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## **A Prescription for Conscription? Lessons from the Draft in the American Civil War and Compulsory Service in Subsequent Conflicts**

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by Ralph Russo

Dearest love, I fear they'll draft you,  
They'll put you on the list,  
And they'll turn the wheel to grind you  
Into a Lincoln's grist.

Chorus: Weeping sad and Lonely,  
All my tears are in vain;  
When this cruel draft is over,  
Wilt thou come again?

But Ole Abe I know will draft you,  
And drag you far from me;  
O, I cannot live without you,  
My heart so cold will be.

-Lyrics from 'When this Cruel Draft is Over' War Lyrics (Devon, 1864) <sup>1</sup>

## What's wrong with Conscription in American history and can it be fixed?

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Each draft in American history from the Civil War through the Vietnam War has been the subject of considerable criticism. America's first conscription laws were passed during the Civil War. Criticism for how and when these drafts occurred, as the song lyrics above suggest, became almost immediately apparent. In northern urban areas the draft resulted in widespread anger and violence manifested particularly by the laboring poor and immigrants. During World War I legal challenges to conscription were brought before the courts. While these challenges were struck down by the courts, they nonetheless represented discontent over military conscription. Even in World War II, when President Roosevelt could clearly couch the draft as necessary against the aggression of Japan and Germany, conscription faced some opposition. Most recently, the draft for the Vietnam war proved so controversial that the armed forces has operated as an all volunteer force (AVF) ever since. What has been wrong with conscription in American history? Is it something that can be fixed equitably for all effected constituents, or is the practice so inherently flawed that it will always discriminate? Current arguments for and against conscription and the historical record may help shed light on the issue.

These are questions worth exploring in the face of contemporary widespread global commitments by the United States armed forces to fight a war on terror while maintaining our security alliances. Since 1980 when a new selective service law was passed, there have been various attempts by public officials to initiate some renewed forms of conscription into military service or into some type of national compulsory civil service. The fact that 9/11 attacks were clearly aimed at the United States and occurred in the United States suggests that the United States needs to be prepared and poised to defend itself at least at home against aggressors. One may also argue the nature of terrorism demands that in order to protect oneself at home it may be necessary to fight in distant parts of the world as we are now doing. At the very least it seems impractical and even unfair to our allies if the United State's were to withdraw from world affairs as an isolationist nation as happened after World War I.

The debate over modern conscription includes debate over issues such as whether or not conscription will hurt the quality of a professional army, whether or not the United States has the resources to keep up it's current military campaigns with an AVF, and or whether or not having a AVF leaves the rest of the country's citizens, particularly our youth, to be ambivalent, isolated spectators instead of responsible, involved, and integrated citizens. Events may ultimately dictate as they did for the Union and Confederacy during the Civil War that conscription becomes a desirable and practical means of raising an army.

### Rationale

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The purpose of this unit is to examine the concept and historical record of conscription throughout the history of the United States in order to gain insight into an issue that has profoundly affected thousands of men and families and may ultimately affect thousands more in the future. The drafts conducted in the Civil War are the first uses of national conscription in the history of the United States of America. For this reason and because the Civil War is a prominent part of my United States I History curriculum, the Union and Confederate drafts will be primary points of study in this unit. However, the employment of the draft in subsequent conflicts in the history of the United States will also be included to highlight issues associated with conscription. Because the debate over initiatives to re-institute conscription for the military and/or national service are current issues

that may specifically affect students, this unit is an excellent opportunity to apply historical examples and historical thinking to a contemporary issue. For American men who grew up in the 1960's and early 1970's the idea of being drafted into military service was all too real. Men, as young as 18, faced compulsory service and the likelihood that they would be compelled to fight in the Vietnam War. While most men chose to serve, some chose to publicly protest, and others elected to evade by leaving the United States to hide out in Canada. Currently while young men are not facing the prospect of a draft, they very well could be. The reality of how our military is deployed in a war on terror suggests that a draft is more plausible than in more peaceful times in our nation's history. However, even if we were enjoying a Pax Americana today (as far away and dreamy as this seems) I think conscription is worth exploring with young people in an intellectual and emotional sense. Specifically, I wonder, "How can one justify or deny the notion of conscription from an ideological and/or personal point of view?" I remember the seriousness of my friends and me having to register for the selective service (the preliminary step in initiating a draft). We were just in high school in 1980, when Congress during the Reagan administration issued such a law. That was a big deal to my friends and me. 'We might be drafted!' was a sobering thought to many of my classmates and me. Just as John Knowles vividly portrayed in *A Separate Peace*, we imagined and voiced the spectrum of reaction to war: patriotism, fear, denial, and anger toward adults who appeared to be selfishly playing with our lives. Because of the War on Terror, a draft today would be more of a concern to my students. This war has American troops occupying sensitive locations in Iraq and Afghanistan. At the same time, significant troop levels from our All Volunteer Force (AVF) maintain their traditional assignments in accordance with our longstanding alliances in Europe and the Far East. Given these commitments and potential troop-level increases to deal with possible crisis in Iran or parts of Africa, public officials have raised concern that our AVF is stretched too thin. If such is the case, will government officials call for the conscription of young males or females? If that were to happen would my students be able to physically and emotionally deal with the process and outcomes of conscription? Short of observing them experience this phenomena first-hand, it may be impossible to say. However, through examining the historical precedents of conscription and the fundamental arguments for and against it, my students might gain valuable forethought and insight that will prepare them for handling conscription. Preferably a draft and war will not have to be experienced firsthand and these ideas can instead be saved for discussion to future generations.

## Objectives

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### **What is conscription and how has it been applied in conflicts in American history?**

While it was expected for local men to join the local or state militia from colonial times through the onset of the Civil War, men were not forced into service prior to the acts of conscription passed by both the confederacy and the government of the United States during the Civil War. Unlike the practice of voluntary enlistment, conscription simply means that a defined segment of the population is obligated to report and serve as prescribed by government authorities. The Selective Service of the United States government is responsible for handling the registration of potential draftees and executing the process of the draft should one be called for by law. The Selective Service has performed this function since being established in 1917.<sup>2</sup> Currently, in the United States it is mandatory for all men to be registered with the selective service by the time they reach their eighteenth birthday. Since the Civil War, conscription has been utilized in World War I, immediately prior to and during World War II, in the Korean War, and during the Vietnam War. Each case of the draft reveals characteristics of the society which employed it. In some cases conscription was largely unpopular to the point of fomenting significant civil unrest and violence. In others, conscription was generally

and willingly supported as a righteous duty. In perhaps our most popularly supported war, World War II, President Roosevelt had been able to institute a draft in 1940 before America had been attacked. However, despite our fighting in response to an aggressive attack, there was still resistance to being compelled to fight. During World War II approximately 40,000 Americans that were called to duty pursued alternative courses of action as conscientious objectors or draft dodgers. <sup>3</sup> At times policies for conscription have unfairly discriminated against lower classes, African Americans, women, and gays. Not surprisingly, citizens have at times challenged the legality of conscription and/or policies regarding conscription that are exclusive. Most recently, opponents of the decisions to exclude women from registering for the selective service have not been able to successfully challenge in court. In *Rostker v. Goldberg* (1981) the Supreme Court reversed a Pennsylvania district court's ruling that women shouldn't be excluded by virtue of discrimination, namely violation of women's due process outlined in the Fifth Amendment. The Supreme Court's ruling favored the Department of Defense's policy that women should be excluded from combat. <sup>4</sup> The popular saying 'Don't ask, don't tell' reflects the objective of the military to exclude gays from service. <sup>5</sup> My objectives for the unit include having students be able to research and describe an historical example of how the draft was used in American history. More specifically, I want them to demonstrate orally and in writing how the draft affected the armies of the Confederacy and the Union during the American Civil War 1861-1865. In addition, I want students to explore the ideological and moral justifications of conscription. I imagine my unit will address questions such as, whom or what gives the government authority to issue an act of conscription and under what circumstances is this authority valid? In *Just and Unjust Wars*, Michael Walzer declares that "War is hell whenever men are forced to fight, whenever the limit of consent has been breached" <sup>6</sup> Walzer's statement invites discussion of the moral implications of a draft. As I mention in my rationale for this unit, compelling young people to fight as has been done in five wars in United States history, directly relates to students coming out of high school. First, they are in the demographic that has been historically drafted. Secondly, by nature of their state of development, they are adolescents who are often sensitive to being "forced" to do things they perceive as unjust such as homework, cleaning their room, and not running up the cell phone bill. Thirdly, they are developing a consciousness about how people act in the public sphere. They are in essence forming an outlook about the norms of the rights and responsibilities of being a citizen that they will increasingly test as they become more active in the public sphere. Personally, I do not enjoy anyone ordering me to complete any task to which I can see no rational justification. Being forced into a position to kill or harm another person let alone be killed or maimed, is about as extreme a torture as one can contrive. So I can imagine that any device or law that would compel men and women to fight without their consent would be viewed by young people as an equally egregious affront to personal liberty. Yet we all cannot act on our personal wants and desires in society all of the time. As political theorists will attest, living in a society involves reinforcing some mutually shared values and practices at the expense of some personal ones. The social contract theory explains cooperation in society on this basis. Nevertheless, one can make the strong assertion that agreement over driving on the right side of the road, or not playing my radio at full volume as I drive around the streets, or my surrendering 1/3 of my hard earned salary to the government for taxes are still perhaps small issues in comparison to being compelled to kill or be killed. I am interested in gaining student feedback on this score. While I won't say that all students should agree to be drafted or not consent to government authority in this regard, I will say that students will address the issue as a historical phenomenon with moral, political, and legal dimensions. The fact that legal precedent grants the government the authority to explore, develop, and implement a plan of conscription suggests that students and the public at large should be prepared to discuss, consent, and/or contest compulsory government service as a policy. This is an exercise in understanding their responsibilities as citizens. Our examination of citizens' involvement in armed conflict from colonial times through the present will reveal that time, place, and personal circumstances offer different and sometimes compelling reasons to fight. On other occasions the reasons for fighting and

compelling others to fight are less clear. Subsequently it would be my goal in conducting this unit for students to create and personalize a spectrum for their distinguishing between the most essential conditions to cooperate in a fight and the most superfluous ones. Because consent appears to be the measure by which one can judge the legitimacy of a war, having an informed young public that can help influence public policy would be the best insurance against the haphazard (i.e. immoral) employment of youth to wage war. If my students are to gain insight into the matter, one of the first steps is for them to understand the evolution of conscription through historical developments. Moral and legal justifications of conscription are rooted in the colonial period when an obligation existed for able bodied men to protect and defend their colonies or small towns from attacks from Native Americans, the French, rival colonies, and later the British. While some colonial founders such as William Penn may have advocated a harmonious existence with Native Americans and non-English immigrants, others, such as, Puritan New Englanders saw a moral obligation to tame the wilderness and the wild savages that occupied it. Many Puritan sermons were quite blunt in this regard. It was not only necessary to defend their colonies but it was also just to wage war to subdue the savages of the wilderness. As competition for resources between the British colonists, the French and Native Americans escalated into armed or guerrilla conflicts, the necessity of protection must have minimized objections for serving in a community's defense. In times of danger it was obligatory to serve in the local militia. In times of wider conflict, militias could be grouped for common defense. Such was the case of the Continental Army under George Washington. The importance of this right to organize for defensive purposes has been recognized by the founders in the inclusion of the 2<sup>nd</sup> Amendment to the Bill of Rights. While the militia system continued through the Civil War, a movement toward a professional National Army (flirted with by Hamilton in Washington's regime) gained footing in the Mexican American War 1846-48. In this conflict, the fighting force was comprised to a large degree from individual enlistments. The military success of a national volunteer army in the Mexican American War undoubtedly gave Lincoln the confidence to believe that success with volunteer enlistments could be duplicated at the onset of hostilities in the Civil War. The prolonged conflict suffocated any hopes that either side could endure without mustering more manpower. The Confederacy issued a draft first and extended the term for all enlisted men. The Union resorted to a draft, or conscription law, only after an attempt to compel state militias to produce more men proved lacking. Was it moral to issue this first national draft? Other essential questions worth exploring include:

1. What is conscription?
2. How and why have drafts been held?
3. How are drafts, wars, and laws related?
4. When have drafts been held in American history?
5. Where does the authority for a draft come from?
6. How did conscription contribute to the outcome of the civil war?

My aim in the unit is to have students explore the historical precedence of conscription particularly as it applies to the Confederacy and Union during the American Civil War. Building upon the issues raised in examining conscription in the Civil War, students will be able to explore the development of conscription as it applies to subsequent conflicts in American history. They will ultimately be able to express an informed opinion about military conscription and/or national service.

Some major issues that are apparent when one examines conscription over time from the Civil War up to the present include popular or righteous feelings about conscription versus unpopular conscription (lack of

consent), discrimination in conscription, and whether or not conscription is legal, or, constitutional. Conscription in the Civil War serves as suitable foundation from which to start because some of the most common draft-related issues present themselves in the Civil War. Subsequent drafts in later wars may parallel or better expose these issues. Students will compare and contrast their findings as we progress through the unit. For example, protests over conscription in New York in 1863 grew angry and violent, not unlike some of the protests which occurred in the late 1960's and early 1970's that were associated with the Vietnam War. However, prior to the United States' official declaration of war against Japan and Germany, which occurred in the immediate aftermath of the Japanese attack at Pearl Harbor, Hawaii, in December 1941, President Roosevelt had already effectively begun implementing conscription without any significant public resistance. Like the Confederacy in the period leading up to and throughout the Civil War, President Roosevelt was able to effectively fashion conscription as a righteous and necessary practice to repel a dangerous aggressor. It is consistent with Just War Theory to be able to defend oneself against an aggressor. <sup>7</sup> Not surprising each had little trouble calling people to arms.

Attempts to fashion conscription as righteous can backfire if the process of drafting citizens discriminates. While most northerners could support the idea of preserving the union, specific groups angrily protested their perception of bearing an unfair degree of the effort to staff an army to fight. The evidence of whether or not Irish immigrants were the most victimized group may or may not totally support this popular stereotype. (See article- Which Poor Man's Fight?). However, without question, the system of conscription employed by the union mostly affected the poor laboring class. One might argue that actually this occurs in every act of conscription. Those with the least money and political voice have always received the fewest exemptions. There certainly is evidence that Irish Americans angrily and violently disagreed with the Conscription Act of 1863. The New York Draft Riots of July 1863 not only show signs of violent protest-draft offices were torn up by angry mobs-but they unfortunately demonstrate how other groups became unfairly targeted as scapegoats. Seeing the war as a conflict to free southern slaves, the violent mostly Irish mobs targeted African Americans as the cause of the draft. Published accounts of the riots and particularly the targeting of African Americans during the riots are well-documented. <sup>8</sup>

Parallels again can be made to the draft in the Vietnam War. While the percentage draftees was only 25% of the total fighting force, 76% of those drafted were of lower to middle class backgrounds. <sup>9</sup> I wonder if some of the atrocities alleged to have been committed by United States soldiers against civilians in Vietnam involved misappropriating anger just as the Irish mobs of New York targeted African Americans during the 1863 Draft Riots.

I bring up the point because over time, many citizens have challenged conscription as immoral. Is it moral to mandate another to fight, indeed to kill, another person? If so under what circumstances should this be morally acceptable? It seems fair and responsible that students explore the ethical dimensions of conscription. It is equally fair for the purpose of values clarification that the question on the other end of the spectrum be asked, "Is it moral not to fight when one's community is under attack or being threatened?" These are difficult but arguably essential questions everyone should address.

Others have raised questions over the legality of conscription. Governor Seymour of New York initially and openly challenged the legality of the 1863 Enrollment Act. In an attempt to quell the violence in New York he later called for compliance with the act. The Supreme Court has consistently ruled in favor of the legality of conscription since the first serious legal challenges were issued in World War I. In 1918, during World War I, the Supreme Court ruled in *Arver v. the United States* that the draft was constitutional. Furthermore, the Court made ruled against those who publicly denounced the draft. This occurred in *Schenk v. the United States* in



1919 and in *Gilbert v. Minnesota* in 1920. In the *United States v. Holmes* in 1968 the 7<sup>th</sup> circuit appellate court upheld the constitutionality of the draft during wartime. In 1981 the Supreme Court in *Rostker v. Goldberg* upheld the decision of excluding women from registering for the selective service. <sup>10</sup>

When and how was national conscription incorporated into the practice of staffing the armies in the Civil War?

The North and South were not initially challenged in staffing their armies at the onset of the Civil War. As in the Mexican American War of 1846-48, men enlisted as volunteers for a specified term. In the Confederacy, soldiers initially enlisted for one year. In the Union, soldiers enlisted for three months. Considering the overwhelming advantage of resources that favored the Union, it was widely believed that longer enlistments would not be necessary. It is important to note that neither side broke precedence in staffing their army through volunteer enlistments and mobilizing state and local militias.

Volunteering, or enlisting in the army, differed substantially from the process of conscription, or being drafted. Volunteer soldiers often received a “bounty”, or signing bonus for enlisting. Lincoln’s initial call for volunteers announced a \$ 300 bonus for enlistment. In order to urge enlistments in the latter years of the war, bounties increased dramatically to amounts reaching over \$ 1,000. <sup>11</sup> Unfortunately corruption in the form of bounty jumping, or signing up in multiple locations, plagued the Union’s efforts to avoid drafting. I discuss Geary and Murdock’s treatment of this issue in the resources portion of this unit. Today, the army continues to offer signing bonuses for volunteers to enlist. Currently, the amount advertised is \$ 40,000. <sup>12</sup> Substitution, the practice of sending a replacement was also allowed at times during conscription.

The need for men first spurred the South to move beyond a volunteer-based army. The Confederacy implemented a Conscription Act in 1862. Terms of the act included extending original enlistments until the war would end and it called for a draft of all white men between the ages of eighteen and thirty-five. A substitute could agree to serve in another’s place. As the war continued, the Confederacy, like the Union, amended their practice of conscription numerous times. One modification included adding and taking away exemptions. For instance, exemption for owners of 20 or more slaves was granted in 1862. Another ended the practice of substitution. <sup>13</sup>

The practice of substitution was particularly problematic. Substitutes were often hired for significant amounts of money from the pool of foreigners who were not obligated due to their political status as non-citizens. In “*A very disagreeable business*”: *Confederate Conscription in Louisiana*, John Sacher reported instances where substitutes were paid \$ 2500, \$ 3000, and \$ 3800 respectively. The practice gave little to no hope that a person of simple to poorer means could option out of conscription. Sacher adds that the need for additional men and complaints about the unfairness of substitution led to it being abolished in 1864. <sup>14</sup>

Overall, Sacher reports that a variety of factors affected the result of conscription on the individuals of Louisiana. These included “ethnicity, wealth, and proximity to the Union Army” (which controlled New Orleans and other cities). Slaves and foreigners were not generally put to service until the end of the war. The wealthy could opt out through hiring substitutes or enjoying particular exemptions. The Union’s presence, in particular cities and areas of the countryside, prevented Southern conscription from being enforced. In sum, due to significant pockets of resistance, public objection to conscription, the inability to fashion more equal conscription rules without so many exemptions, and the ultimate fact that the Confederacy lost the war, Sacher concludes that Confederate conscription in the Louisiana was a failure. <sup>15</sup>

Conscription in the Union poses many of the same issues. Was it fair, necessary, and/or effective? While

contemporary critics target the commutation fee (paying a fee in place of serving) as a discriminating factor, convincing arguments can be made that not having commutation and allowing substitution as the South did, was more unfair. Commutation appears to have been purposefully designed as a leveraging factor against the potential for inflationary bidding for substitutes. Eugene Murdock, in *One Million Men, The Civil War Draft in the North*, and James Geary in *We Need Men* tend to support this conclusion. Their work exposes the most unfair characteristic of the draft as the corrupt cycle of raising and chasing bounties that developed in the Union in the last two years of the war. A comparison of Murdock's work and Geary's work is included in the Resources section of the unit.

The necessity of national conscription in the Union was most likely necessary given the ineffectiveness of the military in bringing the conflict to a quick and beneficial end. The ninety-day terms of enlistment for volunteers at the onset of the war were inadequate to keep a sufficient army in the field. When the Militia Act of 1862 failed to muster enough men from state militias, one of the only remaining sound courses of action was to implement a national draft. Arguably the fairest draft would have been totally impartial without exemptions, commutations or substitutions. However, Geary and Murdock point out essentially that conscription was designed not to abolish the system of volunteerism that had existed to date but to steer men toward enlisting as volunteers. There appears to have been conscious deliberation regarding the inclusion of commutation as a check against a bidding war for volunteers. Also, Congress tried to encourage volunteerism in the last two years of the war by approving increases in bounties.

Unfair, yet probably necessary for victory, the first national conscription has to be judged as ultimately effective but not necessarily moral. Overall, the number of men drafted was small in comparison to the number of volunteers. Yet, if the draft resulted in more men volunteering than being drafted, it would be difficult to quantify this effect just as it would be equally difficult to base the success of the draft solely on how many men were conscribed.

## Strategies

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### Reflective Response and Socratic Questioning

*How should the topic of conscription be introduced?*

Conscription as a topic lends itself to reflecting on personal values, morality, ethics, and a sense of duty to oneself and community. Clarifying one's opinion about it can hardly be expected to be an exact or easily measured experience. Students may have uncertain feelings about conscription at the onset and even at the end of the unit. That's alright provided that they show that they have applied their thoughts to the exercises in the unit. Obviously it would be unfair to employ strategies that would deny students opportunity to personally reflect and develop their opinions. Subsequently I believe that a serious part of the unit will be for students to be in the act of developing an informed opinion about conscription. Strategies such as Socratic questioning and reflective journal writing will be employed throughout the unit. As an introduction to the unit one can hardly assess where a student is on the issue of conscription unless one is to simply ask the question, "In the face of conscription, how would you react?" Having students write responses in journals is a logical way for most students to express themselves. Some sample journal prompts include: How would you react to conscription? How do family members or friends of family who were drafted feel about conscription? What do



you know about drafts in American history?

Alternatively, the topic can be introduced by having students complete a K-W-L (What do you *know* ?/ *Want to know*?/ What have you *learned* ?) chart on the topic of conscription. A linguistic (written or oral such) or non-linguistic prompt (photo, sketch, drawing) may also be included. I like the idea of including a quote from the 1863 Conscription Act as a linguistic prompt and a recruiting poster as a (mostly) non-linguistic prompt. Student oral and written responses will be assessed as part of the unit.

### **An Essential Question**

A unifying or essential question will be introduced and applied as strategy at the onset of the unit. What, if anything, is wrong with conscription in American History and how can it be fixed?

### **Summarizing and note taking**

Summarizing and note taking will be practiced by students in the next phase of the unit, as I present some historical precedents and a chronological outline of conscription in United States' history. Historical precedents such as Napoleon's conscription will be presented. The chronological outline of conscription in United States History will include discussion of expectations for colonial militias and drafts in the Civil War, World War I, World War II, the Korean War, and Vietnam War.

### **Reading for Information/Formative Assessment**

Students will complete reading comprehension questions associated with the topic of conscription as it applies to the Civil War and later. Reading for information allows for students to check their understanding of various types of articles from primary to secondary source material. It also provides a way for me to assess reading comprehension levels of individual students and the class in general. Formative assessments that check reading comprehension and assess student's ability to analyze, describe, compare, contrast, and persuade will also be preparing students for district assessments and state testing.

### **Cooperative Learning-Jigsaw:**

While general information about the nature of conscription will be presented and discussed at the onset of the unit, student investigation, research and reporting out to the class will foster the application and practice of essential skills outlined in the city curriculum. After my presenting issues regarding conscription in the Civil War as an anchor set, students will work in groups to research and present the in-depth chronology and issues of the story of conscription in other wars in American history. Groups of students will be assigned to research and present the issues and effectiveness of conscription in each of the following conflicts: World War I, World War II, Korea, and Vietnam. The outcome of this strategy will be students presenting information about their area of work and then learning details about conscription from others. Through these exercises students will note similarities and differences in the application of conscription to conflicts over time in United States' history.

### **Generating and Testing Hypotheses**

The fate of conscription in American history lies in the hands of policy makers and our public officials who must react to the challenges that face the nation. Their policies are not more than the result of people formulating solutions to problems and testing out their solutions in intellectual circles such as think tanks or at major universities or in the public forum through polls. The issue of conscription due to its relevance for young people in particular is an excellent one for young people to grapple with. I see the following activities in this

unit employing the strategies of generating and testing hypotheses: Reading about and discussing arguments for and against conscription and writing a persuasive letter regarding a plan for conscription or national service.

## Classroom Activities

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Three important classroom lessons in this unit will include: student summarizing of the scope, sequence, cause and effect of conscription in the confederacy and union during the Civil War, student cooperative research on conscription in United States history in which issues of fairness, discrimination, righteousness/unrighteousness, popularity/unpopularity, and legality, are discussed, and a culminating activity in which each student must write a persuasive essay commenting on the arguments for and against military conscription or national service.

### **Lesson One: Conscription in the Civil War**

The length of the lesson will be three forty five minute periods. One or two nights of homework as needed will be assigned to keep the lesson on pace.

Essential question: What's wrong with conscription in the Civil War for each side?

Objectives: Students will describe orally and in writing the advantages and shortcomings of conscription during the Civil War. Students will complete readings from multiple perspectives on conscription in the Civil War. They will complete reading comprehension/formative assessment questions, a reflective journal, graphic organizers and classroom discussion. The class will be divided in two groups- the Confederacy and the Union. Confederate students will examine the factors that caused and affected conscription in the Confederacy. Union students will examine factors that caused and affected conscription in the Union. All students will have graphic organizers to summarize the major causes and effects of conscription in the Confederacy and in the Union. Students will pair-share their results with a member of the opposing group in order to complete their assignments.

Materials required will include two packets of multiple text material- one for the confederacy and one for the union. Each packet will have primary and secondary readings, illustrations, and/or photographs that relate to conscription in either the union or confederacy. Materials include text of the conscription acts, political cartoons, editorial writings, and letters from soldiers.

Procedure: Students will be issued reading packets with multiple texts, reading comprehension questions and cause and effect graphic organizers. The students and I will complete a sample activity from the packet for practice. Students will be given time in class to begin the readings. Some of the readings and comprehension questions may be assigned for homework. Students will complete the causes and effects organizer for their assigned group (Confederate or Union). Students will pair share in their own group to verify responses.

Students will then pair share with one or two members of the other group. Graphic organizers will be completed based upon these pair share experiences.

Next, as a class, the results will be shared and discussed. Members of each group will be called upon to discuss particular aspects of the reading packets and graphic organizers.

Questioning will include asking for students to compare and contrast the effectiveness and shortcomings of conscription for both the Union and Confederacy.

Students will be assessed according to a rubric that addresses steps of each task and the quality of work completed for each task. Part of the grading for this lesson will include giving students the opportunity to self assess according to the rubric.

Lesson Two: Conscription in World War I, World War II, Korean War, and Vietnam

The Length of Lesson will be two forty five minute class periods and one or two nights of homework to keep the assignment on pace.

Objectives: Students will research and report on the advantages and limitations of conscription in World War I, World War II, the Korean War, and the Vietnam War.

Students will discuss and reflect on the advantages and limitations of conscription in each of the four conflicts

Procedure: Students will be assigned to one of the four topic conflicts in United States history. Students will use the library media center to research conscription in each of these conflicts. Students will complete the assignment according to a rubric. Students will record the results of their work on poster board. Upon completion these poster boards will be displayed in the classroom and serve as the basis for discussion about conscription. Students will write reflectively in their journals to summarize what they learned about conscription in United States' history from each of the conflicts.

Assessment: Students will be assessed according to a rubric that addresses steps of each task and the quality of work completed for each task. Part of the grading for this lesson will include giving students the opportunity to self assess according to the rubric.

Lesson Three: The Prescription for Conscription: What is to be done? A Persuasive letter to Congress that outlining a plan for military conscription and/or national service or opposes it.

The length of the lesson will be two forty five minute periods and one ninety minute block period.

Objective: Students will examine the arguments for and against conscription for the military and/or national service. Students will write a persuasive essay to Congress outlines their opinion on the matter.

Procedure: Students will discuss their opinions on conscription based upon the historical examples studied up to this point. Students will be given an article in support of conscription and an article against future conscription. Students will also be given an article in support of national service and an article opposing national service. Two articles will be read and discussed on day one. On day two the next two articles will be read and discussed. On day three students will compose their persuasive letter.

Assessment: Students will be assessed according to a rubric that addresses steps of each task and the quality of work completed for each task. Part of the grading for this lesson will include giving students the opportunity to self assess according to the rubric.

## Standards

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My unit addresses the following Power Standards in the New Haven Public Schools Social Studies/History Curriculum:

1. Students will assess the political, social, and economic impact of the Civil War.
2. Describe and discuss key battles, military turning points and strategic decisions in the Civil War.
3. Compare and Contrast military, economic, and political situations of the Union and Confederacy

The study of conscription in the Civil War directly applies to the three power standards listed in the New Haven Public Schools Social Studies/History Curriculum. Conscription, as a political and military practice, cuts along social, political, and economic lines. Of its relation to these elements, social and political distinctions are most readily apparent (although the economic impact of the New York Draft Riots in 1863 was a relatively substantial sum). The decision for the Union to institute a draft in 1863 caused social and political unrest particularly among poor urban populations. The New York Draft Riots of July, 1863 serve as a pertinent example of how military events and political decisions can influence social and civil unrest. The Union's inability to strike a crippling blow to the Confederacy early in the war led to protracted conflict which extended beyond the enlistment periods for most northern soldiers (three months). A draft may have been avoided if for instance General McClellan had taken more bold, decisive, and precise action earlier in the conflict. This unit also addresses power standard three by comparing and contrasting the use of conscription by the Confederacy and the Union.

This study of conscription in the Civil War and beyond also addresses a number of Connecticut Standards. These include the application of Historical Thinking (content standard c.s. 1), Applying History (c.s.4), Rights and Responsibilities as Citizens (c.s.6),

## Resources

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I found an adequate number of primary and secondary resources in print and on line that explore the history of conscription in the Civil War. James Geary's *We Need Men* and Eugene Murdock's *One Million Men The Civil War Draft in the North* were the most thorough works on the Civil War draft in the North. Geary's work contains comparison of the terms of conscription for the North and South. An article by John Sacher, "A very disagreeable business": Confederate Conscription in Louisiana (Civil War History 6/1/2007) deals explicitly with how people from Louisiana dealt with the Confederacy's Conscription Act of 1862. For information about drafts in subsequent conflicts in United States history, I found that many of the on line encyclopedias gave adequate overviews of the draft. I will use this information in orienting students for their group research projects following my unit activities regarding the Civil War. For the debate on whether conscription or

national service would best serve the United States today, I have read William Galston's argument for conscription and Robert Fullinwider's essay against conscription from the *Philosophy and Public Policy Quarterly* of the University of Maryland (Summer 2003). These articles make excellent reading material for teachers and higher level readers.

Geary and Murdock organize the material in their books into subject specific chapters that are more than less chronologically ordered according to developments regarding the war and fielding armies to fight the war. I see this as helpful in assigning readings for class work and homework. Despite exploring the same issues, each work is unique. Geary's more concise chapters give him the edge for allocating class reading assignments. However, Murdock goes into more detail on the corruption of the bounty system, particularly as the price of bounties escalated in the last two years of the war. Overall, both works are informative and critical reviews of the draft. Each work traces the historical development of the draft in the Civil War and offers in-depth analysis of characteristics of the affects of the draft. Each work differentiates national conscription in the Civil War from the volunteer system that preceded it. Both authors also explain the shortcoming of the bounty system which was put in place to attract volunteers throughout the war and the ineffectiveness of 1862 Militia Act. They also explain how quotas were issued for given communities through enrollment boards led by provost marshals, how substitution worked at times and places in the war, and how the \$ 300 commutation was established and later removed in order to attract more men. Both also describe, with displeasure, the negative affects of having 'jumpers' sign up for service in order to collect a bounty only to jump to another recruiter in order to seek a second bounty. Both attribute this practice to the rapidly inflating bounties put in place by the federal government in the last two years of the war.

While Geary's work and Murdock's work reveal the shortcomings of the first national draft, they also establish an historical context by which the first national draft is implemented. The national draft in their view is an imperfect attempt at improving the inadequate system of volunteerism that precedes it. The war was dragging on, volunteer enlistments were ending, military victories were far from apparent, and quotas for new enlistments and re-enlistments dropped as enthusiasm for the fight slowed. This is a primary difference from other resources I found, where critique of the draft is rooted in arguments that the draft discriminated on the basis of economic ability to pay the commutation fee of \$ 300. To many modern day critics of the draft, the commutation fee was seen as a buy out option that only the rich could afford. Indeed, \$ 300 was three fourths of a year's salary for many workers in 1863. Nevertheless, and notwithstanding the argument that conscription in principal may still be fundamentally wrong, the historical evidence presented by Murdock, Sacher, and Geary suggest that the commutation fee with a substitution policy was more humane than not having a commutation fee. Murdock cites the debates in Congress which shape the Enrollment Act to argue that commutation was added for two primary reasons: to stem runaway inflation of black market substitution fees and to give freedom-loving people or unwilling draftees a way out. <sup>16</sup> Sacher cites examples of financial deals in the Confederacy where substitutes were able to negotiate payments of \$ 2500 or more to take the place of those drafted. <sup>17</sup>

Geary argues that the commutation fee "was less a cause than a catalyst" in areas that were the most resistant to the draft. These were Democratic areas among the foreign-born and working classes. He states that the "basis for their objections emanated from racial animosity, general dissatisfaction with the Lincoln administration, and discontent with employers who sought to employ federal authority against their interests. <sup>18</sup> He challenges the notion that the commutation fee priced the poor and working class out of the commutation alternative to fighting. He cites a host of community and family initiatives designed to raise money to pay each other's fee should a family or society member be drafted. <sup>19</sup>

## Resources in Print

Anbinder, Tyler. "Which Poor Man's Fight? Immigrants and the Federal Conscription of 1863". Civil War History. Ohio: Kent University Press, 2006

The author concludes that native born laborers, especially those from rural areas, not immigrants as often presumed, were the most disproportionately drafted men in the Civil War. The essay lists data of men drafted in various northern cities.

Bernstein, Iver. The New York City Draft Riots Their Significance for American Society and Politics in the Age of the Civil War. New York: Oxford University Press, 1990.

Cruz, Barbara and Patterson, Jennifer Marques. "In the Midst of Strange and Terrible Times: The New York City Draft Riots of 1863." Social Education. 1/1/2005

This is an historical essay about the New York City Draft Riots.

Danzer, Gerald A., Klo de Alva, J. Jorge, Krieger, Larry S., Wilson, Louis E., Woloch, Nancy. The Americans Unit Three Recruiting Poster p.48 In-Depth Resources. Evanston, Illinois: McDougal Littell, 1998.

This primary source copy of a Union recruiting poster from the Granger Collection in New York can be used as visual aid. The poster appears to offer multiple incentives to African Americans freed by the Emancipation Proclamation to join the Union army.

Fish, Russell. "Conscription in the Civil War." The American Historical Review, Vol.21, No. 1 (Oct., 1915), pp. 100-103

Fullinwider, Robert. "Conscription-No"

Philosophy & Public Policy Quarterly

The Institute for Philosophy and Public Policy. School of Public Affairs University of Maryland Volume 23 Number 3 (Summer 2003)

This essay highlights some of the arguments against conscription/national service.

Galston, William. "A Sketch of Some Arguments for Conscription"

Philosophy & Public Policy Quarterly

The Institute for Philosophy and Public Policy. School of Public Affairs University of Maryland Volume 23 Number 3 (Summer 2003)

This essay highlights some of the arguments for conscription/national service.

Geary, James. We Need Men. The Union Draft in the Civil War. DeKalb: Northern Illinois University Press, 1991

Harris, Leslie M. "The New York City Draft Riots of 1863" An excerpt from In the Shadow of Slavery. African Americans in New York City, 1626-1863. New York

Hauptman, Laurence. "John E. Wool and the New York City Draft Riots of 1863: A Reassessment" Civil War History, Vol. 49, 2003.

Murdock, Eugene. One Million Men The Civil War Draft in the North: Madison: The State Historical Society of Wisconsin, 1971

Murdock's first chapter, The System (p.3-25) gives a concise history of the draft in the Civil War. Topics of his analysis include volunteerism, bounties, The Militia Act of 1862, and the Enrollment Act of 1863. A brief comparison to the Confederate Conscription



Act is provided. This would make good content specific reading for the unit.

Sacher, John. "A Very Disagreeable Business: Confederate Conscription in Louisiana." *Civil War History* June 1, 2007

This essay examines conscription in the Confederacy, particularly in Louisiana.

Stone, Geoffrey. *Perilous Times. Free Speech in Wartime From the Sedition Act of 1798 to the War on Terrorism*: New York. W.W. Norton and Company, 2004.

Walzer, Michael. *Just and Unjust Wars. A Moral Argument with Historical Illustrations*. New York: Basic Books, 1977

## **Web-based Resources**

Abraham Lincoln Papers Library of Congress

<http://memory.loc.gov/cgi-bin/query>

The collection hosts a number of letters to and from Lincoln regarding the Conscription Act of 1863.

Bandow, Doug. "Individual Liberty, Free Markets, and Personal Choice"

Cato Policy Report, March/April 1999 Vol.21, No. 2

[http://www.cato.org/pubs/policy\\_report/v21n2/draft.html](http://www.cato.org/pubs/policy_report/v21n2/draft.html)

This is a concise rebuttal of arguments for contemporary conscription. Written before 9/11, it might best be used to see if its arguments hold weight in the post 9/11-post Iraq/Afghanistan invasion world.

"Chronology of Conscription in the U.S. Colonial Era to 1999" from the American History Teacher's Book of Lists. Listed on TeacherVision

<http://www.teachervision.fen.com/us-history/resource/5669.html>

Devon, W.A. "When this Cruel Draft is Over" *War Lyrics* p. 26 1864

<http://books.google.com/books?id=G4TFQluHgs4C&dq=inpublisher:%22Sinclair+Tousey%22>

Ellison, David. "The Civil War Draft at Plover and Stevens Point. A Study in Efforts, Attitudes, Frustrations and Results." Portage County Historical Society of Wisconsin

<http://www.pchswi.org/archives/misc/cwdraft.html>

"The Good War and Those that Refused to Fight It". PBS <http://www.pbs.org/itvs/thegoodwar/story.html>

The PBS site explores the example of the 40,000 men and women who did not answer the call to fight in World War II.

Gill, Kathy. "Military Conscription, Recruiting and the Draft." *About.com* March 31 2007

[http://uspolitics.about.com/od/electionissues/a/draft\\_4.htm?p=1](http://uspolitics.about.com/od/electionissues/a/draft_4.htm?p=1)

This is a concise overview of conscription in U.S. history. It includes basic arguments for and against having a modern draft.

Harper, Douglas. "Conscription" 2002

<http://www.etymonline.com/cw/conscript.htm>

This essay discusses the reactions of confederate and union soldiers to conscription. It postulates that the South would have been better off if it had employed conscription from the onset of the fighting.

Huntington, Gary. Vietnam War Statistics

<http://www.landscaper.net/timelin.htm#Statistics%20and%20Myths>

This portion of a site hosted by the 15<sup>th</sup> Field Artillery Regiment offers statistical data in the format of debunking popular myths about the Vietnam War. The site reports 86% of casualties were Caucasian and that 25% of the fighting force was drafted as opposed to 66% in WWII. It does not offer any compelling evidence that the majority of draftees were not low to middle class Americans.

Meier, Michael T. "Civil War Draft Records and Exemptions" National Archives

<http://www.archives.gov/publications/prologue/1994/winter/civil-war-draft-records.html>

"New York Draft Riots"

<http://www.civilwarhome.com/draftriots.htm>

This encyclopedia-like entry is part of an extensive Civil War database that may be hosted by LSU.

"Northern Racism and the New York Draft Riots of 1863" UMBC Center for History Education Teaching American History Lesson Plan

<http://asp1.umbc.edu/newmedia/sites/chetah/lessondisplay.cfm?lesson=37&heading=3>

"Provost Marshall General-The Conscription Act" New York Times, March 20, 1863.

<http://query.nytimes.com/mem/archive-free/pdf?res=9902E7DD143CE63ABC4851DFB5668388679FDE>

NY Times Article dated March 20, 1863 that describes the probable terms of the Conscription Act signed by Lincoln on March 3, 1863. The article names Buell as the Provost Marshall General and calls the inclusion of substitution and the \$ 300 commutation options humane. The story ends with the line "There is little doubt of the success of the plan"

Selective Service website of the United States government.<http://www.sss.gov/>

One can register for the selective service from this website hosted by the United States government. The site contains faq's regarding registration and the rules of a draft.

Smoler, Frederic. "On Conscription" American Heritage Blog. September 17, 2006

[http://www.americanheritage.com/blog/20069\\_17\\_447.shtml](http://www.americanheritage.com/blog/20069_17_447.shtml)

This posting appears to be in response to a New York Times Editorial that was previously published. It discusses conscription historically and disagrees with the prevailing notion that conscript armies would make war less likely today.

Steam, Tom. "The Case for Conscription" History Today. April 2008 Volume: 58 Issue: 4 Page 12-22

<http://www.historytoday.com/PrintableVersion.aspx?m=32604>

The article examines the case for conscription in Edwardian Britain in the face of German militarism.

VFW Magazine and the Public Information Office,

HQ CP Forward Observer -1st Recon

April 12, 1997.

<http://www.rolling-thunder-nh1.org/VIETNAM%20WAR%20STATISTICS.htm>

This site contains statistical data regarding the following:

Total number of service personnel during the Vietnam Era, casualties, draftees versus volunteers, race and ethnic background, socio-economic status, and the percent of honorable versus dishonorable discharges. The surprising statistic is that 76% of those drafted were from middle to lower class socio-economic status. Some data is compared to draft data from other wars. For instance, draftees comprised 25% of the service personnel in Vietnam War while they reached 66% of the service personnel in WWII. This data may have come from a larger source of data or vice versa. The site is <http://vietnamresearch.com/history/stats.html>

## Notes

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1. Devon, W.A. "When this Cruel Draft is Over" War Lyrics 1864 p. 26

<http://books.google.com/books?id=G4TFQluHgs4C&dq=inpublisher:%22Sinclair+Tousey%22>

2. For general information on the Selective Service view an online encyclopedia such as Wikipedia. For this reference go to [http://en.wikipedia.org/wiki/Selective\\_Service\\_Act](http://en.wikipedia.org/wiki/Selective_Service_Act)

To browse the Selective Service sight posted by the United States government , go to <http://www.sss.gov/>

3. For a look at conscientious objectors in World War II see the PBS site The Good War and Those that Refused to Fight It. <http://www.pbs.org/itvs/thegoodwar/story.html>

4. In *Rotsker v. Goldberg* the Supreme Court upheld the exclusion of women from registering with the selective service. Much of the rationale of the decision sided with the Department of Defense's position that women should not be in combat roles. To read more see

"*Rotsker v. Goldberg* (1981)". infoplease <http://www.infoplease.com/us/supreme-court/cases/ar36.html> and the Selective Service website <http://www.sss.gov/wmbkgr.htm>

5. The most recent reporting on this issue suggests that sympathy toward reconsideration of the policy against gays in the military is more widespread.

Study: Gays in the Military Don't Hurt Ability to Fight CNN July 7, 2008

<http://www.cnn.com/2008/US/07/07/military.gays.ap/index.html>

This recent study from CNN suggests that as in Israel having openly gay service men and women doesn't necessarily undermine moral.

<http://www.nytimes.com/2007/01/02/opinion/02shalikashvili.html> In *Second Thoughts on Gays in the Military*, an op-ed piece in the New York Times by John M. Shalikashvili, retired chairman of the Joints Chief of Staff 1993-97, he announced his change of heart regarding the matter of whether or not gays should be allowed in the military. He bases his support for allowing gays to serve in the military on interviews he conducted and on

evidence from Zogby Polls.

6. Walzer, Michael. *Just and Unjust Wars. A Moral Argument with Historical Illustrations.* (New York: Basic Books, 1977), p. 28

7. See Walzer, Michael. *Just and Unjust Wars. A Moral Argument with Historical Illustrations.* (New York: Basic Books, 1977), Walzer calls aggression the “crime of war” He discusses the implications of aggression in Part Two of *Just and Unjust Wars*. See his chapter 4 p. 51-73.

8. See Bernstein, Iver. *The New York City Draft Riots Their Significance for American Society and Politics in the Age of the Civil War.* (New York: Oxford University Press, 1990)

Much more concise accounts and analysis can be found in on-line encyclopedias and websites such as <http://www.civilwarhome.com/draftriots.htm>

9. To view demographic data on conscription and the Vietnam War see

<http://vietnamresearch.com/history/stats.html>

<http://www.rolling-thundernh1.org/VIETNAM%20WAR%20STATISTICS.htm>

The surprising statistic is that 76% of those drafted were from middle to lower class socio-economic status. Some data is compared to draft data from other wars. For instance, draftees comprised 25% of the service personnel in Vietnam War while they reached 66% of the service personnel in WWII.

<http://www.landscaper.net/timelin.htm#Statistics%20and%20Myths>

Gary Huntington. This portion of a site hosted by the 15<sup>th</sup> Field Artillery Regiment offers statistical data in the format of debunking popular myths about the Vietnam War. The site reports 86% of casualties were Caucasian and that 25% of the fighting force was drafted as opposed to 66% in WWII. It does not offer any compelling evidence that the majority of draftees were not low to middle class Americans.

10. “Conscription in the United States. Legality” Wikipedia.com

[http://en.wikipedia.org/wiki/Conscription\\_in\\_the\\_United\\_States#Legality](http://en.wikipedia.org/wiki/Conscription_in_the_United_States#Legality)

The site offers a review of the major court challenges involving the draft. While it may not be conclusive it nonetheless offers a good starting point to work with students.

11. Geary, James. *We Need Men. The Union Draft in the Civil War.* (DeKalb: Northern Illinois University Press, 1991), p. 125

12. [https://secure.military.com/Recruiting/page1.do?ESRC=ggl\\_rec\\_army\\_gen.kw](https://secure.military.com/Recruiting/page1.do?ESRC=ggl_rec_army_gen.kw) One of the four hyperlinked panels on the Military.com website declares that up to a 40, 000 of signing bonus can be earned by enlisting.

13. Sacher, John. “A Very Disagreeable Business: Confederate Conscription in Louisiana.” *Civil War History* (June 1, 2007), p.2.

14. Sacher, John. “A Very Disagreeable Business: Confederate Conscription in Louisiana.” *Civil War History* (June 1, 2007) no page number. “ With no price guidelines conscripts and substitutes negotiated their own contracts, and it quickly became apparent that the cost, which ranged as high as \$ 5,000, far exceeded financial resources of the average citizen”

15. Sacher, John. “A Very Disagreeable Business: Confederate Conscription in Louisiana.” *Civil War History* (June 1, 2007), no page numbers. Third paragraph from the end. “ While perfect equality never emerged in the conscript bureau, policies changed.....”constant dabbling”, which angered first one set of constituents and then another.” And in the last paragraph, : Despite the revocation of the substitution clause and the altering of exemption and details to aid soldiers’ families, Confederate conscription ultimately failed to provide enough troops to win the war.”

16. Murdock, Eugene. *One Million Men The Civil War Draft in the North.* (Madison: The State Historical Society of Wisconsin, 1971), p. 147

17. Sacher, John. “A Very Disagreeable Business: Confederate Conscription in Louisiana.” *Civil War History* (June 1, 2007) See footnote 12.

18. Geary, James. *We Need Men. The Union Draft in the Civil War.* (DeKalb: Northern Illinois University Press,

1991), p. 107-108.

19. Geary, James. *We Need Men. The Union Draft in the Civil War.* (DeKalb: Northern Illinois University Press, 1991), p. 113-115.

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