁶Marmion, Selective Service, p. 142.
of the Selective Service System, General Lewis B. Hersey, who, in turn, often accepted suggestions presented to him by the various state directors.\(^7\)

Selective Service authorities staffed each local board office with a number of full and part-time employees. Registrars were the personnel whose only responsibility, the registration of young men as they entered the rolls of available manpower, represented a single step in the Selective Service process.\(^8\) Vitally important to the effective operation of the local board office, a board clerk was responsible for keeping the board's records, scheduling appointments, and performing various other secretarial duties. Because board clerks were civil servants, state directors appointed them and the state headquarters trained them for their duties.\(^9\) In the Military Selective Service Act of 1967, Congress retitled their position "executive secretary" and stipulated that they could not hold their position for more than ten years.\(^10\)

The government appeal agent, appointed by the president upon the recommendation of a state governor, functioned in a dual role because his duties included protecting the interests of both the Selective Service System

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\(^7\) Shapiro, Mastering the Draft, pp. 12, 40.

\(^8\) Ibid., p. 23.

\(^9\) Ibid., p. 9.

and the registrant. Although regulations indicated that ideally he should have been a person with at least some legal training, the only requirement was that each local board have an appeal agent.\textsuperscript{11} Selective Service regulations mandated that the appeal agent's duties included appealing registrants' classifications to the State Board of Appeal, attending local board meetings, requesting the "reopening" of any registrant's classification in the interest of justice, advising local board members on the legal implications of the draft law and their actions, and protecting the interests of all registrants.\textsuperscript{12}

Not required but suggested by the conscription legislation was an advisor to the registrants to counsel the young men about their rights and responsibilities within the Selective Service System. The single requirement mandated for advisors was that they had to be at least 30 years of age. In addition to counseling, an advisor's activities included assisting young registrants as they filled out the often confusing forms forwarded to them by the local board office.

Also recommended but not mandated by law was the position of medical advisor to the local board to inform the board members about the medical and mental fitness of the registrants. Based upon the medical advisor's interview with

\textsuperscript{12}Shapiro, \textit{Mastering the Draft}, p. 19.
the registrant, the local board might have determined that the registrant, due to a disqualifying defect which was on the army surgeon general's official list, failed to qualify for military service. In the event that such was the case, the local board possessed the authority automatically to classify the registrant I-Y or IV-F, unfit for military service.13

One step above the local draft boards in the Selective Service hierarchy was the State Appeals Board. Intended to typify the social and economic needs of their respective jurisdictions, the State Appeal Boards consisted of five members representing labor, industry, medicine, law, and agriculture. Members also had to be civilian residents of the state in which they functioned and at least 30 but less than 75 years of age. In the event that a registrant felt he was unjustly and arbitrarily classified by his local draft board, he could appeal that classification. Based upon the registrant's file, the State Appeal Board reclassified the registrant, superseding any classification by the local draft board.14

A state director headed the Selective Service System in each state, territory, or possession of the United States. Appointed by the president on the recommendation of the state's governor, the state director possessed the authority to order a local board to reopen a classification, have

13Ibid., pp. 21-22.
classifications appealed, order a state appeal board to reconsider a decision, and order the postponement or cancellation of an induction order. State directors, although unable to supersede the classifications of local draft boards and state appeal boards, possessed the authority to appeal a classification to the National Appeal Board.\(^{15}\) Often of particular importance to a registrant was the state director's authority to transfer the classification process from a young man's assigned local board to a more convenient board in another city or state.\(^{16}\) In addition, the state director wielded a great deal of authority as the System's chief disseminator and interpreter of Selective Service information and regulations to the public and local draft boards. Local boards, furthermore, often sought the advice of the state director when they were uncertain about a particular case or Selective Service regulation. Although the advice of the state director was not binding, local boards, once they received a particular interpretation from the state director, usually treated it as law.\(^{17}\)

By the statute, the president had the power and authority to hear appeals from the state appeal boards. He delegated this power to a three-member National Selective Service Appeal Board. As with the members of the state appeals boards, members had to be United States citizens and

\(^{15}\)Ibid., pp. II-13-II-14.

\(^{16}\)Shapiro, Mastering the Draft, p. 27.

\(^{17}\)Tatum, Guide to the Draft, p. 30.
not members of the armed forces.\textsuperscript{18} When a classification
decision reached the National Appeal Board, its decisions
superseded classifications reached by the local draft boards
and the state appeal boards, and, like the determinations
reached by the state appeal boards, relied exclusively on the
information contained in the registrant's file.\textsuperscript{19}

Appointed directly by the president, the national
director of the Selective Service System possessed the
authority to force a reconsideration of a decision reached by
a local draft board or a state appeal board and could
initiate an appeal of a classification decision reached at
either the local or state level.\textsuperscript{20} The national director,
whose powers included all those held by the state directors,
shared with the president the authority to issue Selective
Service regulations. He also disseminated several types of
advisory memorandums, including the local board memorandums,
letters to all state directors, and operations bulletins.
Intended to guide local and state appeal boards and head-
quarters in initiating policies and interpreting the law and
regulations, the bulletins often carried the weight of
law.\textsuperscript{21}

\textsuperscript{18} Shapiro, \textit{Mastering the Draft}, p. 36.
\textsuperscript{20} Shapiro, \textit{Mastering the Draft}, pp. 36-37.
REGISTRATION AND CLASSIFICATION

Granted autonomous and decentralized power by Congress, the local boards possessed sweeping jurisdiction over all questions pertaining to a young man's draft status. The law mandated that local board members automatically disqualify themselves from any board considerations involving not only relatives or business associates, but also permitted them voluntarily to withdraw due to any possible "conflict of interest." All classification decisions, reopenings, and issuing of orders were reached at a formal meeting attended by a quorum of the board members and passed by a majority vote.

The local board's active involvement in the process of determining a young man's draft status began with registration. In an effort to ascertain the names and addresses of all persons available for military service, the law required that all young men register with their local draft boards within five days of their 18th birthday. Failure to register within five days constituted a criminal act for which criminal proceedings could be initiated anytime during the next five years. If the government failed to begin proceedings against the young man within the allotted time period, none could be taken thereafter.

Based upon the address submitted at the time of registration, authorities assigned the registrant to a local

22Shapiro, Mastering the Draft, pp. 42-46.
draft board. When a registrant lived at more than one residence during the course of the year, he had the option of selecting which residence he chose to claim. Because local draft boards often varied in their policies and attitudes and, because once assigned, the registrant remained with that board throughout his relationship with the Selective Service System, the board assignment was extremely important.

Young men living in foreign countries at the time of registration were automatically assigned to the Washington, D.C. local draft board office. The only young men who filed at this local board were foreign registrants and the board itself never experienced a call for induction. Local Board Memorandum 73 advised that no foreign registrant should be issued an induction order as long as he remained outside of the United States. For registrants who did not return to the United States until after age 26, the memorandum would have meant a V-A classification, over the age of liability for military service.  

Based on the information submitted at the time of registration, local board personnel prepared a file known as the registrant's Cover Sheet, Selective Service System Form 101. The file contained registration data as well as all information compiled during the registrant's relationship with the Selective Service System. Although the registrant's file was confidential, certain individuals could gain access

23Ibid., pp. 50-59.
to the information contained in the file. Not only could a file be introduced as evidence in a draft law court case but also the registrant, Selective Service personnel, the United States attorney general, the Federal Bureau of Investigation, and anyone with the written permission of the national director of the Selective Service System possessed the right to peruse a registrant's file.24

Once a young man had registered, the local draft boards began the continuous process of classification. The law permitted local boards to accept advice from various sources but the legal responsibility for the final determination of a registrant's draft status remained within the sole jurisdiction of the local board. Judging each registrant individually, the classification decision reached by the local board had to have been corroborated by some "basis in fact." The intent of this regulation was to prevent irrational and arbitrary classifications and to ensure that a registrant's substantiated claim for an exemption or deferment could not be denied unless there was some "basis in fact" for the refusal.25

The classification process involved placing registrants in one of the 18 classes which indicated their availability for service. (See Appendix 2) Classification was, therefore, fundamental to the System's operation with respect to military manpower procurement. In the classification

24Ibid., pp. 69-71.
25Ibid., pp. 112, 121-22.
process, local boards considered any registrant to be I-A (available for military service) or I-A-0 (available for noncombatant service) until he had established his eligibility, to the board's satisfaction, for deferment or exemption. The law placed full responsibility on the registrant to apply and offer written evidence for any claim made for a deferment.\textsuperscript{26} Local draft board officials provided each registrant with a questionnaire designed to elicit the information necessary to make a classification. If the registrant proved, to the board's satisfaction, that his deferment was in the national interest, then the board granted the desired deferment. Because deferments existed only as long as the grounds for deferment remained unchanged, a registrant might have had several deferments during his association with the Selective Service System. Considered neither rights nor entitlements, deferments served the national interest and were granted accordingly.\textsuperscript{27} Whichever classification the registrant received, the law required fair and nondiscriminatory behavior on the part of board members.\textsuperscript{28}

The law required that the local draft board consider all information it received pertinent to the classification. The information usually included documented evidence


\textsuperscript{27}Report of the Task Force, pp. II-10.

\textsuperscript{28}Annual Report of the Director, p. 21.
submitted by the registrant and other interested parties, Selective Service forms, testimony given by the registrant, his employer or dependent, special advisory boards and panels, and personal knowledge of the draft board members. All the evidence submitted to the local board had to be written and included in the registrant's file. As a result, the classification process involved comparing the registrant's personal situation and qualifications with the legal requirements mandated for deferments. A majority vote of the local draft board determined a registrant's classification. The law did not require the draft board to provide detailed reasons for its classification either to the registrant or in his file.29

If a registrant established grounds for a deferment from military service, the law required that a draft board place him in the lowest class for which authorities determined his eligibility. Board members could not skip over any class for which grounds had been established even if the registrant requested the higher classification or opposed being placed in the class.30

In most cases, the local draft board where the young man registered handled his classification. A registrant could have, however, requested and received a transfer to another board for classification. Authorities granted a reassignment to another local board if the relationship that

29Shapiro, Mastering the Draft, pp. 148-53.
30Griffiths, The Draft Law, pp. 5-6.
existed between board members and the registrant was too close for an unbiased classification or if the registrant's residence was so far from the local board office that it caused him undue hardship complying with draft board notices or appearing in person. In rare cases, a registrant obtained a transfer from the state director of the Selective Service System on the grounds of "equitable administration" when remaining at his assigned local board precluded fairness.31

The Selective Service System considered the granting of deferments to be an essential function. Believing that deferments were "necessary to hold the industrial, agricultural, and social structure of the country in proper balance" local boards granted deferments to registrants who had entered or were preparing to enter essential activities and occupations. The Selective Service System deemed "channeling," the process of encouraging young men into specified areas of study or work, to be in the best interest of the country.32 Because deferments were for the benefit of the nation, deferment did not remove the registrant's military obligation. The law also stipulated that a deferred registrant extended his liability for military service until the age of 35. In effect, this provision superseded the existing practice of not inducting into

31Shapiro, Mastering the Draft, pp. 154-56.
military service any man over 26 years of age. Once the registrant was no longer engaged in the activity which had qualified him for the delay, the deferment ended. The legal responsibility for reporting to the local board any change of status which could alter or negate an existing deferment rested with the registrant.

DEFERMENTS

Throughout American history, government leaders have recognized the right and privilege of some Americans to object conscientiously to participating in an armed conflict. Traditionally, however, legal requirements stipulated that, to qualify for conscientious objector status, a young man should have been a member of the Jehovah's Witnesses, Quakers, or one of the other established "peace" churches. During the Vietnam era problems developed due to the fact that increasing numbers of young men cited personal, nonsectarian beliefs as the basis for their refusal to take up arms.

Although the post-World War II law and Selective Service regulations did not require membership in a church or belief in God, the established practice of many local draft boards circumvented the law and denied conscientious

33Griffiths, The Draft Law, p. 28.
objector deferments to many of the young men of the 1960s.\textsuperscript{36} In \textit{U.S. v Seeger}, the Supreme Court, in 1965, ruled on the validity of a conscientious objector request by a young man who, as an agnostic, had been denied conscientious objector status by his local draft board. The Supreme Court ruled that a registrant could base a conscientious objector claim on traditional religious beliefs, like Christianity, or on some other belief that occupied the same place in his life. The Court further clarified the existing law's requirement that a registrant's beliefs could not be based upon "political, sociological, or philosophical" convictions. Upholding the validity of claims based on moral and philosophical convictions, the Supreme Court stated that church membership and an espoused belief in God were not prerequisites for a conscientious objector deferment.\textsuperscript{37}

In an effort to curtail the Supreme Court's broad interpretation in the \textit{Seeger} decision, Congress mandated, in the new conscription legislation in 1967, that no person was required to serve in the military who "by reason of religious training and belief, is conscientiously opposed to war in any form." Although the Act deleted the required belief in a Supreme Being as a basis for conscientious objector status, it mandated that religious beliefs could

\textsuperscript{36} Shapiro, \textit{Mastering the Draft}, p. 180.

not include "essentially political, sociological or philosophical views, or a merely personal moral code." To qualify for exemption as a conscientious objector, a registrant was required to oppose all wars and demonstrate sincerity in his professed beliefs.\textsuperscript{38} As with all deferments, the law placed the burden of proving eligibility on the registrant. Although the Military and Selective Service Act of 1967 attempted to clarify the issue of whether or not a conscientious objector had to believe in traditional religious practices, many young men continued to experience difficulty in proving their eligibility. Although they were merely required legally to demonstrate how they came to hold their pacifist views, the matter remained unclear until the Selective Service System notified local boards that a registrant qualified on the basis of moral or ethical as well as traditional religious beliefs.\textsuperscript{39}

Even though the law required that a registrant object to "war in any form," the Selective Service System in practice made some exceptions. A registrant still qualified for a conscientious objector deferment if he stated that he believed violence was justified in self-defense, the defense of his family, or to protect a friend from attack. Selective Service regulations, furthermore, required only that an applicant oppose war at the time and did not bind him to a pledge that he would feel the same in the future or

\textsuperscript{38}\textit{Shapiro, Mastering the Draft}, pp. 246-47.

\textsuperscript{39}\textit{Tatum, Guide to the Draft}, p. 181.
in the past, under different circumstances. As a result, men who stated their objection only to the war in Vietnam, sometimes called "selective objectors," failed to meet the criteria for a conscientious objector deferment, but young men who claimed opposition to any war at the time of their local board hearing met the requirement of objecting to war "in any form."  

The most subjective aspect of establishing conscientious objector status resulted from the congressionally mandated requirement that a registrant validate, to the local draft board's satisfaction, his sincerity. Although the law required that the denial of a deferment must have some "basis in fact," local draft boards possessed wide discretionary power in deciding the merits of a conscientious objector request. Local draft boards often, for example, doubted the sincerity of a registrant who claimed his pacifist beliefs only when induction into the armed forces appeared imminent.  

Legally, however, local boards were restricted to denying conscientious objector status only when facts in the registrant's file supported the decision and not merely because the board members did not believe the registrant's testimony.  

Prior to the enactment of the Military Selective Service Act of 1967, any request for conscientious objector

42Shapiro, Mastering the Draft, p. 184.
status resulted in an automatic local draft board hearing and an investigation, conducted by the Federal Bureau of Investigation, to collect any information concerning the registrant's sincerity. Due to the increased number of conscientious objector requests during the Vietnam War and in an effort to expedite the processing of requests, the 1967 law terminated the automatic "inquiry, hearing, and recommendation on the claims" by the Department of Justice. As a result, local draft boards subsequently based their decisions primarily on the information supplied by the registrant and on the seldomly used authority to contact references, interview witnesses, and request information from governmental agencies. The testimony and information supplied by the registrant, therefore, became the primary justification for a local draft board's decision.

In accordance with the intentions of Congress, conscientious objectors were exempted in classes I-0 or I-A-O. Opposed to both combatant and noncombatant military service, those registrants classified I-0 were required to serve two years in an available civilian vocation which served the public good. Any conscientious objector opposed solely to combat duty received an I-A-0 classification, inducted and

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43Annual Report of the Director, p. 11.

assigned to a noncombat function within the armed
forces.45

Regulations required that, when a local draft board
granted a I-O exemption, they assign the exempted registrant
to a position either with a governmental agency or a non-
profit organization. Although the local draft boards
possessed broad discretionary powers in assigning the con-
scientious objector to appropriate civilian employment,
Selective Service regulations strongly suggested that the
assignment not only should be outside the community in which
the registrant resided but also should be as disruptive to
his life as would induction into the armed forces. Even
though the registrant had the right to submit a request for
alternate civilian service, the final determination rested
with the local draft board. No exempted conscientious
objector was permitted to leave his assigned employment for
the two years without the approval of the state and national
directors.46

Authorities treated a registrant classified I-A-0 as
if he were in class I-A (available for military service)
until he was actually inducted into the armed forces. Once
in the military, the conscientious objector received train-
ing which did not include the study, use, or handling of
weapons and, following basic training, he received assignment

to a noncombatant unit. Although the majority of I-A-0 soldiers were trained as medics, others performed such duties as chaplain's assistants, clerks, and supply personnel.47

The Selective Service System considered the "channeling" of young men into areas of study and work essential to the national welfare as a necessary and vital aspect of its apparatus. Registrants attending school, therefore, qualified for student deferments and received classifications as I-S (H) (high school students), I-S (C) (college students ordered for induction during the school year), or II-S (student deferred because of activity in study).

To qualify for a I-S (H) deferment, regulations required that the registrant had to be a full time student performing at a satisfactory rate. Although the law failed to define "satisfactory progress," a student remained eligible for a I-S (H) deferment until he graduated from high school, reached 20 years of age, or ceased his schooling on a full-time basis making "satisfactory progress."48

The I-S (C) deferment was a statutory classification designed to cancel the scheduled induction of a registrant engaged in full-time, college level study. Operative only as long as the student progressed at a satisfactory level,

48 Shapiro, Mastering the Draft, p. 201.
the deferment postponed induction until the end of the registrant's academic year. Although the I-S (C) deferment was mandatory, regulations placed several limitations on its availability to registrants. Accessible only to undergraduate students, the deferment could be granted only once and was not renewable.49

One of the most controversial aspects of the post-World War II conscription legislation had been the proposal to defer all students until their studies had been completed. President Truman, at the behest of a special committee of educators, requested and received congressional approval for the deferment of college students based upon their class ranking or score on a special aptitude test.50 In 1963, President Kennedy granted local draft boards wider discretionary powers in granting II-S student deferments. Not only were the qualifying tests suspended, but also local boards were encouraged to use additional evidence in evaluating II-S requests.51

In an attempt to ensure greater uniformity in the granting of student deferments among the various local draft boards, the Military Selective Service Act of 1967 mandated that all undergraduate students "satisfactorily pursuing a full-time course of instruction of learning" were entitled to a postponement of their military obligation. Such a

50Baskir, Chance and Circumstance, p. 21.
51Gerhardt, The Draft and Public Policy, p. 270.
deferment continued until the registrant received his baccalaureate degree, ceased to "satisfactorily pursue" his studies, or reached the age of 24.52 "Satisfactorily pursuing a full-time course of instruction" meant that a student enrolled in a four-year program should have completed 25 percent of his courses each year and a student taking a five-year program should have completed 20 percent of his credits each year. Intended to produce greater uniformity in the decisions made by local boards, the regulations continued to permit some discretion on the part of the boards. If a local board felt that a student had failed to meet these guidelines due to conditions beyond his control, it had the power to continue the deferment.53

To protect the registrant, the 1967 Act also specified that no individual would be placed in class II-S unless requested by the registrant. Lawmakers recognized that qualified students might have opted for some other classification because, once deferred as a student, no registrant, after 1967, could have been eligible for class III-A (fatherhood). A deferred student also remained eligible for military service with the "prime age group irrespective of his actual age" until his 35th birthday. Prime age group referred to the age group designated by the


53Marmion, Selective Service, p. 143.
president as the first inductees following delinquents and volunteers. While the 1967 Act intended, in theory at least, to prevent the "pyramiding" of deferments by extending the liable age, in practice, very few men over 26 years of age were ever drafted during the Vietnam era.

Basically the same criteria were applied to graduate school deferments as to those for undergraduate students until passage of the Military Selective Service Act of 1967. The statute severely restricted those graduate students eligible for class II-S. To qualify, a student had to be engaged in a course of study judged essential to the "national health, safety, or interest." Given the mandate to compile a list of critical graduate programs, the National Security Council designated only medical and related fields as being in the interests of the country. Effectively abolishing most graduate deferments, the law permitted students enrolled in graduate school on October 1, 1967 to continue their studies for at least one additional year but for not more than a total of five years. The regulations further provided that the deferment had to be renewed each academic year. As a result, the graduate student could have lost his II-S deferment at the beginning of the school year.

54Statutes at Large, vol. 81.
56Annual Report of the Director, p. 16.
57Shapiro, Mastering the Draft, pp. 214-15.
Congress mandated that a registrant engaged in a vocation deemed critical to the needs of the nation qualified for a deferment in either class II-C (agricultural) or class II-A (nonagricultural) when his induction would cause a manpower shortage and reduce the effectiveness of that occupation. A registrant need not have acted in "good faith" in requesting the II-A or II-C deferment. In other words, a local board could not arbitrarily refuse the requested deferment because they ascertained that the registrant worked in the "critical occupation" solely to qualify for the deferment. Local draft boards granted the II-A and II-C deferments for a period of one year. At the end of that year, the registrant's classification was reopened to determine whether or not he continued to meet the criteria for an occupational deferment.58

In an attempt to restrict the number of occupational deferments and to implement greater uniformity among local draft boards, the Military Selective Service Act of 1967 provided that the National Security Council was to compile a list of activities essential to the welfare of the nation. The Council, however, abolished the existing lists and announced that no such occupations were, at that time, essential. The action taken by the National Security Council failed, however, to ban occupational deferments

58Ibid., pp. 222-24, 237.
entirely because it remained within the local board's authority to grant vocational deferments.59

A person who was serving as a reservist or guardsman was entitled to a I-D deferment while engaged in his six year obligation. If the reservist were performing an extended period of active duty, he qualified for a I-C classification. As long as the reservist or guardsman satisfactorily met the requirements of his unit, he remained in one of these classifications. In the event that he failed to meet the requirements of his military obligation, he was certified to his local draft board for "priority induction," and inducted into the branch of service with which he had been associated as a reservist or guardsman.60

Local draft boards were congressionally mandated to grant III-A (hardship) deferments to registrants whose induction would cause extreme deprivation to a person dependent upon him for support. The requirements for a III-A deferment applied to the person who allegedly would suffer extreme hardship had the registrant been inducted into the armed forces. The person should be one of the six potential dependents named in the Selective Service System regulations; he must be actually dependent upon the registrant for his sole support; and the induction of the registrant would cause him extreme deprivation. Selective

59Griffiths, Draft Law, p. 19.

60Shapiro, Mastering the Draft, p. 327.
Service regulations enumerated, as potential dependents, a
registrant's wife, divorced wife, parent or grandparent,
brother or sister, child, any person under 18 years of age
whose support the registrant had assumed in "good faith," or
any physically or mentally handicapped person dependent upon
the registrant.61

The Selective Service System recognized that depen-
dency included psychological and physical factors as well as
financial. Local draft boards, therefore, considered all
forms of support to decide whether a dependency actually
existed.62 To ascertain what actual support would be lost
had the registrant been drafted, local boards consulted
welfare departments, interviewed concerned family members,
verified salary claims, and, in some cases, checked with
friends and neighbors. Local draft boards seemed to base
their decisions on the principle that it was preferable to
grant the deferment than to necessitate community support
for dependents.63

Congress also mandated the deferment of fathers from
military service. To qualify for class III-A (fatherhood),
registrants were required to "have children, or wives and
children, with whom they maintain a bona fide relationship

61Ibid., pp. 279-80.
62Griffiths, Draft Law, p. 27.
63Thomas Powers, The War at Home: Vietnam and the
in their homes." Selective Service regulations required that local draft boards, in determining the "bona fide" nature of a family relationship should not inquire as to the registrant's interest in or love for the child. Instead, local boards were instructed to examine the registrant's intentions toward the draft and, if the nature of his relationship were solely to escape induction, he failed to qualify for the deferment because his living arrangement was not "bona fide."

The law established much the same criteria for determining the registrant's "good faith" in requesting a III-A deferment based on either dependency or fatherhood. Basically, this meant that the registrant's request for deferment could not be motivated by a desire to avoid induction into the armed forces. In such cases, the local draft board possessed the discretionary power to deny a III-A deferment.  

Although married men did not qualify for a III-A deferment, President Kennedy in 1963 ordered all class I-A married men moved from priority three to priority four. Kennedy's action effectively exempted a whole new group of registrants since draft calls seldom reached the lower priority. (See Appendix 3) Despite the statutory ban against marriage deferments, Kennedy Administration officials, most notably Selective Service National Director, Shapiro, Mastering the Draft, pp. 282, 301.
Lewis B. Hershey, defended the action. They claimed that it would drastically reduce government expenditures by lowering the number of husbands discharged on hardship claims and by lowering the average induction age. Hershey further claimed that the Selective Service System, possessing more eligible men than draft calls warranted, required a reduction in the number of high priority I-A registrants. With the military build-up due to the war in Vietnam, President Johnson halted the practice of placing married men classified I-A in a lower priority group and instructed that they again should be placed in priority three. Because of the subsequent increase in priority three, Johnson's action effectively exempted men in priority four or lower.66

Although few people were assigned to class IV-B, Congress mandated that certain governmental officials should be deferred from military service. To qualify for class IV-B, a registrant must have been vice-president of the United States, a state or territorial governor, member of the federal or a state legislature, or a state or federal judge. Because these offices were usually held by individuals too old for military service, most of those qualified for class IV-B were already classified V-A (registrant over the age of liability for military service).67

66Gerhardt, The Draft and Public Policy, pp. 279, 299.

67Shapiro, Mastering the Draft, p. 324.
Because permanent resident aliens had to register for the draft and were subject to induction into the armed services, few people were classified IV-C (aliens). Aliens who maintained citizenship in one of the 15 countries which had a treaty with the United States to exempt their citizens from military service while in this country and who applied for relief from military service were classified in class IV-C. Such action, however, permanently barred the alien from qualifying for United States citizenship. People in the United States on a temporary visa were also classified IV-C until their stay exceeded one year. At that time, they became eligible for the same classifications, deferments, and exemptions that applied to citizens.68

Since 1917, Congress has exempted from military service ministers of religion and divinity students. To qualify for exemption as a divinity student, the registrant should be enrolled in a course of instruction that led to admission to a recognized theological school or be already enrolled in a divinity school. The law also required that the registrant should be satisfactorily preparing for the ministry with a recognized church or religious organization. Local draft boards possessed the discretionary power to demand that the registrant demonstrate his "good faith" in that he was not seeking a theological degree simply to avoid the draft.

68Griffiths, Draft Law, pp. 154-55.
The Military Selective Service Act of 1967, like earlier conscription legislation, mandated the exemption of a minister, whether ordained or not, who held a position of leadership in his church and actively preached the principles of his religion. While requiring that the ministry should be the registrant's primary vocation, authorities recognized that a registrant might be required, due to financial concerns, to hold a second job. Finally, there was no prerequisite demand that the registrant should be a graduate of divinity school before qualifying for a IV-D exemption.69

Selective Service legislation since 1917 mandated the automatic exemption from military service of sole surviving sons. Placed in classification IV-A, a qualified registrant had to prove that he was an only son and his father or one or more of his brothers or sisters had died while in the service of their country. In the Military Selective Service Act of 1967, Congress eliminated IV-A deferments in the event of a formal declaration of war or a national emergency.70

According to Selective Service regulations, registrants were liable indefinitely for military service. Basically, a registrant with the Selective Service System qualified for classification V-A when he reached the age of


70Ibid., pp. 304-8.
26. As previously stated, however, any registrant who had received a deferment prior to reaching age 26 would not qualify for class V-A until he had reached age 35. In practice, the induction of men over 26 years of age was extremely rare.71

Other than the civilian employment for conscientious objectors, there were two other nonmilitary services, open to trained professionals only, which fulfilled all draft requirements. The Public Health Service offered commissions to medical personnel, social workers, engineers, scientists, and others whose skills related to the health field. By serving two years as a commissioned officer with the Public Health Service or by being assigned by it to serve in the Coast Guard, the Bureau of Prisons, or the National Oceanic and Atmospheric Administration, the registrant, classified I-C while on active duty, met the requirements of the Selective Service System. At the completion of the registrant's duties, he received a IV-A classification.72

Doctors who did not select service with the Public Health Service were liable for the "doctors' draft."

Because the military could draft enlisted personnel only and doctors generally served as commissioned officers, the term "doctors' draft" was actually a misnomer. In practice, Selective Service authorities notified a doctor that he had

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71 Ibid., pp. 324-35.
30 days in which to apply for a commission in any of the services. If he failed to apply or if he were rejected, he then became liable for induction. Because the notification of possible induction was used as an impetus for voluntary enlistment as a commissioned officer, doctors were rarely inducted.73

I-A CLASSIFICATIONS

Selective Service regulations required that every prospective draftee had to be examined before his local draft board could classify him I-A and again when he reported for induction. The preinduction examination consisted of a series of tests, interviews, and examinations designed to determine a registrant's qualifications for induction, or, in the case of conscientious objectors, civilian service. If a registrant failed any part of the medical advisor's interview or the preinduction examination, he automatically received a IV-F or I-Y classification.74 In 1962, Selective Service regulations created the I-Y classification for registrants with minor defects who would be accepted for military service in a time of national emergency.75

The medical examination was conducted by the Department of the Army and military personnel who represented

73Walton, Let's End the Draft Mess, pp. 80-81.
74Annual Report of the Director, p. 27.
75Ibid., p. 21.
all of the branches of the armed forces. Registrants were required to have met mental, physical, moral, and psychological standards established by the Department of Defense and the army surgeon general.76

During the preinduction physical examinations, long regimented lines of men often received only cursory attention from the military doctors. The military's standards, nonetheless, required that each registrant meet the physical requirements of an infantryman under stress. As a result, the standards precluded the induction of anyone with a defect sufficient to impair training or interfere with military duty and routine. Defects deemed sufficient to have resulted in a IV-F or I-Y classification included trick knees, flat feet, skin rashes, and even obscene tatoos. During the Vietnam era, approximately one-half of all draft-age young men failed the physical standards part of the pre-induction examination.77

The preinduction physical examination was not only designed to exclude the unfit from military service but also identify those with serious untreated physical defects. All too often, however, it provided the physically fit with a means of manipulating their bodies for the expressed purpose of avoiding military service.78 Some registrants

76Shapiro, Mastering the Draft, pp. 424-25.
77Baskir, Chance and Circumstance, pp. 43-44.
78Ibid., p. 34.
injected heroin into their bodies or smoked marijuana before the preinduction examination to create the illusion of drug addiction. Another practice was to go on a two-day bicycle trip without eating, drinking a great deal of carbonated soda, staying up all night, and then reporting for the examination. During the physical, doctors often detected an acute kidney infection.79

Although some registrants who faked medical defects received a IV-F exemption, many did not. If a person came to the examination without a letter from his doctor verifying the nature of his defect, his problems were often overlooked. Registrants also improved their chances of acquiring a medical release if they documented their physical or psychological condition with their local draft board.80

Another section of the preinduction examination, the Armed Forces Qualifications Test, was designed to test a registrant's mental fitness for military service. Although a registrant who scored less than ten on the written exam was usually declared unfit for the military, authorities instituted a "terminal screening" if his educational or occupational background indicated that his score failed to reflect his abilities. On the basis of the "terminal


80Shapiro, Mastering the Draft, p. 417.
screening," a registrant could have been declared "administratively acceptable." In 1965, the Department of Defense set a score of 31 as passing and those with a score between nine and 31 were temporarily deferred in the I-Y classification. Maintaining that a high school diploma often proved a better indicator of a registrant's fitness, the Department of Defense began, in 1966, accepting high school graduates with a minimum score of 16.81 While the test's degree of difficulty was not great, over 2,000,000 men failed the test during the Vietnam era. Requiring nothing greater than basic skills, a sample question from the test was, "A boy buys a sandwich for 20 cents, milk for 10 cents, and pie for 15 cents. How much did he pay in all?" Failing test scores by high school and college graduates were, therefore, often viewed with skepticism by examiners and far more difficult to explain than deceptions perpetrated in other sections of the preinduction examination.82

Army officials also ordered the disqualification from military service of any morally unfit person. To be classified as morally unfit, the registrant had to have a criminal record, committed an act of "moral turpitude," or failed to meet the security requirements of the armed forces. Intended as guidelines, these moral characteristics were subject to review by the Armed Forces Moral Waiver

82 Powers, War at Home, p. 71.
Judgment Board, other army officials, and the local draft board.\textsuperscript{83} In the fiscal year that ended June 30, 1970, the Armed Forces Moral Waiver Judgment Board issued "moral waivers" to 84 percent of the files it reviewed.\textsuperscript{84}

A registrant could also be declared unfit for military service if he failed to meet the psychological standards established by the Department of Defense and the army surgeon general. With the assistance of a sympathetic psychiatrist or psychological therapist, registrants were often able to turn their anxiety about the draft into a psychological trauma and, consequently, a IV-F classification. Theoretically, a registrant could be exempted for such neurotic traits as bedwetting and nail-biting. Due to the nature of the preinduction examination, however, a claim of psychological problems usually required documentation and verification from attending psychiatric professionals.\textsuperscript{85}

Finally, a registrant was required to meet certain security qualifications maintained by the Department of Defense and ascertained through information supplied by the registrant on the Armed Forces Security Questionnaire. The questionnaire sought information concerning a registrant's possible association with or involvement in any of 275 listed organizations. A registrant was also asked if he had

\textsuperscript{83}Shapiro, \textit{Mastering the Draft}, pp. 431-32.


\textsuperscript{85}Baskir, \textit{Chance and Circumstance}, p. 45.
ever been employed by a foreign government or belonged to any organization that advocated the forcible overthrow of the government of the United States. While refusal to fill out the form might delay induction, it would not disqualify the registrant. Although not eligible for a security clearance until a military intelligence investigation determined the registrant's suitability, army regulations mandated that the registrant be inducted. Depending upon the results of the investigation, the individual might be discharged from service or assigned to limited duties.86

REGISTRANTS' ROLE IN THE CLASSIFICATION PROCESS

Basically, the Selective Service System remained a remote and impersonal process for a registrant. The personal appearance represented the registrant's sole opportunity to face directly the members of his local draft board, seek explanations, offer information, express his feelings, and, in general, reason directly with the men responsible for determining his draft status.

Selective Service regulations permitted a personal appearance only following a registrant's first classification by his local draft board or following a reclassification that resulted from a reopening of the registrant's file. A registrant who failed to submit a written request for a personal appearance within 30 days of receiving his Notice of Classification from the local board automatically

waived his right to a personal appearance. Once the registrant had requested the personal appearance, the responsibility for making the arrangements rested with the local board, but, in the event of a delay, the registrant could not be inducted into the armed forces.

At the personal appearance, a registrant met with one or more of his local board members. If all board members were not present, those in attendance reported back to the full board before any classification action was taken. Selective Service regulations permitted a registrant, during the personal appearance, to discuss his classification, direct the attention of the board members to any information in his file which he felt they had overlooked or failed to consider sufficiently, state the classification for which he believed he qualified, and present any new written information which he considered pertinent to his case. The local draft board not only was given the authority to impose time limits on the length of the personal appearance but also the power to decide whether or not witnesses for the registrant or a lawyer representing the registrant could appear before the board. In the event that the local board granted permission for a lawyer to be present, he was not permitted to act as formal legal counsel.87

At the time of the personal appearance, the responsibility for the inclusion of an accurate written summary

87Shapiro, Mastering the Draft, pp. 331-51.
(including new information and any prejudicial behavior on the part of the board members) of the proceedings rested with the registrant. The local draft board, however, had the duty to make certain that the registrant's file included a summary of any new information submitted by the registrant. Even when no new classification resulted from the personal appearance, Selective Service regulations mandated that the registrant should be reclassified and notified by mail, in a second Notice of Classification.\textsuperscript{88}

Because no draft classification was considered permanent, a registrant was required to report in writing to his local draft board any change in his status which might qualify him for a new classification or deferment. When a registrant's status changed sufficiently to warrant consideration of a new classification, he requested that the local board reopen his file. The local board granted reopening when they determined that the registrant reported the facts within the legally allotted time, usually ten days, and that the grounds submitted by the registrant were both new and sufficient justification for a change in classification. There was no appeal from a refusal to reopen a classification. Only when a reopening and reclassification occurred did a registrant have the right to a personal appearance and appeal.\textsuperscript{89} The local board refused the registrant's request

\begin{footnotes}
\item[89] Ibid., pp. 47-48.
\end{footnotes}
for reopening if the evidence indicated that he qualified for a higher classification.\textsuperscript{90}

Although a reclassification always followed a reopening, the local board's decision to reopen did not necessarily mean a new classification for the registrant. When the local board evaluated the new information and found it inadequate, the registrant remained in his original classification. Although a registrant could not appeal a local board's decision not to reopen, there was no limit to the number of times he could submit new information and request a reopening.\textsuperscript{91}

Because reclassification following a personal appearance or a reopening often failed to place the registrant in a new classification, he had the right to appeal the local board's decision. All classifications were appealable by the registrant, his employer who requested his occupational deferment, any person dependent upon the registrant, the government appeal agent, the national director, or any state director of the Selective Service System. Because the right to appeal was not automatic, requests had to be received in writing within 30 days of the local board's reclassification of the registrant. Local boards possessed the discretion, however, to grant late appeals if the written request arrived prior to the board's issuance of an Order to Report for Induction.

\textsuperscript{90}Tatum, \textit{Guide to the Draft}, p. 54.

\textsuperscript{91}Shapiro, \textit{Mastering the Draft}, pp. 197-99.
Upon receipt of a request for appeal, the local draft board forwarded the registrant's file to the state appeal board which reviewed the file and reclassified the registrant solely on the basis of the written information contained in the file. Although Selective Service regulations permitted the registrant to submit a written statement at the time of his request for appeal, neither the registrant nor any other person was permitted to appear before the appeal board. As the only method available for presenting an argument on appeal, a written statement informed the appeal board where, in the opinion of the registrant, the local board erred or failed to consider adequately certain information.

The state appeal boards possessed the authority to classify independent appellants. Because the appeal boards' decisions superseded any local board classification, the action taken, in theory, eliminated any error which might have been committed at the local level.

The national director or any state director of the Selective Service System had the right to initiate national appeal of a decision made by a state appeal board if the director determined that it was in the "national interest" or necessary to avoid an injustice. Only when the decision

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93 Shapiro, Mastering the Draft, pp. 197-99.
94 Ibid., pp. 364-65.
reached by the state appeal board was not unanimous did the registrant possess the right to a national appeal. As with state appeals, a registrant was allotted 30 days following notification from his local draft board of the decision reached by the state appeal board to submit a written request for a national appeal. Once the local board received a registrant's request for national appeal, it submitted the registrant's file to the state director for review. The state director could either return the registrant's file to the local board with an order to reconsider the classification or forward it to the national director. As with state appeal boards, national appeal board decisions superseded earlier classifications and were based entirely on the information contained in the registrant's file. Although the National Appeal Board represented the highest level of appeal, a registrant's classification could still be changed if, on the basis of new information, he convinced his local draft board to reopen and reclassify him.95

The Selective Service System's procedure often involved lengthy forms and confusing technicalities which, when not properly filled out or met, could result in a registrant's loss of rights. As a result, Selective Service authorities and the courts agreed that the classification process was not an "adversary proceeding" and that the registrant could not be expected to possess the knowledge

95Ibid., pp. 411-14.
and expertise of a lawyer. The Selective Service System, therefore, instituted, and the courts upheld, several safeguards in the system to protect the rights of a registrant. Local draft boards, for example, possessed the discretionary authority to grant late appeal requests, at any level, if the registrant were able to demonstrate that his failure to meet the deadline was due to conditions beyond his control.96

In the event that a registrant had exhausted all of the appeal and administrative proceedings afforded within the Selective Service System and continued to disagree with his classification, he could, under limited circumstances, challenge that decision in the courts. The courts, however, refused to hear draft cases unless the registrant, following an induction notification, either refused to submit to induction or submitted and then sought release from the armed forces through a writ of habeas corpus. In the first instance, the registrant risked a prison term and a fine for committing a criminal act. In general, the courts ruled on the legality of the induction order and, in no way, on the merits of the registrant's classification. Possessing no power to classify a registrant, the courts ruled on some aspects of the Selective Service process. In the event that the court found a procedural error or ruled a board action

96Ibid., p. 112.
unfair, the registrant and the local draft board once again began the classification process.97

ORDER OF CALL

As previously stated, the Selective Service's major function was the procurement of manpower for the armed services. According to conscription legislation, the Department of Defense decided the number of men needed for induction each month and subsequently issued a "draft call." A local draft board's quota of the monthly draft call depended on the number of registrants the board had in classifications I-A and I-A-0. The greater the number of men available, the larger the quota. Subtracting from the I-A and I-A-0 classes the number of men who voluntarily entered the service reduced a local board's quota.

In order for a local draft board to meet its monthly quota, Selective Service regulations prescribed the order in which registrants in classes I-A and I-A-0 could be chosen. A local board was required to call men in order from a list of six priority classes of registrants. (See Appendix 3) A registrant, for example, in the first priority had to be called before a man in a lower priority class, and each class should be exhausted before the local board was permitted to select from the next class. The order of call was designed to establish who should be inducted from among those available in classes I-A or I-A-0.98 Within

98 Ibid., pp. 481-85.
priority class three, the local board was required to call first the oldest qualified men available under the age of 26.\textsuperscript{99} In the Military Selective Service Act of 1967, Congress authorized the president, however, to reverse the call order so that the youngest men would be inducted first. In previous legislation, it had also been within the jurisdiction of the president to alter the method of determining the order of induction. The 1967 Act stipulated, however, that congressional approval would be necessary before the president could change the "method of determining the relative order of induction for such registrants within such age groups as has been heretofore established."\textsuperscript{100} In other words, congressional approval became necessary before any new system, such as random selection, could be inaugurated.

CONCLUSION

The Selective Service System remained virtually unchanged. Policies and procedures instituted nearly 50 years prior to America's involvement in Vietnam controlled the lives and destinies of America's youth.

As a result, the same autonomous, decentralized local draft boards continued to exert nearly total control over the draft status of America's young men. For the young men astute enough to comprehend the labyrinth of Selective


\textsuperscript{100}Statutes at Large, vol. 81.
Service regulations and provisos, deferments or exemptions from their military obligation could be obtained with relative ease. The major deferments and exemptions included student deferments, occupational deferments, conscientious objector deferments, and dependency deferments. Men who met the various qualifications for these deferments were able to delay and, in some cases, avoid their military obligation. The Selective Service System considered the granting of deferments an essential function. As a result, the Selective Service System defended "channeling," the method used to direct young men into essential areas of study and work, as not only important but also essential to America's military-industrial complex. Many of the system's critics, however, maintained that the very nature of these deferments and exemptions created inherent inequities. They charged that the issue of inequity did not arise because of the governmentally imposed burden to serve one's country in a time of need, but rather, inequities were the result of a system that only required service of a select group of its citizens. Whenever a system demanded participation from a few, some must bear more of a burden than others. Selective Service officials and congressional leaders did little during the 1960s to change this basic disparity. As a result, the Selective Service System continued to bear the brunt of widespread criticism throughout much of the Vietnam era.
CHAPTER III

THE SELECTIVE SERVICE SYSTEM:

INEQUITIES

Throughout its history, the Selective Service System has demonstrated both flexibility and efficiency in fulfilling its congressionally mandated duty of providing military personnel for the armed forces. Between 1950 and 1967, the System responded to Department of Defense monthly requests that reached as high as 87,000 men and plummeted to as low as zero. During this same period of time, annual calls ranged from 60,000 to 600,000 men.\(^1\) While Lewis B. Hershey served as director of the Selective Service System, from 1941 until early 1970, military inductions totaled over 14,550,000 men.\(^2\) Whether induction rates rose or fell, the Selective Service System assumed the responsibility for registering, classifying, and reclassifying the millions of male citizens as they reached draft-age. Much of this was accomplished with speed and integrity by the more than 4,000


local draft boards throughout the country.³ In 1962 alone, local boards, under the auspices of the Selective Service System, claimed approximately 26,000,000 registrants. Of this group, local boards granted deferments to 350,000 students, 1,300,000 fathers, 60,000 industrial workers, and 20,000 farmers.⁴ During the entire Vietnam era, the Selective Service System rendered approximately 3,493,000 exemptions and deferments.⁵

Because of its apparent efficiency and success in accomplishing its legal responsibilities, the Selective Service System became the symbol of America's involvement in Vietnam. As the war in Southeast Asia escalated, Americans not only questioned United States' participation but also the apparatus responsible for meeting increased demands for military manpower. Most citizens, however, accepted the necessity for a draft. With increased draft calls, the issue became not the idea of a draft but its operation. Many of the same problems and criticisms voiced in the past were once again raised. The System lacked central control and uniformity of action. Local boards operated arbitrarily and promoted inequities. Furthermore, local board membership was elitist and not representative of the general population. To add to the mounting criticism was the charge

⁴Flynn, Mr. Selective Service, p. 218.
by many Americans that the System's leaders and governmental authorities, rather than solving the System's problems, seemed content merely to defuse them.6

SOCIOECONOMIC-RACIAL INEQUITIES

Much of the growing dissatisfaction with the Selective Service System originated from the perceived socioeconomic and racial inequities. Statistics revealed that men from different economic, educational, and racial backgrounds experienced different degrees of likelihood for military service. The resulting situation, to many of the Vietnam generation, proved unacceptable and symptomatic of a system plagued by inequities.

One study revealed that draft boards in high-income areas had significantly lower proportions of men than did boards in low-income neighborhoods. At the same time low-income area boards had the greatest number of men rejected for military service.7 Despite this rejection rate,

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another study of the less affluent concluded that they served in numbers greater than their proportion of the population. In the study, all zip codes in Standard Metropolitan Statistical Areas were ranked according to average family income. The study concluded that young men living in the highest income areas stood only one-half the chance of having to serve as did those young men living in middle-income areas and only one-quarter the chance of young men from low-income areas. For example, about 6 percent of all 16 to 21 year old males lived in zip code areas that ranked in the upper 5 percent in terms of average family income, but only 3 percent of all inductions came from these areas. At the same time, only about 2 percent of all 16 to 21 year old males resided in the bottom 10 percent of zip code areas based on average family income, but they accounted for 4 percent of all inductees.  

In a comparison of two local draft boards in Milwaukee, Wisconsin, researchers concluded that the induction rate was significantly higher in the low-income areas and lower in the high-income areas. Despite the fact that the lower-income, nearly 50 percent black area had a much higher rejection rate than the high-income area, it provided nearly the same percentage of men for the armed forces. As

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a result, the "income related bias" in the draft system overcame the much smaller pool of acceptable men and established an "income based pattern of military service."9

A contributing factor to the economic discrepancy between low and high-income youth and their vulnerability to the draft seemed to be the fact that young men from high-income areas were also more likely to have applied for and been granted a student deferment. In contrast, few young men in rural and low-income areas attended college and, as a result, did not qualify for a deferment.10 Despite the availability of loans and scholarships, college opportunities were not equal for everyone. According to figures from the 1960 Census, only 19 percent of persons aged 16 to 24 in families with an annual income under $5,000 reported college attendance, while 33 percent of the persons in the $5,000 to $7,500 per year range and 49 percent of those in the $7,500 to $10,000 range reported college attendance.11

The Selective Service System's commitment to local boards with relatively small jurisdictions contributed to the economic biases inherent in the System's policies and procedures. Because of the System's commitment to following comparable socioeconomic lines in drawing local draft board


10In Pursuit of Equity, pp. 70-71.

jurisdictions, economic inequities were prevalent. Although larger draft board jurisdictions would not eliminate all economic biases because of the prevalence of student deferments among the more affluent, they would more equitably distribute the induction burden. The large rejection rates of the boards located in predominately black neighborhoods would be diffused among a larger number of acceptable men rather than focused on the board's remaining registrants.12

A direct relationship was apparent between high failure rates and both poverty and low educational levels, by-products of the prejudice and discrimination found in American society. Statistics revealed, for example, that Mississippi, which had the lowest per capita personal income in the nation, had the highest rejection rate. The state with the highest personal income, Connecticut, accounted for the country's lowest rejection rate. Certainly states with low personal income spent less on school and had higher illiteracy rates than the other states. In 1965, Mississippi, with a black population of 42 percent, ranked lower in expenditures per pupil than any other state in the Union.13 Further statistics revealed that nearly a third of those who failed the mental tests came from broken homes and had an unemployment rate four times that of the

12 Ibid., p. 149.

13 Davis, _Little Groups of Neighbors_, pp. 48-49.
non-failures. These statistics clearly indicated a direct relationship between poverty, most prevalent among America's blacks, and failure to qualify for military service.\textsuperscript{14}

Educational background also proved to have a direct relationship to military service. Men with an eighth-grade education and black high school dropouts had the smallest proportion of men serving because they were more likely to fail the System's written examination for induction. In contrast, graduate and professional students were unlikely to be inducted because many of them continued their student deferments until they were age 26, fathers, or qualified for occupational deferments.\textsuperscript{15} In July 1964, 11 percent of the 26 year old college graduates held occupational deferments while only 1 percent of all 26 year olds held such deferments.\textsuperscript{16}

Due to a number of factors, no single group more clearly illustrated the inequities of the Selective Service System than did black men. Although blacks did not serve in the military disproportionately to their numbers in the population as a whole, nearly twice as many blacks as whites failed the preinduction examination. From 1950 to 1966, 63 percent of the blacks were disqualified as compared to 35 percent of the whites. The disparity became even greater


\textsuperscript{15}In Pursuit of Equity, pp. 21-22.

\textsuperscript{16}Davis, Little Groups of Neighbors, p. 137.
when making a comparison between the mental and physical sections of the tests. Whereas blacks had a lower medical disqualification rate than did whites, they were four times as likely to fail the written examination. The percentage of blacks considered to be qualified, therefore, for the armed forces lagged significantly behind the percentage of whites.17

When a person was tested for military service, he was classified into one of five mental categories. Categories I through III represented the upper 70 percent of the population and were the military's prime recruiting pool. Statistics revealed that blacks who scored in mental categories I through III served in numbers roughly twice as large as their share of the categories I through III youth population. Between 1964 and 1968, for example, a little more than 3 percent of those who scored in these categories were black while 6 percent of those taken by the military from categories I through III were black.18

Because the enlistment rate tended to decline in low-income, black areas, the higher service experience of blacks who scored in categories I through III was not primarily due to enlistments but, instead, to induction.19


armed forces drafted 30 percent of the qualified blacks as opposed to nearly 19 percent of whites deemed fit, qualified blacks were more likely to be drafted than were their white counterparts.20

The higher induction rates for qualified blacks also proved to be inversely related to the total number of men called by the armed forces. Due to the fact that the higher draft calls necessitated reaching further into the pool of available men, the disproportionate number of black inductees tended to decline, but not disappear, during the height of the Vietnam War until, in 1966, the Department of Defense lowered their induction standards. Between the fall of 1966 and the summer of 1968, over 125,000 men who had previously been declared unfit for military service and placed in classification I-Y were inducted or enlisted in the army. Approximately 40 percent of these men were black. Although presented as a facet of President Johnson's War on Poverty, the lowered mental standards provided a means of increasing the military manpower pool and effectively eased the pressure to draft college students. As a result, larger military calls were met without interfering with the deferment of college students.21

The higher failure rate coupled with the disproportionate induction rates indicated the reduced likelihood of

20 In Pursuit of Equity, p. 22.

eligible young black males receiving a deferment. As a result of greater poverty among blacks, fewer black parents could afford the college educations which would have qualified their sons for student deferments.\textsuperscript{22} Among those declared qualified for military service, only 5 percent of eligible blacks obtained deferments as college students.\textsuperscript{23} Furthermore, civilian job opportunities for largely unskilled blacks were few and low-paying, resulting in a substantially lower rate of occupational deferments.\textsuperscript{24}

Another indication of the inequitable treatment blacks received under the Selective Service System was their lack of representation in the Reserves. Despite the availability of Reserve programs for active duty, many young men considered the Reserves an advantageous classification. Statistics indicated however, that Reserve programs were largely an opportunity open to the wealthier and better educated males of society. As a result, 5 1/2 percent of the black males who qualified for service entered the Reserves as opposed to 21 percent of the qualified whites.\textsuperscript{25}

The same educational and economic deficiencies which resulted in higher black failure rates on induction examinations adversely affected their representation in Reserve


\textsuperscript{24}Grove, "The Army and the Negro," p. 49.

\textsuperscript{25}In Pursuit of Equity, p. 22.
In a comparison made among local draft boards in Wisconsin, researchers concluded that young men from higher income, better educated areas were more likely to be in the Reserves. Only the local draft boards in the lowest income areas reported less than 4 percent of their eligible registrants in the Reserves; the higher income boards were all above this figure. Furthermore, nearly 16 percent of the men who served in the Reserves had completed 16 years of school, while only 6 percent of the registrants inducted into the armed service had a college degree.\(^26\)

Despite claims by Selective Service authorities to the contrary, blacks faced a proportionately greater risk within the Selective Service System than did their white counterparts. \(^26\)In disputing the statistics on higher vulnerability for blacks, Lewis B. Hershey, the national director of the Selective Service System, conceded that some figures showed higher percentages of induction for blacks than whites. He argued, however, that the figures were misleading because they represented the available pool after recruitments. Because whites enlisted at a higher rate than blacks, it only stood to reason, according to Hershey, that the pool of available men would be disproportionately black. Hence, the higher induction rate for blacks appeared.\(^27\)

\(^{26}\)Davis, *Little Groups of Neighbors*, pp. 137, 146.

Impossible to measure statistically but just as impossible to ignore were the potential effects of prejudice and discrimination on the part of individual board members. Given the autonomous and decentralized nature of local board decisions, it was not inconceivable that some members, as many civil rights leaders charged, allowed their own feelings and emotions to influence their classifications.28 Lemuel Burrow, the 75 year old chairman of an Atlanta board, expressed his regret that the registrants' files contained no information on their civil rights activities. Alluding to this omission, he stated that "this Nigger Julian Bond," the civil rights activist and Georgia state legislator, would not have avoided the draft had his civil rights involvement been known to the board's members.29 In May 1966, General Hershey fired Jack Helon, the chairman of the largest draft board in Louisiana, because he was that state's grand dragon of the Ku Klux Klan.30

Black leaders and their followers throughout the nation questioned the composition of local draft boards and asserted that they too often reflected the prejudice and


30Flynn, Mr. Selective Service, p. 257.
hatred so rampant in American society. One young black registrant grappled with the apparent ambiguity of a society that offered him full equality only when it came time to serve his country in the military. As a Mississippi activist in the Congress of Racial Equality, John Sumrall questioned the fairness of the Selective Service System when it was administered by the same white racists who tried desperately to prevent blacks from registering and voting. Sumrall and blacks throughout the South argued that high induction rates for blacks resulted from their recent success in achieving some semblance of political equality. Though the private feelings of one black man, the emotions expressed by Sumrall mirrored the thoughts and attitudes of many black Americans toward the Selective Service System.31 Certainly, statistics on black induction rates added credence to their argument.

"LITTLE GROUPS OF NEIGHBORS"?

Much of the blame for the injustices in the implementation of the Selective Service law originated in the structure of the system. Central to the Selective Service organization were the more than 4,000 local boards which possessed the power to determine all matters pertaining to the classification of registrants. These local men had the autonomous and decentralized power to determine a young

man's draft status. Expected to be competent and respected members of their communities with a special understanding of local social and economic needs, these "little groups of neighbors" exercised tremendous power over virtually millions of America's young men.32

A 1967 survey of local board members revealed that all were males, as dictated by statute, and predominantly white. Of the approximately 16,632 local board members across the country, the racial make-up included the following percentages: 3/10 of 1 percent black, 8/10 of 1 percent Puerto Rican, 7/10 of 1 percent Spanish, 2/10 of 1 percent Oriental, and 1/10 of 1 percent American Indian.33 There also appeared to be considerable variation among the states. Twenty-three of the states reported no black local board members. Delaware, on the other hand, was the only state whose black representation exceeded the percentages of blacks in the state's total population. All other states had representation which fell short of the proportion of black residents within the state.34 In the Bedford-Stuyvesant area of New York, the approximately 300,000 black registrants found that the "little group of neighbors," responsible for their draft status, was all white.35


33 In Pursuit of Equity, p. 19.

34 Ibid., pp. 80-81.

35 Flynn, Mr. Selective Service, p. 257.
With 400 members over 80, and, of those 12 over 90, the average age of the local draft board members was 58. While nearly one-half the board members stated that they had served the Selective Service System for more than ten years, 8 percent revealed that their tenure had been for more than 20 years. The combination of age and length of service tended to result in local board members exercising their discretionary powers in support of the status quo, the system that they had known and worked with over a number of years.

Whereas 67 percent reported that they had served on active military duty, a total of 57 percent saw action in either World War I or World War II. Although a civilian organization responsible to the president as Chief Executive rather than Commander-in-Chief of the Armed Forces, the System's preponderance of board members with military experience created a paradox. While the Selective Service System claimed that young men were being drafted by fellow civilians, the military viewpoint was most ably represented by these military veterans who often remembered their own time in the military as a positive and valuable influence on their lives.

As compared with the total population, local board members were better educated. While less than 10 percent

36In Pursuit of Equity, p. 19.

of the population's comparable age group were college educated in 1967, approximately 33 percent of the board members were college graduates. Furthermore, 70 percent of all board members occupied white-collar vocations. Two occupational groups, professional and proprietor, dominated membership on local boards. Craftsmen, service workers, semi-skilled workers, and laborers possessed representation which fell far short of their proportion to the general population. Double the proportion of their incidence in the employed male population, farmers composed 15 percent of all board members, a reflection of an earlier, agricultural America.38

Local draft board members also revealed a sense of civic responsibility concerning membership in voluntary associations. While a very small proportion of the adult male population in 1967 participated in two or more organizations, more than half the board members belonged to three or more voluntary associations. While these organizations emphasized public service, groups which promoted reform or unorthodox programs lacked board member support and participation. Although organizations involving partisan politics received the lowest board response, a total of two-thirds of all members had held appointive public office they deemed supportive of local social and civic needs.39

38In Pursuit of Equity, p. 19.

39Davis, Little Groups of Neighbors, pp. 68-70.
The commitment to place decentralized authority in the hands of local volunteers reflected the violent reaction to the draft experienced during the Civil War. Acting under the assumption that conscription was unpopular, 20th century legislators mandated local control as the only viable method to insure popular acquiescence. Governmental leaders reasoned that community-level control and participation would not only enhance national involvement but also dissipate and defuse much of the criticism aimed at the draft.

The official rationale for management of the draft through local boards was that local men knew their registrants and communities. As a result, they would theoretically possess a more developed commitment and a deeper sense of personal responsibility toward both the System and the registrant. As stated by General Hershey, the System had "the built-in attribute of being close to the people whose lives it affects. This permits local rule, with its related pride of participation and accomplishment." Senator Richard B. Russell of Georgia, Chairman of the Senate Armed Services Committee, explained during hearings in 1967 that local draft boards "had information about family

40Ibid., p. 34.

41Flynn, Mr. Selective Service, p. 248.


hardships, good faith, personal problems, and conditions within homes that no computer yet devised could possibly ascertain . . . ."44 As a result, authorities concluded that when a man knew his local draft board members and understood the reasons behind their decision, he would more readily accept the sacrifices demanded of him.

The commitment to local decision-making autonomy, however, originated in the America of 1917, an America that was more rural than urban. The concept had lost much of its validity in a society where the urban population had increased by 150 percent and local registrants numbered in the millions.45 By the 1960s, however, profound changes in American society, in areas such as mass communication and transportation, greater awareness of social inequities, and increased influence of the federal government on localities, made the local draft board an anachronism. Despite these changes, governmental authorities continued to defend the merits and relevance of the local draft boards.46

One indication of the absurdity of the "little group of neighbors" concept was the amount of contact between the


45Davis, Little Groups of Neighbors, p. 34.

local board and its registrants. With the national average of 7,992 registrants per board, sheer numbers dictated that personal contact was minimal. Evidence indicated that not only did members, especially in urban areas, reveal that they knew few of their registrants, but also that they considered their anonymity an advantage. In urban areas, also, many local boards consolidated their office space so that, as in the case of Baltimore, all the city's boards were located in a central building. Utilized by more than half the metropolitan boards of the country, the practice saved money and alleviated the pressures on overworked clerks, but proved inconsistent with the local board concept.47

In Wisconsin, local draft board members, especially in urban areas, revealed that they had infrequent contact with any of their registrants, again due in large measure to the fact that many draft boards included thousands of registrants. The survey also indicated that the longer members served on the draft board, the more local organizations they belonged to, and the more they held public office in the community the greater the contact with registrants.

In a statewide opinion sampling of the adult population of Wisconsin in 1966 only about 52 percent of the respondents indicated that they were even aware that the draft was conducted through local boards. Of those who knew

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47 *In Pursuit of Equity*, pp. 20-21, 131-32.
about the local boards, 52 percent disapproved of the concept, while the others, upon being advised that the draft was conducted by local boards, expressed a disapproval rate of nearly two to one. In another Wisconsin survey of draft registrants, the majority of registrants responded that they did not know any member of their local draft board. Although fewer rural and small town respondents lacked any knowledge of board members, nearly 70 percent of the urban registrants could not name even one member of their board. The study also indicated an inverse relationship between registrants' contact with their draft boards and their knowledge and favorable perceptions of the boards' operation. Approximately one-third of all registrants reported recent contact with their local draft boards. They indicated, however, that while they appreciated the local draft boards' importance to the Selective Service System, they were not particularly confident of their impartiality in making decisions concerning draft status.48

Another major departure from the "little groups of neighbors" concept was the fact that more than one-third of all local draft board members lived outside the jurisdiction of their boards. In one local draft board located in a black section of a city, there were no black board members and none of the members lived in the jurisdiction. Only the board's chairman, who had repeatedly stated that he would have resigned before allowing a black member on the board,

lived near the board's jurisdiction, in the last all-white block in the area. In Chicago, many board members, appointed when they were residents of the South Shore area, had since moved to the North Shore suburbs but maintained their local board membership. As the South Shore became predominantly black, white draft board members continued to typify the "friends and neighbors" concept inherent in the Selective Service System. Conscription legislation did not mandate that local board members be required to live in their jurisdictions. The Selective Service System's contention, however, that local men, with a knowledge and understanding of both the locality and the registrants, personalized the classification process proved largely false. Although it was shown to be an accurate assessment in rural areas, it certainly was not true of the majority of cases before the Selective Service System in a country with 70 percent of its people living in urban areas.

Also brought into question was the concept of a local board being a "little group of neighbors" in the representative sense. The characteristics of local board members revealed that draft boards consisted primarily of older, white, middle-class men with military backgrounds.


the behest of General Hershey, the Selective Service System's recruitment practices essentially drew together the local elites, united "not so much by wealth as worldview." Almost as one, these men supported a strong military and the "anti-communist programs of various presidents."52 Consciously or not, a board's decision often reflected the beliefs and values more apparent among the local ruling elites than among the young men whose futures they controlled.

The longevity of service of local board members released the System from the burden of continually searching for new members, guaranteed that knowledgeable and experienced men determined the status of draft registrants, and assured a greater degree of uniformity in the decisions of an individual board. Low turnover, however, also produced negative effects within the System. Men who had served for years exhibited less flexibility and developed an excessive support for the status quo. Although some argued that age and longevity meant wisdom and know-how, the fact remained that these same factors resulted in a local board membership largely removed from the needs, aspirations and values of the young men who were classified.53

As part of the Military Selective Service Act of 1967, Congress attempted to eliminate, at least in part, the inequitable composition of the local draft boards. The

52Flynn, Mr. Selective Service, pp. 307-8.

53Liston, Greeting, pp. 63-64.
statute mandated that "no citizen shall be denied membership on any local board or appeal board on account of sex" and that no member's tenure could exceed 25 years or extend beyond the age of 75 years.\(^5\) In accordance with the edicts of Congress, the Selective Service System began appointing women and, by July 1968, 54 women served as local board members.\(^5\)\(^5\)

Although the 1967 Act reaffirmed the authority of state governors to appoint local board members, many within the Johnson Administration, in response to the widespread criticism of the boards' racial composition, urged President Johnson to end discrimination. As a result, President Johnson ordered General Hershey to work with the governors to assure that local draft boards became more representative of their communities.\(^5\)\(^6\) Hershey faced a formidable task, especially in the South. After correspondence and telephone conversations with several southern governors, however, Hershey made some progress. With the exception of Mississippi, some blacks were appointed to local draft boards throughout the South and by January 1970, there were a total of 1,188 black and 575 Mexican-American local board members.


\(^5\) Flynn, Mr. Selective Service, p. 255.

members. The figure represented only 5 percent of all local
draft board members, far from equitable.57

Much of the same philosophy that directed personnel
selection on the local level carried over to the state and
national headquarters. Hershey's appointment practices
virtually changed the Selective Service System, a civilian
agency, into a paramilitary organization. Approximately 90
percent of the national organization's higher echelon and
state directors were active or retired officers in the Armed
Forces or National Guard.58 Hershey's loyalty and
devotion to employees who had been with the System for a
long time, furthermore, bordered on "cronyism." When
vacancies occurred in the national headquarters, Hershey,
rather than hiring someone new with fresh ideas, usually
favored a state director who had failed to be reappointed
after a change in state administrations. As a result, most
of the Selective Service System upheld the status quo and
rejected nearly all reform proposals. The Selective Service
System, by the 1960s, had clearly become an agency, from top
to bottom, entrenched in the ideals and realities of an
earlier age.59

"WHO SERVES WHEN NOT ALL SERVE?"

Believing that deferments were "necessary to hold the
industrial, agricultural, and social structure of the

57Flynn, Mr. Selective Service, pp. 257-58.
58Baskir, Chance and Circumstance, p. 16.
59Flynn, Mr. Selective Service, p. 308.
country in proper balance," the Selective Service System considered the granting of deferments an essential function. The Selective Service System deemed "channeling," the process of encouraging young men into specified areas of work or study, to be in the best interests of the country. According to Selective Service authorities, "channeling" deserved much of the credit for the large number of graduate students in technical fields and the absence of shortages in teaching, engineering and other scientific fields. If it had not been for the "club of induction," authorities argued, many critical and vital areas of work and study would have been faced with insurmountable shortages. In this way, the Selective Service System had an impact on American society far greater than the procurement of military personnel. Some young men were being asked to serve their country in uniform, while others received deferments and avoided the inconveniences and risks inherent in military service during war.

As the war escalated in Vietnam and the dissent mounted at home, the "channeling" and subsequent deferment practices of the Selective Service System came under increased criticism. Not only, as critics maintained, had the Selective Service System become involved in "channeling"


through administrative action and not congressional mandate, but it had also created an inequitable situation in its draft procedures. The Selective Service System assumed, in earnest, the role of "human resource planner" when elements in the manpower situation seemed to compound an already confusing situation. Following the cessation of hostilities in Korea in 1953, draft quotas experienced a marked decline. The Selective Service System, therefore, instituted a policy designed to control the size of the I-A pool by liberalizing deferments and exemptions, while the Department of Defense raised the physical and mental standards demanded at preinduction examinations. Nearly everyone classified I-A throughout the 1950s entered the service. By the early 1960s, however, the post-World War II rise in the birth rate resulted in a much larger pool of eligible men. At the same time, advances in military technology and strategy reduced the manpower requirements of the armed forces. As a result, by 1963 the proportion of men required to meet the military's need for manpower dropped to below 50 percent of those available. Not even President Johnson's escalation of the war in Vietnam effectively overcame the disparity between the supply of and demand for young men of draft age. For a system designed to produce men for the military, the changing figures meant reversed priorities. Instead of deferring and exempting only those

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63 Baskir, *Chance and Circumstance*, p. 22.
individuals whose activities were deemed in the national interest, the Selective Service System had to expand "channeling" so that deferments reduced "the resource of manpower to fit the calls." 

As criticism of the Selective Service System's practice of "channeling" mounted, the deferment of college students received the greatest attention and censure. To many Americans, graduate and undergraduate student deferments, not only appeared to dramatize the inequities between those with money and those without, but also displayed the apparent injustice in a system which sent some men abroad to die and allowed others to remain at home amidst the relative comfort and ease of a college campus setting. Many Americans argued that the deferred students at the very least had an opportunity to delay fulfilling their military obligation to, perhaps, a more peaceful time.

Not surprisingly, sentiments against the student deferments were not shared by the male college students. In mid-1966, an overwhelming 82 percent of the male students polled expressed support for the student deferment.

67 Gerhardt, The Draft and Public Policy, p. 312.
Statistics, furthermore, seemed to support the charges of inequities in regard to student deferments. As of July 1964, 40 percent of eligible college students had served in the military, compared with 60 percent of college dropouts, 57 percent of high school graduates and 50 percent of non-high school graduates. Although these statistics seem to indicate that high school dropouts served in smaller percentages than high school graduates or college dropouts, the statistics are skewed by the inclusion of pre-induction failures. The induction percentage would have increased for high school dropouts had these figures not included failures.

The major contribution to the lower military service for college graduates was the ability of so many to turn a temporary deferment into a virtual exemption. By attending graduate school following undergraduate studies or by qualifying for either an occupational or dependency deferment, many young men managed to "pyramid" their student deferment until they reached the age of 26 and a lower induction priority. Although Congress attempted to eradicate the inequity of some young men being able to "pyramid" deferments by ruling that they would remain liable for the draft

69Marmion, Conflict and Compromise, p. 30.
70Hearings Before the Committee on Armed Services, p. 152.
71Marmion, Conflict and Compromise, p. 46.
until reaching age 35, in practice few men over 26 years of age were ever drafted.72

Another major criticism directed at the student deferment was the method by which it was administered. The efforts of the local draft boards to evaluate the justification for student deferments, totaling approximately 1,500,000, on an individual basis without specific guidelines from the Selective Service System created some of the worst and most widespread variance in the System. A distinct association, for example, existed between the extent of the board members' education and their attitudes toward the deferment of college students. A very real possibility remained, therefore, that a registrant might be denied a II-S deferment simply because the members of his local draft board lacked college experience and failed to appreciate the importance of student deferments.73

Another major source of variation between local board decisions both within and among the states was the relative importance board members placed on various factors in the registrant's file. In response to a questionnaire, local board members indicated that they considered as very important such factors as the student's field of study and the number of years the student had been deferred. While nearly a quarter of the board members felt whether or not a student supported himself important in reaching a deferment


73Davis, Little Groups of Neighbors, p. 88.
decision, another quarter expressed the opinion that it should not even be considered. Overall, the diversity of the responses to which factors were most important in determining student deferments indicated the range and variation among local board decisions. As a result, the inequity of deferments of students was compounded by the administrative inequities perpetuated by the local draft boards.\textsuperscript{74}

Sensitive to the mounting criticism aimed at student deferments and in response to the escalating manpower needs of the military, the Selective Service System resumed, in May 1966, its Korean War practice of limiting student deferments to those individuals with good grades or high scores on the Selective Service Qualifying Test. A student who ranked low in his class standing had to take the test or risk losing his deferred status. Tabulated and returned to the local boards, the class standing and test score determined, to a certain degree, the status of the student's deferment. In guidelines issued to the local boards by the national headquarters, 70 for undergraduate and 80 for graduate students was established as a passing grade.

Hershey further suggested that a student should rank in the upper-half of his class his freshman year, the upper two-thirds his sophomore year, and the upper three-quarters

\textsuperscript{74}In Pursuit of Equity, p. 118.
of his junior class in order to retain his student deferment for the following school year.\textsuperscript{75} Since the local boards continued to possess discretionary power in their final decision, the use of the test scores failed to reduce charges of inequities in the manner Selective Service boards issued student deferments or to end the widespread variations among the nation's local draft boards. (See Appendixes 5 and 6)

Other critics of the Selective Service Qualifying Test cited General Hershey's admission that the test's validity was questionable because it stressed mathematics and science.\textsuperscript{76} The major criticism of the new policy came from college students who felt that the class ranking standards equated some of the nation's most prestigious universities such as Harvard with those having lower standards. Although the intent of the test scores was to negate the apparent inequity, there remained the fact that local draft boards were not required to consider one measure more indicative than the other or to grant special consideration to students attending certain schools.\textsuperscript{77} Administered a total of four times on college campuses across the nation, the Qualifying Test generated widespread protests by college students and professors who vehemently objected to


\textsuperscript{76}Marmion, \textit{Conflict and Compromise}, p. 42.

the use of campus facilities to aid the draft. Finally, Congress, in the Military Selective Service Act of 1967, abandoned the test and attempted to mandate greater uniformity by setting standards for local draft boards. All of the attempts at national uniformity failed, however, because local draft boards retained, in the final analysis, the discretionary power to make their own decisions, based upon their own attitudes and feelings.78

The treatment of requests for occupational deferments was often characterized by arbitrariness and unpredictability. Local draft boards based their decisions on their own terms, in light of their own local situations and, in case after case, reached decisions not shared by a draft board in a neighboring city or state. Intended as a guide to local draft boards, the Critical Skills List was first published by the government in 1955. A 1967 study of 199 local draft boards revealed that about one-half of all registrants with occupational deferments "were in neither a critical occupation nor an essential industry as defined by the Department of Labor."79 In a study of the draft boards in a large eastern city, evidence revealed that board members never referred to the Critical Skills List and, instead, relied upon their own knowledge of what they considered the national interest or what they knew based upon their own experiences or occupations. When a new board member asked


79In Pursuit of Equity, p. 27.
about the criteria for determining the national interest, the basis for occupational deferments, he was told by the board's chairman that deferments were "like an accordion. Sometimes you stretch it out and get generous with deferments and then other times you squeeze it up tight."80

Most draft boards operated on the assumption that at least one member had adequate knowledge of the occupational structure of the community. The complexity of the industrial structure of a metropolitan area, however, precluded any board member having adequate knowledge of every specific occupation to enable him to make accurate deferment decisions. Without such knowledge, local board decisions often relied on such superficial considerations as the prestige of the registrant's employer in the community.81

Due to the discretion exercised by local draft boards and the often insignificant criteria used in considering occupational deferments, the degree of variation in board decisions was wide. In a participant-observation study conducted in an eastern city, Gary L. Wamsley found that some boards granted automatic deferments to registrants in engineering and science and to anyone whose employer requested the deferment. While some boards inducted all

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81 Little, "Procurement of Manpower," p. 16.
teachers except those in science, other boards deferred all
teachers. Also within the same city, some draft boards felt
that occupational deferments in critical areas should expire
at the end of six months while other boards extended them
for indefinite periods of time.\(^\text{82}\)

The problems inherent in occupational deferments can
be seen in individual cases as well as in the overall
statistics. Two recent college graduates employed at the
Department of Commerce requested that their employer write a
letter to their draft boards requesting an occupational
deferment. In identical letters, the department simply
stated the type of employment held by the two men. Although
their positions were exactly the same, one draft board
granted the deferment, the other did not.\(^\text{83}\) For the
registrants, such erratic decision-making often meant uncer-
tainty and confusion.

Traditionally the government recognized that some
American citizens were conscientiously opposed to war and,
consequently, were classified I-0 or I-A-0. Although
conscientious objectors were the smallest deferred group,
their number steadily increased throughout the Vietnam
era.\(^\text{84}\) Because it was within the local draft board's


discretionary power to evaluate the sincerity of the registrant before final determination of the request for deferment, the attitudes and feelings of the board members toward an individual registrant or toward the conscientious objector status contributed to much variance among local boards. Inconsistencies in the registrant's file or conduct often formed the basis for doubting his sincerity. Local board members often viewed with skepticism late conscientious objector requests. Most commonly, local boards doubted the sincerity of beliefs they did not understand, usually beliefs that did not conform to their concept of an orthodox religion. Local draft board members, consequently, based much of their decision-making on their own personal beliefs and convictions. Furthermore, members of the traditional pacifist sects, such as Quakers, were generally granted conscientious objector status as a matter of routine.85

In the Wamsley study, board members routinely approved deferment requests to members of the established "peace churches," while disparaging Jehovah's Witnesses and Black Muslims. Members of these groups were often subjected to lengthy interviews to determine the depth of their religious convictions. When the board members expressed disdain for their religious beliefs before the interview ever began, one might have questioned the objectivity and

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fairness of the decision reached following the inter-
view.86

The conscientious objector deferment presented a
dilemma for many of the local board members. Indicative of
their predominantly veteran status, local draft board
members often viewed the conscientious objector deferment
with disdain. When dealing with all deferments in general
and conscientious objector in particular, local board
members repeatedly expressed the sentiment that military
service was a valuable learning experience which afforded
the inductee training and skills beneficial in civilian
life. Not only was it viewed as a debt one owed his
country, but also as a maturing experience which all young
men should encounter.87 Besides the innate feeling that
conscientious objectors were trying to circumvent their
duty to their country, local draft board members' dislike of
the deferment was increased by the inordinate amount of
paper work and time each individual case required in
personal appearances and appeals. Board members also often
felt frustrated and uncertain because of the lack of
objective standards and guidelines upon which to base their
decisions.88

86 Wamsley, "Decision-Making in Local Boards,"
p. 100.

87 Ibid., pp. 93-95.

Board members in urban areas were significantly more sympathetic to the conscientious objector classification due, in part, to their greater experience with conscientious objectors and, possibly, as a result of a greater tolerance for unorthodox beliefs. Whereas 39 percent of the urban board members expressed the feeling that conscientious objectors should not be deferred at all, 74 percent of their rural counterparts indicated such a view. Although there was a considerable difference between the opinions expressed, the fact remained that a significant proportion of the men entrusted with the task of evaluating the legitimacy of a conscientious objector request viewed the entire classification with disdain.89

Before the Vietnam War, local draft boards exercised total discretion in deciding conscientious objector requests. Because of "casual procedures and inconsistent treatment of conscientious objector applicants," the appellate courts imposed, by the late 1960s, specific rules that had to be applied to all cases. To ensure that their denial of a conscientious objector request was safe from legal challenge, local draft boards had to grant time-consuming "due-process safeguards" in every case. As a result, local boards, in order to prevent litigation over their decisions, often became more lenient and disposed toward granting any deferment that presented legal or administrative problems.

89Ibid., pp. 89-90.
Court decisions aimed at protecting the rights of registrants and making the Selective Service System more equitable, therefore, presented the astute with yet another loophole for evading military service. 90

Throughout the Vietnam era, the government continued the tradition of granting deferments to registrants whose induction would cause extreme deprivation to a person dependent upon them for support and to all fathers. Despite the discretion available to the local draft boards in granting hardship and fatherhood deferments, the boards seemed more effective, with their decisions containing fewer contradictions and variations, in dealing with the III-A classification. There were unwarranted excesses, such as the deferment granted actor George Hamilton because his mother relied on his $200,000 income, but, for the most part local draft board members decided with compassion and without prejudice. 91

In a survey of local board members who were asked which factors they believed were most important in granting dependency deferments, the respondents exhibited a substantial degree of agreement and consistency. Eighty percent, for example, believed that whether or not there were others who could support the dependent or whether or not the dependent had other income was very important in reaching a


91 Ibid., p. 33.
classification decision. There was, however, disagreement in one area of the response. Whereas 21 percent of the board members felt that the number of men being called for the draft was very important, another 36 percent expressed the view that quotas should not even be considered as a criterion for hardship deferments. In response to a question concerning the importance of registrant documentation of his request, 82 percent replied that it was very important to a final determination.92 Because of the emphasis placed upon documentation, it was not inconceivable that undereducated and less articulate registrants were at a distinct disadvantage in their dealings with the local board. As a result, middle-class men were more successful in convincing the local draft board of the need for a dependency deferment than were young men from the lower classes.93

Not all variability among local draft boards occurred during the initial classification process. A sample of 199 local draft boards also revealed a great deal of variation in local board actions taken on reclassifications which constituted about four-fifths of the boards' work load. In 30 of the draft boards, none of the registrants who were reclassified I-A were put in I-A until their deferments had

92In Pursuit of Equity, pp. 109, 186.
expired, while in 42 of the boards over 50 percent of the men were reclassified I-A before their original deferments had expired. There also existed significant variation in the amount of documentation contained in the registrants' files supporting the reclassification. While 23 draft boards presented documentation, another 17 boards failed to produce adequate verification in over 70 percent of their reclassification actions.94

Local draft boards also possessed discretionary power when determining which deferred groups might be reclassified in the event of higher quotas and a depleted I-A pool. Some local draft boards reconsidered the I-Y deferments, while other draft boards reassessed the II-S deferments based upon class rank and scores on the Selective Service Qualifying Test. As a result, the policies practiced and decisions reached by the different local draft boards could have meant a totally different draft status for two similarly situated young men in neighboring cities or states.95

Variations among decisions reached within the Selective Service System, however, were not confined to the local draft boards. The variations found in the decision-making process of state appeal boards were even greater than

94In Pursuit of Equity, p. 96.
among the local boards. The rates at which local draft board decisions were reversed ranged from two states in which no new classifications were ordered to a number of states that averaged about 50 percent reversals. A wide range was also reported in the incidence of appeals referred to the state appeal boards. While in one state four appeal boards handled an annual average of 3,080 appeals each, appeal boards in two other states averaged 26 cases. Those states which were highly urbanized accounted for more appeals than states in the southern and mountain areas. Researchers concluded that a factor accounting for a low incidence of appeals in some states was a failure to inform registrants adequately of their appeal rights.\textsuperscript{96}

The discrepancies found among appeal boards of the same state and appeal boards of different states injected yet another source of variation into the overall performance of the Selective Service System. Because many appeal boards developed special rules and practices in their decision-making, extreme variation in procedures and performances resulted. In a study comparing two Wisconsin appeal boards, it was found that one appeal board considered the record and performance of the local draft board from which the case was appealed as well as the needs of the Wisconsin economy. The appeal board often deferred to a member with personal or occupational knowledge pertaining to the appeal under

\begin{footnotesize}
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\item[^96] In Pursuit of Equity, p. 107.
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consideration because the board often viewed rural Wisconsin and out-of-state boards as ignorant of the economic needs of the state. In the other Wisconsin appeal board, members made a concerted effort to analyze each case individually, without regard to the local draft board referring the appeal or to the economic effects of the registrant's induction. Instead, the appeal board consciously based its decisions upon national policy and directives.\(^97\) Because of the variations found among appeal boards, a registrant's draft status might well have depended, as with local draft boards, on which appeal board received his file. As a result, similarly situated men often received a wide disparity in treatment due in large part to the decentralized, autonomous characteristics of the Selective Service System.

FACTORS RELEVANT TO THE SYSTEM'S INEQUITIES

In general, the focal point of much of the discontent and criticism of the Selective Service System resulted from the apparent lack of uniformity inherent in a decentralized system which permitted nearly complete local autonomy. Although the variations among local draft boards within a city or state and among boards of different states or sections of the country were relatively easy to identify, the causes, given the nature of deferment policies and the organizational structure of the System, were more difficult to isolate. The onus for much of the diversity, however,

\(^{97}\text{Davis, Little Groups of Neighbors, p. 117.}\)
lay within the statute as enacted by Congress. Having failed to define adequately such terminology as "in the national interest," Congress encouraged greater autonomy on the local level. The result was that draft boards often lacked a basis for any specific action other than their members' feelings and conceptions of the nation's or community's needs. Their decisions, therefore, were bound to differ in an attempt to justify locally the merits of their actions.98 According to the Wamsley study, board members spent an inordinate amount of time debating the meaning of "national health, safety, or interest." Because of the lack of a well-defined purpose, members' decisions, more often than not, were the result of frustration and confusion rather than the outcome of weighing the substance of the evidence in relation to the guidelines of the policy.99

Much of the confusion, however, could have been easily rectified or avoided had the states and national headquarters issued, to the local boards, explanatory guidelines on a regular and consistent basis. Consistent with the decentralized nature of the system, the national headquarters and, in particular, General Hershey subscribed to the conviction that specific instructions were detrimental to the continued autonomy of the local boards. As a

98 Ibid., p. 18.
result, many of the directives issued by the national headquarters were as vague and ambivalent as the legislation. The burden, therefore, for much of the information concerning policy and regulations fell to the state headquarters. Although many state directors tried actively, within their own state systems, to negate the absence of national standards and to institute some measure of uniformity, the nature of these directives resulted in greater diversity.

An examination of 37 state headquarters revealed that local boards received, in 1966, a total of 173 bulletins and memoranda dealing with policy and interpretation. Many state offices, however, sent no directives, some sent only one or two, others sent seven or eight, and one sent 13. As a result, the amount of direction a board received depended upon the state in which it was located.100

Not only did the amount of information available to local boards vary considerably, but also the information contained in the instructions from one state headquarters often contradicted the advice dispensed in a neighboring state. In the case of student deferments, for example, some state headquarters instructed their local boards to rely exclusively on the results of the Selective Service Qualifying Test and the student's class rank, while other states indicated that such criteria were advisory and could be completely ignored.101

100 In Pursuit of Equity, p. 167.

101 Ibid., p. 27.
Because of the lack of informational resources on which to base decisions, local draft boards tended to treat requests in a "particularistic" manner. Instead of evaluating the merits of a deferment request against national, uniform standards, local boards often relied on their perception of the registrant formed from information in the file or his personal appearance. As a result, irrelevant factors, such as dress, mannerisms, and bearing, became all important. It was not unheard of for boards to inquire whether the registrant had belonged to the Boy Scouts or what kind of car he drove. Many boards also expressed the feeling that "hippie types" would have benefited from service experience because they would have received a haircut and a bath.102

With a national average of nearly 8,000 registrants per local draft board, the case loads of most boards were excessive. Local board members were not full-time employees and, generally, met in the evening once or twice a month. Common sense dictated that not all cases could be evaluated individually. Chances were unlikely that a New York City registrant received the same individual attention accorded a registrant in South Dakota.103 The diversity in caseloads compelled boards, of necessity, to develop their own methods.


103 Liston, Greeting, p. 100.
of dealing with classifications, again magnifying the variability within the System. While some boards, for example, instructed their clerks to defer automatically anyone working in the field of science, other boards carefully examined all II-A's and II-S's regardless of the area of study or work. Usually, the board clerk brought 20 to 30 files to a board meeting but only 10 to 15 of them were examined and discussed. The other files were often signed without discussion, while anywhere from 175 to 350 files were not even reviewed by the board members. In other areas, draft boards which had created a standard method of dividing the workload were often able to spend at least some time on most cases while boards whose members tried to review all cases realistically failed. As a result, many local draft boards tended to avoid problematical decisions, choosing instead to grant the desired deferment.104

Although the routine nature of much of a board's work often reduced the burden of the caseload, there was also a wide variation in the manner in which local boards viewed the routine aspect of their assignment. Whereas 17 percent of board members reported that they reviewed in detail only 10 percent of their cases, 7 percent indicated that they felt obligated to examine virtually all of their case load.

The result of such variability was a system of diversity and inequity.105

According to the law, a local draft board's quota of the monthly draft call depended upon the number of registrants the board had in classification I-A rather than the total number of registrants. In effect, the law penalized registrants living in jurisdictions where the local boards promptly examined and classified young men and kept the voluminous paperwork up to date. As a result, the more efficient states with larger I-A pools received larger draft quotas than less efficient states. Michigan, for example, inducted far more men than the more populous state of Texas. A man's future, therefore, could have depended upon the accident of birth or place of registration.106

Another contributing factor to the inequities of the Selective Service System and an area of widespread criticism was the role and influence of the board clerks. The role of the clerks, certainly, was far more significant than indicated in the official rhetoric of the Selective Service System because the volume of classifications precluded personal board review, and the normal performance of clerical duties, in fact, often amounted to a preliminary classification.107 Because of the size of the case load

105In Pursuit of Equity, p. 21.
and the limited time available to the board, the clerk prepared the cases and presented them to the local draft board. The dominant role of the clerk, however, failed to affect substantially the decisions of most local boards. Most board members were cognizant of the fact that sole responsibility for classification, by statute, rested with them. As a result, although board clerks exercised considerable influence, their role was not found to be as critical to the classification process as assumed by the System's critics.\textsuperscript{108}

Critics of the Selective Service System charged that appeal agents, mandated by law to protect the interests of both the System and the registrants, almost never accomplished the goals created by the System. The appeal agents' dual role was often impossible to fulfill. Often selected by the local draft board, the appeal agents usually reflected more the values and beliefs of the local members than of the young men they were to advise on their rights within the Selective Service System. Analysis of the System also revealed that appeal agents were almost totally inactive. Not only were they often not known to the local board members, but also most registrants were unaware that the position even existed. Because of the nonfunctional nature of appeal agents, registrants were forced to obtain information about appeal procedures and appeal rights from

\textsuperscript{108}\textsuperscript{108}Little, "Procurement of Manpower," p. 13.
other sources. Once again, the System effectively discriminated against the undereducated and less articulate members of society, the people who most needed the advice of an appeal agent. 109

Perhaps no single aspect of Selective Service procedure infuriated the young men most affected by the System than the practice of declaring registrants delinquent for failure to perform any of the duties imposed on them by the draft law. A delinquent rating resulted in a registrant being placed in the highest priority for induction and, consequently, subjected to accelerated conscription. 110

The situation intensified in 1965 when 28 University of Michigan students lost their student deferments and were reclassified I-A because they had participated in a sit-in at the Ann Arbor, Michigan draft board office. 111 The basis for the local board reclassification procedure was an October 26, 1967 letter from General Hershey to all local boards. In effect, the letter stated that since deferments were given when they served the national interest, protesting students, who violated regulations and threatened national unity, deserved to have their student deferments rescinded. Because the statute mandated that violations of Selective Service regulations fell within the jurisdiction

109 Davis, Little Groups of Neighbors, pp. 103-4.


of the Justice Department, General Hershey's action clearly violated the intent of the law. In 1967 the United States Court of Appeal, second circuit, ruled the reclassification of two of the Ann Arbor students illegal because they had not violated any "duty" imposed upon them by law or regulation. Although the decision legally nullified the practice of withdrawing the deferments of protesting students, large numbers of students still faced reclassification because they had turned in or mutilated their draft cards. Since the law mandated that each registrant had the "duty" to keep his draft card in his possession at all times, those protesters who used their cards to demonstrate their disapproval of the System and the war, faced legal criminal prosecution.112 Most of the resentment against these Selective Service practices came from the young men themselves. Nonetheless, many other Americans maintained that these reclassifications represented violations of civil liberties since induction could have resulted from disapproval of political activities. Rather than being used as an instrument of military manpower procurement, the Selective Service System had assumed the role of judge and jury by punishing men for their convictions and actions.113


Much of the criticism aimed at the Selective Service System in the late 1960s focused on the leadership and personality of its National Director, General Lewis B. Hershey. Rather than maintaining a low profile during the height of the Vietnam protests, Hershey became a willing and outspoken defender of not only the Selective Service System but also the war. In the process, he managed to anger and offend many segments of American society. Because he believed newspapers were presenting biased coverage of the war, Hershey publicly stated that the press should not be controlled by the "irresponsible." Arguing that protesters were "aiding the enemy," Hershey stated that they were "misguided young men who needed a haircut and their ears cleaned." Questioning the loyalty of many college professors, Hershey "warned against professors who made careers out of debunking the U.S."\(^{114}\)

Hershey angered more Americans, however, by his adamant refusal to accept any revisions in the Selective Service System. The Selective Service System was the embodiment of everything Hershey believed to be great about the United States. As a result, any criticism of the System was taken as a personal affront by Hershey.\(^{115}\) Because of Hershey's uncompromising stance, the Selective Service System became rigidly committed to the ideal of local draft

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\(^{114}\)Flynn, Mr. Selective Service, pp. 270-71, 278.

\(^{115}\)Ibid., p. 309.
boards operating in a decentralized, autonomous environment. Vietnam era criticisms and protests caused Hershey and the System to become very defensive and secretive about its operation. To win the support and allegiance of local and state personnel, the System avoided attempts to exercise greater control over local board members' characteristics and performance. As a result, by the late 1960s, General Hershey had created a system dedicated to its own "self-perpetuation," dictated by "arbitrariness" and unpredictability.116

Despite the growing criticism in many segments of American society, Hershey and the Selective Service System still had many friends, especially on Capitol Hill. As a result, the efforts of many in 1967 to effect changes that would make the Selective Service System more uniform and equitable in structure and procedures met with limited success. Congress demonstrated, in the Military Selective Service Act of 1967, its continued faith in "Hershey's decentralized system" and that it "had no intention of diluting the local boards' power to classify."117 As a result, when Richard M. Nixon became president, he inherited virtually the same draft system which had operated under five previous administrations. Reform proposals, if there were to be any, would have to be initiated during his presidency.

116Davis, Little Groups of Neighbors, pp. 151-52.

117Flynn, Mr. Selective Service, pp. 252-53.
CHAPTER IV

THE SELECTIVE SERVICE SYSTEM:

THE END OF AN ERA

On March 31, 1968, President Lyndon B. Johnson, in an address to the nation, announced his plans to suspend the bombing of North Vietnam and to institute a peace offensive. To ensure that his motives could not be misinterpreted and that his efforts toward peace not be diverted by the rigors of a presidential campaign, Johnson shocked the nation with the announcement that he would not, under any circumstances, accept his party's nomination for another term as president. With the incumbent out of the race, the 1968 presidential campaign proceeded in a climate of confusion and uncertainty.

Despite President Johnson's repeated assurances about the course of the war effort and his peace initiatives, the fighting, casualties, and draft calls continued to escalate. In an effort to appease critics of the war, President Johnson underestimated projected draft calls throughout his presidency. Projected 1968 draft calls of 85,000 men soared to almost 345,000. Given the high failure rates at preinduction examinations, the Selective Service System had to
deliver approximately 1,200,000 men classified I-A in order to meet the draft calls of 1968.¹

With increased draft calls and a presidential election campaign under way, protests against the Vietnam War and the Selective Service System as a symbol of the government's military apparatus reached a fevered pitch throughout the country. Both the Democratic and Republican candidates addressed the issue of the Selective Service System as the war and the protests escalated. Arguing that the draft could be eliminated once the war ended, Richard M. Nixon, the Republican nominee, endorsed an all-volunteer armed force. Hubert H. Humphrey, the Democratic candidate rejected Nixon's proposal as prohibitively expensive. Instead of ending the draft, Humphrey proposed internal reform for the Selective Service System. Humphrey pledged to replace Lewis B. Hershey, the object of much of the protest against the Selective Service System, to make men liable to the draft only at age 19, to institute random selection, and to establish uniform national rules and procedures. Ironically, the campaign proposals of both candidates were instituted by the winner of the 1968 election, Richard M. Nixon.²


²Ibid., pp. 272-73.
THE SELECTIVE SERVICE SYSTEM
DURING THE NIXON YEARS

Although President Nixon campaigned for an end to the draft and a return to an all-volunteer army, he maintained throughout both the campaign and his first term in office that such a move would not be possible until the end of the war in Vietnam. Believing the continuation of the draft to be a temporary expedient, Nixon, in May 1969, requested that Congress modify certain draft procedures which included revising the order of call from oldest first to youngest first, reducing the period of prime draft vulnerability to one year, and initiating a lottery or random system of selection. Congress, perceiving no real pressure from the White House, failed to act on President Nixon's proposals until late in 1969. Both the Senate and House Armed Service Committees feared the measure might reopen the Selective Service to attack by the reformers who sought greater changes. In late September, President Nixon pressured Congress to repeal the section of the 1967 statute prohibiting random selection and, with the reformers assuaged by the promise of more sweeping reforms in 1970, Congress mandated the first draft lottery in 27 years.3

Because he wanted the lottery simple and understandable to all Americans, General Hershey rejected suggestions

to implement computerized selections. He chose, instead, to use the same fishbowl that had been used during World War II. Contained in the bowl were 366 capsules, each corresponding to a day of the year plus one in case of a leap year. Each lottery number in the sequence was assigned to registrants according to their birthdays. The first random selection process, held December 1, 1969, covered registrants who were born on or after January 1, 1944 and on or before December 31, 1950. Every registrant, therefore, who had turned 19 but not 26 prior to the 1969 drawing received a lottery number in the first sequence.

The initial random selection drawing drew intense media coverage and rapt attention from the American people. In an attempt to dramatize the significance of the reform, General Hershey arranged for members of the youth advisory committee to select the capsules. These committees, which had no policy making responsibility, had been organized in 1968 to expose young people to the System's rules and regulations. Hershey appointed seven to 15 young people, male and female and with an emphasis on minority representation, to the youth committees. He had hoped these committees would defuse the destructive and vehement criticism of the draft. A member of the youth advisory committees

4Flynn, Mr. Selective Service, p. 283.

selected September 14 as the first date. Many young people around the country reacted to the lottery in many personal and public ways. At Brandeis University, a recording of machine gun fire provided background for the drawing. The sound of taps and a chorus of "Happy Birthday" accompanied news of the drawing at the University of California. A senior at the University of Florida whose birthday corresponded to the last capsule drawn, June 8, assured reporters that he had no intention of demanding a "recount." As a public relations extravaganza, the 1969 drawing proved a tremendous success for the Nixon Administration. While 73 percent of the American people indicated their approval of the plan, 16 percent voiced disapproval. Much more important for the White House, the polls showed that 60 percent rated President Nixon's handling of the draft as "good to excellent." 6

Although a clear-cut majority of the American people supported the lottery, its intricacies often eluded public understanding. As mandated by Congress and with the exception of the initial 1969 drawing, registrants received a lottery number toward the end of the year of their 19th birthday. A registrant remained vulnerable to the draft during the entire next calendar year, the year during which the registrant turned 20 years of age. 7 Lottery numbers

6Flynn, Mr. Selective Service, pp. 275, 283.

were assigned on a nationwide basis so that young men throughout the country, born on the same day, received the same lottery number. A registrant's lottery number, furthermore, was assigned to him on a permanent basis and remained his number throughout his involvement with the Selective Service System.\(^8\)

Because the lottery numbers were permanent, local draft boards often had two registrants, both classified I-A, with identical lottery numbers. When registrants possessed equal vulnerability to the draft, the local board implemented the random alphabetical sequence selected at the 1969 lottery drawing. The 26 letters of the alphabet were scrambled and, as with birthdates, drawn at random. As the only alphabetical sequence drawn throughout the operation of the lottery, it established a means for local draft boards to distinguish among last names of men born on the same date.\(^9\) When the alphabetical sequence was distributed to local draft boards, however, the Selective Service System failed to include precise instructions for its implementation. Most local draft boards applied it to the first letter of the last name. When the first letter of the registrants' surnames were the same, the local boards assumed that they should proceed through each letter until there was a difference. Priority induction would be

\(^8\)Shapiro, *Mastering the Draft*, p. 486.

given to the registrant whose last name proved closest to
the random alphabetical sequence. In November 1969, the
White House released a statement that established the first
letter of their last names and, if necessary, first names as
the determining factor in induction decisions. As many
local draft boards experienced, however, this criterion
often failed to distinguish adequately between two regis-
trants with the same birthdates. Once again, local draft
boards were left to their own devices and policies to deter-
mine which young man was inducted and which, at least for a
time, remained home.10

Under the lottery system, registrants remained vul-
nerable to induction during the year of their 20th birthday.
In order for a registrant to complete his year of prime
eligibility, he must be in an "active" status as of the end
of the calendar year and his number must be above the
highest number reached by his local draft board during that
calendar year.11 In the event that a registrant's
induction was delayed due to an appeal proceeding or an
impending personal appearance at the time his local draft
board reached his lottery number, the law mandated that his
"primary exposure" was to be projected, if necessary, into
the next calendar year. If the registrant retained a I-A
classification at the completion of his delay, the statute

10Shapiro, Mr. Selective Service, pp. 487-88.
11John Griffiths and J. William Heckman, The Draft
ordered that the local draft board issue an induction order for the registrant if his lottery number was lower than the numbers being called at the time.12

Because random selection dealt only with the process of selecting young men to complete their military obligation, registrants who possessed deferments or exemptions from the draft were not subject to immediate induction. If the registrant, for whatever reason, lost his deferred status during his year of primary vulnerability, he was automatically called for immediate induction if his local draft board had already called his lottery number. In the event that the registrant qualified for his deferment throughout the year of his primary vulnerability and, at a later date, became available for a I-A classification, his liability was based upon his position at the time he received a lottery number. A student, therefore, whose lottery number was assigned in 1969 as the first date drawn would be inducted in the first position of priority when he lost his student deferment and entered the eligible pool. A deferred registrant remained legally liable for the draft until he reached the age of 35. Because of the manner in which the Selective Service System administered the lottery, the actual chance of a registrant having been inducted once he reached age 26 dropped off precipitously.13

12Shapiro, Mastering the Draft, p. 503.

Because of deferments, exemptions, and delays initiated by the registrant, the lottery pool of eligible men contained registrants between the ages of 19 and 26. Divided into subgroups within the pool, registrants occupied a different level of priority in relation to induction. Inductions by lottery numbers were made initially from members of the first priority group and, once that group had been exhausted, members of the second priority group were inducted according to their lottery numbers. As a result, inductions through the lottery pool proceeded downward through the priority groups, exhausting the highest priority groups before proceeding any lower. Each year, a new priority group was added to the pool. The registrants in the lower priority groups were young men who, in the previous years, exposed themselves to the maximum risk of induction without having been called. The risk of maximum exposure came only on the last day of each calendar year so that a registrant only moved into a lower priority if he had been a member of the first priority group on December 31 of the previous year. Once a registrant moved to a lower priority group, he could not be moved to a higher group. Even if the registrant temporarily left the lottery pool because of a deferment or exemption, he returned to the pool without missing a downward step.\textsuperscript{14}

\textsuperscript{14}\textit{Shapiro, Mastering the Draft}, pp. 490-95.
During his first term in office, President Nixon reduced active military force strength from 3,640,000 in mid-1969, to 3,160,000 for mid-1970 and 2,910,000 for mid-1971. As with the expansion of the armed forces during the Johnson Administration, most of the reductions were aimed at American ground forces serving in South Vietnam and, as a result, had a profound impact on the Selective Service System. With lower draft calls, registrants in categories four, five, six, and seven of the eligible draft pool were unlikely to be inducted into the armed forces.15 (See Appendix 7)

A registrant's vulnerability to the draft was not determined exclusively by his lottery number or even, for that matter, by his position in the "order of call." The quota assigned to a registrant's local draft board by the state headquarters of the Selective Service System was proportionate to the number of men classified I-A within the board's jurisdiction. As a result, local draft boards across the nation were not necessarily calling the same lottery number at the same time. Because each local draft board had its own separate lottery pool, a registrant classified I-A could have estimated his own vulnerability to induction only in terms of the pool presided over by his local board. Thus, young men in neighboring boards often faced totally different circumstances with their local draft

boards.16 As registrants were reclassified, the composition of the lottery pool experienced continuing changes. Local draft boards, for example, may have issued calls for high lottery draft numbers one month and, then the next month, men with lower numbers may have entered the eligible pool so that the board would have gone lower in the list of lottery numbers than during the previous month. Referred to as the "yo-yo effect," the policy increased the confusion and uncertainty many young men experienced with the lottery and the Selective Service System.17

In order to eliminate the diversity among the lottery numbers called by local draft boards in the same month, the Selective Service System instructed local draft boards not to exceed a designated lottery number in meeting its monthly quota. According to General Hershey's instructions, no local draft board could have drafted men with numbers over 195 during 1970. As a result, many local draft boards failed to meet their monthly quotas. When boards were unable to meet induction demands, the quota deficit was redistributed in subsequent months to other local boards who had sufficient "active" registrants to meet the new quotas without exceeding the "national ceiling." A time-lag was created, with the number of registrants actually inducted approximately 10,000 men behind the number requested by the

Department of Defense. Although some lawyers questioned the order's legality, the modified quota procedure made lottery calls throughout the nation more uniform.18

In April 1970, President Nixon continued his program of reforming the Selective Service System. Once again endorsing the concept of an all-volunteer armed force, President Nixon cautioned Congress and the nation that the draft would have to be phased out gradually, not abandoned immediately. In the meantime, he endorsed several major draft reform proposals. He announced an immediate end to fatherhood deferments unless the registrant already possessed the deferment or had applied for it prior to April 24, 1970.19 Also on April 24, 1970, President Nixon issued regulations which restricted future nonagricultural and agricultural occupational deferments. Only those registrants who already possessed an occupational deferment or who submitted a request for such a deferment to the local draft board prior to April 24, 1970 could have qualified for a II-A or II-C deferment.20 Although neither the fatherhood nor occupational deferments were abolished, President Nixon's actions effectively phased them out. President

18 Gerhardt, The Draft and Public Policy, pp. 344-45.


Nixon also requested that Congress remove the provision in the Military Selective Service Act of 1967 which had made the deferment of undergraduates mandatory. If discretionary authority over student deferments were restored, President Nixon voiced his intentions to end new deferments for undergraduates and young men in apprenticeship programs. He also requested Congress to amend the statute to authorize the Selective Service System to establish a plan under which the draft call each month would be on a national basis with the same lottery sequence numbers called throughout the country. Although the Selective Service System had already implemented such a system, President Nixon seemed to have recognized the absence of the legal authority to do so.\textsuperscript{21}

During Nixon's reform of the Selective Service System, he announced that General Hershey, the National Director of the Selective Service System since 1942, would be replaced in mid-February 1970. Since assuming the presidency in 1969, President Nixon had considered Hershey a liability. Because Hershey retained many friends on Capitol Hill and in the rest of the nation, however, his dismissal had to wait for a propitious moment. Hershey's often publicly uttered doubts about the lottery and the all-volunteer concept aggravated an already uneasy working relationship with the Nixon Administration. General Hershey had become, in the minds of many Americans, a symbol of an

\textsuperscript{21}Gerhardt, \textit{The Draft and Public Policy}, p. 346.
unfair Selective Service System and an unpopular war. As a result, the question left to be answered by President Nixon and his advisors was when, not if, circumstances warranted Hershey's ouster.22 President Nixon, gaining increasing support from the American people by means of his reform proposals for the draft, chose October 1969 as the time for the public announcement of a decision that had been reached months earlier. Coming just five days prior to a national anti-draft moratorium, the announcement was timed to help defuse some of the impending protest.23 Although General Hershey lost control of the Selective Service System which he had administered for 28 years, he was retained in the largely honorary position of presidential advisor on manpower mobilization policies and promoted to the rank of full general. It was not until after his 1972 landslide victory that President Nixon initiated General Hershey's retirement from public service which took place on April 10, 1973.24

Although serious negotiations had begun with the North Vietnamese government by 1971, President Nixon requested a two-year extension of the Military Selective Service Act of 1967 largely because the peace talks appeared deadlocked. To prepare for an all-volunteer army, President Nixon also called for nearly $1,000,000,000 in military

22Flynn, Mr. Selective Service, pp. 273, 277.
23Gerhardt, The Draft and Public Policy, p. 345.
24Flynn, Mr. Selective Service, pp. 280, 299.
pay increases. President Nixon explained that the pay increases would help to meet "zero draft calls" by mid-1973. As enacted by Congress, the Draft Extension Act of 1971 represented a compromise between the advocates of draft repeal and those who were pledged to the status-quo. Besides granting Nixon's two-year extension of the draft, the act attempted to eliminate draft inequities and placate critics by authorizing the president to eliminate new undergraduate student deferments. The act, furthermore, expanded the procedural rights of draft registrants and instructed that local draft boards should reflect the racial and religious composition of their communities. As a concrete gesture in support of the all-volunteer concept, Congress legislated pay increases for lower-ranked servicemen totaling nearly $2,400,000,000 the first year. In an effort to prevent a military build-up on the scale initiated by the Johnson Administration in 1965, Congress also imposed a ceiling of 2,500,000 men on active military duty and a 130,000 man ceiling on the number of draftees during fiscal year 1972. Congress also voiced its impatience and growing hostility toward the Vietnam War by including a resolution that urged the president to negotiate for a cease-fire and for the withdrawal of United States troops from Southeast Asia at the earliest "practicable" time. Although Congress did not impose a time limit for a negotiated settlement, the resolution left little doubt that the majority of America's leaders favored extricating the United States from a
seemingly hopeless situation and an increasingly unpopular war. Congress demonstrated that the draft could no longer be used as a means to prolong the war in Vietnam.  

On January 27, 1973, Secretary of Defense Melvin Laird announced that "zero draft" would be implemented immediately. Issued the same day the peace agreement between the United States and the government of North Vietnam was signed and seven months ahead of the Nixon Administration's timetable, Laird's announcement was construed by many as an end to the draft. The Nixon Administration, however, did not intend to abandon the Selective Service System or the possibility of employing the draft in the future. Although Laird's announcement stated that the military would, in the future, depend exclusively on volunteers, the structure and the apparatus of the Selective Service System remained intact. When the Draft Extension Act of 1971 expired in July 1973, the Selective Service System, although stripped of its induction authority, retained the power to register and classify draft-age young men. In 1974, the Selective Service System halted even the classification of new registrants. In 1973, the United States, therefore, returned to the pre-World War II tradition of an all-volunteer armed force.  

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25Chambers, Draftees or Volunteers, pp. 451-53.  
THE SELECTIVE SERVICE SYSTEM: AN ASSESSMENT

Few Americans in 1973 realized that a return to an all-volunteer armed force represented a return to the military traditions of their ancestors. An entire generation of Americans had grown up accepting, albeit often reluctantly, the necessity of a military force augmented by conscription. Both supporters and opponents of the all-volunteer concept might have reacted with surprise and perhaps even dismay to the realization that their forebears brought with them to the American shores a fierce loyalty to the principles of individualism and an intense distrust of a large professional army. Surrounded by increasingly hostile Indians and rival colonial powers, America's first settlers developed a system for protection that reflected their respect for individualism and distrust of centralized control. The nucleus of colonial defense, the local militia, often endangered the security of the young nation. Local militia most affected by an emergency or war responded in defense of their homes and families, while those far removed from the dangers remained largely passive. The reluctance of both the government and the American people to initiate anything more than an all-volunteer force during the colonial and early national periods often precluded the government's ability to direct the armed forces effectively during an emergency. Unable to compel men to serve, the
government often lacked sufficient forces to meet the demands of an emergency.

Faced with critical manpower shortages during the Civil War, both the Union and Confederate governments attempted to alleviate the situation by initiating direct national conscription laws for the first time in American history. Due to the apparent abandonment of America's military traditions, both governments experienced widespread opposition from their respective citizens. On both sides of the Mason-Dixon line, Americans expressed strong resentment at the draft's administration and apparent inequities. Although conscription successfully provided the armed forces needed to prosecute the war, it also left a legacy of bitterness and distrust—a legacy echoed 100 years later by a new generation of Americans fighting in a new war.

Wars of the twentieth century placed new demands on the military and economic establishments. Faced with not only a tremendous demand for military manpower but also a continued flow of military hardware, the government assumed the responsibility for channeling men into areas where their abilities most benefited the national interest. Earlier generations had called into question the government's right to enact a national draft; Americans of the World War I and II eras accepted conscription, with some reservations, as the best solution to America's military manpower needs. With a return to normality, however, citizens expected a
return to America's military traditions, a return to an all-volunteer force.

As Americans soon realized, however, the late 1940s brought a new kind of danger, not an armed conflict but hostile aggression nonetheless. In light of the world situation, Americans accepted the Truman Administration's argument that volunteerism would not be sufficient to meet the needs of the military in an increasingly hostile world. Developments in Korea in 1950 brought about a drastic change in the attitudes of both the American people and their leaders toward a continuation of selective service. Clearly perceived, yet not understood, perils posed by the Cold War resulted in most Americans accepting conscription as a duty owed by America's young to their government.

Although America's attitudes toward military manpower procurement had gone through revolutionary changes, the conditions of limited warfare meant that available manpower pools exceeded the needs of the military establishment. The imbalance that arose produced much of the criticism that haunted congressional leaders and Selective Service authorities throughout the Vietnam era.

Assigned the duty of military manpower procurement, the Selective Service System during the 1960s represented an America of an earlier time. In 1917, the United States was a nation more rural than urban, a nation where the commitment to local decision-making reflected the values and lifestyles of its citizens. As a result, the decision of
legislators in 1917 to confer upon local draft boards nearly total decentralized control over the administration of the draft mirrored the nature of American society and enhanced public support and acquiescence to conscription.

By the Vietnam era, however, the concept of decentralized control had lost much of its validity in a society that was predominantly urban and where local registrants numbered in the millions. An examination of the commitment to the local draft board system during the 1960s reveals that the Selective Service System's contention that local men, with knowledge and understanding of both the locality and the registrants, personalized the registration and classification process was largely false. Not only did most local draft board members, especially in urban areas, reveal that they knew few of their registrants, but also the majority of registrants lacked personal knowledge about the men who determined their draft status. Another indication of the absurdity of the "little groups of neighbors" concept was the fact that many of the local board members no longer lived within the jurisdiction of their draft boards. Although not mandated by law, residence within the areas they served would enhance their personal knowledge and understanding of their registrants. By the 1960s, local draft board members were primarily men of older, white, middle-class, and military backgrounds. As a result, they were far more representative of the "local ruling elites" than of the young men whose futures they controlled.
Despite the absurdity of the "little groups of neighbors" concept, government officials continued to defend the merits and relevance of the local draft boards. The official rationale for management of the draft through local boards was that local men knew their registrants and communities. As a result, they supposedly would possess a more developed commitment and a deeper sense of personal responsibility toward both the System and the registrant.

As critics charged, however, the commitment to decentralized local board autonomy created apparently undemocratic situations by fostering a lack of uniformity in interpretation. Because there were no national standards, local draft boards varied greatly in how they applied rules involving, for example, occupation and educational deferments. As a result, young men in similar circumstances might receive deferments from one local draft board but not from another.

The widespread diversity among the decisions reached by local draft boards stemmed, in part, from the System's commitment to "channeling." The Selective Service System deemed "channeling," the process of motivating young men to pursue specified areas of work or study, to be in the best interests of the nation. Its critics viewed "channeling" as a weapon in the hands of the Selective Service System. The 1960s witnessed a growing concern for the rights and welfare of individuals and disadvantaged minority groups, the very people who seldom reaped the benefits of the System's
"channeling." To many Americans, deferments and exemptions not only appeared to dramatize the inequities between those with money and those without, but they also displayed the apparent injustice in a system which sent some men abroad to die, while others remained home amidst the relative comfort and ease of a college campus or a civilian work place.

Although the System's leaders acknowledged that uniformity in selection for military service did not exist, they questioned the need for, indeed even the desirability and feasibility of, achieving policy uniformity. The fact that variations between local draft boards existed, they insisted, served to prove that the "channeling" of manpower was successfully adapting to local and individual circumstances.

As the expiration date for America's conscription law approached in 1967, the Johnson Administration, in an apparent attempt to placate the System's critics, commissioned a complete evaluation of the Selective Service System. Although the study, published in early 1967, concluded that many of the charges of inequity aimed at the Selective Service System were based on fact, President Johnson and key administration officials failed to pressure Congress into implementing the recommended reforms. With powerful friends on Capitol Hill, the Selective Service System appeared immune to the criticism and reform demands. At a time when his Vietnam policy was coming under increased congressional scrutiny and criticism, President Johnson
demonstrated an apparent reluctance to risk further congressional dissension by demanding an overhaul of the System.

The leaders' disregard for the apparent inequities and lack of uniformity in the System fueled the drive for reform of the Selective Service System. For a system that had proven so flexible in meeting fluctuating monthly quotas, it proved totally inflexible in accepting any criticism and reform. To many of the System's most vehement opponents, this intransigence called for a "declaration of war," a demand for the end of the Selective Service System and a return to an all-volunteer force.

By the time Richard M. Nixon assumed the presidency in 1969, criticism of the draft focused on the Selective Service's commitment to the status quo. As a presidential candidate, Nixon had endorsed the all-volunteer concept; as president, he proposed the lottery as a temporary expedient for the duration of the Vietnam War. Whereas President Johnson faced congressional commitment to the status quo, President Nixon received a favorable response to his proposed reforms. Support for draft reform both in Congress and outside reflected the growing dissatisfaction with the war in Vietnam. Politically astute and a veteran of numerous congressional debates, Nixon realized that the nation would not accept superficial changes to the Selective Service System. As a result, President Nixon initiated, with the overwhelming support of the American people,
sweeping reforms which culminated in the System's demise in 1973.

Even the Selective Service System's most vehement critics had to acknowledge the System's efficiency and flexibility in meeting its monthly quotas of draft-age young men. Whether induction rates rose or fell, the Selective Service System assumed the responsibility for registering, classifying, and reclassifying the millions of male citizens as they reached draft-age. The System accomplished this monumental task with efficiency, speed, and integrity. Despite the System's efforts, decisions about who would serve opened the Selective Service System to vehement criticisms from both opponents of the draft and the war. For many Americans the Selective Service System became the scapegoat for their hostility and anger toward a war being fought in the far-off jungles of Southeast Asia. Few Americans distinguished between the wartime policies of the Johnson and Nixon Administrations and the congressionally mandated task assigned to the Selective Service System. When people voiced their opposition to the war in Vietnam, they viewed the Selective Service System as symbolic of that war. It seemed to matter little that the Selective Service System bore the onus of implementing a policy it did not originate. As a result, in the eyes of many of America's discontented, the Selective Service System represented the epitome of a policy and a program which had lost its desired direction and its preferred effect. The Selective Service
System represented America's involvement in the Vietnam War. As in previous wars, the attitudes of the American people toward the government's policy of manpower procurement were greatly influenced by public opinion toward the conflict. When the majority of the American people accepted the purpose of the struggle, most of them also supported the draft. Increasing discontent with the war in Vietnam resulted in greater protest against the government's conscription policy. As the agency which implemented the government's draft program, the Selective Service System became the scapegoat for the peoples' frustrations and anger.

During the turbulent years of the late 1960s, few Americans would have willingly accepted the conclusion that no draft system could have operated fairly and equitably. America's available pool of eligible young men far exceeded the manpower needs of the military. When such a situation existed, someone had to make the decision that allowed some men to stay home while others were sent off to fight. Whatever criteria the government established, whether it was for students or for all young men with blue eyes, the system would have seemed unfair to many, especially to those who were selected to serve. The structure and operation of the Selective Service System exacerbated the situation by making decisions viewed by many as unfair. As long as someone was needed to answer the question, "Who serves when not all serve?" no method of military manpower procurement could have met the often strident demands for absolute fairness.
BIBLIOGRAPHY

GOVERNMENT DOCUMENTS


BOOKS


JOURNALS


NEWSPAPERS AND PERIODICALS


APPENDIX 1:
ORGANIZATION OF THE SELECTIVE SERVICE SYSTEM
JUNE 30, 1967

<table>
<thead>
<tr>
<th>National Advisory Committee on Physicians and Dentists (13)</th>
<th>National Headquarters (224)</th>
<th>National Appeal Board (6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Advisory Committees on Physicians and Dentists (55-269)</td>
<td>State Headquarters (56-1293)</td>
<td>State Scientific Advisory Committees (55-304)</td>
</tr>
<tr>
<td>State Appeal Boards (95-647)</td>
<td>Medical Advisors to Local Boards (7,374)</td>
<td></td>
</tr>
<tr>
<td>Local Advisory Committees on Physicians and Dentists (1,985)</td>
<td>Local Boards (4,084-24,763) to Local Boards (7,374)</td>
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</tr>
<tr>
<td>Advisors to Registrants (8,292)</td>
<td>Registrants (34,523,236)</td>
<td>Agents (4,706)</td>
</tr>
</tbody>
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## APPENDIX 2:

**SELECTIVE SERVICE CLASSIFICATIONS IN EFFECT, JUNE 30, 1967**  
(In sequence)

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Date Established</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-A</td>
<td>Available for military service</td>
<td>September 25, 1951</td>
</tr>
<tr>
<td>I-A-O</td>
<td>Conscientious objector for non-combatant service only</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>I-O</td>
<td>Conscientious objector for civilian work</td>
<td>September 25, 1951</td>
</tr>
<tr>
<td>I-S</td>
<td>Student deferred by statute</td>
<td>September 25, 1951</td>
</tr>
<tr>
<td>I-Y</td>
<td>Registrant qualified for military service only in time of war or national emergency</td>
<td>January 5, 1962</td>
</tr>
<tr>
<td>II-A</td>
<td>Registrant deferred because of civilian employment (nonagricultural)</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>II-C</td>
<td>Registrant deferred because of agricultural employment</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>II-S</td>
<td>Registrant deferred because of activity in study</td>
<td>September 25, 1951</td>
</tr>
<tr>
<td>I-D</td>
<td>Member of Reserve component or student taking military training</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>III-A</td>
<td>Registrant with a child; and registrant deferred due to extreme hardship to dependents</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>IV-B</td>
<td>Officials deferred by law</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>IV-C</td>
<td>Aliens</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>IV-D</td>
<td>Ministers of religion and divinity</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>IV-F</td>
<td>Registrants not qualified for military service</td>
<td>January 5, 1962</td>
</tr>
<tr>
<td>IV-A</td>
<td>Registrant who has completed military service; sole surviving son</td>
<td>January 5, 1962</td>
</tr>
<tr>
<td>Class</td>
<td>Description</td>
<td>Date Established</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>V-A</td>
<td>Registrant over the age of liability for military service</td>
<td>August 20, 1948</td>
</tr>
<tr>
<td>I-W</td>
<td>Conscientious objector in civilian work</td>
<td>September 25, 1951</td>
</tr>
<tr>
<td>I-C</td>
<td>Member of Armed Forces, Coast Geodetic Survey, Public Health Service</td>
<td>August 20, 1948</td>
</tr>
</tbody>
</table>

APPENDIX 3

SIX PRIORITY CLASSES IN THE ORDER OF CALL
(All men classified I-A or I-A-O)

(1) Delinquents, oldest first.

(2) Volunteers.

(3) Nonvolunteers in particular age groups called according to the oldest first.

(4) Nonvolunteers who attained the age of 19 (but not 20) during the calendar year in which they were called for induction. Had these nonvolunteers turned 19 in the preceding calendar year, they would have been in category 3.

(5) Nonvolunteers who attained the age of 26. They would have been called in the order of their birthdates, with the youngest being selected first.

(6) Nonvolunteers who had attained the age of 18 years and six months but have not yet attained the age of 19. These men would have been called in the order of their birthdates, with the oldest being selected first.

## APPENDIX 4

MILITARY SERVICE STATUS OF MEN AGED 26-29 YEARS, BY COLOR
(In Thousands)

<table>
<thead>
<tr>
<th>MILITARY SERVICE STATUS</th>
<th>TOTAL</th>
<th>WHITE</th>
<th>NON-WHITE</th>
<th>NON-WHITES</th>
<th>As percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4,392</td>
<td>100.0</td>
<td>3,878</td>
<td>100.0</td>
<td>513</td>
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<tr>
<td>Entered Military Service</td>
<td>2,562</td>
<td>58.3</td>
<td>2,370</td>
<td>61.1</td>
<td>192</td>
</tr>
<tr>
<td>Inducted</td>
<td>628</td>
<td>14.3</td>
<td>550</td>
<td>14.2</td>
<td>78</td>
</tr>
<tr>
<td>Regular Enlisted</td>
<td>1,168</td>
<td>26.6</td>
<td>1,069</td>
<td>27.6</td>
<td>98</td>
</tr>
<tr>
<td>Officer Programs</td>
<td>129</td>
<td>2.9</td>
<td>128</td>
<td>3.3</td>
<td>1</td>
</tr>
<tr>
<td>Reserve Program</td>
<td>617</td>
<td>14.0</td>
<td>603</td>
<td>15.5</td>
<td>14</td>
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<tr>
<td>Unknown</td>
<td>20</td>
<td>.5</td>
<td>20</td>
<td>.5</td>
<td>1</td>
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<tr>
<td>Never Entered Service</td>
<td>1,830</td>
<td>41.7</td>
<td>1,509</td>
<td>38.9</td>
<td>322</td>
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<tr>
<td>Unfit for Service</td>
<td>1,213</td>
<td>27.6</td>
<td>958</td>
<td>24.7</td>
<td>255</td>
</tr>
<tr>
<td>Other Deferred or Exempt Cases</td>
<td>618</td>
<td>14.1</td>
<td>551</td>
<td>14.2</td>
<td>67</td>
</tr>
</tbody>
</table>

APPENDIX 5

PERCENTAGE OF STUDENTS IN VARIOUS CLASS STANDINGS, FOR STUDENTS RECLASSIFIED INTO I-A COMPARED WITH THOSE REMAINING IN II-S

<table>
<thead>
<tr>
<th>Class Standing</th>
<th>Total</th>
<th>Student Reclassified I-A</th>
<th>Student in II-S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top Quarter</td>
<td>24.4</td>
<td>9.2</td>
<td>34.8</td>
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<tr>
<td>2nd Quarter</td>
<td>30.9</td>
<td>17.6</td>
<td>40.0</td>
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<tr>
<td>3rd Quarter</td>
<td>16.6</td>
<td>21.5</td>
<td>13.3</td>
</tr>
<tr>
<td>Bottom Quarter</td>
<td>28.1</td>
<td>51.7</td>
<td>11.8</td>
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APPENDIX 6

PERCENTAGE OF STUDENTS WITH VARIOUS SCORES ON THE SELECTIVE SERVICE QUALIFYING TEST FOR STUDENTS RECLASSIFIED I-A COMPARED WITH THOSE REMAINING IN II-S

<table>
<thead>
<tr>
<th>Score on SSQT</th>
<th>Total</th>
<th>Students Reclassified into II-A</th>
<th>Student in II-S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 70</td>
<td>35.3</td>
<td>55.3</td>
<td>25.8</td>
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<tr>
<td>70-74</td>
<td>24.1</td>
<td>17.1</td>
<td>27.5</td>
</tr>
<tr>
<td>75-79</td>
<td>26.2</td>
<td>18.3</td>
<td>30.1</td>
</tr>
<tr>
<td>80 and Up</td>
<td>14.3</td>
<td>9.3</td>
<td>16.7</td>
</tr>
</tbody>
</table>

APPENDIX 7

DRAFT LOTTERY

SEVEN PRIORITY CLASSES IN THE ORDER OF CALL

(All men classified I-A or I-A-0)

(1) Volunteers.

(2) Extended Priority Selection Group: Men under 26 classified I-A or I-A-0 and in the First Priority Selection Group at the end of the previous calendar year, whose lottery numbers were reached by their local draft boards sometime during that year, but who were not drafted for any reason.

(3) First Priority Selection Group: Men who became 19 during the previous calendar year along with men 19 through 25 whose deferments ended, in order of lottery numbers.

(4) Second Priority Selection Group (Third, etc.): Men not drafted in an earlier year because their lottery numbers were not reached.

(5) Men who turn 19 during the year, not yet eligible for the lottery, oldest first.

(6) Men 26 through 34 years old with "extended liability" because they have received deferments, youngest first.

(7) Men 18.5 to 19 years old, oldest first.
