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Congress Back Then: Before There Were Draft Dodgers



by K. Daniel Glover
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Congress Back Then: 'The War to End All Wars' : Danny Glover revisits a time when a seemingly minor conflict in the Balkans led to World War I.

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Every time a nation goes to war, a time-honored debate about military preparedness ensues. Policymakers and military leaders ponder the pros and cons, and the morality and legality, of an all-volunteer force versus an army of draftees quickly trained and ordered to fight.

Did author B.H. Liddell Hart have it right in 1950, they may wonder, when he argued that "conscription has been the cancer of civilization"? Or was Napoleon Bonaparte's belief that "conscription is the vitality of a nation, the purification of its morality, and the real foundation of all its habits" more valid?

The United States, now at war in Europe's Yugoslav region and with some members of Congress already contemplating a renewal of the draft, soon may have to revisit those questions. If so, it will not be the first time. Congress had the same debate for the first time this century in 1917, just after declaring war against Germany, and its decision led to the first-ever U.S. draft for a foreign war.

The draft as last resort

Article I, Section 8 of the Constitution grants Congress the power "to raise and support armies." It is silent on the means lawmakers may use to that end, but Congress rarely has resorted to the draft.

The Confederacy instituted conscription for the first time (in America) during the Civil War. Its draft law, enacted on April 16, 1862, compelled men between the ages of 18 and 35 to enroll for three years of military service but provided numerous exemptions. It was designed mostly to keep volunteers from leaving the army after their terms expired, according to *The Encyclopedia of the U.S. Congress*.

In the North, the Enrollment Act of March 3, 1863, applied to 20- to 45-year-old men. It included a "buy out" provision that enabled the wealthy to pay $300 (the equivalent of an average worker's annual salary) to avoid service, or to hire a substitute soldier. The buy-out provision, which prompted massive anti-draft riots in New York City and elsewhere, was repealed a year later, but the wealthy still could hire substitutes.

The Enrollment Act expired at the end of the Civil War in 1865, and Congress returned to its all-volunteer military approach, with U.S. troop size dwindling. A mere 25,000 men served in the post-war army that regulated the Western Indian frontier until the late 1890s, and the regular army grew to only about 75,000 by the end of the Spanish-American War.

Isolationist sentiment early in the 20th century kept the idea of a military draft suppressed. Even after Congress declared war on Germany in April 1917, lawmakers initially were reluctant to consider a draft. In an "informal" vote April 17, according to *The New York Times*, the House Military Affairs Committee voted 9-8 against conscription.



Soldiers in World War I: Drafted into service

Military Affairs Chairman Stanley H. Dent Jr. (D-AL) proposed legislation that would have required President Woodrow Wilson to make a call for volunteers before resorting to a draft. Rep. Daniel R. Anthony Jr. (R-KS), meanwhile, introduced legislation to limit the military to an all-volunteer force for five months, after which Wilson could begin a draft if volunteerism failed.

And in a bit of patriotic (and arguably political) grandstanding that eventually stalled action on a draft, former GOP President Theodore Roosevelt offered to recruit his own regiment of volunteers to go to war in the trenches of France.

A call to 'manhood'

The Wilson administration strongly opposed a half-volunteer/half-draft military, however, and a public eager to go to war with Germany backed him. The objections of groups like the No-Conscription League failed to muster outrage.

On April 19, the House and Senate committees considering draft legislation approved their competing bills by votes of 13-8 and 10-7 respectively. The measures quickly moved to the floors.

House Speaker James B. "Champ" Clark (D-MO) boldly predicted that conscription would not pass. "I am for letting the flower and youth of this country volunteer before we fasten the disgrace of a draft upon them," he said. But after days of debate, the House rejected the idea of a volunteer army on a 279-98 vote and passed a draft bill on a 397-24 vote April 28. The Senate voted 81-8 in favor of the draft the same day.

By then, Roosevelt's proposal for his own volunteer regiment had gained steam. Some 250,000 men from 46 states reportedly had offered to fight with "Teddy." The House had rejected a Roosevelt-led regiment on a 170-106 vote, but the Senate had voted 56-31 for the proposal. A bitter dispute among negotiators for the two chambers nearly derailed the legislation.

Conferees ultimately killed the "Roosevelt amendment" in a May 11 vote, but the pro-Roosevelt sentiment in the nation forced the House as a whole to change its view. On May 13, the chamber voted 215-178 to send the bill back to conference, a move the *Times* said was "greeted by loud applause on the floor and in the galleries with cries of 'Hurrah for Teddy.'"

Negotiators resolved the dispute by authorizing, but not requiring, Wilson to send a Roosevelt-led volunteer regiment to war. On May 17,

the House by voice vote passed a bill that required all men between ages 21 and 30 to register and authorized an initial draft of 500,000 soldiers. The Senate cleared the bill on a 65-8 vote the same day.

Wilson signed the measure into law May 19, calling the draft "a new thing in our history and a landmark in our progress." At the same time, Wilson said he would disregard Congress' instructions by not sending a Roosevelt-led regiment to France. Wilson also scheduled a National Registration Day for June 5, making it a national holiday. "It is nothing less than the day upon which the manhood of the country shall step forward in one solid rank in defense of the ideals to which this nation is consecrated," he said.

The next generation of draftees

For much of its history, the United States has adhered to the 18th-century anti-draft military adage that said "one volunteer is worth 10 pressed men." With an abundance of wartime patriotism -- more than 90% of Union troops and nearly 80% of Confederate soldiers volunteered for Civil War duty, for example -- conscription seldom has proved necessary. Even then, draftees have served not out of reluctant obligation but with the sense of patriotic duty recently immortalized in the best-selling book *The Greatest Generation.*

The United States is a far different nation today, however, one in large part defined militarily by the Vietnam War and the draft instituted then. An estimated 570,000 men illegally evaded the draft from 1965 to 1970, and President Clinton, the current U.S. military commander, was among the young Americans who protested against the Vietnam War and intentionally avoided active duty there.

If the ongoing Balkans war escalates, or if concerns about military preparedness increase for other reasons, the draft may be renewed. And then the question before the nation will be this: How will men (and women?) who seem to share neither the depth of patriotism of "the greatest generation" nor the Vietnam-era animosity toward the military respond if Uncle Sam calls them to bear arms?

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Last week in *IC*, Murray Polner authored an essay on the draft. *The Wilson Quarterly* site includes a history of the draft. *National Journal* published an article on the citizen soldier last summer, and the Cato Institute produced a report on draft registration in 1994. The Web also is home to sites on conscription during The Great War and on "conscientious objectors".



How, if at all, have attitudes about the draft changed in 200-plus years of American democracy? Are today's Americans more or less likely to volunteer for military duty during war? Are they more or less patriotic