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**Civics 101**

**Ep 128: The Draft**

**Draft Announcer:** [00:00:19] September 14th. September 14th, 0 0 1.

**Nick :** [00:00:21] I'm Nick Capodice.

**Hannah:** [00:00:22] And I'm Hannah McCarthy.

**Nick :** [00:00:23] And this is Civics 101, the podcast refresher course on the basics of how democracy works.

**Hannah:** [00:00:27] And today's episode is:

**Nick :** [00:00:29] The draft

**Hannah:** [00:00:30] The draft.

**Draft Announcer:** [00:00:30] April 24. April 24 is 0 0 2.

**Hannah:** [00:00:37] What dp we want to know about the draft?

**Nick :** [00:00:39] I want to know when it started and when it stopped. And what can cause it possibly to reinstate it again.

**Hannah:** [00:00:44] Yeah and I want to know how you can get out of it if you can't get out of it.

**Draft Announcer:** [00:00:48] December 30th 0 0 3.

**Nick :** [00:00:53] Who can say it starts up again? Who can start up the old draft engine again?

**Hannah:** [00:00:57] Oh yeah, and does it have to be the president?

**Nick :** [00:00:59] And if we do start it again will women be included?

**Hannah:** [00:01:04] That's a good question.

**Hannah:** [00:01:08] So to learn more about the draft we got in touch with Jennifer Mittelstadt, she's a professor of history at Rutgers and the Harold K. Johnson chair of Military History at the U.S. Army War College.

**Nick :** [00:01:19] And you know what we learned?

**Jennifer Mittelstadt:** [00:01:20] Yeah I actually I have a chair. They actually gave me a chair, like an engraved chair.

**Hannah:** [00:01:26] All right so let's get started.

**Nick :** [00:01:27] So when I turned 18 I did what all males living in the U.S. have to do and this is native born, immigrant, documented and undocumented, which is I went and signed up for the Selective Service. Can you tell me what I did?

**Jennifer Mittelstadt:** [00:01:41] Yes I can tell you what you did.

**Nick :** [00:01:44] Ok Good.

**Jennifer Mittelstadt:** [00:01:44] That it's actually the product of a law passed in 1980 by President Jimmy Carter and the Congress, which sort of reinstituted the Selective Service after the suspension of the draft in 1973. And what that asks young men in the United States 18 to 25 to do is to upon reaching age 18 sign up for the Selective Service. And we do not currently have an active draft but with the Selective Service Act of 1980 does it make sure that there is a plan in case there is a need for a large mobilization that the U.S. government knows where those 18 to 25 year old males are, that they are signed up and they can be mobilized in case of an emergency.

**Nick :** [00:02:28] OK. And I have so many questions about how we got here. And I have questions about words like conscientious objection, the draft lottery, draft cards, what it means when someone's number comes up. And in my mind those are all tied to the Vietnam War. But to get there I guess you might make sense to take us from the beginning of the draft in America. Could you do that?

**Jennifer Mittelstadt:** [00:02:49] There's always been some form of compulsory military service even if you go back all the way to the settlement of Jamestown and the Plymouth Colony, eligible able bodied males were required to perform some kind of military service if necessary and they were required to train for that as well. What happens during the Revolutionary War is that for the very first time, with a Declaration of Independence Americans are forced to consider what compulsory military service might mean in the context of a new nation.

[00:03:22] What are the obligations of citizens not sort of to their local fellow citizens. But what does it mean to the nation. And it won't be until the civil war that we really see a national draft law.

**Hannah:** [00:03:37] What were the compelling factors. I mean I'm presuming simply not enough men to fight. But what did that look like? Why did they make that decision?

**Jennifer Mittelstadt:** [00:03:46] Well that's right. As a military leader one of the things that you have to think about is how can I best win this conflict and of course having a fully staffed, fully manned army is one important consideration. So in 1862 in the Confederacy they instituted a draft and in 1863 Lincoln did in the north, they were wildly unpopular however.

**Nick :** [00:04:11] On both sides or just the...?

[00:04:13] On both sides they were wildly unpopular. They were unpopular in the Confederacy and the union for some of the same reasons. And this brings us to one of the other major questions besides what do citizens owe their government that surrounds the draft and that question really is is the draft fair. And so in both the Confederacy and the union in the 1860s you were permitted to buy your way out or purchase a substitute. And much of the fighting fell to those and we might think of as sort of the lower sort. That might have been the term at the time will be today might think of as the working classes agricultural classes...

**Nick :** [00:04:54] And foreign born as well right?

**Jennifer Mittelstadt:** [00:04:57] Yes there are still even today being foreign born does not preclude you from military service. Indeed the draft riots which were which took place in New York City in 1863 were some of the most violent episodes in the history of the draft. And there you were actually looking at foreign born Irish and German immigrants to the city whose sentiments against the war and actually against African-Americans had been stoked since 1859 1860 by anti war Democrats in the city when the draft law was passed in 1863 they erupted in riots both against the draft officers but also against African-Americans across the city.

**Hannah:** [00:05:38] So when people were buying themselves out of the Civil War was it considered at the time unpatriotic to get yourself out of the draft?

**Jennifer Mittelstadt:** [00:05:46] It was not. I mean if you recall with the founding of the nation only propertied white men were able to vote for many years and it wasn't until the Jacksonian era that the vote was sort of spread out to non property holding white men. So allowing for that out wasn't necessarily considered at that time to be unpatriotic but it was resented by though it was resented nevertheless by by the working and lower classes.

**Nick :** [00:06:16] So how did things change in World War One, The War To End All Wars?

**Jennifer Mittelstadt:** [00:06:20] World War One is really when the modern national draft takes form. So in 1917 Woodrow Wilson reluctantly passes what we will call the 1917 Selective Service Act and there are a few things to note about that. So first of all the world draft, the word conscription, the word compulsory, is nowhere really in the title or description and that's by design. The Selective Service Act is meant to sort of bring a national draft but avoid as much political controversy as possible. So what happens, that means there are no more substitutions an d buyouts allowed.

[00:07:03] It means that there will not be the national government or the military making the decisions about who's in and who's out but rather those decisions about who will be drafted or deferred to 4000 local Selective Service boards. So they're looking for men who are of what we would think of as sort of sort of prime fighting age. They are trying to avoid married men. These people need to be able to meet basic health requirements they can't be too sick they can't be disabled they also can't be criminals.

**Nick :** [00:07:40] But it sounds like it sounds like a mess Jennifer, 4000 different draft boards? Like how on earth can you police that there's fairness going on and each one of these?

**Jennifer Mittelstadt:** [00:07:48] That's a really good question and I don't know how except for that the members of the board are sworn to uphold the standards of the of the National Selective Service Act. But I think you might be right to wonder about the kind of discretion that might have operated at the local level and that might get us into the territory of people who are openly saying at the local level. I do not wish to serve. So for the very first time in 1917 the law allows for conscientious objection. That basis however is on religious or moral grounds and you have to have a very strong case for it. It can't be on political grounds. It can't be on philosophical grounds.

[00:08:33] So I think there are cases that we could look at at the local level where someone might have presented themselves in one locale and said I object to this war and the local board may have allowed for an exemption on the basis of conscientious objection. That may not have been allowed in another local board.

**Hannah:** [00:08:54] So were things looking approximately the same come World War II? Was the draft looking the same were these conscientious conscientious objectors looking the same?

**Jennifer Mittelstadt:** [00:09:03] Yes that law was looking very much the same. But what's really interesting about World War II is that the scope of the mobilization. I mean just the vast need to bring people into military service very very quickly makes that period of time probably the period in which the draft operated in its most fair manner. In fact in which military service operated in its most representative manner... So one thing you might do is just look at the numbers. World War 1 didn't require the same mobilization the Selective Service Act eventually mobilized around 3 million people in World War 1. Well in World War II, 16 million. Of those 16 million 10 million were purely drafted.

**Hannah:** [00:09:54] Are you saying that that's what made it fair? That there were just fewer conversations about well this guy gets and this guy doesn't get it it's sort of like y'all got to go?

**Jennifer Mittelstadt:** [00:10:03] Yes. You just couldn't use as much discretion to maybe let out you know the nice kid who was already in college or the kid who is about to take over the family business. Most people were pressed as far as they could into military service because there wasn't the leeway to allow them out./.

**Nick :** [00:10:24] Who orders the draft? Is it the president, is it the president with the Congress who makes that decision?

**Jennifer Mittelstadt:** [00:10:29] It's the president with the approval of Congress. Who initiated the Selective Service Act.

**Hannah:** [00:10:35] Okay this is probably a good time to take a quick break. Civics 101 we'll be right back.

**Hannah:** [00:10:40] Welcome back to Civics 101. Today we're talking about the draft with Jennifer Mittelstadt.

**Nick :** [00:11:00] So we started this episode by going back to the beginning of American history and the draft. So let's talk about the era that most people probably associate with the draft. My father was drafted went to Vietnam, Hannah's uncle was drafted to Vietnam. How did the draft operate during the Vietnam War?

**Jennifer Mittelstadt:** [00:11:17] So the Vietnam draft is the product of the reinstitution of the draft. It went away for a brief year from 1947 at the end of World War II to 1948 when the U.S. decides to reinstitute it because of the advent of the Cold War and concerns that the U.S. might have to mobilize for another war. So during that period the U.S. does need a large standing army but not nearly as large as what it needed in World War II. So the Selective Service Act actually starts to encompass these provisos and limitations on who will actually be drafted and who won't. So it's saying for example if you're in college and you're on your way to becoming an educated citizen who can then go into the workforce or go into education and helped protect national security through educating children well then you might be exempt from the draft. So when the Vietnam war expands during late 1964 and especially 1965, those sort of channeling programs have actually made it so that the people who are most likely to be drafted by that time are those who are not in college.

[00:12:36] Those who have high school diplomas in fact those who are working. Working class jobs. And so that period of the draft in the beginning the first three years of the Vietnam War actually witnesses the kind of reintroduction of a less fair basis of selective service. So in 1968 this all comes to a head. And of course that's an election year. And every single candidate running for office that year comes out in opposition to the draft and as a result what you see upon the eventual election of Richard Nixon in 1968 those exemptions start to fall away and the U.S. turns instead to a basic lottery. You cannot be exempted based on your education based on whether or not you're married. The Vietnam draft really does reach out to those beyond the working class and into the middle classes.

**Nick :** [00:13:43] Wow. So it seems that in this unpopular war and this unpopular idea of a draft in 1969 we kind of get to the most fair so far?

**Jennifer Mittelstadt:** [00:13:51] Well I think World War II if we look at the demographics still stands ultimately as the most representative period. But after 1969 with the institution of the lottery those inequities in the overrepresentation of African-Americans and the sort of gross overrepresentation of working class Americans are largely eliminated. Interestingly enough though once the white middle classes realized that they really will not be exempted from this. This is when the serious pressure to end the war is amped up and the war is brought to a close. So it is precisely the thing that makes the draft fairer that makes the war more unpopular than it ever was.

**Nick :** [00:14:41] Can you tell me about that 1969 lottery? I Remember something was on live TV. How did that work?

**Jennifer Mittelstadt:** [00:14:47] What they did was more or less pick out of a... I guess it wasn't a hat. I guess it was um...

**Nick :** [00:14:55] A glass jar, I saw a video of video of blue easter eggs in a glass jar, 366 easter eggs.

**Jennifer Mittelstadt:** [00:15:02] Little blue balls. Right. And you know much the same way what we now think of of you know money lottery. Right.

**Nick :** [00:15:12] Or Bingo, yeah.

**Jennifer Mittelstadt:** [00:15:13] Bingo. Right. They reached in and they picked out a ball and that ball had a date on it. So when someone said their number was up what they meant was either that their birthday had actually been chosen on that initial blue ball or that their birthday was very close to that. And so going in chronological order their birth date would be one of the next ones that would be called in order to fulfill that particular draft need at that particular time.

**Nick :** [00:15:46] So I'm picturing a truck going to Fort Bragg and everybody's on got the same birthday. Isn't that strange? Think about it.

**Jennifer Mittelstadt:** [00:15:53] I guess, I guess that might be right.

**Hannah:** [00:15:57] So where are we today in terms of the draft. As Nick said when he turned 18 he had to register for selective service. Is it lying dormant right now? And what would it take to bring it back?

**Jennifer Mittelstadt:** [00:16:09] Well the unpopularity of the draft during Vietnam is one of the things that led to the end of the draft in 1973. So Richard Nixon upon election not only sort of gets rid of the exemptions and switches over to a lottery but he also puts the U.S. on the path toward the end of conscription. He creates a commission on what he will call the all volunteer force. And what that commission argues is that a draft force is antithetical to concepts of us liberty and it will be eliminated. And from that point on the U.S. will staff its military fully through recruitment and voluntary enlistments. And so since 1973 that is in fact what the U.S. has had. It was that 1980 law that Jimmy Carter put in place that reinstituted as a backup as a sort of safeguard the selective service in a sort of just in case mode. But at the same time that has never been activated. So Nick might have registered but Nick and no one like him who's registered has ever been called into service since then.

**Hannah:** [00:17:28] Is there any chance that women would have to be a part of the draft in the future if we entered another huge war?

**Jennifer Mittelstadt:** [00:17:35] So because the combat exemption has been lifted for women it is likely that women in the not too distant future will be required to register for selective service. Indeed before Trump was elected there was a bill working its way through Congress that was going to require women to do just that. After Trump's election that was pulled. But I believe that there are people who have tried reintroducing it since then and it's an open question as to what will happen.

**Nick :** [00:18:08] Do you think the draft could ever happen again in America?

**Jennifer Mittelstadt:** [00:18:12] Well I think historians are really bad predictors of the future. So I'm I'm really not sure what will happen but I would not put it outside of the realm of possibility. If you think back to the beginning of the nation and you think about that debate that sort of went on about whether or not compulsory military service was sort of I guess the essence of citizenship something that in a free society you owe to your country or whether or not it's the kind of opposite and compulsory military service is this sort of tyrannical imposition against the liberty of free citizens. I think for many Americans the switch to the all volunteer force sort of settled that question and the answer was You don't owe anything and there are people who will volunteer. But I think in fact those who are still thinking about national service whether in the military or in the military and in other places are sort of still asking that question saying that perhaps you know one measure of citizenship is the degree to which you serve fellow citizens and the nation itself.

**Hannah:** [00:19:26] That was Jennifer Mittelstadt a professor of history at Rutgers and the Harold K. Johnson chair of military history at the U.S. Army War College.

**Nick :** [00:19:34] If you haven't gotten a chance to watch the video of the Vietnam lottery you should. It's pretty wild. It's got some blue easter eggs. We'll post a link in the show notes and at our website Civic's 101 podcast dot org. This episode was produced by Taylor Quimby our executive producer is Eric Janik Our staff includes Jimmy Gutierrez, Justine Paradis, and Jacqui Helbert. Music in this episode by Sara Alfonso and Silicon Transmitter. Civics 101 is a production of new Hampshire Public Radio.