

Conscription and the U.S. Draft

Although the United States Constitution does not directly mention the word “draft” (or even the older term—“conscription”), it does give Congress certain power. Article I, Section 8, states that Congress shall have the power to declare war; raise and support armies; maintain a navy; and provide for organizing, arming, and disciplining a militia.

In both peacetime and periods of conflict, men have been drafted to fill specific needs in our country’s armed forces. The draft in the United States is administered by the Selective Service System. On September 16, 1940, President Franklin Roosevelt signed the Selective Training and Service Act, which created the country’s first peacetime draft and formally established the agency. Even today, men ages 18 through 25 are required to register with the Selective Service. This provides a way for Congress to fill vacancies in the armed forces which cannot be filled through voluntary means.

During the Vietnam War, there were not enough volunteers to staff the military. A lottery was held on December 1, 1969, to determine the order of call for men of draft age. Three-hundred-sixty-six capsules containing birth dates were placed in a large glass container and drawn by hand to establish the order in which men would be drafted. The first birth date was assigned the number 1, meaning the men with that birth date would be called first. The drawing continued until all days of the year had been paired with numbers. Families across the country hoped their young men would get a high number.

Conscription has always been controversial, but during the Vietnam War draft evasion and resistance reached levels that hampered the war effort and ultimately helped end the conflict. Many draft resisters filed for conscientious objector status. A conscientious objector can declare that military service or combat duty is counter to his religious or moral beliefs, but must be able to demonstrate that the objection is long-lasting and sincere.

Some men facing the draft fled to Canada. As antiwar protests took hold on college campuses, students began burning their draft cards as acts of defiance. Though resisting the draft can carry stiff fines and even prison sentences, during the Vietnam War there were far too many people to punish. In 1977, President Carter granted amnesty to all those who had fled abroad in defiance of the draft, allowing them to return to the United States.

Although the U.S. does not currently have an active draft, young men must register so that, should a draft ever be instituted, the Selective Service will have lists of those eligible to serve. Since September 11, 2001, the wars in Afghanistan and Iraq have kept the idea of reinstating the draft in the public’s mind, but Congress has rejected all bills that call for conscription, and all the troops serving in the U.S. military have enlisted voluntarily.