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Conservatives and the End of the Draft

Shad Ashcroft
Pittsburg State University

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CONSERVATIVES AND THE END OF THE DRAFT

A THESIS SUBMITTED TO THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS

SHAD ASHCROFT

PITTSBURG STATE UNIVERSITY

PITTSBURG, KANSAS

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SHAD ASHCROFT

APPROVED:

Thesis Advisor:

Dr. John L.S. Daley, Professor, History, Philosophy and Social
Sciences

Committee Member:

Dr. Kirstin L. Lawson, Assistant Professor, History, Philosophy
and Social Sciences

Committee Member:

Dr. Mark Peterson, Assistant Professor, History, Philosophy,
and Social Sciences

CONSERVATIVES AND THE END OF THE DRAFT

An Abstract of the Thesis by
Shad Ashcroft

While conservatives of all stripes generally supported the Vietnam War, particularly at its onset, I will show that the debate to end conscription reveals a rift between traditional conservatives who supported the draft and libertarian conservatives who opposed it (while generally supporting the war). Furthermore, though they shared the goal of ending the draft, libertarian conservatives and New Left protesters agreed on little else. The protesters' primary goal was to prevent future wars like Vietnam. Conservatives, on the other hand, embraced the all-volunteer army in part to maintain executive branch independence in foreign affairs.

One aspect of this thesis will be addressing the definitions of liberal, conservative, and libertarian. For the purposes of this thesis, I define liberalism as a political philosophy that seeks to use the power of government to ease the inequalities produced by the unrestrained free market. Liberals in the 1960s split on the issue of conscription. Traditional liberals, adhering to the Cold War consensus, viewed the draft as a necessary part of American defense. President Kennedy's promise in his inaugural address, that the United States would "pay any price" to prevent the spread of communism typified this commitment. The dilemma that conscription poses for liberalism, as Eliot A. Cohen has pointed out, is that the draft clashes with the liberal abhorrence of compulsion, while selective service violates the liberal belief in egalitarianism. Thus, the New Left arose in the early

1960s in response to the demands of the Vietnam War. New Left liberals objected to both forced service in the war as well as the inequities of the way Selective Service administered the draft.

Many historians have written on the New Left protestors' objections to conscription during the Vietnam War and the split between traditional liberals (the Old Left) and the New Left. However, historians have not addressed the conservative response to the end of the draft to the same degree. The arguments of libertarians, led by Milton Friedman, have received considerable attention it is true. However, historians have given less attention to defenses of the draft from traditional conservatives. Furthermore, while many texts have focused on the end of the New Deal coalition, the end of the draft was also one part of a split between traditional conservatives and libertarian conservatives that occurred at the same time.

For the purposes of this thesis, I will make the following distinctions between traditional conservatism and libertarian conservatism with regard to their respective views of conscription during the Vietnam War. Traditional conservatives' emphasis on respect for established order and anti-communism strengthened their support for the draft. They believed the nation needed drafted young men to contain, or even roll back, communist advances around the world. Furthermore, the disrespect shown to traditional sources of authority, especially the armed forces and Selective Service system, in the 1960s angered traditional conservatives.

In contrast, libertarian conservatives favored limited encroachments by the government into the personal lives of Americans. One way this belief manifested itself was in their opposition to conscription. Libertarian conservatives were not in favor of weakening the United States military. In fact, they believed that the United States could field a stronger military if its soldiers served voluntarily than if they were unwilling conscripts. Economists including Milton Friedman and Walter Oi also focused on the economic costs to conscripts, in terms of lost wages and opportunities, which they argued resulted from forced conscription. In spite of this support for conscription among both traditional liberals and traditional conservatives, the forces of change prevailed. The New Left's protests against the draft worked in tandem with the libertarian conservatives' arguments in the pages of national magazines and newspapers, and planning sessions at high levels of the United States government, to end conscription by 1973. This came despite the fact that there was significant opposition to abandoning the draft among the American public when President Nixon first announced his intention to explore ending conscription. How this change occurred, and specifically how conservatives reacted to the end of conscription, will be the subject of this thesis.¹

¹ Kenneth Hoover et al., *Ideology and Political Life*, 3rd ed. (New York: Harcourt College Publishers, 2001), 65-70. Larry J. Sabato, *The Kennedy Half-Century: The Presidency, Assassination, and Lasting Legacy of John F. Kennedy* (New York: Bloomsbury Press, 2014), 93. Eliot A. Cohen, *Citizens and Soldiers: The Dilemmas of Military Service* (New York: Cornell University Press, 1985), 134-151.

TABLE OF CONTENTS

CHAPTER	PAGE
I. CONSERVATISM, UNIVERSAL MILITARY TRAINING, AND THE DRAFT AFTER WORLD WAR II	1
II. ROOTS OF LIBERTARIAN AND CONSERVATIVE THINKING ON CONSCRIPTION	37
III. CONSERVATIVES, VIETNAM, AND THE END OF THE DRAFT	69
IV CONCLUSION	123
BIBLIOGRAPHY	130

CHAPTER I

CONSERVATISM, UNIVERSAL MILITARY TRAINING, AND THE DRAFT AFTER WORLD WAR II

Introduction

Chapter I will discuss the coming of World War II and the debate over the draft in 1940. Conservative noninterventionists opposed the peacetime draft both because it expanded the reach of the federal government as well as made U.S. entry into World War II more likely. The narrative will then move to the postwar discussion regarding President Truman's proposal for Universal Military Training (UMT) versus continuing the draft. Most conservatives favored conscription to face the Soviet Union but opposed UMT, and on this point they united with the left. The chapter concludes by noting some parallels between the debate over UMT and that of the draft during the Vietnam War.

During the Cold War, traditional conservatives generally provided strong support for a muscular posture toward the Soviet Union, one backed by the conscription of young men into the United States armed forces. This was in marked contrast to the views of many conservatives prior to World War II; isolationist

sentiment among conservatives remained strong in the United States until shortly before Pearl Harbor. The mid-1930s deliberations of the Senate Special Committee on Investigation of the Munitions Industry, headed by Republican Gerald P. Nye of North Dakota provide an apt illustration of that isolationism. Allegations that munitions manufacturers and bankers might have spurred U.S. entry into the previous World War for selfish reasons made news, whether those allegations were wholly verifiable or not. Nye's committee comprised four Democrats and two other Republicans. Of the latter, Arthur H. Vandenberg of Michigan, like Nye, represented a strain of Midwestern agrarian Republicanism that opposed interference in European affairs and distrusted the Eastern, internationalist wing of the Republican Party. While the committee could “not show that wars have been started solely because of the activities of munitions makers and their agents,” the committee did attack the “selfishly interested organizations” that could “goad and frighten nations into military activity.” The Nye Committee’s findings influenced American public opinion regarding European entanglements and contributed to the passage of the Neutrality Acts between 1935 and 1939.¹

Indeed, the failures of World War I heavily influenced isolationist policy makers and citizens in the 1930s. In April 1935, as Italy massed troops in North Africa for the October attack on Ethiopia, American veterans of World War I

¹ U.S. Congress, Special Senate Committee Investigating the Munitions Industry, *Munitions Industry: Report on Existing Legislation*, 74th Congress, 1st session, 1936, Senate Report 944, part 5, 1-9, 58, cited in Ronald E. Powaski, *Toward an Entangling Alliance: American Isolationism, Internationalism, and Europe, 1901-1950* (New York: Greenwood Press, 1991), 66-67; Robert E. Jenner, *FDR's Republicans: Domestic Political Realignment and American Foreign Policy* (Lanham, Maryland: Lexington Books, 2010), 53-59; David M. Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (New York: Oxford University Press, 2005), 394-95.

marched on Washington D.C. and laid wreaths on graves of three representatives who had opposed President Wilson's request for a declaration of war against Germany in 1917. President Franklin D. Roosevelt signed the first Neutrality Act on August 31, 1935. Thus, when two or more nations were at war, the President was to embargo weapons shipments to all sides of the conflict. The act also authorized the President to warn Americans against traveling on ships belonging to belligerent nations. Congress' clear intention was to forestall American entry into another European war, when attacks by German submarines against American ships might again lead to a loss of neutrality and military involvement. Although officers in the House of Representatives did not take roll call to document the vote there, the vote in the Senate was "nearly unanimous." No Republican voted against the bill, with internationalists on the East coast joining Midwestern isolationists in support. The Neutrality Act of 1937 upped the ante, outlawing the shipment of military items to belligerent nations and prohibiting Americans from traveling to belligerent nations on the ships of those nations. The 1937 act did allow nations at war to purchase nonmilitary items, but only on a "cash-and-carry" basis, and only if they shipped the purchased items in foreign-flagged vessels. Again, support in the Senate was an overwhelming 63 to 6 vote. Despite ominous developments in Europe and Asia, isolationism still reigned in America.²

² Kennedy, *Freedom From Fear*, 393-94, 400-2; Robert Dallek, *Franklin D. Roosevelt and American Foreign Policy, 1932-1945* (New York: Oxford University Press, 1995), 102-8; Robert A. Caro, *The Years of Lyndon Johnson: Master of the Senate* (Toronto: Vintage Books, 2003), 70; Jenner, 59-60, 193.

On October 5, 1937, three months after Japan's attack on China, President Roosevelt delivered the "Quarantine Speech" in Chicago. The President compared war to a "disease" and "contagion" which the United States must confront through "positive endeavors to preserve the peace." The public's reception was cold, and Roosevelt retreated from this position the following day, even hinting that his administration might push for "stronger neutrality." The *New York Times* compiled excerpts from the editorial pages of the nation's newspapers the next day; these excerpts illustrated the divisions between isolationists and interventionists among U.S. opinion-makers. The *Washington Post* criticized America's "ostrich hunt for security" up to that point and called on Roosevelt to "make explicit the assurances implied" in the Quarantine Speech. Similarly, the *Cincinnati Enquirer* lauded the president for finally reorienting U.S. foreign policy to "repress international gangsterism." On the other hand, the *Philadelphia Inquirer* warned against "any punitive partnership with nations that have interests, and in some cases, possible, motives different from ours." Striking an isolationist tone, the editors warned of the "pitfalls that beset the path of the aggressive peacemaker, however well-intentioned." Robert McCormick's non-interventionist *Chicago Tribune* went further, charging that Roosevelt's quarantine might force the United States into war with "aggressor nations." The editors pointedly compared Roosevelt's position to that of President Woodrow Wilson prior to U.S. involvement in World War I, a parallel that Americans who were fearful of repeating what they perceived to be the mistakes of 1917 could not have missed. A poll published on October 24, 1937 indicates that most Americans were not ready for a decisive confrontation of the

world's dictators. Only 37 percent were willing to boycott Japanese goods in retaliation for Japan's invasion of China, much less take the drastic action that might actually force Japan to cease aggression in Asia.³

The situation for the European democracies became more perilous from this point on, as Germany annexed Austria in March 1938, then took the Sudetenland in October, and finally swallowed the rest of Czechoslovakia in March 1939. After Germany touched off World War II with its September invasion of Poland, Congress passed another Neutrality Act. This law, signed in November 1939, ended the arms embargo so that Britain and France could now buy weapons from American manufacturers. However, isolationists in Congress revived the lapsed cash-and-carry requirement of the 1937 Neutrality Act. In addition, the law forbade all loans and credit to warring nations, by the American government as well as private banks. Many Americans were coming to terms with the likelihood of a war with the Axis Powers. Gallup's poll on October 2, 1938 showed that, while Americans desired to avoid war, 43 percent believed that a war between Britain and Germany would force the United States to enter the conflict. Still, 57 percent believed the U.S. could avoid entry into a war in Europe.⁴

The 1940 Republican nomination proved to be an important showdown between isolationist and interventionists within the party. Reflecting the party's

³ Kennedy, *Freedom From Fear*, 405-6; "Nation-Wide Press Comment on President Roosevelt's Address," *New York Times*, October 6, 1937; George Gallup, "Majority of Voters Unwilling to Boycott Japan, National Poll Shows," *Washington Post*, October 24, 1937.

⁴ George Gallup, "Public Divided on Question of Nation Staying Out of War," *Los Angeles Times*, October 2, 1938.

strong isolationist bent, and before the full extent of Hitler's depredations in Europe, Senator Vandenberg was the frontrunner in one December 1937 poll while Wendell Willkie, the eventual nominee, was not even on this list. By November 1938, polls registered that Thomas E. Dewey had become the frontrunner, with the support of about one-third of the Republican electorate. Senators Vandenberg and Robert A. Taft of Ohio each garnered about 18 percent, according to the same poll. All three were isolationists, Vandenberg and Taft more so than Dewey. Vandenberg had even warned against moving "toward American participation in other peoples' wars" by giving the president too much discretion in foreign affairs. Vandenberg adopted a position, which he called "insulationsim," meaning that he wanted to insulate the United States from foreign invasion through a strong national defense program. "Protected by a great ocean on either side, the United States need fear no other nation, if we mind our own business," he declared. Senator Taft, on a campaign tour through the Midwest in late 1939 used President Wilson's internationalism as a cudgel with which to attack the Democrats as the country faced once again the choice of whether to enter a war in Europe. Taft called the Republicans the "peace party," and further warned that entrusting the Democratic Party with the war would lead to a complete loss of freedom at home, which he believed would start with the draft. Conscription inevitably led to the loss of Americans' "individual liberty," and ultimately to "totalitarianism," he argued. Dewey also took an isolationist stance during the 1940 campaign, although that may have been as much due to the influence of important advisors as personal belief. In his St. Louis speech of March 1940, he attacked the integrity of Roosevelt's New Deal programs, claiming "broken

promises, contempt for the Constitution and flagrant abuse of power” by the Democratic administration. That being the case, he asked how the American people could trust Roosevelt’s promise to “keep this Nation out of war.” In a speech in Milwaukee on the same tour, Dewey asserted that it was “imperative” for the United States to avoid becoming “involved directly or indirectly in foreign wars.”⁵

Corporate lawyer and liberal Republican Wendell Willkie ultimately received the Republican nomination, with support of publishing magnates like Henry Luce of *Time* and the internationalist wing of the Republican Party, as well as a late surge in grassroots support. Although he had expressed interest in the presidency in early 1940, Willkie did not formally announce his candidacy until early June, only a few weeks before the Republican Convention in Philadelphia. Nevertheless, he steadily gained in Gallup polls against the frontrunner Thomas Dewey throughout the spring of 1940. Before receiving the nomination and through the election, he focused his attacks on Roosevelt’s domestic programs. In March 1940, he argued that Republicans should “challenge the New Deal primarily on its domestic conduct,” which he believed put the United States on the path to “tyranny and enslavement,” instead of letting the “campaign to be fought out on the question of foreign policy,”

⁵ Kennedy, *Freedom From Fear*, 433-34; Institute of Public Opinion, “Vandenberg in Lead For 1940 Nomination,” *Washington Post*, December 5, 1937; “Vandenberg Urges a Rigid Neutrality,” *New York Times*, December 11, 1938; Susan Dunn, *1940: FDR, Willkie, Lindbergh, Hitler—the Election amid the Storm* (New Haven: Yale University Press, 2013), 63, 73-74, 76-77; “Taft Sees War as 1940 Issue,” *Los Angeles Times*, November 21, 1939; James L. Lacy, “Military Manpower: The American Experience and the Enduring Debate,” in Andrew J. Goodpaster, Lloyd H. Elliott, and J. Allan Hovey, Jr., eds., *Towards a Consensus on Military Service: Report of the Atlantic Council’s Working Group on Military Service* (New York: Pergamon Press, 1982), 31-32; “Dewey Assails Foreign Policy of Roosevelt,” *Washington Post*, March 28, 1940; Marshall Newton, “New Deal Fosters Slump, Says Dewey,” *New York Times*, March 30, 1940.

where he largely agreed with Roosevelt. While Willkie argued the United States should not send its own troops to Europe, he did call on the American government to offer direct aid to Britain and France. Only three weeks after he made this pronouncement, France fell to the Germans and the British barely escaped at Dunkirk. It is clear that world events influenced the Republican delegates who met only two days after the surrender of France to the Nazis. On June 21, a Gallup poll registered that Willkie had nearly doubled his support in only a week, while frontrunner Dewey had lost 5 percent. Willkie won the nomination on the sixth ballot in an unprecedented fashion, having never held elective office and after many political commentators had written him off as a “dark horse” candidate only weeks before. One factor in his surprise win was the critical state of world affairs in June 1940.⁶

In response to Axis advances across Europe and Asia, President Roosevelt confronted the issue of manpower in the fall of 1940. Like Roosevelt, the non-interventionist Republicans recognized the threat posed by the Axis Powers. Many people on both sides of the interventionist/isolationist divide agreed that the United States must undertake some kind of preparedness campaign, especially after the fall of France in June. Issues surrounding rearmament were important, but just as important was the question of how the United States would field an army capable at a minimum of defending the United States from aggressors. Roosevelt himself had

⁶ Dunn, 79-86; “New Deal’s Tyranny Hit by Wendell Willkie,” *Los Angeles Times*, March 16, 1940; “Willkie Seeks American Aid For the Allies,” *Atlanta Constitution*, May 29, 1940; Kennedy, *Freedom From Fear*, 438-40; George Gallup, “Willkie Has Sensational Spurt In Preconvention Popularity,” *Washington Post*, June 21, 1940; “Willkie Wins Republican Nomination As Delegates Stampede on 6th Ballot,” *Atlanta Constitution*, June 28, 1940.

pondered this question as well. In his acceptance speech of July 19, he maintained, "some form of selection by draft" was needed, as it had been during World War I. He made this assertion in spite of the fact that he feared it could doom the Democratic Party in November. Fortunately, Willkie not only refused to make the draft an issue, but went so far as to say that he would rather lose the election than come out in opposition to it. He even actively supported conscription during the campaign as "the only democratic way" to raise an army. Hiram Johnson, an isolationist senator from California, stated that Willkie's support "broke the back" of any resistance to a conscription bill. The American public quickly moved to support the draft. The 50 percent favoring such a law in June 1940 had increased to an overwhelming 86 percent by August, enabling Congress to pass a truly bipartisan bill, 47-25 in the Senate and 232-124 in the House. Roosevelt signed the Burke-Wadsworth Act on September 16, 1940, which authorized the first peacetime draft in American history. While isolationists in the Senate had tried to limit the area of service for draftees to "the continental United States and its possessions," the final version of the bill authorized service across the Western Hemisphere and all of the overseas possessions of the United States, including the Philippines. Still, this was a measure designed to build up the defenses of the United States and prevent a possible German attack on Latin America, in violation of the Monroe Doctrine. Over the next year, the United States conscripted one million men and over the course of the war,

the U.S. government drafted ten million more, with another two million volunteering.⁷

The December 7, 1941 attack on Pearl Harbor united Americans and ended the debate between isolationists and interventionists. Senator Arthur H. Vandenberg, the isolationist who had served on the Nye Committee, wrote in his diary that the attack “ended isolationism for any realist.” Two days after the attack, President Roosevelt acknowledged the changed reality that the United States faced. George Washington had pointed out in his Farewell Address of 1796 that the vast Atlantic Ocean separated the new United States from the affairs of Europe. Now, Roosevelt acknowledged that America's "ocean-girt hemisphere" no longer kept the country safe from attack. Because of the new threats to the United States homeland, public attitudes regarding American foreign policy underwent important changes as compared to the isolationist sentiment that had gripped significant parts of the country before the attack on Pearl Harbor. Throughout the war and into the early postwar era, the American public overwhelmingly supported an interventionist foreign policy backed by conscription. Because the draft was nearly universal and because of the local, decentralized structure of draft boards, conscription during

⁷ “Text of the President’s Speech Accepting 3d Nomination,” *New York Times*, July 19, 1940; Jean Edward Smith, *FDR* (New York: Random House, 2007), 466; “Senate Keeps Draftees In Hemisphere,” *Hartford Courant*, August 27, 1940; “Complete Text of Peace-time Conscription Measure,” *Hartford Courant*, September 15, 1940; Suzanne Mettler, *Soldiers to Citizens: The G.I. Bill and the Making of the Greatest Generation* (New York: Oxford University Press, 2005), 26-27; Michael S. Sherry, *In the Shadow of War: The United States Since the 1930s* (New Haven: Yale University Press, 1995), 48-49; Kennedy, *Freedom From Fear*, 459.

World War II was perceived as fair and therefore received overwhelming public support.⁸

The American military's fear of a return to isolationism compounded postwar fears that the American economy might sink back into depression. Immediately after the war, the public not only pushed for rapid demobilization, but an equally quick end to conscription. Even before the war against Japan had concluded, Senator Taft attacked the "stupid, stubborn policy of the War Department," which persisted in drafting large numbers of men. Such sentiments were common in the ranks as well. For instance, an anonymous naval officer stationed in California in August 1945 demanded an end to all "compulsory military training" in all nations, including the United States, as a way to achieve world peace. Responding to political pressure from Capitol Hill as well as unrest from many men in uniform, President Truman came out against a continued draft during peacetime only a few days after the bombing of Nagasaki. In the short-term, however, Truman acknowledged privately that it would be impossible to end the draft. At least in the immediate future, he did not want to rely solely on volunteers because of the threat to national security posed by an undermanned military. Army Chief of Staff General George Marshall, among others in the Army, convinced the president to continue the

⁸ Dallek, *Franklin D. Roosevelt and American Foreign Policy*, 309-13; Miranda S. Spivack, "Roots of Isolationism Deep in U.S. History," *Hartford Courant*, December 7, 1991; George C. Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (New York: Oxford University Press, 2008), 83; "Text of President Roosevelt's First Address on Jap War," *Hartford Courant*, December 10, 1941; Ole R. Holsti, *Public Opinion and American Foreign Policy*, Rev. ed. (Ann Arbor, MI: University of Michigan Press, 2004), 19-20; George Q. Flynn, *The Draft, 1940-1973* (Lawrence, KS: University Press of Kansas, 1993), 60-61, 85-87.

draft to maintain occupation duties in Germany and Japan, as well as other commitments around the world. In the long-term, however, military planners hoped to return to volunteer professionals backed by the National Guard.⁹

The Cold War dashed prospects of an easy end to the draft. Important American leaders, President Truman foremost among them, came to view the Soviet Union, an erstwhile ally, as a serious threat to the United States. In the fall of 1945, the Soviet Union refused American calls for self-determination for Romania, Bulgaria, and the Balkan nations. Truman believed Soviet intransigence in these areas augured Stalin's determination to dominate Eastern Europe and the Middle East. George F. Kennan sent his "Long Telegram" from Moscow on February 22, 1946, arguing that the Soviet Union intended to destabilize Western democracies and expand communism around the world. The United States must stop such expansion at every turn, Kennan argued, pushing a policy that its proponents eventually called Containment. Although this analysis did not become public knowledge until July 1947, it reinforced Truman's growing suspicions of Soviet intentions.¹⁰ Winston Churchill publicly delivered a warning on March 5, 1946 that an "iron curtain" had split Europe between the democratic West and Soviet-

⁹ Flynn, *The Draft*, 89-91; "Army's Size Again Under Senate Fire," *Hartford Courant*, August 5, 1945; Ensign, "The People's Forum: End Military Training," *Hartford Courant*, August 16, 1945; "Truman Favors Postwar Army, But Stands Opposed to Draft," *Washington Post*, August 17, 1945; George Q. Flynn, *Lewis B. Hershey, Mr. Selective Service* (Chapel Hill: University of North Carolina Press, 1985), 157; C.P. Trussell, "Army Will Be Cut to 2,500,000 By July, House Group Is Told," *New York Times*, August 29, 1945.

¹⁰ Herring, *From Colony to Superpower*, 599-604; James T. Patterson, *Grand Expectations: The United States, 1945-1974* (New York: Oxford University Press, 1996), 113-15; Wilson D. Mixcamble, C.S.C, *George F. Kennan and the Making of American Foreign Policy, 1947-1950* (Princeton, NJ: Princeton University Press, 1992), 26; Jeremi Suri, *American Foreign Relations Since 1898* (Malden, MA: Wiley-Blackwell Publishing, 2010), 86-89.

dominated East. These events clearly influenced public opinions about foreign policy in general, as well as conscription specifically. A poll in March 1946 showed that 72 percent of Americans believed that their nation should maintain an active role in the world, with both Republicans and Democrats agreeing in equal numbers. Furthermore, the formerly isolationist Midwest was now tied at 71 percent with East Coast interventionists in that belief. A full 77 percent of Americans supported spying on other countries. The reason for this strong departure from pre-war views was mistrust of the Soviet Union and a consequent fear that the United States might soon face another war.¹¹

Throughout the Cold War, leaders of both major parties frequently invoked memories of appeasing Adolf Hitler to convince the public that such passivity only served to embolden dictators. As long as Americans believed their nation's foreign policy was capable of preventing similar aggression, they supported it. Immediately following World War II, 65 percent of the public favored the draft in order to confront the Soviet threat, while only 30 percent believed that the United States and Britain should disarm and end military training. Support for conscription did waver during 1945-46, but remained remarkably high even then.¹²

¹¹ Patterson, *Grand Expectations*, 113-17; George Gallup, "Anti-isolationist Feeling Found in Gallup Poll," *Los Angeles Times*, March 27, 1946; George Gallup, "Public Favors World Force of U.S. Agents," *Los Angeles Times*, March 22, 1946; George Gallup, "Faith in Soviet Intentions At Lowest Point Since 1942," *Washington Post*, March 24, 1946; George Gallup, "Poll Shows U.S. Fear of Another War Increasing," *Los Angeles Times*, March 30, 1946.

¹² Sherry, 126-36, 251-53, 292-99; George Gallup, "Big Majority Favors Extension Of Draft for Another Year," *Washington Post*, March 29, 1946; Flynn, *The Draft*, 94; "Cold War, Stalemated in 1949, Still Showed Big Developments," *The Hartford Courant*, January 1, 1950.

With the hardening of U.S.-Soviet relations, the United States entered a period that saw a "Cold War Consensus"—a period during which members of both political parties united in defeating Soviet communism despite their respective differences in the domestic arena. Most historians place the end of the Cold War consensus at the rise of turmoil surrounding the Vietnam War. But until then, one aspect of the consensus was an agreement that the draft should continue in order to furnish the U.S. armed forces with whatever manpower it needed to confront the Soviet enemy. From 1940 to 1973—excepting a brief period during 1947-48—the draft was a permanent fixture of American life.¹³

This is not to say that no alternative proposals surfaced. As a presidential candidate in 1956, Adlai Stevenson proposed ending the draft and urged the re-enlistment of fully trained soldiers rather than "multiply[ing] the number of partly-trained men." Whatever Stevenson's logic, traditional conservatives responded negatively to his proposal, which received only lukewarm applause from the otherwise supportive audience at the American Legion Convention. Vice President Richard Nixon vigorously defended conscription in a speech to the same group the next day, charging that Stevenson wanted to take the "easy way" by ending the draft and thereby shirking America's "world responsibilities." Meanwhile, President Eisenhower addressed the conscription issue in a live address to the nation. After reciting the challenges the United States faced ten years into the Cold War, he stated

¹³ Campbell Craig and Fredrik Logevall, *America's Cold War: The Politics of Insecurity* (Cambridge, MA: Belknap Press, 2012), 242; Thomas G. Paterson, *Meeting the Communist Threat: Truman to Reagan* (New York: Oxford University Press, 1988), 104-5; Eugene R. Wittkopf and James M. McCormick, "The Cold War Consensus: Did It Exist?," *Polity* 22, no. 4 (Summer 1990): 627-53; Flynn, *The Draft*, 89-109.

that it would be foolish to consider a suspension of its draft, which would weaken the military and push American allies toward “neutralist sentiment.”¹⁴ Republican Senator William F. Knowland of California went even further by claiming that Stevenson’s proposal was a “blatant attempt to get votes” instead of a serious policy proposal. Whether it would have actually gained Stevenson many votes is debatable given the American public's strong support of conscription at that time. With President Eisenhower’s reelection in 1956, the idea went nowhere.¹⁵

In spite of their overwhelming support in 1956, Americans remained ambivalent about a long-term draft. Conscription was justified by the need to defeat Soviet communism, most Americans believed, but once this threat was defeated, they expected a reversion to voluntarism, the peacetime norm until 1940. Nixon’s attack on Adlai Stevenson during September 1956, when he stated that he would like to get rid of the draft if world conditions permitted, demonstrates this ambivalence. Similarly, Eisenhower held that the United States could not end conscription in 1956, although “every family naturally hope[d]” for the time when this would be possible. Tellingly, neither Eisenhower nor Nixon claimed the draft

¹⁴ Dwight D. Eisenhower, “Radio and Television Address Opening the President’s Campaign for Re-election, September 19, 1956,” in *Public Papers of the Presidents of the United States, Dwight D. Eisenhower, 1956: Containing the Public Messages, Speeches, and Statements of the President, January 1 to December 31, 1956* (Washington, D.C.: Office of the Federal Register, National Archives and Records Service, General Services Administration, U.S. Government Printing Office, 1958), 779-88; Flynn, *The Draft*, 162.

¹⁵ “Stevenson’s Talk to Legionnaires,” *Los Angeles Times*, September 6, 1956; Robert C. Albright, “Adlai Calls For Ending Draft Early,” *Washington Post and Times Herald*, September 6, 1956; Robert Blanchard, “Nixon Calls for Unity in Fight on Communism,” *Los Angeles Times*, September 7, 1956; Stephen E. Ambrose, *Nixon: The Education of a Politician, 1913-1962* (New York: Touchstone, 1987), 418-19; “Knowland Hits Stevenson on Draft Speech,” *Los Angeles Times*, September 6, 1956; George Gallup, “Public Against Ending of Draft,” *Los Angeles Times*, October 5, 1956.

offered a permanent benefit—only that it was then necessary as a hedge against Soviet aggression. Moreover, many Americans who had voted Republican only supported the draft because it required recurrent Congressional authorization, usually every four years. Although frequently these votes were *pro forma*, they gave at least the appearance of civilian consideration and oversight of the military. Furthermore, options existed for volunteers who wanted to reduce the total service time required and choose their branches of service.¹⁶

Another palliative was that local boards rather than administrators in Washington, D.C. determined the draft status of young men. During the war in Vietnam, anti-draft radicals were to attack these boards for allegedly misrepresenting their communities, but before the mid-1960s, the boards generally enjoyed the public's confidence. Money mattered as well. Government officials and taxpayers both realized that large military forces deployed worldwide with advanced weaponry were getting more and more expensive. The draft proved to be much less expensive—at least to taxpayers, if not draftees—than paying enough to attract the needed number of volunteers. Undergirding these considerations was considerable inertia. During both World Wars, Selective Service had worked well enough, and no other option looked any better. Any unsuccessful change risked serious consequences for American foreign policy.¹⁷

¹⁶ Robert Blanchard, "Nixon Calls for Unity in Fight on Communism," *Los Angeles Times*, September 7, 1956; Eisenhower, *Public Papers of the Presidents of the United States, Dwight D. Eisenhower, 1956*, 786; Flynn, *The Draft*, 8, 91, 94, 111, 118-19, 158-59, 164-65, 171, 251, 256.

¹⁷ Flynn, *The Draft*, 3-4, 59-60, 108, 110-11, 192-94; James W. Davis, Jr. and Kenneth M. Dolbeare, "A social profile of local draft board members: the case of Wisconsin" in Roger W. Little, ed.,

If the draft threatened militarism to some Americans, the several postwar universal military training (UMT) proposals inspired a similar reaction. President Truman's conception of UMT was simply to give young men a "short period of training." Truman reasoned that in the atomic age, scientific advancements were more important than massive armies were. Universal Military Training would permit a smaller, less expensive active duty military as long as a large contingent of trained men remained available in case of emergency. Another advantage of UMT was its all-inclusive composition, in contrast with Selective Service's numerous exemptions and deferments. Aside from matters of budget and egalitarianism, Truman was a former U.S. Army battery commander who saw the moral and physical benefits of brief military training.¹⁸

The debate during the drive to adopt UMT presaged the debate that was to break out twenty years later over conscription. Only American acceptance of state intervention in public life during such emergencies as the New Deal and World War II had limited the former to a choice between UMT and a continuation or resumption of selective service. In contrast, during the Vietnam War the United States government elected to scrap all forms of coerced service in favor of voluntarism. But during the debate over conscription, and even after adoption of the all-volunteer military in 1973, isolated proposals for universal service, either military or civilian, surfaced occasionally. Although these proposals were popular

Selective Service and American Society (Hartford, CT: Connecticut Printers, Inc., 1969), 53-82; Flynn, *Lewis B. Hershey*, 155-56.

¹⁸ Flynn, *The Draft*, 90-91, 101-2.

with a majority of Americans, most elites did not take them very seriously. During both contests, race issues played an important role. African Americans demanded equal access to service in the armed forces during the UMT debate. In the debate during the Vietnam War, African Americans claimed discrimination because of overrepresentation in combat units.

In his final State of the Union address, President Roosevelt called for postwar UMT, which he believed was an “essential factor” to maintain peace after the war.¹⁹ Roosevelt’s death left President Harry Truman with the task of implementing Roosevelt’s proposal. He first attempted to get UMT passed in 1945 and continued to push Congress to adopt UMT through the early 1950s. Under pressure to demobilize quickly after World War II, Truman announced during a press conference on August 16, 1945 that the continued draft was only to “relieve the men at the front” so that they could return home. He promised a later recommendation on UMT, which he claimed was “not peacetime conscription.”²⁰ The President’s concrete proposal came on October 23, when he called for a year of military training for young men between the ages of eighteen and twenty. Because Truman distrusted the professional military, he hoped to structure the U.S. armed forces with a small core of career soldiers while strengthening the National Guard and using UMT to create a “general reserve” of men for emergencies. The plan only

¹⁹ Deborah Kalb, Gerhard Peters, and John T. Woolley, eds., *State of the Union: Presidential Rhetoric from Woodrow Wilson to George W. Bush* (Washington, D.C.: CQ Press, 2007), 341.

²⁰ “Questions Fly, So Do Answers At Truman’s Press Conference,” *The Washington Post*, August 17, 1946; “Peace Draft Knocked Flat By Truman,” *Hartford Courant*, August 17, 1945; Raymond P. Ojserkis, *Beginnings of the Cold War Arms Race: The Truman Administration and the U.S. Arms Build-Up* (Westport, CT: Praeger Publishers, 2003), 5-9.

exempted men with serious disabilities. Truman justified the program with the argument that a trained citizenry meant more prepared soldiers for future wars. However, he also attempted to allay the fear that UMT threatened a turn toward militarism by arguing that a "large trained reserve of peace-loving citizens" would avoid war if at all possible. Because Congress took no action on UMT, Truman recommended in early March 1947 that Congress not renew conscription after its scheduled expiration on March 31. Secretary of War Robert Patterson advocated this course, as the military hoped to move to a volunteer system backed by trained citizens. For his part, the president hoped that ending the draft might pressure Congress to pass UMT.²¹

The military's plan to achieve full strength through voluntary enlistments proved unworkable. Congress had voted to increase the pay for servicemen but not enough to induce sufficient volunteers in the face of a booming economy, while further salary increases ran headlong into Truman's desire to slash military spending. In addition, world events conspired to both discourage voluntary enlistments and increase the need for manpower in the armed forces. The president announced the Truman Doctrine on March 12, 1947, after communists in Greece and Turkey threatened to subvert the established governments in both countries. Then, in February 1948, Soviet-backed communists overthrew the democratic government in Czechoslovakia, while Chinese communists were moving toward

²¹ "Truman Requests Year of Military Training Gets Divided Reception," *Hartford Courant*, October 24, 1945; Ojserkis, *Beginnings of the Cold War Arms Race*, 16-17; "Truman Asks Training Plan for Youth," *Los Angeles Times*, October 24, 1945; Flynn, *Lewis B. Hershey*, 162-63.

victory in their civil war against the American-supported Kuomintang (KMT). To many observers, it seemed that George Kennan's dire predictions about a Soviet-managed global offensive were coming true. Truman agreed, and these developments made U.S. military preparedness for containment of communist encroachment that much more essential.²² As UMT was still stalled in the legislative process, Truman went to Congress on March 17, 1948 and asked for a renewal of conscription based on the "critical nature of the situation in Europe." Specifically, he asked Congress to pass UMT legislation as well as renew the draft on a "temporary" basis. However, once again circumstances prevented UMT from becoming a reality. The draft resumed on June 24, 1948, relieving pressure on Congress to adopt it. That same day the U.S.S.R. cut off Western access to Berlin, reinforcing the need for a more immediate military manpower solution. In spite of this setback for UMT, in December 1948 Truman pledged to press the new Congress to pass his proposal, but this once again went nowhere.²³ Finally, in 1951 during the height of the Korean War, the president pushed once more to get Congress to act on UMT. Congress did pass the Universal Military Training and Service Act of 1951, which included an insistence that young men must contribute to the defense of the United States. However, Congress could not muster the votes to put this obligation into effect

²² Flynn, *The Draft*, 89-98; Flynn, *Lewis B. Hershey*, 162-63; Thomas J. McCormick, *America's Half-Century: United States Foreign Policy in the Cold War* (Baltimore: Johns Hopkins University Press, 1989), 57-58; Patterson, *Grand Expectations*, 126-36; Ojserkis, 6-8.

²³ "Text of Truman's Address to Joint Session of Congress," *Washington Post*, March 18, 1948; Ojserkis, 22; "Truman Will Press For UMT Bill Anew," *New York Times*, December 19, 1948.

through creation of a National Security Training Corps, which would have inducted and trained young men as authorized by the 1951 law.²⁴

The debate surrounding UMT was wide-ranging. Some arguments were practical, but there was also significant ideological and philosophical commentary, both in support and opposition. Fundamentally, both defenders and detractors of UMT believed they were saving the United States from the scourge of militarism. The result was a curious uniting of libertarian conservatives and left wing peace advocates in opposition, while traditional conservatives in both political parties, as well as in the military, defended UMT. A similar phenomenon was to occur during the debate over conscription during the Vietnam War.²⁵

The Report of the President's Advisory Commission on Universal Training, published in May 1947, came out strongly in favor of Truman's UMT plan. First, the commission responded to many critics of UMT who argued that trained citizens would be useless in the age of atomic warfare. The commission's report outlined the need for trained Americans "diffused throughout the Nation" so that they would be available wherever needed in the event of an atomic attack.²⁶ Universal training, the commission contended, offered aid to an otherwise overcommitted regular

²⁴ Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton, NJ: Princeton University Press, 2000), 171-78; Flynn, *The Draft*, 124-25.

²⁵ Friedberg, 168.

²⁶ William A. Taylor, *Every Citizen a Soldier: The Campaign for Universal Military Training After World War II* (College Station: Texas A&M University Press, 2014), 125-28; *A Program for National Security: Report of the President's Advisory Commission on Universal Training* (Washington, D.C.: United States Government Printing Office, 1947), 12-19.

military during enemy attacks and natural disasters. In addition, UMT might provide a range of external benefits such as providing young men with skills and habits beneficial to their communities, increasing “national unity” as young men performed the “common obligation” of UMT, and instructing young men in the “obligations of citizenship” to increase their patriotism. The report argued that UMT would not push America toward militarism, just as World War II veterans had not become “eager for military life.” In an especially weak argument, the commission responded to the charge that UMT was “conscription, un-American, [and] undemocratic” by equating it with less dangerous citizen obligations such as paying taxes. As historian Aaron L. Friedberg so pithily notes, “More even than the power to tax, the power to conscript is truly the power to destroy.” The commissioners dismissed the “un-American” charge as a fear of innovation and one harbored by people who had already accepted the dramatic increases in federal authority during the New Deal and World War II. Traditional conservatives inferred an unduly loose interpretation of the Constitution, although the commission did not directly address constitutional issues other than to say that the “democratic vote of the representatives of the people, subject to certain safeguards provided in the Constitution” was enough to guarantee that UMT was not undemocratic or un-American. The Supreme Court had already laid to rest such constitutional issues in the *Arver et al.* decision in January 1918. However, libertarian conservatives and anti-draft radicals believed the Court had made a mistake in this case. Therefore,

allegations of unconstitutional coerced military service continued to surface throughout the Vietnam War era.²⁷

Former Army Chief of Staff and Secretary of State George C. Marshall was one of the foremost advocates of UMT, making speeches and appearing before Congress numerous times. In April 1951, Marshall published an essay in *Army Information Digest* called "The Obligation to Serve," in which he laid out in detail his case for universal service and Truman's UMT proposal. Looking to history, Marshall highlighted the "obligation of every person in the community to defend that community" that, during the colonial era, had been as serious and universal a responsibility as voting or jury service. Marshall noted George Washington's affirmation of citizens' duty to provide "personal services to the defense" of the country through a militia system that "pervade[ed] all the States." It was a clever argument, yet one that glossed over important differences between UMT as proposed during Truman's presidency and Washington's plan for state-directed and controlled militias. In 1951, Marshall predicted sudden wars for which the United States would not have years to prepare, and UMT allowed the rapid mobilization of millions of trained soldiers in such a case. However, Marshall hoped that the massive number of potential recruits enjoyed by the United States might also "give pause to those who would attack us," just as an earlier version of UMT might have averted World War II. In addition, UMT was a hedge against attack on the

²⁷ *A Program for National Security*, 31-35, 39-40, 61-64; Friedberg, 149; John Whiteclay Chambers II, *To Raise an Army: The Draft Comes to Modern America* (New York: The Free Press, 1987), 219-22.

“principles of democratic freedom which our Nation has always espoused.” Here Marshall left open the possibility that the military could use trainees in foreign wars in support of the Truman Doctrine in the event that their recruitment had not given pause to potential aggressors. It was this trend toward greater militarization of foreign policy that many opponents of UMT feared.²⁸

On the other side of the UMT debate, conservatives aligned with peace advocates on the left to oppose universal training. While true libertarian conservatism had not blossomed in the United States at this point, important conservatives used America’s traditional fears of standing armies and government compulsion to justify their opposition. For instance, in August 1945 Republican Thomas E. Dewey called for an end to conscription once Japan had been defeated. “We cannot practice in peace the centralization which brought totalitarianism to our enemies and be either free or successful,” he opined. However, Dewey also called for future U.S. foreign policy to prevent “disasters like the present one,” an inconsistent stance for someone in search of guarantees against totalitarianism. He assumed that fighting would cease once the United States achieved victory in World War II: “The America people intend to win this war and to be done with fighting both at home and abroad,” he declared. “When victory is won it must be won for good.”²⁹

²⁸ George C. Marshall, “The Obligation to Serve,” *Army Information Digest* 6, no. 4 (April 1951): 3-8.

²⁹ “Text of Governor Dewey’s Address to Conference of Governors on the Power of the States,” *New York Times*, May 30, 1944, page 13. Walter W. Ruch, “Dewey Sees Peril in Regimentation; Urges States Act,” *New York Times*, May 30, 1944, page 1.

Dewey also attacked the draft as a jobs program, an attack that resonated with many who remembered Selective Service chief Lewis B. Hershey's quip about "keep[ing] people in the Army about as cheaply as we could create an agency for them when they are out." Indeed many Americans feared a return of the Great Depression at a time when recently discharged veterans were flooding the job market. Hershey's comment hinted that the administration was expecting or at least planning for this outcome, and Dewey stoked these fears. In place of the draft, Dewey proposed that the government should return veterans home as soon as possible, with the occupation of Germany and Japan "confined to volunteers." Regarding the jobs issue, Dewey claimed the economy would recover if the government followed pro-business Republican policies instead of continuing New Deal programs. What Dewey of course did not foresee was the emergence of a new enemy, one soon armed with atomic weapons. Given this turn of events, it was unfortunate but necessary that the United States continue engagement—economic or military—with the rest of the world. Nor could Dewey have predicted the economic boom the United States experienced after World War II, a success that negated much of Dewey's criticisms of Truman's economic program.³⁰

Senator Robert H. Taft had long opposed conscription and after World War II he became a fierce opponent of UMT. In February 1948, Taft gave a speech in Denver, Colorado in which he described his views on the manifold flaws in President

³⁰ Robert C. Albright, "'Exhausted' New Deal Fears Peace, Dewey Says," *Washington Post*, September 8, 1944; Warren Moscow, Dewey Considers Our Affairs Abroad 'On Brink of Chaos,'" *New York Times*, October 17, 1944.

Truman's UMT plan. Primarily, he argued, the United States military policy should focus only on defense so that the U.S. military did not become an army of "imperialists." Taft further criticized the excessive cost of UMT, a projected 3 billion dollars annually. Since nations would primarily fight future wars in the air, spending money on a large ground force was unnecessary and even wasteful. Instead, Taft argued for a strong air force, making an attack on America next to impossible. Most important, UMT conflicted with "American liberty," Taft argued, and the hallmark of a "totalitarian state." Like Dewey, Taft lumped criticism of the President Roosevelt in with his analysis of UMT. Proponents of the New Deal and UMT wrongly argued in both cases that only "compulsion" was effective to fix the economy and meet the United States' military challenges. What the country needed instead was a "restoration of liberty" in both economic and military affairs.³¹

Several witnesses represented farmers' organizations during the national debate over UMT. Farmers' interest in this issue primarily stemmed from an antigovernment philosophy and the traditional isolationism of the Midwest. J. T. Sanders, representing the National Grange, testified before the Senate Committee on Armed Services in 1948, claiming that the Grange advocated the "middle course between [the] two extremes [of] hysteria" for either war or peace. Sanders specifically stated that his was not a pacifist organization, but one that sought to uphold America's "traditional policy of antimilitarism." Russell Smith of the

³¹ Robert A. Taft, "Speech to the Lincoln Club of Denver, February 14, 1948," in *The Papers of Robert A. Taft, Volume 3, 1945-1948*, ed. Clarence E. Wunderlin (Kent, Ohio: Kent State University Press, 2003), 391-99.

National Farmers Union attacked UMT because any “hypothetical future war” would be a “technological war and a civilian war.” Having “vast masses of troops” would be useless when “our cities are put under attack of atomic bombs,” he argued. Apart from its effectiveness, Smith worried that UMT would push the world toward war instead of peace, a position that Republican Senator Leverett Saltonstall of Massachusetts criticized as “appeasement.” Apart from the moral issue of military service, farmers’ objections also reflected a component of self-interest since farmers would lose their sons’ labor if Congress adopted UMT. J. T. Sanders argued against the potential corruption of “young sons” who participated in UMT—the “flower of American manhood physically, mentally, morally.” Additionally, Sanders described the National Grange as a “farm family organization ... most of whom own and operate their own farms,” the clear implication being that loss of their sons’ labor meant economic hardship.³²

UMT united both Senator Taft, who tended toward libertarian conservatism on this issue, and agrarian organizations. In addition to conservatives, left wing groups also opposed UMT and made their views known to Congress. Seymour Linfield’s testimony provides an example of the common cause made between conservatives and liberal progressives during the fight over UMT. Linfield represented the Progressive Citizens of America at the hearing and worked as the veterans’ director of the National Wallace for President Committee. During the first

³² “Statement of the National Grange, presented by J. T. Sanders, Legislative Counsel, Washington, D.C.,” *Universal Military Training: Hearings Before the Committee on Armed Services, United States Senate, 80th Cong., 2nd sess., March 23, 1948*, (Washington, D.C., U.S. Government Printing Office, 1948), 151-53; “Statement of National Farmers Union, presented by Russell Smith, Legislative Secretary, Washington, D.C.,” *Universal Military Training*, 144-47.

portion of that testimony, several senators tried to determine if Linfield was a communist, or had ever been a member of a communist organization in the 1930s. He refused to give the committee the “yes or no” answer that they requested, saying only that he was not a member of an organization that advocated violence or overthrow of the government. He did proudly proclaim his support for Henry A. Wallace, the candidate for president on the Progressive Party ticket that year. He also informed the senators he had fought in World War II for the United States. After lengthy questioning, the committee finally allowed to make his statement. Linfield denied that the Soviet Union, or any other nation, “constitute[d] a threat to the security of the American people.” The communist nations of Eastern Europe and the U.S.S.R. apparently only wanted to rebuild after World War II, and were in no position to attack the United States. He then accused the Truman administration of attempting to enforce the Truman Doctrine with “vast numbers” of American troops in Europe and Asia. However, the bill under consideration by Congress at that time specifically prohibited trainees from performing any other duties, either in the United States or abroad, as Republican Senator Raymond Baldwin of Connecticut pointed out. Ignored by Baldwin, however, was the fact that trained civilians augmented the potential manpower that the United States could bring to bear on a foreign enemy with a simple increase in draft calls. Critics of UMT on both the right and left reasonably inferred in this fact a trend toward greater militarism of U.S. foreign policy if Congress adopted UMT. Unfortunately, Linfield did not make this reply, and was unable to come up with a coherent response to Baldwin’s charge. In a scattershot attack, Linfield ended with references to various “sinister

consequences which flow[ed]" from UMT. Among these were that universal training would place young men in a "military straitjacket" and indoctrinate young men with mandatory education, leading eventually to "Army-domination of our colleges."³³ Linfield's allegation here presaged Vietnam War-era criticism of the military's influence on college campuses. However, instead of the propaganda mission that Linfield feared, the military's primary role in prominent universities was to guide scientific research toward military ends. Indeed, historians have documented the increasing influence that the military and corporations that had defense contracts wielded with universities during the Cold War. Students criticized the close relationships between their universities, and the military and its defense contractors during the Vietnam War. To cite one example, Dow Chemical Company, which manufactured napalm, was a target of frequent protests at many universities. Students also protested R.O.T.C. programs and military recruiting on campus.³⁴

In spite of clashing opinions on other issues, libertarian conservatives and left wing peace advocates united to oppose UMT, but they did so for very different reasons. On the left, Seymour Linfield and others like him did not view the Soviet Union as a threat to the United States. These people believed UMT threatened

³³ "Statement of Seymour Linfield, Veterans' Director of the National Wallace for President Committee, Representing the Progressive Citizens of America," *Universal Military Training*, 238-55.

³⁴ Jeremi Suri, *Henry Kissinger and the American Century* (Cambridge: Harvard University Press, 2009), 93-94, 134-36; Rebecca S. Lowen, *Creating the Cold War University: The Transformation of Stanford* (Berkeley: University of California Press, 1997); Matthew Levin, *Cold War University: Madison and the New Left in the Sixties* (Madison: The University of Wisconsin Press, 2013); "Dow Chemical Attempts Recruiting at N.Y.U., and a Protest Results," *New York Times*, March 7, 1968; "SDS Leads Yale Protest Against Dow Recruiters," *Hartford Courant*, December 13, 1967; "Sit-In of 100 Georgetown Students Protests ROTC," *Washington Post*, April 23, 1969; William F. Buckley, Jr., "The Persecution of the ROTC," *Los Angeles Times*, May 12, 1969; "Wesleyan SDS Students Protest Navy Recruiter," *Hartford Courant*, November 19, 1968.

militarization of American society and provoke the Soviet Union to respond in kind. The goal for those on the left in opposing UMT was thus to keep the military under control in order to prevent war. For example, Progressive Party candidate Henry A. Wallace published a short campaign book in 1948 entitled *Toward World Peace*, in which he outlined his vision of coexistence with the Soviet Union. Wallace's program included negotiation with the Soviets to end the Cold War and a reconstruction program to rebuild war-torn Europe, including nations that had embraced communism. In contrast, conservatives such as Robert Taft recognized the threat posed to the United States by the Soviet Union and called on America to take concrete action to stop, and even roll back, Soviet advances. Taft did acknowledge the infringement on personal freedom and likely increase in military influence incurred by selective service, but he was willing to accept conscription, rearm Europe, and deploy U.S. troops there to confront the Soviets.³⁵ Universal Military Training, however, went too far. Thus, while libertarian conservative and those on the left found common ground in defeating UMT, their purposes and aims were quite different. A similar marriage of convenience during the Vietnam War saw libertarian conservatives and the radical left unite to end conscription. In both instances, traditional conservatives in both political parties stood in opposition to this temporary alliance.

³⁵ James Reston, "Henry Agard Wallace Sets Down His Formula for World Peace," *New York Times*, April 18, 1949; Robert A. Taft, *A Foreign Policy for Americans* (Garden City, New York: Doubleday & Company, 1951), 64-102; Russell Kirk and James McClellan, *The Political Principles of Robert A. Taft* (New York: Fleet Press Corporation, 1967), 174-85.

One cannot end a discussion of UMT without acknowledging the complicated racial dynamics at work during the debate. President Truman issued Executive Order 9981 on July 26, 1948, only a few months after Congress had renewed selective service. This order ended segregation in the armed forces. Prior to Truman's order, Southern members of Congress opposed UMT unless it explicitly allowed segregation. Segregation in schools and social life was still rigidly enforced in the South and many Southerners feared that "race mixing" during UMT service would also serve to weaken the institution of segregation itself once African American trainees—and perhaps white trainees as well—returned home. In addition, most camps would be located in the South, which enjoyed mild weather year-round that was suitable for training. White southerners therefore feared that successful desegregation in UMT camps might spread. African Americans justifiably opposed UMT if camp regulations upheld segregation by race. As just one example, World Heavyweight Champion Joe Louis wrote a statement regarding segregated service that was forwarded to the Committee on Armed Services in the Senate by A. Philip Randolph and Grant Reynolds of the Committee Against Jimcrow in Military Service and Training in 1948. Louis bitterly criticized the "would-be permanent curse" of segregation in the armed forces, including in "Negro battalions if Congress enacts universal military training." Louis called on all African Americans to inform Congress that they would no longer tolerate this second-class status.³⁶

³⁶ Michael R. Gardner, *Harry Truman and Civil Rights: Moral Courage and Political Risks* (Carbondale: Southern Illinois University Press, 2002), 111-21; Friedberg, 168; "Statement by Joe Louis on Universal Military Training and Selective Service for the Senate Armed Services Committee, Washington, D.C.," *Universal Military Training*, 1085.

As further evidence of the strange bedfellows made by UMT, Senator Taft actually conspired with civil rights leader A. Philip Randolph to prevent passage of the 1948 UMT bill by promising to support amendments to the bill that banned segregation. Since Southerners tended to support UMT, this seemed a “sure way to kill UMT” by “forc[ing] its supporters to take a stand on race.” Both Randolph and Taft came to oppose UMT from very different philosophical premises. Taft’s conservative opposition to government coercion induced him to seek to block passage of UMT by Congress. Randolph, on the other hand, was a socialist. His goal was to obstruct Congressional action on universal military training unless Congress agreed to desegregate trainees during their service. During testimony before the Senate Armed Services Committee, Randolph claimed, “Negroes are in no mood to shoulder a gun for democracy abroad so long as they are denied democracy here at home.” Randolph threatened to encourage blacks to refuse induction calls unless the military, including UMT, was desegregated. Senator Wayne Morse called such action “treason” but Randolph defended his position by appealing to a “higher law than the law which applies the act of treason to [African Americans] when we are attempting to win democracy in this country.” One may speculate that Randolph’s personal views may have been different, but his public position was to support, or at least not oppose, UMT and selective service if they were desegregated. Thus, both Taft and Randolph found themselves united in opposition to UMT in early 1948, albeit for very different reasons.³⁷

³⁷ Taylor, *Every Citizen a Soldier*, 133-42; Andrew E. Kersten, *A. Philip Randolph: A Life in the Vanguard* (Lanham, Maryland: Rowman & Littlefield Publishers, 2007), 78-80, 115-16; “Statement of A. Philip Randolph, National Treasurer of the Committee Against Jim Crow in Military Service and

After Truman's executive order, many white Southerners opposed UMT in order to stop further integration. By their calculus, subjecting a small subset of whites to service in the desegregated military through the draft was preferable to forcing all white men into a desegregated UMT program. Indeed, it seemed clear to most Southerners that Congress would desegregate any UMT program passed after July 1948, following the course of the regular military. This was the case even though several prominent military leaders were vocal in opposition to Truman's order, including General Dwight D. Eisenhower and George C. Marshall, who was then serving as Secretary of State. After several years of halting progress in desegregation, the Korean War finally directed the regular military to fully integrate African American troops.³⁸ One justification for desegregation of the military that would likely appeal to traditional conservatives concerned with national defense was given by Truman K. Gibson, a member of the President's Advisory Commission on Universal Training, which had published its report recommending UMT in 1947. Gibson argued that the United States faced the choice of "survival or extinction" in the case of "all-out warfare" with the Soviet Union. The country must end segregation because it blocked the "full and free use" of African Americans for use in this contest. Gibson explicitly stated that he made this recommendation "not because of any social considerations or any considerations other than the defense of

Training, and President of the Brotherhood of Sleeping-Car Porters, A. F. of L., New York City," *Universal Military Training*, 685-94.

³⁸ Richard M. Yon and Tom Lansford, "Political Pragmatism and Civil Rights Policy: Truman and Integration of the Military," in Raymond H. Geselbracht, ed., *The Civil Rights Legacy of Harry S. Truman* (Kirksville, Missouri: Truman State University Press, 2007), 108-14.

this country.” He proposed that Congress specifically include an antidiscrimination clause in the 1948 UMT bill to ensure that the United States extracted the full amount of service that each trainee could offer, whether white or black.

Despite the need for trained citizens during the Cold War, white Southerners in Congress refused to support a desegregated UMT program. In fact, Southern votes in the House were key to blocking the final attempt at UMT in 1952. Leaders of the Confederacy had considered arming slaves in late 1864 and early 1865 in an attempt to turn the tide of the Civil War. Confederate Major General Howell Cobb wrote to Secretary of War James Seddon, “If slaves will make good soldiers our whole theory of slavery is wrong.”³⁹ Similarly, white Southerners in the 1940s and 1950s must have recognized that successful African American service in desegregated military units and desegregated UMT camps would be a powerful argument against segregation. Most white Southerners were not willing to take this chance, in spite of the valuable service black troops and black trainees could render to the United States. Finally, during the debate over universal military training, “conservative [and] even reactionary” Southern Congressmen—who were ideologically predisposed to support UMT—united with the pacifist and antimilitarist left as well as the libertarian right to block adoption of UMT. On the

³⁹ “Statement of Truman K. Gibson, Chicago, Ill.,” *Universal Military Training*, 642-47; Friedberg, 168, note 70; Armstead L. Robinson, *Bitter Fruits of Bondage: The Demise of Slavery and the Collapse of the Confederacy, 1861-1865* (Charlottesville: University of Virginia Press, 2007), 281-82.

issue of race and UMT, one finds once again that a diverse set of seemingly contradictory motives pushed disparate groups together.⁴⁰

After a final failed attempt at adopting UMT in 1951-1952, the nation settled on conscription to provide men for the armed forces until 1973. The draft's successful operation during the Korean War bolstered this position. In addition, inductions took a relatively small portion of total manpower available, so that those who wanted to escape service were usually able to do so. President Eisenhower's New Look foreign policy greatly increased funding for the Air Force and funding for the Army was cut as a result, forcing the Army to reduce manpower by about 500,000 men. Because of this, the armed forces drafted even fewer young men during the 1950s, thus reducing the potential for dissent.⁴¹

The peace groups that did object to conscription and militarism did so on the periphery of American thought and public opinion during the 1950s. Pacifist groups such as the War Resisters League and Catholic Worker Movement operated in relative obscurity, known only to small groups of politically or religiously motivated adherents primarily in large cities on the East Coast. For the most part, they had no influence on public policy or even public consciousness. The most successful peace groups of the 1950s focused on nuclear testing and the arms race, which the advent of the hydrogen bomb and Eisenhower's New Look defense policy had spurred. The National Committee for a Sane Nuclear Policy (SANE) and the Committee for Non-

⁴⁰ Friedberg, 168.

⁴¹ Flynn, *The Draft*, 121-25, 137-39; Friedberg, 178-85; Chester J. Pach, Jr. and Elmo Richardson, *The Presidency of Dwight D. Eisenhower*, rev. ed. (Lawrence: University Press of Kansas, 1991), 80-84.

Violent Action (CNVA) both organized around banning testing as well as ending the arms race. Overall, however, the far left remained quiet, having already endured relentless attacks during the Red Scare and McCarthy witch-hunts. By 1955, the peace movement was foundering. In contrast to their Sixties counterparts, 1950s students were indeed the “Silent Generation”—silent on the war in Korea, a spiraling arms race, and above ground testing of nuclear weapons. Of more interest were good jobs and material comforts. The next generation would see the world differently.⁴²

⁴² Charles DeBenedetti and Charles Chatfield, *An American Ordeal: The Antiwar Movement of the Vietnam Era* (Syracuse, NY: Syracuse University Press, 1990), 19-22, 27-34; Lawrence S. Wittner, *Rebels Against War: The American Peace Movement, 1933-1983* (Philadelphia: Temple University Press, 1984), 213-20; Terry H. Anderson, *The Movement and the Sixties* (New York: Oxford University Press, 1995), 15-23.

CHAPTER II

ROOTS OF LIBERTARIAN AND CONSERVATIVE THINKING ON CONSCRIPTION

Chapter II covers libertarian thinking on conscription. Included are Chief Justice Roger Taney's opinion on conscription and the writings of libertarian Lysander Spooner. Discussion then turns to World War I era opposition from anarchists and socialists, whose arguments were encapsulated in the 1918 Supreme Court decision *Arver et. al., v. United States*. Finally, the chapter ends with a comparison of the differences between libertarians and traditional conservatives over conscription in the post-World War II era.

The roots of libertarian antimilitarism and opposition to conscription in America go back very far indeed. The United States was born out of anti-government protests. Fear of military occupation and objection to government-granted monopolies fueled the clashes with the British government that led to the American Revolution. During the Revolutionary War, the Continental Army frequently suffered from a lack of manpower because Americans refused to submit to national conscription, even though state militias frequently proved to be unreliable. The U.S. Constitution acknowledged a universal requirement for service

through the state militia system, based on earlier colonial practice. However, the Constitution laid out a complex process by which the United States might federalize state militias into service. Even though it was more inefficient than a direct draft, the drafters of the Constitution included this feature to protect state power and prevent centralization of authority at the national level. Based on the Constitution and writings of the Framers, it was not clear that the federal government had the power to directly conscript American citizens.¹

The United States used voluntarism as the basis for manning the military until the Civil War, including in the War of 1812 and Mexican War. However, in April 1861, after decades of conflict and compromise over the issue of slavery, the Confederate army fired on Fort Sumter and initiated the Civil War. Because of the war, President Abraham Lincoln and Congress greatly expanded the reach and power of the federal government. In 1863, Congress adopted the Enrollment Act, which instituted the nation's first compulsory draft into the national army without the interposition of the states. There were protests against the draft, most famously the bloody riots in New York City in the summer of 1863, in which at least 105 people died. Disloyal Democrats (dubbed Copperheads by the Republicans) also protested the use of the draft because they believed it was an impediment to ending the war. Chief Justice Taney wrote a private opinion on the constitutionality of the

¹ Richard Archer, *As If an Enemy's Country: The British Occupation of Boston and the Origins of Revolution* (New York: Oxford University Press, 2010), 127-29; James M. Volo, *The Boston Tea Party: The Foundations of Revolution* (Santa Barbara, California: Praeger, 2012), 29-30; Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789*, rev. ed. (New York: Oxford University Press, 2005), 509-11; Publius, "Federalist 46," in Benjamin F. Wright, ed., *The Federalist: The Famous Papers on the Principles of American Government* (New York: Barnes & Noble Books, 2004), 334-36; Akhil Reed Amar, *The Bill of Rights* (New Haven: Yale University Press, 1998), 53-59.

draft in 1863. Taney believed the federal government did not have the power to conscript, which was a reflection of his support for state sovereignty. Taney believed that the draft made it possible for the federal government to destroy the state militias because national conscription occurred independently of the state militia structure. Further, the federal government could even use the draft to destroy state governments, Taney wrote, since all state officers were eligible for the draft except for the governor of each state. Taney never got a chance to deliver this opinion because opponents of conscription did not bring a case to the Supreme Court. The suspension of *habeas corpus*, passed by Congress and signed by Lincoln in March 1863, blocked suits by “soldiers or seamen enrolled or drafted or mustered or enlisted in or belonging to the land or naval forces of the United States . . . or otherwise amenable to military law.” Thus, the opinion is interesting as a state-rights attack on conscription but it was without legal effect. Taney’s state rights arguments were obviated after the war because national power was preeminent after the Union Army’s victory over the Confederacy and enshrined in the Constitution by the ratification of the Fourteenth Amendment.²

The abolitionist cause of the mid-19th century informed and influenced a small libertarian movement after the Civil War. Lysander Spooner was an abolitionist prior to the war and was one of the foremost libertarians of the post-

² James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 492-94, 609-11; Mark E. Neely, Jr., *Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War* (Chapel Hill: University of North Carolina Press, 2011), 190-97; Amar, *The Bill of Rights*, 53-59, 257-66; Roger B. Taney, “Thoughts on the Conscription Law of the United States” in Martin Anderson, ed., *The Military Draft: Selected Readings on Conscription* (Stanford, California: Hoover Institution Press, 1982), 207-18.

Civil War era. He laid out the foundation of his philosophy in *The Unconstitutionality of Slavery*, published in 1845. “[N]atural law . . . is the paramount law,” he argued. Anything that contradicted natural law, including state or federal laws based on (in Spooner’s view) an incorrect interpretation of the U.S. Constitution, was invalid. This doctrine was the foundation of Spooner’s opposition to slavery. Just as federal law allowed the violation of the natural rights of African slaves, Spooner believed the law could (and frequently did) also violate the natural rights of white men. Spooner specifically cited conscription as evidence of the government’s violation of the natural rights of its citizens. The government conscripts a man and “puts him before the cannon’s mouth, to be blown in pieces.” For the government, this man is a “mere weapon for killing other men” all “for the maintenance of its power.” Conscription was a form of slavery and a violation the natural rights of draftees who were both put in harm’s way and forced to kill others contrary to their conscience. Since the government had no right to conscript young American men, draftees were justified in carrying out acts of resistance to this attack on their rights just as slaves were justified to run away from their masters. Spooner even opposed forcing the South to remain with the Union despite his strident opposition to slavery since he believed the Union did not fight the Civil War to free the slaves. Instead, it was to force the South to remain in the Union against their will. Thus, the “number of slaves” in the United States had significantly increased if one included the white Southerners forced back into the Union by the North as well as the Northern conscripts used to defeat them. Congress had ended the federal draft by the time

Spooner published his ideas on conscription but his writings influenced later libertarian thinking on the draft.³

After 1865, the United States did not resort to conscription again until World War I. When the United States entered the war in April 1917 President Woodrow Wilson argued for a “universal liability to service” in his request for a declaration of war from Congress. Major General Enoch H. Crowder, who had previously served as the Judge Advocate General in the U.S. Army, wrote the draft law used during World War I. The Selective Service System established by this law was composed of 4,647 local boards with members appointed by the President. These boards then selected men for service. The military relied almost exclusively on the draft because Crowder as well as the Progressive managers of the economy believed voluntarism was inefficient. The draft allowed those men needed factories and on farms to remain at home, while the military conscripted those men who could be of greater service in the war. Thus, voluntarism continued in the Regular Army, Navy, and National Guard. However, the law mandated that the “National Army,” which had been authorized by Congress in 1916, must exclusively use conscription. Historian

³ Lysander Spooner, *The Unconstitutionality of Slavery: Including Parts First and Second* (Boston: Bela Marsh, 1847), 7-8, 15; James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W. W. Norton & Company, 2013), 5; William M. Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760-1848* (Ithaca: Cornell University Press, 1977), 257-58; Lysander Spooner, *A Letter to Grover Cleveland, on His False Inaugural Address, the Usurpations and Crimes of Lawmakers and Judges, and the Consequent Poverty, Ignorance, and Servitude of the People* (Boston: Benj. R. Tucker, Publisher, 1886), 31-32; Lysander Spooner, *No Treason. No. 1.* (Boston, 1867), iii-iv.

David M. Kennedy estimated that 77 percent of U.S. manpower during the war was drafted into the National Army.⁴

In spite of President Woodrow Wilson's claim that the draft was simply the "selection from a nation which has volunteered in mass," there was a significant amount of resistance to selective service during World War I. The Wilson administration submitted the draft bill to Congress on April 7, 1917, the day after Congress voted in favor of the declaration of war against Germany. Congress debated selective service extensively before passing the law. Internationalists in both political parties favored conscription. Opposition came from areas prone to isolationist sentiment, especially the agrarian South where the Democratic Party dominated and Middle West where isolationist Republicans were most prevalent. These representatives from the South and Middle West argued for conscription only as a last resort. They also made sure that agricultural workers received exemptions from the draft. White southern demagogues warned that the draft would lead to mixing of the races while the issue divided African Americans. The civil rights pioneer W. E. B. Du Bois believed black participation in conscription would lead to recognition of equal rights at home. More realistically, black leaders like newspaper columnist James Weldon Johnson argued the military would only use blacks for labor, not combat. Weighing conflicting positions on the draft, Congress debated voluntarism in conjunction with the draft or adherence to the Wilson administration's proposal of exclusive reliance on conscription. The argument that

⁴ Chambers II, *To Raise an Army*, 74, 179-204.

swayed reluctant congressmen to the President's point of view was the inequity that would result from the volunteer system. Many in Congress feared "slackers" would escape service if the country relied on volunteers or even used voluntarism along with the draft. Representative Sydney Anderson, Republican from Minnesota, gave voice to this fear when he argued the "volunteer system takes those who had not ought to go, and ... exempts those who ought to go." In mid-May, both houses of Congress passed a bill that largely conformed to the President's plan, and Wilson signed it on May 18, 1917. Registration of young men between the ages of 21 and 30 began on June 5.⁵

Resistance to conscription came principally from the political left including anarchists, socialists, and radical unions. Unlike during the Civil War there were no riots. Instead, resistance took the form of speeches, pamphlets, and other modes of rational persuasion. Many of these arguments drew on the earlier work of libertarians such as Lysander Spooner, especially the idea that conscription violated the Thirteenth Amendment's ban on "involuntary servitude." Libertarian conservatives during the Vietnam era would later build on some of the arguments put forward by socialists during World War I.⁶

The left's arguments against conscription during World War I were encapsulated in *Arver et. al., v. United States*, arguably the most important result of

⁵ Chambers, *To Raise an Army*, 153-77; Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008), 21-33.

⁶ David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 1980), 150, 163-66; Chambers, *To Raise an Army*, 158-60, 205-37.

the draft during World War I. In this ruling, the Supreme Court unanimously upheld conscription by the federal government. The case arose when a small group of socialists defied the call to register for the draft in June 1917. The federal district court convicted them of resistance to the draft and they appealed the case to the Supreme Court. Their primary argument was that the draft was unconstitutional because Congress did not have the power to conscript. The Court first dispensed with the Constitutional issue. Congress has the power to declare war and to “raise and support armies” according to Article I, Section 8 of the Constitution. This power, combined with the “necessary and proper” clause in Article I was adequate to justify conscription since “the mind cannot conceive an army without the men to compose it.” If Congress could only register volunteers, not draftees, then any “governmental power which has no sanction to it . . . is in no substantial sense a power.” The Court argued that the history of militia service in England and the English colonies in America demonstrated the universal requirement for military service as part of the “reciprocal obligation” between the citizen and the government. Since individual states were “prohibited . . . from keeping troops in time of peace or engaging in war” by Article I, Section 10 of the U.S. Constitution, the delegates to the Constitutional Convention clearly meant to give all power to “raise and support armies” to Congress “and leave none to the States.” The Constitution thus fully delegated the power over both the militia and the regular army to Congress. The states merely controlled “the militia to the extent that such control was not taken away” by Congress. The Court closed by discussing two of the Reconstruction Amendments. The Fourteenth Amendment greatly expanded

federal power and altered the people's relations with both the national and state governments. United States citizenship was "paramount and dominant" as compared to citizenship in the individual states, allowing the federal government to act on citizens directly, with no intermediation by the states. Finally, the idea that the Thirteenth Amendment's prohibition on "involuntary servitude" barred federal conscription was "refuted by its mere statement," according to the Court. This ruling still stands nearly 100 years after the Court handed it down. Thus, opponents of conscription on constitutional grounds must contend with the Court's decision.⁷

The draft ended in 1918 with the end of World War I and Congress did not reauthorize it until 1940, months after World War II had begun but over a year before the United States entered the war. The military used the draft initially as a way to shore up U.S. defenses and then to wage the war. As has been discussed, the American people strongly supported the draft after the attack on Pearl Harbor and support for conscription continued once the Cold War began. The modern conservative movement began in response to the pronounced growth in state power during the New Deal and World War II, including universal conscription. Libertarian conservatives pushed back against increasing state power by advocating a return to pre-New Deal free enterprise and individualism. In contrast, traditionalists and militant anti-Communists argued for directed state power to enforce a return to Christian morality and prevent the spread of communism. Until

⁷ Chambers, *To Raise an Army*, 219-222. *Arver v. U.S.*, 245 U.S. 366 (1918), <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=245&invol=366> (accessed January 28, 2014).

the late 1960s, traditional conservatives held sway on the conscription issue. Libertarian conservatives eventually convinced President Richard Nixon and important members of Congress that the country should end the draft, primarily because of the upheaval surrounding conscription during the Vietnam War.⁸

The clash between traditional and libertarian conservatives over conscription began with the rise of postwar conservatism. One theme many libertarians emphasized was the inherent pacifism of pure freedom. Compulsion, libertarians argued, was the cause of war. The writings of Leonard Read furnish an example of this position. Read was a Midwestern businessman who became committed to conservatism in response to the New Deal. He strongly opposed the growth in state power during World War II because he saw it as a threat to American freedom. In contrast to American triumphalism after World War II, Read wrote to a friend that if he had been the president who dropped the atomic bombs on Japan, "I would have released to the press only a copy of my prayer asking forgiveness." Read founded the Foundation for Economic Education (FEE) in 1946 as an organization committed to spreading the gospel of freedom. The primary method FEE used to educate the public on economic and libertarian ideas was the distribution of thousands of pieces of literature, many written by Read himself. He wrote the pamphlet *Conscience on the Battlefield* during the Korean War, a fictional dialogue between an American soldier dying in Korea and his conscience. After

⁸ George H. Nash, *The Conservative Intellectual Movement in America Since 1945* (Wilmington, Delaware: Intercollegiate Studies Institute, 1996), xv-xvi, 118.

forcing the soldier to acknowledge the numerous Korean and Chinese people he had killed during the war, including women and children, his conscience asked, “Did you kill these people as an act of self defense? ... Were they on your shores, about to enslave you?” The man defended his actions by claiming he was following the dictates of American foreign policy, but his conscience would have none of it. Only force, in the form of the draft, would work to get American men such as this soldier to fight in a war in which their country, family, or other personal interests were not actually threatened. Such coercion was akin to communism, “the very disease [the soldier] claim[ed] to be trying to destroy.” Thus, American coercion was virtually identical to Russian coercion according to Read, and the results—violence and murder—were the same.⁹

For libertarians, restrictions on economic freedom led to war, making evils like conscription seem necessary to statists already predisposed to support centralization of power in the hands of the government. Ludwig von Mises, an Austrian-born economist and one of the founders of the Austrian School of libertarian economics argued along these lines. Mises contended that restrictions on human freedom such as domestic central planning, impediments to free trade, and restrictions on the movement of people between nations led to war. “War is an offshoot of aggressive nationalism,” which is itself the “necessary derivative of the [governmental] policies of interventionism and national planning,” he argued. Dr.

⁹ Leonard E. Read, “Conscience on the Battlefield,” in Edmund A. Opitz, ed., *Leviathan At War* (Irvington-on-Hudson, New York: Foundation for Economic Education, Inc., 1995), 63-78; Brian Doherty, *Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement* (New York: Public Affairs, 2007), 149-64.

Hans F. Sennholz, who had worked as an economics professor at Grove City College and later as president of FEE, illustrated Mises' argument with a concrete example from the mid-1950s. Western powers enacted tariffs and price supports for home industries in response to domestic political pressure. The developing world followed suit by nationalizing private property owned by Western businesses. The West retaliated with trade restrictions or even war, as in the case of Egypt when President Gamal Nasser nationalized the Western-owned Suez Canal in 1956 as a means to further "national development." Finally, France and Britain invaded Egypt to prevent Nasser's takeover of the canal. Thus, intervention in the economy, which originated in the West, led to war between nations. Only free markets could ensure "peaceful coexistence" between nations and make conscription unnecessary.¹⁰

Another key idea in the writings of libertarian intellectuals was the superiority of defense by free people over compulsion, no matter how necessary it seemed. Isabel Paterson, a newspaper columnist and novelist based in New York City, wrote on this subject during World War II. Her 1943 book *The God of the Machine* was an attempt to explain why some societies become wealthy and powerful while others stagnate in poverty. After an examination of civilizations throughout history, Paterson concluded that freedom and respect for private property were the keys to a society's success. Paterson opposed the centralization of authority that the Roosevelt administration—and most Americans—believed was

¹⁰ Doherty, 74-84; Ludwig von Mises, *Human Action: A Treatise on Economics*, 4th ed. (San Francisco: Fox & Wilkes, 1996), 821-25; Hans F. Sennholz, "Welfare States at War," in Opitz, ed., *Leviathan at War*, 48-52.

necessary to win the war because it violated these freedoms. Any nation that hoped to achieve “long-term military effectiveness [and] the survival of a nation through the recurrent hazards of war” had to preserve the productivity of private enterprise and allow free men the choice to fight.¹¹ Leonard Read also addressed this subject in *Conscience on the Battlefield*. Toward the end of the dialogue with his conscience, the soldier in Korea argued that only compulsory military service would give the nation the unity needed in the face of the communist threat. The soldier’s conscience replied that forced unity was only “mass obedience to a master will.” True unity and strength can come only through voluntary service. Read argued that if the Soviet Union attacked the United States, American soldiers would enjoy “an undeniable determination” based on defense of “their homeland” that Russian troops, as aggressors, would not have.¹²

In a similar vein, Dr. Dean Russell, an economics professor and staff member of FEE, argued in the mid-1950s that the American military (with the exception of the U.S. Army) has “always worked on the principle that volunteers are more effective than conscripts in war as well as in peace.” Conscripts “could never be relied upon in any real defense emergency.” It would therefore be better to have fewer volunteers that fight valiantly than unwilling conscripts that may or may not actually fight in the face of battle. In a pointed comparison, Russell argued that even the fact that some draftees might be “hard workers and heroes” did not justify

¹¹ Isabel Paterson, *The God of the Machine* (New Brunswick, New Jersey: Transaction Publishers, 2009), 269-75; Doherty, 113-25.

¹² Read, “Conscience on the Battlefield,” 72-74.

conscription since even some “individual slaves worked hard and even defended the system which held them in bondage.”¹³

Finally, and apart from all other functional arguments, libertarians were implacably opposed to conscription on ideological grounds. Libertarians believed the government should not have the power over life and death of free people. This is not to say that libertarians were pacifists. While nations who equally valued freedom would not go to war with each other, free nations still had to defend against statist regimes. However, these nations must not compromise freedom to defeat a collectivist enemy. Therefore, the only moral way to wage war, according to libertarians, was with voluntary service. Libertarian publications frequently reprinted Daniel Webster’s famous speech in the House of Representatives in which he argued against national conscription during the War of 1812 to support this argument. Webster argued that the Constitution allowed the President to federalize state militias in limited circumstances. He criticized the 1814 draft bill for “raising a standing army out of the Militia by draft” because the militia was to be called up “not according to its existing organization, but by draft from new created classes.” In other words, the bill did not call up state militias into service as units, as called for by the Constitution. Instead, it drafted men out of those units directly into the federal army. Webster believed this was such an expansion of the powers of Congress that if it were allowed, “Congress ha[d] power to create a Dictator” as well. Webster further charged that the armies conscripted under the draft bill would be

¹³ Dean Russell, “The Conscription Idea,” in Opitz, ed., *Leviathan at War*, 89-90.

used for “battles of invasion” and for “purposes of conquest” instead of for defense, as was intended for militias by the Constitution.¹⁴ Of course, libertarians did not give a full accounting of this late-1814 debate. Important drafters of the Constitution disagreed with Webster over the constitutionality of the draft bill. James Madison, for example, was president during the War of 1812, and through Secretary of War James Monroe proposed the conscription bill to Congress in September 1814, after numerous failures of the state militias during the war. Clearly, Madison believed the law was within the scope of powers delegated to Congress by the Constitution. Webster’s opposition to conscription was not representative of the feeling of Congress as a whole either. There was enough support in Congress to pass the bill in spite of opposition from the northeastern Federalists. Republican Charles J. Ingersoll of Pennsylvania attacked reliance on the “citizen soldier” because of the “shocking inexpediency” and inefficiency of the militia system. He warned that reliance on state militias would lead to defeat by the British. Congress only dropped the conscription bill in December 1814 after a conference committee could not resolve differences between the House and Senate versions. After some wrangling over a compromise, Senator Rufus King proposed pushing the bill to the next sessions through an “accidental” motion, in Daniel Webster’s words, that passed only because several proponents of conscription “happened to be out” of the Senate chambers. Congress debated other measures after the postponement of the draft bill, but it was only news of the Treaty of Ghent

¹⁴ Daniel Webster, “Conscription,” in Opitz, ed., *Leviathan at War*, 100-5.

in early 1815 that finally put the issue to rest. If the war had gone into 1815, Congress likely would have passed some form of conscription. Libertarians' overreliance on Webster's speech and tendency to ignore contradictory evidence betrays the fact that conscription divided early American leaders.¹⁵

Dr. Dean Russell made the important point that most Americans would "voluntarily defend their country when it is invaded or when *they* think that there is any danger of invasion by a foreign foe [emphasis in original]." However, Americans would not generally volunteer for overseas wars in which American interests were not directly threatened. For Russell, writing in the early 1950s, the question was: "Would I voluntarily sacrifice *my own life* [emphasis in original]?" For Russell, the answer was a "point-blank 'No.'" However, if the United States withdrew "its military forces from the various foreign nations all over the world" and was still attacked, Russell believed he "would (in fact, will) volunteer for the duration." The difference was that he would be actually defending the United States. Voluntarism would therefore check U.S. adventurism around the world because men would not volunteer if they did not believe in the nation's cause. Defenders of conscription during the Cold War justified it with the argument that unless the United States had plenty of men to contain communism around the world, the Soviet Union would "conquer the United States and enslave us all with their evil philosophy." Russell strongly disputed the notion that the Soviet Union could establish communism in the United States against the will of the American people. Nor could the Soviet

¹⁵ C. Edward Skeen, *Citizen Soldiers in the War of 1812* (Lexington: University Press of Kentucky, 1999), 21-38.

Union “invade and successfully occupy the United States.” Thus, the real danger from the U.S.S.R. was that they would “drop hydrogen bombs on our cities.” However, Russian leaders were rational and would not “slaughter millions of Americans merely for the fun of killing them.” The only reason there would be a nuclear war with the Soviets would be that the United States provoked them out of “fear of our intentions or retaliation to our acts.” Leonard Read of FEE agreed, writing in a letter, “Communism or socialism . . . is a philosophy to be despised and *explained* away. It is not a military threat to be feared and *shot* away [emphasis in original].” For Russell and Read ending conscription would actually make the United States safer from attack because it would not have the military manpower to goad the Soviet Union into war through a foolishly bellicose foreign policy. Even if there were some people “who wouldn’t voluntarily defend themselves or their countrymen under any circumstances,” a resort to conscription still was not justified. Respecting personal choice based on conscience “is merely a part of the price we must pay to keep our freedom,” Russell argued. If a pacifist minority was forced to fight, how could anyone object to restrictions on their own freedom of choice, he asked.¹⁶

Frank Chodorov was the most radical of the libertarians who wrote against conscription. He had been an isolationist during World War II and opposed taxation and the sale of government bonds to finance the war. During the Cold War Chodorov charged that the policy of containment was in truth an excuse to further

¹⁶ Russell, “The Conscription Idea,” 90, 94-98. Doherty, 194.

extend the American empire around the world. Chodorov noted the irony of the fact that Americans had seen conscription as “the lowest form of involuntary servitude” only a few generations previous, an evil that many of American immigrants had left Europe to escape. Conscription, now supposedly justified by the Cold War, had become the “fulfillment of statism,” according to Chodorov. He compared conscription to the “pagan practice of human sacrifice” in which the individual must “throw himself into the sacrificial fire” so that the rest of the clan may survive. Echoing Daniel Webster, Chodorov also pointed out that the drafters of the Constitution designed it to limit the power of the American government. State power was originally paramount under the system set up by the Framers since “political power is less virulent the nearer its wielders are to the ruled.” However, the federal government had greatly expanded its reach over the intervening years, first when the “immunity of the person went by the boards when military conscription was instituted as national policy,” and then as “national policy was interpreted as an obligation to use these troops in wars of foreign nations.” Beginning during the Civil War and culminating in World War I the government exerted control over one’s person not authorized either morally or by the Constitution. Chodorov also pointed out that conscription corrupted the political processes that it was supposedly designed to protect. In Rome the Praetorian Guard provided a “steady supply of emperors” that promised to “improve their economic welfare.” Chodorov compared this practice to the “emoluments and special advantages the modern politician holds out to conscripts” to get them to accept this infringement on their freedom. Chodorov doubtlessly overstated his case here. One

cannot equate the intrigue that accompanied the selection of Roman emperors with the election of an American president. Nevertheless, it is certainly accurate to say that the military and military issues hold an inordinate sway in American politics. As historian Michael Sherry noted, “[M]ilitary service became a prerequisite for the presidency for nearly a half-century after 1945.”¹⁷

Like libertarianism, conservatism has always been a part of American political life. Conservatism is rooted in the idea that a nation should preserve some aspects of its society and that extreme change is unwise and even counterproductive. However, one can only understand the conservatism of a particular era by contrasting it with other political movements of the period. For example, one can describe the generation of leaders that brought America through the Revolutionary War as radical, in the sense of bringing about drastic change, when compared to the Tory Loyalists and British government. Only a few years later, however, many of these same leaders helped create the U.S. Constitution. When viewed from the perspective of the farmers led by Daniel Shays in 1786 or the Anti-federalists during the ratification debate of 1787 and 1788, one might view the Framers of the Constitution as quite conservative. George H. Nash, one of the most important historians of the post-World War II conservative movement, confronted the problem of defining conservatism by confining his analysis to a specific period of time and place. In addition, Nash used the term “conservative” to describe political

¹⁷ Charles H. Hamilton, ed., *Fugitive Essays: Selected Writings of Frank Chodorov* (Indianapolis: LibertyPress, 1980), 39-45; Frank Chodorov, *The Rise and Fall of Society: An Essay on the Economic Forces That Underlie Social Institutions* (Auburn, Alabama: The Ludwig von Mises Institute, 2007), 83-84, 140-42; Sherry, 189.

actors who either described themselves or were described by their contemporaries as conservative. One would be prudent to follow Nash's lead in exploring the post-World War II conservative movement in the United States.¹⁸

Conservatism after 1945 arose in reaction to the expansion of federal power during the New Deal and World War II as well as the incredible evils of the Nazi regime and massive destruction of the war. Traditionalists and anticommunists rounded out the conservative movement in addition to libertarians in the postwar era. Traditionalists pushed for a renewal of long-established religious and ethical values while anticommunists made the case for an activist American foreign policy to stop the spread of communism around the world.¹⁹

Richard Weaver represented the revival of traditional conservatism after World War II. Reflecting his apprehension of the destructive power of modern science and industrialism, Weaver's doctoral dissertation in 1943 celebrated the traditionalism, order, and hierarchy of the American South in the antebellum era. Southerners laudably tried to keep the spirit of the Old South alive, according to Weaver, even after the Confederate defeat. However, the Union victory in 1865 paved the way for the expansion of democracy and industrialism even into the South which increasingly threatening the South's traditional hierarchy and agricultural society. Weaver laid out the baneful consequences of these developments in *Ideas Have Consequences*, in which he attacked what he saw as the

¹⁸ Nash, xiv-xvi, 172-75.

¹⁹ Nash, xv-xvi; Ted V. McAllister, *Revolt Against Modernity: Leo Strauss, Eric Voegelin, and the Search for a Postliberal Order* (Lawrence: University Press of Kansas, 1996), 5-8.

moral relativism of Western society. Weaver believed he was witnessing the “dissolution of the West” because of its denial that “there is a source of truth higher than, and independent of, man.” This led to the elevation of “rationalism to the rank of a philosophy” and science above religion. Mankind’s disrespect of nature, traditional order, and the past itself is as the rebellion of an immature and ignorant son “proceed[ing] contemptuously against [the] ancient relationship” with his father. Only the renewal of piety and the rejection of selfish individualism can “absolve man from this sin.” As with many other issues, Weaver was a maverick on the issue of conscription and war. In many ways, he skirted the divide between libertarianism’s antiwar tenets and conservatism’s defense of traditional order and duty. Weaver deemed the South’s army during the Civil War chivalrous in spite of the fact that the Confederacy manned it through conscription for most of the war. Weaver also argued that the South was a “flywheel” that prevented the nation from getting out of balance. He cited the fact that the South had provided needed votes in Congress in favor of the 1940 conscription law as proof of this. At the same time, Weaver criticized the fielding of mass armies supposedly based on democratic ideals. He traced a direct line from the rise of mass armies to the introduction of total warfare, first by the Napoleonic armies, continuing in the Civil War, and finally adopted by the rest of Europe during World War I. Weaver’s focus was consistently on hierarchy in society as well as the military, not conscription per se. Thus, both

supporters and opponents of conscription can find aspects of Weaver's ideas that supported their preconceptions.²⁰

Anticommunists held incredible sway in conservative circles after World War II. Conservatives were opposed to appeasement of the Soviet Union, and China after 1949, based on the lessons they took from the 1930s. President Truman and mainstream Democrats constructed their policies on a similar interpretation of history. Truman's decision to contain communist expansion was settled American foreign policy for the rest of the Cold War. Some anticommunist conservatives, however, argued that rolling back communist gains, instead of mere containment, was called for to confront communism around the world. Foremost among anticommunist conservatives was William F. Buckley, Jr. As a young man recently out of college, Buckley published *God and Man at Yale* in which he attacked Yale administrators and faculty for denigrating Christianity and the free market in their teachings. The book inspired conservatives and cast Buckley as an iconic leader of the nascent movement. In 1952, Buckley wrote an "appraisal of the Republican Party," with recommendations for the party's future. In domestic policy, Buckley believed the Republican Party was not doing enough to differentiate itself from the Democrats. He argued that both parties were committed to the "ideology of the Leviathan State." On the other hand, in the foreign policy arena Buckley believed the Republicans out of necessity must accept the security state, including a military

²⁰ Richard M. Weaver, *Ideas Have Consequences* (Chicago: University of Chicago Press, 1948), 3-8, 41-45, 170-87; Nash, 30-36, 44-46, 55, 152-53; Fred Douglas Young, *Richard Weaver: A Life of the Mind* (Columbia: University of Missouri Press, 1995), 99; Richard Weaver, *Visions of Order: The Cultural Crisis of Our Time* (Baton Rouge: Louisiana State University Press, 1964), 92-100.

buildup of both men and weapons as along with the “attendant centralization of power in Washington.” Only a “totalitarian bureaucracy within our shores” was powerful enough to confront the communist threat. Because of the threat the Soviet Union posed to the United States, Buckley concluded that this compromise of conservative principles was necessary for national “survival.”²¹

In 1954, Buckley noted the “enormous fissure” within the conservative movement in an article in *The Freeman* entitled “A Dilemma of Conservatives.” Without providing his own preferred solution, Buckley described what he called “‘containment’ conservatives,” who held positions analogous to the libertarians. These conservatives, Buckley explained, argued that the only way to defeat communism was by maintaining “retaliatory”—not offensive—military power in order to “repel any direct onslaught.” The Soviet Union had no hope of ruling the entire world if the United States maintained this posture. The containment conservatives, Buckley explained, believed the true danger to the United States was becoming a totalitarian state itself, which might come about through excessive spending on defense and allowing the defense industry to dominate the American economy. On the other side of the debate were the “interventionist conservatives.” These conservatives emphasized the power of the Soviet Union and the real danger that country posed to the United States. While containment conservatives believed that the United States could coexist with the Soviet Union, the interventionists held that there would soon be a “decisive victory for us or for the Communists.” Even the

²¹ William F. Buckley, Jr., “The Party and the Deep Blue Sea,” *Commonweal* 55 (January 24, 1952), 391-93; Nash, 110-13.

draft was necessary even though “conscription entails the supreme denial of individual freedom.” Given this existential threat, the interventionists argued the United States must “imitate the Soviet Union” by centralizing power in the federal government in spite of the potential of totalitarianism.²²

Buckley founded *National Review* in 1955, which became the first conservative magazine with wide circulation and influence in the postwar era. Buckley himself published columns in nearly every issue of *National Review*, in which he and other writers inveighed against domestic liberalism and the spread of communist influence around the world. Buckley and his fellow authors frequently advanced the idea that the American government, and especially leaders in the Democratic Party, was not doing enough to stop this spread. While libertarians continued to argue that the national security state was unnecessary to fight the Soviet Union and dangerous to American liberties, conservatives such as Buckley and other contributors to *National Review* first and foremost focused on retarding the advance of communism. The very few criticisms of the draft in the pages of *National Review* were functional not ideological. At no time before the Vietnam War did the editors come out against the draft.²³

Throughout the pages of *National Review*, the editors and contributors emphasized the existential threat that the Soviet Union posed to the United States. In July 1957, the editors criticized the refusal of the so-called “experts” to truly

²² William F. Buckley, Jr., “A Dilemma of Conservatives,” *The Freeman* 5 (August 1954), 51-52

²³ John B. Judis, *William F. Buckley, Jr.: Patron Saint of the Conservatives* (New York: Simon & Schuster, 1988), 130-42.

understand the Soviet Union, with whom the United States was “engaged in a war of extreme proportions and unfathomable death.” In this situation, the United States could not win unless the American people were “willing to fight and to die,” which the editors did not believe to be the case for the United States at the time. Frank S. Meyer, writing in early 1958, claimed that the Soviets were intent on “the destruction of Western civilization.” Only true conservatives, he believed, were capable of defending the United States against this onslaught. Meyer also described what he called the “moral dilemma” of American foreign policy in the nuclear age. He believed the destruction of the Soviet Union was a “clear duty.” There “can be no retreat from the primary duty of standing for the right,” he wrote. Because of modern weapons, the United States faced the dilemma of risking all-out war with the Soviet Union to protect freedom or retreating to “Fortress America” to defend only U.S. territory as well as American allies such as Western Europe and Japan. Meyer strongly criticized the vacillating nature of American foreign policy between these two options and enjoined American policy makers to choose one.

Milada Horakova wrote a parable about “Liberal” efforts to coexist with Al Capone in Chicago, with Capone standing in for Soviet Premier Nikita Khrushchev, in order to illustrate conservative criticisms of coexistence with the Soviets. Horakova described minor acts taken by Capone to supposedly further peace and compared these trifles to the large concessions made by the “Liberals” to appease Capone. Capone was never satisfied and continually demanded more from the Liberals while offering little in return. Horakova wrote sarcastically that those people Capone ruled were “certainly not worth fighting over.” Readers of *National Review* could

scarcely have missed Horakova's message and its arguments regarding foreign relations with the Soviet Union. Horakova wrote the parable to push the idea that the United States must roll back communist advances around the world. For Horakova there was no coexisting with the Soviet Union.²⁴

In 1957 James Burnham, an editor at *National Review*, criticized the standoff between the West and East in the years since 1949. The division between Eastern and Western Europe and the "atomic stalemate" that existed after the Soviet Union exploded its own weapon in 1949 typified the deadlock. Burnham described how "liberation" of the communist world might occur, either by direct confrontation with the Soviet Union or through "spreading and mounting rebellion" in the countries under communist rule. Burnham rejected direct conflict with the Soviet Union because of the danger of nuclear war. Instead, he believed the people of Eastern Europe, especially Hungary, demonstrated the way forward through the example of the 1956 rebellion. The United States could put pressure on the Soviet Union to pull back from Eastern Europe by encouraging local rebellions in those nations. After Soviet withdrawal, both sides should work to neutralize and demilitarize Germany and Eastern Europe. For Burnham, therefore, the United States should not accept the status quo by simply containing the Soviet Union.

In spite of his call for the liberation of Eastern Europe, some of Burnham's fellow conservatives in *National Review* criticized aspects of his position. Frank S.

²⁴ "Foreign Trends ... w.s.: Khrushchev's Exercise in Leninist Prudence," *National Review*, July 20, 1957; Frank S. Meyer, "Principles and Heresies: On What Ball?," *National Review* (January 4, 1958), 17; Frank S. Meyer, "Principles and Heresies: Dilemmas of Foreign Policy," *National Review* (March 29, 1958), 303-4; Milada Horakova, "Coexisting with Capone," *National Review* (March 29, 1958), 305.

Meyer and William S. Schlam, a senior editor at *National Review*, both claimed that neutralization of Germany would constitute a U.S. retreat since the United States then garrisoned West Germany. Burnham's critics argued that he was simply following President Eisenhower's policies toward the communist world, which Meyer believed had led to the "betrayal" of nations engaged in rebellions against the Soviet Union, Hungary chief among them. Likewise, extreme right-wing ideologue Major General Charles A. Willoughby argued that neutralization of Germany was a primary goal of the Soviet Union. In the event of an invasion from the east, a weakened Germany would be an easy target for the communists. Thus, the Soviets gained more from the neutralization of Germany than the United States did. Meyer further charged that coexistence with communism was "immoral." The dictates of morality therefore obligated the United States to push back against communism around the world and potentially even inside the Soviet Union itself.²⁵

In reply to Meyers' argument, Burnham noted what he called the "changing nature of war" that had arisen because of the advent of atomic weapons. This was in the context of President Eisenhower's "New Look" foreign policy and the threat of massive retaliation. Burnham explained that these new weapons gave both sides the power to inflict "immense and perhaps paralyzing damage" on the other. The old goal of total defeat of the enemy was obsolete in this new era of warfare. Real

²⁵ James Burnham, "Liberation: What Next?," *National Review* (January 19, 1957), 59-62; James Burnham, "The Third World War: What the Hungarians Want," *National Review* (February 23, 1957), 185; James Burnham, "The Third World War: Definitions and Distinctions," *National Review* (March 9, 1957), 239; William S. Schlam, "Neutralization: What Next?," *National Review* (January 26, 1957), 81-84; Frank S. Meyer, "New Ideas" or Old Truth," *National Review* (February 2, 1957), 107-8; Charles A. Willoughby, "Mid-European Buffer Zone: A Soviet Trap," *National Review* (April 13, 1957), 350-53.

fighting still occurred in what Burnham described as “little wars” in developing nations around the globe. The goal of these “little wars” was to counter the advances of the enemy without a resort to atomic warfare. This type of warfare required troops, Burnham acknowledged, but not the “short-term, half-trained draftees” of the mid-1950s U.S. Army. Instead, Burnham presciently argued that the United States must fight guerilla wars with “highly trained, elaborately equipped force.” Since conscripts would rarely become the “elite troops” the United States needed for “little wars,” Burnham concluded that a smaller force of professionals would be more effective than conscription. In spite of the fact that he recognized the difficulties of using a conscript army in small wars, Burnham put forward only a functional criticism of the draft. It is reasonable to assume that an invasion by the Soviet Union of Western Europe without the use of atomic weapons would have forced Burnham to acknowledge the need for the draft to fill the ranks of the military.²⁶

Admiral T. G. W. Settle, a veteran of the Pacific war against Japan, took up the problem of how to confront the Soviet nuclear threat in an essay in mid-1958. In contrast to Burnham, Admiral Settle believed that “nuclearizing [sic] enemy cities” would not be sufficient to defeat the Soviet Union in the event of a war. During World War II the Germans had not been defeated by the “massive offensive bombing effort” undertaken by the Allies, but by the “[m]assive ground armies” unleashed on

²⁶ Patterson, *Grand Expectations*, 286-91; James Burnham, “The Third World War: The Changing Nature of War,” *National Review* (April 20, 1957), 375; James Burnham, “The Third World War: Nuclear Facts and Pre-nuclear Ideas,” *National Review* (May 4, 1957), 424. James Burnham, “The Third World War: Some Relevant Proposals,” *National Review* (May 18, 1957), 471.

Germany, Settle explained. Furthermore, unlike Germany both the United States and the Soviet Union had “considerable defensive capability” against aerial bombing. Because of these defenses, it was wrong to think that Hiroshima and Nagasaki provided instruction as to how the Soviet Union would react in case of an atomic attack by the United States. Thus, the manned military was “still the basic arbiters of victory in major wars,” according to Settle. Settle was clearly interested in changing the funding priorities of the Eisenhower administration, which focused on the Air Force and nuclear weapons. Apart from the interest of his chosen branch of service in the American military, Settle provides an important conservative counterpoint to Burnham’s argument that atomic weapons rendered the draft obsolete. Outside of the Air Force many in the armed forces believed ground troops, numerically reinforced through conscription, was a necessary component of U.S. defense during the Cold War.²⁷

Other conservative writers in *National Review* demonstrated the “fissure” in the conservative movement of which Buckley spoke. While not directly addressing conscription or foreign policy, Russell Kirk provided an intellectual framework with which to reject this encroachment of state power. Kirk had long opposed the draft, before and after the American army drafted him during World War II. He called the draft “slavery” in one private letter in early 1942. Toward the end of the war, he feared that U.S. foreign policy was becoming so fixated on the Soviet Union that the

²⁷ T. G. W. Settle, “Nuclear Irresistibility: The Great Fallacy,” *National Review* (July 5, 1958), 57-58; Thomas G. Mahnken, *Technology and the American Way of War Since 1945* (New York: Columbia University Press, 2008), 46-47.

government would continue conscription even after World War II ended. After the war, he authored *The Conservative Mind*, which was an exposition of conservative thought from Edmund Burke to the mid-twentieth century. This work made Kirk an important exponent of postwar conservative thought. Kirk described his philosophy of limited government in an article in *National Review* in 1957. Because the United States was a “republic” in which there were certain bedrock principles that even a majority of voters could not violate, the Constitution guarded against “temporary and irresponsible majorities” and “an absolute central sovereignty.” This system protected the “private rights” and freedom of the individual. In the rest of the essay, Kirk concentrated on how the Constitution upheld economic rights. Kirk could have applied these arguments for limited government power to conscription, but he did not do so. Instead, he laid out his opposition to conscription in private letters but not in the pages of *National Review*, an indication of the widespread conservative belief that conscription was unfortunately necessary to confront the Soviet threat in spite of its infringement on private rights.²⁸

In a similar vein, William Henry Chamberlain argued that the “good society” was one in which the powers of the government are strictly limited in order to guarantee “maximum freedom for the individual.” Chamberlain’s case for freedom could also provide justification for opposition to the draft. However, like Kirk, Chamberlain focused on economic freedom. Chamberlain quoted John Locke’s defense of the natural rights of “life, liberty and property” but then focused only on

²⁸ Nash, 62-68; Russell Kirk, “What Is the Republic?,” *National Review* (February 2, 1957), 111-13, 119.

the “security of property,” in such areas as free trade and taxation. His misquotation of Locke, for whom property encompassed one’s “life, liberty, and estate,” indicates the emphasis he placed on property in its modern understanding. Chamberlain understood “property” as only physical possessions, in contrast to Locke’s definition. Chamberlain further claimed that the “perils to liberty” came from “Soviet and Chinese Communism” as well as “societies where the Welfare State.” By his silence on the draft issue Chamberlain acquiesced to the belief that economic freedom at home with compulsory service in the American armed forces was the only way to simultaneously combat domestic liberalism and foreign communism.²⁹

By the late 1950s, the draft had become an established part of American life. As the United States entered the 1960s, the country had not endured a large-scale war for nearly a decade. There was consideration of an all-volunteer military in 1958. However, the military preferred the guaranteed manpower of the draft to the gamble of voluntarism. As Assistant Secretary of Defense Charles C. Fincucane explained, the Selective Service System was the “pillar of our ability to mobilize manpower in an emergency.” Criticisms of the draft did come from some conservative Americans. Libertarians especially noted the draft’s violation of the individual’s right to life. Traditional conservatives either neglected to speak about conscription at all or agreed with William F. Buckley, Jr. that the draft was necessary to defeat communism, however regrettable the need might be. James Burnham, one

²⁹ William Henry Chamberlain, “Evolution of a Conservative,” *National Review* (April 12, 1958), 349-50; Ian Harris, *The Mind of John Locke: A Study of Political Theory in Its Intellectual Setting*, rev. ed. (New York: Cambridge University Press, 1998), 241.

of the very few conservatives to call for an end to conscription only claimed that a volunteer army might better serve the defensive needs of the United States. He did not offer the ideological arguments used by true libertarians to oppose the draft. More important was the fact that conscription remained popular with the American public. The draft continued to be associated with the patriotic triumphalism of World War II. In addition, fewer Americans actually had to serve because of the rising number of young men as well as the reduction in overall calls, both of which allowed those who truly desired to escape service to do so. These factors would change in the next decade.³⁰

³⁰ Flynn, *The Draft*, 163-65.

CHAPTER III

CONSERVATIVES, VIETNAM, AND THE END OF THE DRAFT

The focus of Chapter III is the draft during the Vietnam War. The chapter begins with an examination of President Lyndon Johnson's decision to rely on the draft and conservatives' general support for the war and the draft. Discussion then moves to growing opposition to the war from the left and softening of public support as the war continued. Several studies of conscription conducted during President Johnson's tenure are then examined. We then look at libertarians' opposition to the draft during the war and their influence on President Richard Nixon. The chapter ends with an analysis of the public debate that took place between 1969 and 1973 between opponents and supporters of the draft.

When President John F. Kennedy took office in January 1961 he promised that Americans would "pay any price" to prevent the spread of communism. At the outset of Kennedy's term the public overwhelmingly backed the President's stance. Both Kennedy's promise and the public support he received reflected the country's unity regarding the direction of U.S. foreign policy. Meanwhile, draft calls were low and did not rise significantly until the onset of the Vietnam War. There was the

ever-present threat of nuclear war, most significantly during the 1961 Berlin confrontation and Cuban Missile Crisis in 1962. Both of these incidents hinted at the costs of a direct war with the Soviet Union. Americans again strongly supported Kennedy's actions during these crises. In the face of a threat of nuclear attack on the United States, however, there was little the American people could actually do apart from praying for peace. In areas of the world not deemed vital to U.S. interests, including Laos and South Vietnam, Kennedy chose to avoid direct action by American combat troops.¹

When President Lyndon Johnson took office after Kennedy's assassination in November 1963, the United States had roughly 16,000 advisors in Vietnam and the new administration faced the choice of whether to escalate or withdraw. The American people were much more ambivalent about military action in Vietnam than they had been about Berlin or Cuba. Moreover, the United States now faced an insurgency movement in South Vietnam supported with money and material—but not combat troops—from the U.S.S.R. Vietnam was very far from American shores and the Communist challenge seemed a much less direct threat. France's colonial ambitions and subsequent military failure in Vietnam a decade earlier also induced many Americans to take a cautionary stance. Finally, the Ngo Dinh Diem government was autocratic and unpopular with the Vietnamese people. Diem's

¹ George Gallup, "Kennedy Starts Term With Confidence Vote: Gallup Poll Shows Nearly 9-to-1 Ratio of Favorable Opinion of Conduct to Date," *Los Angeles Times*, January 25, 1961; George Gallup, "Public Would Support Fight If Berlin Blocked," *Hartford Courant*, September 15, 1961; George Gallup, "Americans Support Kennedy on Blockade," *Los Angeles Times*, October 24, 1962; Flynn, *The Draft, 1940-1973*, 165, 168; Patterson, *Grand Expectations*, 497-509; Fredrik Logevall, *Choosing War: The Lost Chance for Peace and the Escalation of War in Vietnam* (Berkeley: University of California Press, 1999), 23-24.

assassination in early November 1963 ushered in a series of weak and unstable governments that many Americans deemed unworthy of support. On the other hand, many Americans still supported actions in Vietnam that entailed “minimal cost.” Despite these factors, Johnson committed two battalions of U.S. Marines to Vietnam in March 1965, a decision that would eventually wring sacrifices out of an additional two million Americans—all to resist the spread of Communism.²

Johnson chose to use the draft to man the military—particularly the U.S. Army—during the Vietnam War. He believed that using the reserves, as President Truman had done during the Korean conflict, might invite scrutiny of the war that he sought to avoid. Drafting young men would also disrupt the economy less than taking older men from the reserve units. However, former President Eisenhower cautioned Johnson against using conscription in Vietnam because it would prove to be a “major public-relations problem” in the long run. Perhaps Johnson believed the United States could quickly defeat what he called the “damn little pissant country” of Vietnam before the American people mobilized against conscription. After all, in mid-1965 the United States had quickly defeated the “Castroite Communist” rebels in the Dominican Republic who were seeking to return reformist President Juan Bosch to power. In the end, defeating the Vietnamese insurgency without provoking either the Soviet Union or China, proved an entirely different proposition and the

² John Prados, *Vietnam: The History of an Unwinnable War, 1945-1975* (Lawrence: University Press of Kansas, 2009), 28-33, 66, 68-80; Logevall, 376-82; Lawrence M. Baskir and William A. Strauss, *Chance and Circumstance: The Draft, the War, and the Vietnam Generation* (New York: Vintage Books, 1978), 3-6; Historian George C. Herring aptly notes the “flimsiness” of the public’s support for the war in Vietnam in George C. Herring, *America’s Longest War: The United States and Vietnam, 1950-1975*, 3rd ed. (New York: McGraw-Hill, Inc., 1996), 157; George Gallup, “Viet Support Not Massive,” *Los Angeles Times*, May 16, 1965.

Asian war dragged on for another eight years. During those eight long years, the American public became disillusioned with both the war and the draft.³

Conservative leaders supported of the war from its outset and most demanded more vigorous action to defeat the Communists. Early on, Eisenhower promised his support for Johnson's actions in Vietnam and pledged not to make the President's handling of the war a "partisan issue." But other notable Republicans chose not to adhere to Eisenhower's commitment. Senator Barry Goldwater of Arizona had pushed for "victory" in Vietnam at whatever the cost—tactical nuclear weapons were mentioned—during his failed 1964 bid for the presidency. Many Americans recoiled at the consequent possibilities of a wider war with China or the Soviet Union but, despite such worst cases, conservatives celebrated his proposal. And once Johnson committed American troops, Goldwater demanded that the military be given a free hand to win the war without interference from the President. Former Vice President Richard Nixon also frequently criticized the administration despite his earlier agreement with Eisenhower that the war effort should be untainted by politics. He criticized Johnson's peace negotiations while on a tour of Southeast Asia in September 1965. Anything less than a full withdrawal of Communist forces from South Vietnam was, according to Nixon, a "defeat or a retreat" for the United States. He also promised to make these efforts at peace a

³ Flynn, *The Draft*, 164-65; George C. Herring, *LBJ and Vietnam: A Different Kind of War* (Austin: University of Texas Press, 1994), 31-32; Michael Grow, *U.S. Presidents and Latin American Interventions: Pursuing Regime Change in the Cold War* (Lawrence: University Press of Kansas, 2008), 79-91.

“campaign issue” in the 1966 midterm elections and 1968 presidential election. For the next three years Nixon incessantly called for increases in the number of American troops and level of bombing.⁴

Meanwhile, the American public became more hesitant. After the introduction of combat troops and as the administration pushed deeper into the conflict, Gallup polls taken early in the war inferred that two-thirds of Americans supported Johnson’s decision to enter the war but a six-to-one majority also favored a negotiated peace through the United Nations. A hypothetical congressional candidate who promised to work for a compromise in Vietnam garnered 68 percent of the public’s support. Pollster George Gallup aptly stated in April 1966 that there was an “overwhelming feeling of frustration” among Americans about the war. They did not want to let the Communists take all of Vietnam, but most Americans opposed expansion of the conflict and especially wanted to avoid a direct confrontation with the Soviet Union.

These same polls show that there were a significant number of conservative Americans in both political parties who favored stronger action to contain Communism in Vietnam. One noncommissioned officer in the U.S. Navy spoke for many conservatives in and out of the military when he wrote that the United States

⁴ Prados, 102-3; David S. Broder, “Eisenhower Backs Stand on Vietnam,” *New York Times*, August 20, 1965; Victor Wilson, “A-Attack on Viet Jungle Proposed by Goldwater,” *Washington Post*, May 25, 1964; “Goldwater to Johnson: Let Military Run War,” *Los Angeles Times*, June 14, 1965, page 8. Qiang Zhai, *China & the Vietnam Wars, 1950-1975* (Chapel Hill: University of North Carolina Press, 2000), 131-32, 155-56; Neil Sheehan, “Nixon Bids U.S. Press for Victory,” *New York Times*, September 6, 1965; Raymond H. Anderson, “Nixon Views Vietnam War As Major Issue in '68 Vote,” *New York Times*, November 22, 1965; “Nixon Urges Increase in N. Viet Raids,” *Los Angeles Times*, November 5, 1965.

had the responsibility to prevent Communist governments based on “tyranny and absolute dictatorship” from taking power around the world. Very early in the war, an April 1965 poll indicated that 12 per cent of the public recommended that the United States “step up military activity” in Vietnam and 19 percent wanted full U.S. mobilization and a declaration of war against Vietnam. Polls conducted a few months later showed that 33 percent of Americans would be more likely to vote for a congressional candidate who supported sending “a great many more men” to Vietnam to win the war and 28 percent supported bombing North Vietnamese cities regardless of the costs to civilians. The Johnson administration demonstrated the influence of the conservative “hawks” in public opinion polls when Deputy Presidential Press Secretary Robert H. Fleming claimed that it was the “relaxation” of military activity in Vietnam—not escalation—that pushed Johnson’s support down among Americans.⁵

In spite of general support for Johnson’s handling of Vietnam, protests against the war—and the draft—began in March 1965, very soon after direct American participation began. College campuses and established pacifist groups were the biggest contributors in these early days, and their activities were largely

⁵ “68% Favor Viet Peace Bid Issue,” *Washington Post*, September 23, 1965; George Gallup, “U.S. Public Approves of Vietnam War Effort,” *Los Angeles Times*, October 22, 1965; George Gallup, “U.N. Role in Vietnam Favored,” *Los Angeles Times*, February 9, 1966; “War Frustrating to Public,” *Washington Post*, April 3, 1966; “Nation Split On Next Step In Viet-Nam,” *Washington Post*, April 23, 1965. George Gallup, “Viet Support Not Massive,” *Los Angeles Times*, May 16, 1965; James E. Carlson, “Serviceman Speaks on Vietnam,” *Los Angeles Times*, July 17, 1965; “Johnson Finds Letup in War Cuts Public Support,” *New York Times*, March 10, 1966. Polls can present a challenge because they are simply snapshots of opinion at a given moment and can be influenced by biased questions, poor sampling, and even recent events. Polls can be used to infer trends in public thinking on important issues, and are especially useful in the context of other, verifiable events. This is the way I have used them in this thesis.

peaceful and respectful of governmental authority, although this preference disappeared in years to come. For now, critics of Johnson's war policies registered their discontent through letters to the editors of newspapers and small pickets in front of the White House. Students and professors conducted "teach-ins" at universities around the country to debate the merits of the war. But there were also some disturbing incidents. On March 16 1965 in Detroit, Michigan, an 82-year-old woman named Alice Herz of Women Strike for Peace immolated herself to protest the bombing campaign against Vietnam. Johnson publicly claimed to ignore these protests but available evidence indicates that they affected policy. To mollify the peace advocates Johnson offered to "meet with anyone" on the Communist side for the chance of an "honorable peace" in March 1965. Then in April, Johnson promised "unconditional discussions" with the Vietnamese to end the fighting and floated the Mekong River Delta Plan to modernize Vietnamese infrastructure once the war had ended.⁶

At the same time, the Johnson Administration and conservatives outside it worked to undermine the arguments and activities of peace advocates. Johnson's State Department sent a "truth team" to American universities in May 1965 to challenge the teach-ins. National Security Advisor McGeorge Bundy also debated noted international scholar Hans Morgenthau in June, over the opposition of the President, who believed the televised debate served to legitimize the antiwar

⁶ Melvin Small, *Johnson, Nixon, and the Doves* (New Brunswick: Rutgers University Press, 1989), 33-40; "Johnson Finds Letup in War Cuts Public Support," *New York Times*, March 10, 1966; "15,000 White House Pickets Denounce Vietnam War," *New York Times*, April 18, 1965.

movement. Most important, Johnson's belief that the protest movements were fueled by "Russian and native communists" influenced the administration's handling of them. Secretary of State Dean Rusk implied that communists influenced the "highly organized demonstrations" then being carried out while U.S. Ambassador to Poland John Gronouski attacked antiwar speeches that were "prefabricated" by the Communists and "followed by rote" by the protesters. Johnson pushed FBI Director J. Edgar Hoover to find connections between the domestic protesters and foreign agents. However, FBI investigations from 1965 through the end of Johnson's presidency failed to find the influence that Johnson, Hoover, Rusk, and many others in the administration believed was there. Despite this lack of evidence, it was nevertheless easy for Johnson to dismiss the antiwar left as dupes, and this dismissal contributed to the growing divide between Johnson and the American people as opposition to the war grew.⁷

Conservatives agreed with Johnson that the protesters were anti-American and Communist-inspired. A Gallup Poll taken in November 1965 inferred that 78 percent of Americans believed that Communists wielded substantial (58 percent said "a lot" while another 20 percent believed there was "some") influence in the antiwar movement. A conservative letter writer called the protesters "gullible fools" and cowards who ignored the "millions and millions" of people killed by Communist governments. Nixon declared that the protests encouraged those governments to "prolong" the Vietnam War in the hope that Americans would give up. Civilian

⁷ Donald Janson, "Campus Tour Encourages Vietnam 'Truth' Team," *New York Times*, May 8, 1965; Small, 50-51, 67-68, 102-4.

conservatives and military leaders opposed the protesters' repeated calls for peace talks because they believed that the U.S. military position was weak and negotiations would lead to a South Vietnamese coalition government with the Communists, which they interpreted as a defeat. One conservative student at UCLA called for an investigation into the "seditious, Peking-printed propaganda" that he said had been distributed at a teach-in the week before. Because conservatives who were not students could not reach the teach-ins, they sometimes resorted to scare tactics to disrupt the discussions. During a teach-in at the University of Michigan in March 1965, three separate bomb scares were called in, forcing the police to evacuate the discussants each time.

After the spring of 1965, the antiwar movement moved from teach-ins to large-scale demonstrations. As the protests ramped up in the fall of 1965, conservatives heckled and sometimes attacked protesters, especially ones who were especially brazen in their dissent. Other conservatives held counter-protests to show support for U.S. policy in Vietnam. In New York a group of 700 Americans, including women and children, "cursed, shoved and threatened" to break up a group of 200 protesters. At a separate incident in Manhattan, four men were arrested after throwing eggs, red paint, and tomatoes at antiwar marchers. A week later pro-war marchers held a "noisy demonstration" in the same area to register their contempt for the earlier protesters. In Chicago, an "angry spectator" who was Jewish smashed

a protester's sign that compared orders given to American servicemen in Vietnam to those given by the infamous Nazi Adolf Eichmann.⁸

One of the antiwar radicals' goals was to slow down the operation of the Selective Service System. Ironically, the young men who actively resisted the draft came mostly from upper- and upper middle class backgrounds, especially students who held deferments, whereas the lower middle class young men upon whom the draft fell most heavily generally complied with their induction calls. Draft resisters had a variety of reasons. Conservatives charged that most draft resisters did so primarily in order to avoid service in Vietnam, but this is difficult to square with the courage they demonstrated in actively defending an unpopular point of view, especially at the war's outset. Some resisters claimed to oppose all wars, or sometimes only the Vietnam War, on moral grounds. Others argued the government did not have the power to compel them to fight and put them in harm's way in Vietnam. The primary way young men resisted the draft was simply by doing everything they could to avoid service. Other "exhibitionists," as Director of Selective Service Major General Lewis B. Hershey described them, burned draft cards, picketed, and sat-in at local draft boards.

⁸ Juan Real H., "Serviceman Speaks on Vietnam," *Los Angeles Times*, July 17, 1965; George Gallup, "Communists in Demonstrations," *Los Angeles Times*, November 19, 1965; "Demonstrators Prolong War, Nixon Declares," *Los Angeles Times*, August 26, 1965, page 9. Ted Sell, "Military Sees Vietnam Truce as Giveaway," *Los Angeles Times*, May 2, 1965; E. W. Kenworthy, "G.O.P. House Chief in Vietnam Plea," *New York Times*, July 2, 1965; "Professors Hold Vietnam Protest," *New York Times*, March 25, 1965; Douglas Robinson, "Violence Breaks Out in Several Communities—Pickets Arrested," *New York Times*, October 17, 1965; William Borders, "Marchers Heckled Here—Eggs and a Can of Paint Are Thrown," *New York Times*, October 17, 1965; Douglas Robinson, "Demonstration Here Supports Administration on Vietnam Policy," *New York Times*, October 24, 1965; "Student Urges Inquiry Into UCLA 'Teach-in,'" *Los Angeles Times*, November 16, 1965.

In response to early draft card burnings, Congress passed a bill in August 1965 that made it a felony to “destroy, mutilate, or change” a draft card. Penalties included fines of up to \$10,000 and up to five years in jail. Senator L. Mendel Rivers, Democrat of South Carolina, sponsored the bill in the House of Representatives, while archconservative Republican Senator Strom Thurmond was the sponsor in the Senate. Both were Southern conservatives whose foreign policy views were very much in line with Goldwater’s. Rivers demanded “total victory” in Vietnam; anything less, he argued, was “treasonable.” In essence, Rivers believed the draft card burners were traitors and the new draft card bill put them “where they belong[ed]—in jail.” Thurmond echoed Goldwater’s earlier stance that the United States should use “any power necessary” to win the war, up to and including nuclear weapons; the prohibition on draft card burning was merely another of the steps necessary to win the war. One indication of popular sentiment behind the bill is the overwhelming support it received in Congress. The House passed the bill 393 to 1 and the Senate passed it by a voice vote. The editors of the *Los Angeles Times* reflected the feelings of many Americans in an editorial on the subject. They called the protests “despicable nonsense” which made manifest the “sneering contempt” that the protesters held for men in uniform as well as men who would be forced to serve because the protesters refused.

Hershey believed the law was unnecessary. His response was to simply reclassify the draft card burners as 1-A—available for military service—so that they could immediately be inducted. He believed this was noncontroversial because the law already allowed reclassification for failure to carry one’s draft card, which of

course was impossible if the young man in question had burned it. Hershey argued that reclassification was used only for those who impeded the operation of the draft, not for protesters who followed the law. His critics saw inductions as punishment for the protesters having exercised their right to free speech. Representing this point of view, one letter writer called this practice a “flagrant violation” of the protesters’ rights. The local police, not draft boards, were the appropriate bodies to handle law-breaking by antiwar protesters, he believed.⁹

Conservatives expressed their disapproval of the draft resistance movement in a variety of ways. Students at Georgetown University formed the National Student Committee for the Defense of Vietnam to give voice to the “heavy majority of American collegians” that supported the war. At draft card burnings conservatives sometimes showed up to heckle or stop the action. When two men tried to burn their draft cards at Foley Square in New York City the police, hecklers, and newsmen forced them to call it off with threats and by crowding them. Pro-war conservatives then chased a small group of pacifists and “kicked [or] elbowed [them] in the ribs and stomach.” Two days later 25,000 people marched down Fifth Avenue in New York in support of the war, with another 42,000 onlookers. At one

⁹ Small, 62. James Fallows, “What Did You Do in the Class War, Daddy?,” in Grace Sevy, ed., *The American Experience in Vietnam: A Reader* (Norman: University of Oklahoma Press, 1989), 214-23; David Rhinelander, “Total Victory in Viet Nam Demanded By House Armed Services Chairman,” *Hartford Courant*, August 12, 1965; “Stiff Penalties Voted in House for Burning Draft Registrations,” *New York Times*, August 11, 1965; “House Moves to Jail Burners of Draft Cards,” *Los Angeles Times*, August 11, 1965; “Protect Draft Cards,” *Hartford Courant*; “Penalties for Draft Card Firebugs,” *Los Angeles Times*, August 12, 1965; “Thurmond Backs Use of A-Weapons,” *Washington Post*, January 2, 1966; Flynn, *The Draft*, 167; George Q. Flynn, *Lewis B. Hershey, Mr. Selective Service* (Chapel Hill: University of North Carolina Press, 1985), 235-39; Jonathan Rabben, “Punitive Drafting,” *Washington Post*, February 12, 1966; “Bill Hits at Draft Card Destruction,” *Los Angeles Times*, August 6, 1965; “Stiff Penalties Voted In House For Burning Draft Registrations,” *New York Times*, August 11, 1965.

point in the march “burly longshoremen and veterans” attacked a group of antiwar counter-protesters. A few months later there was a public disturbance after four young men burned their draft cards in at the South Boston District Court House. A group of 50 to 75 “school boys” stampeded toward the group shouting, “Kill them, shoot them,” while 200 onlookers watched. The attackers held the four protesters down and “pummeled” them until Democratic State Representative James F. Condon called them off. In a news article about the incident, he praised the “patriotic” and working-class high school attackers for their support of the draft and criticized the privileged protesters, at least one of which was a Harvard student, for the disturbance. Americans generally agreed with Condon’s sentiment that the current system made it too easy for elites to escape the draft. According to a July 1966 Gallup poll, nearly three quarters (72 percent) of Americans supported Secretary of Defense Robert McNamara’s 1966 proposal to require that young men give two years of service either in the military or organization such as the Peace Corps. This figure infers that Americans at this time did not want to end the draft—they wanted to make it universal.¹⁰

In spite of their disdain for draft resisters, not all conservatives were enamored of the draft. Barry Goldwater had proposed an end to conscription in 1964 while running for president. In the speech to kick off his campaign, Goldwater called for the “outmoded and unfair” draft to be replaced by volunteers who made

¹⁰ “Burning of Cards at Protest Foiled,” *New York Times*, October 29, 1965; “Willard Clopton, “Students Form Committee for Defense of Vietnam,” *Washington Post*, October 29, 1965; Douglas Robinson, “25,000 March to Back Vietnam Policy,” *New York Times*, October 31, 1965; John H. Fenton, “7 War Protesters Beaten in Boston,” *New York Times*, April 1, 1966; George Gallup, “Public Favors McNamara’s Proposal on Draft,” *Hartford Courant*, July 3, 1966.

the military a “career.” The Pentagon responded the following day with a statement purporting to support of Goldwater’s proposal, but it also sought to keep the draft until a new system was in place. The message was clear: politics and conscription did not mix. President Johnson then ordered a Department of Defense study to “defuse” Goldwater’s proposal. The study determined that a volunteer army might be feasible if force levels remained limited and soldiers’ pay was increased. However the President’s decision to escalate the war in Vietnam made any changes to conscription impossible.

Conservatives also abandoned their attempts to abolish the draft once the war in Vietnam, which most of them supported, ramped up. A *Los Angeles Times* editorial from May 1965 noted that the draft had become a “permanent fixture” of American life, even though it was “highly inequitable.” The editors suggested that fixes for the most glaring inequities be made but concluded that the draft was still “necessary to national security,” and would be for the foreseeable future. William F. Buckley argued that a “free nation” should rely on volunteers for defense unless the state faced some “peril” that made conscription absolutely necessary. He suggested that the United States explore the possibility of ending the draft, but only when the “current crisis” in Vietnam was over. This was a significant modification of the position he took in the early 1950s, already discussed, when he had argued for the power of the “Leviathan state” to draft young men to win the Cold War. Now he saw

the draft as valid only if the nation was involved in open warfare, as was the case in Vietnam.¹¹

In response to manpower needs in Vietnam and mounting protests against conscription, both President Johnson and Congress commissioned studies of the draft in 1966. The President's National Advisory Commission on Selective Service (dubbed the Marshall Commission after its chairman, Burke Marshall) was charged with investigating all aspects of the draft. The House Armed Services Committee created its own panel, led by retired U.S. Army General Mark Clark. Both the Marshall Commission and the Clark Panel released their reports in the spring of 1967 and both determined that the all-volunteer force was not practicable at that time. The Marshall Commission also called for reforms of the existing draft system, including eliminating many deferments and moving to a national lottery to determine call-ups. Johnson established a task force in March 1967 to investigate implementation of the reforms suggested by the Marshall Commission, but it recommended maintaining the current system in its January 1968 report to the President. Based on this, Congress mostly maintained the status quo in the draft reauthorization bill of 1967. This blocked adoption of a lottery system unless specifically authorized by Congress and instituted blanket student deferments to

¹¹ "Text of Kickoff Goldwater Talk," *Los Angeles Times*, September 4, 1964; "Pentagon Asserts It Welcomes Goldwater Idea That Draft End," *New York Times*, September 4, 1964; Bernard Rostker, *I Want You: The Evolution of the All-Volunteer Force* (Santa Monica, California: Rand Corporation, 2006), 29-30; Flynn, *The Draft*, 189-190; "Military Draft a Way of Life," *Los Angeles Times*, May 24, 1965; William F. Buckley, Jr., "Volunteers for Vietnam? There Are Difficulties—," *Los Angeles Times*, February 28, 1966; William F. Buckley, Jr., "The Party and the Deep Blue Sea," *Commonweal* 55 (January 24, 1952), 391-93; Buckley, Jr., "A Dilemma of Conservatives," 51-52.

neutralize campus opposition. One significant reform in the law concerned draft boards. Women could now be appointed to draft boards and the law limited the age and length of service of draft board members.¹²

Johnson continued to escalate the war, with 542,000 American troops in Vietnam by the end of 1967 and an average of 30,000 soldiers drafted every month. As the war dragged on, the divisions between “hawks,” who demanded the defeat of Vietnamese Communists, and antiwar “doves,” who favored negotiation and withdrawal, grew wider. Americans were more divided than at any time since the Civil War. The President refused to disengage but could not bring himself to wage the total war that conservatives demanded. He believed that the United States was waging a “unique war” whose goal was merely to contain—not destroy—North Vietnam, a compromise that incensed both hawks and doves. Conservative William F. Buckley later argued that the United States would have been better off withdrawing than to have fought a war in Vietnam that it was “afraid to win.” For their part, doves hounded Johnson on conscription and the war throughout the remainder of his presidency.¹³

¹² Flynn, *The Draft*, 190-92, 195-205; Rostker, 30-31; U.S. National Advisory Committee on Selective Service, *In Pursuit of Equity: Who Serves When Not All Serve?* (Washington, D.C.: U.S. Government Printing Office, 1967), 3-10.

¹³ Herring, *America's Longest War*, 167, 200, 36; Small, *Johnson, Nixon, and the Doves*, 22-23, 92-93; William F. Buckley, “Let's Learn From Mistakes and Do Things Differently in Asia War,” *Los Angeles Times*, May 28, 1964; William F. Buckley, “Vietnam ‘Rules’ Explain the President's Paralysis,” *Los Angeles Times*, March 25, 1966; William F. Buckley, “Buckley Says U.S. Erred In Not Leaving Vietnam,” *Hartford Courant*, May 16, 1975.

Significant conservative and libertarian constituencies had “fused” in the 1950s under the leadership of William F. Buckley and Frank S. Meyer. There were divisions between the two camps, but they agreed on an anticommunist foreign policy and restrictions on the power of the government at home. This alliance began to develop cracks as the Vietnam War continued. Anticommunists like Buckley and fellow *National Review* authors consistently argued for a foreign policy based on arresting the spread of Communism. Libertarians, in contrast, placed freedom above all else. They believed war and its concomitant, conscription, were unwarranted intrusions by the state into the lives of young men. The philosopher Ayn Rand’s writings are one example of this libertarian strain of thought. Rand emigrated from Russia to the United States in 1926 to escape communism and pursue a dream of writing movies. She later moved to novels, the most important of which were *The Fountainhead*, published in 1943, and *Atlas Shrugged*, published in 1957. In her writings, she espoused a philosophy she called “Objectivism,” which she based on human reason and Aristotelian logic.

Like earlier libertarian writers, Rand argued that the cause of war was statism: significant government control over the lives of its citizens. The peace movement of the 1960s, she argued, was incapable of achieving its aims as long as it attempted to cooperate with foreign dictatorships and support increased state power at home. Only complete freedom, especially economic freedom, could bring about world peace. Rand’s most extended explanation of her position on the draft was made in a speech entitled “The Wreckage of the Consensus,” which she delivered in Boston in April 1967. Arguing that the draft established the false

principle that a “man’s life belongs to the state,” she criticized conservatives because of their support for it. On a practical level, she said volunteers were more motivated and effective than draftees. In addition, getting rid of the draft would put constraints on U.S. foreign policy because the government would then have to convince—but could not compel—young men to risk their lives. In spite of her condemnation of the draft, Rand did not sanction demonstrations or overt resistance. Her advice to young men touched by the draft was to “consult a good lawyer.”¹⁴

No one better exemplifies the split between conservatives and libertarians than Murray N. Rothbard. He became a supporter of extreme libertarianism (anarcho-capitalism) and isolationism around 1949 under the influence of the Austrian economist Ludwig von Mises. Rothbard moved in and out of the major right-wing circles of the 1950s, including associations with William F. Buckley and Ayn Rand, but ultimately separated from both primarily because of ideological differences with the former and personal disagreements with the latter. In response to the Vietnam War and what he saw as the takeover of the right by anticommunists, Rothbard began publishing the magazine *Left and Right* in 1965 to advocate for libertarianism. The title itself was recognition that contemporary political divides had become “misleading and obsolete” because both ideologies contained aspects of freedom. Although he had written about these themes before, he expanded on the

¹⁴ Nash, 161-67; Jennifer Burns, *Goddess of the Market: Ayn Rand and the American Right* (New York: Oxford University Press, 2009), 13-19, 228-30; Doherty, 135-46, 225-28; Ayn Rand, “The Roots of War,” in *Capitalism: The Unknown Ideal* (New York: Penguin Group, 1967), 30-39; Ayn Rand, “The Wreckage of the Consensus,” in *Capitalism*, 249-66.

origins of the differences between conservatives and libertarians, and made proposals for moving libertarianism forward, in a famous 1968 article in *Ramparts*. Rothbard contended that the libertarian ideology, including opposition to “militarism and conscription,” had been consistent since he discovered it as a student shortly after World War II. The liberals, he charged, pushed the Cold War on the American people in spite of opposition by principled conservatives such as Republican Representative Howard Buffett of Nebraska, who argued that America could not “police the world” to stop the spread of Communism. In 1950, President Truman led the United States into the Korean War supposedly to stop the Communist invasion from the North, although Rothbard implied that the United States had manipulated the North Korean government into invading. He believed the right’s turn away from freedom occurred in the early 1950s, when Wisconsin Senator Joseph McCarthy moved the focus of the Republican Party from libertarian freedom and isolationism to communist “witch hunting.” This move brought in a new constituency of East Coast Catholics who did not appreciate—or even opposed—the right’s traditional stance on liberty. Rothbard singled out for criticism William F. Buckley and *National Review* for spreading this “blight.” He harshly criticized Buckley’s stance from the early 1950s, discussed above, that defeat of the Soviet Union took precedence over Americans’ freedom. What anticommunist fanatics like Buckley wanted, Rothbard believed, was “nuclear annihilation” of Communist nations, even if they would not openly say so. In

response, Rothbard used the language of the earlier conservative/libertarian coalition to call for a new “counter-fusion” of the libertarian right and New Left.¹⁵

Milton Friedman was another important proponent of the free-market and libertarianism. He was a University of Chicago economist best known for his work on monetary policy and the Great Depression. His political advocacy for libertarianism primarily focused on economic freedom and privatization of most governmental services. Friedman opposed the draft, but his criticisms primarily rested on economic and pragmatic—not ideological—grounds. He began his criticism of the draft well before the Vietnam War with the book *Capitalism and Freedom*, published in 1962. In a chapter on the proper role of government he argued that a “free society” should not permit the government to exercise the power of conscription. Instead, using a line of reasoning he would return to many times in the next ten years, Friedman argued that the United States should increase servicemen’s pay to a level that would attract a sufficient number of volunteer recruits. Only a total war might make conscription necessary.

As the war in Vietnam continued, Friedman expanded his critique of the draft. In 1967 he published “Why Not a Volunteer Army” in the libertarian magazine *New Individualist Review* as part of an entire issue devoted to conscription and militarism. Many of the essays in this issue were republished from a symposium on the draft held at the University of Chicago in late 1966. Friedman again

¹⁵ Murray N. Rothbard, “The General Line,” in *Left and Right: The Complete Edition* (Auburn, Alabama: Ludwig von Mises Institute, 2007), 7; Murray N. Rothbard, “Confessions of a Right-Wing Liberal,” *Ramparts*, June 15, 1968, 47-52; Doherty, 243-70.

concentrated primarily on economic issues while other authors in the same issue tackled the history and consequences of conscription. He resurrected many arguments that libertarian critics of the draft had been making for years: A volunteer army would be more effective in the field and was no less flexible than a conscript army in meeting emergencies. So, too would an end to conscription allow young men the freedom to pursue their life goals without the draft hanging over their heads. Friedman also expanded on his previous argument that the military must increase pay and improve working conditions to attract volunteers. Using basic economic arguments, Friedman showed that conscription was essentially a tax on draftees, since they were paying the difference between their salary under the draft and what it would actually take to convince them to serve voluntarily.

Walter Y. Oi, an economist at the University of Rochester, expanded on this point. His calculations showed that soldiers collectively paid an “implicit tax” of at least \$826 million a year, the difference between their then current aggregate pay and the amount that the government would have to pay them to maintain the same force level. The pay issue also allowed Friedman to attack the inequities of the draft in a novel way. The low pay soldiers received under conscription attracted only the “disadvantaged” in American society. The wealthy were able to escape conscription through deferments while the very poor were mostly unfit for service because of physical or mental problems. Thus, the draft hit the working class the hardest. An increase in pay, and therefore status, would make the military more attractive to men across the economic strata, but especially working class soldiers who would see their pay increase substantially. Friedman also used these facts to argue that

African Americans would not dominate a volunteer army—a relatively common fear among whites in the 1960s—since young men of all races would benefit from these proposed pay hikes.

Friedman addressed two other important issues in this essay. The first had to do with how to maintain popular control of the military and the decision to go to war. Friedman dismissed the argument that the “industrial complex” in tandem with a volunteer army might pose a specific threat to American democratic government. On the other hand, the prospect of a military with independent allegiances separate from the “broader body politic” presented a credible danger. Americans must beware of this possibility, he maintained, but added that such a threat would exist no matter how the army was recruited. Draftees in Napoleon’s France and Francisco Franco’s Spain had helped push those two dictators to power, while the United States had historically relied on a volunteer army and enjoyed a long tradition of freedom. Voluntarism also furthered the goal of maintaining popular consent for war since the recruits would provide a “continuing referendum” on the conduct of foreign policy. In contrast, the draft allowed the President to “proceed fairly arbitrarily” in moving toward war, at least in its beginning stages. Events of the late 1960s were to prove Friedman right, as countless protests exerted little effect on the President’s power to prosecute the war. If young men had not been compelled to go to Vietnam, the well of recruits might have dried up and forced the President to change course. One can see the budding alliance between the libertarian right and New Left in this essay. Richard Flacks, who was a founding member of Students for a Democratic Society (SDS) and professor of sociology at the

University of Chicago, argued along the same lines as Friedman. The draft, Flacks wrote, gave the President the power to wage war without “prior popular consent” and facilitated the militarization of U.S. foreign policy. A notable difference between the two was that Flacks was very pessimistic about the prospects for ending the draft anytime soon. Friedman struck a more hopeful tone, arguing that it was primarily “bureaucratic standpattism” that blocked implementation of reform.¹⁶

The conference on the draft at the University of Chicago, where Friedman, Oi, and Flacks had delivered their papers, also hosted statements by conservatives who favored maintaining and even expanding the government’s conscription power. General Hershey submitted a brief explanation of the purposes and operation of the Selective Service System to correct “faulty assumptions and misinterpretations” about the draft that had spread during the Vietnam War. The peevish tone of the piece was struck in the first sentence when he commented on the sudden interest taken by “people of prominence,” such as the academics assembled at that conference, who had ignored the draft up to that point. The job of Selective Service, Hershey explained, was to provide the military with the manpower it needed without seriously impacting the economy. Since the draft was “selective,” draft boards could grant deferments based on the “national interest.” Otherwise, all fit

¹⁶ Doherty, 297-305; Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 2002), 36; Milton Friedman, “Why Not a Volunteer Army,” *New Individualist Review* 4, no. 4 (Spring 1967): 3-9; Sol Tax, ed., *The Draft: A Handbook of Facts and Alternatives* (Chicago: University of Chicago Press, 1967), 200-7; Walter Y Oi, “The Real Costs of a Volunteer Military,” *New Individualist Review* 4, no. 4 (Spring 1967): 13-16; Richard Flacks, “Conscription in a Democratic Society,” *New Individualist Review* 4, no. 4 (Spring 1967): 10-12.

men were eligible for the “privilege” of service and none had a right to deferment merely because of “personal” circumstances.

Hershey’s paper became public knowledge at the draft conference in December 1966. A year later the infamous “channeling” memorandum was published in the left-wing magazines *Ramparts* and *New Left Notes*. The note was written to draft boards in 1965 and instructed members on when deferments should be granted. The author of the memo wrote that the “club of induction” had been used to push young men into higher education in areas that were vital to American defense, especially science and engineering. In language sure to anger those who already believed the draft was unfair, the memo explained that the “mentally qualified man” could better serve his country at home, leaving the implication that young men drafted into the military were less intelligent and thus less useful to the interests of the United States.

This memo inflamed the antiwar left, but it was consistent with Hershey's December 1966 paper. In fact, channeling followed longstanding Selective Service practice, beginning with the example that Enoch Crowder had laid out during World War I. However, in the context of the 1960s, the publication of the memo caused a firestorm of controversy and encouraged ever-greater numbers of young people to resist the draft. The channeling memo was important in the formation of the Boston Draft Resistance Group, to cite one example, which included members from some of the most elite universities in the country. Channeling angered African Americans as well. The August 1968 issue of *Ebony* attacked the practice, which allegedly allowed the government to conscript “partially out-of-work and angry” young black men

whom draft boards saw as threats to social order and the “military establishment.” As for Hershey, he had become the “bête noire” of the youth protesters because of missteps like the release of the channeling memo, and he was asked to step down from his post in October 1969.¹⁷

The military, at least as represented by Colonel Samuel H. Hays, also favored the continuation of the draft. Hays was the director of the Office of Military Psychology and Leadership at the United States Military Academy. He submitted a paper to the Chicago draft conference in which he recommended tweaking, but not significantly altering, Selective Service. Universal military training and the volunteer army would be too expensive, while a lottery to determine inductions would likely be just as inequitable as the current system and destructive of morale. National service might be a laudable goal but that decision should be made separately from the one concerning conscription. One reform he suggested was to induct 18- and 19-year-olds first. After his 20th birthday a young man would be exempt from future call-ups unless he had been deferred as a student, in which case he would be obligated to serve after he graduated. At the time he made this proposal young men were eligible to be drafted through age 26. Hays believed it was important to retain the draft because it gave all citizens the opportunity to perform their duty through service in the military. The United States should not separate military service and citizenship, since distinctions between soldiers and

¹⁷ “Channeling,” *Ramparts*, December 1967, 34; Michael S. Foley, *Confronting the War Machine: Draft Resistance During the Vietnam War* (Chapel Hill: University of North Carolina Press, 2003), 61-62; Tax, *The Draft*, 3-6. L. Deckle McLean, “The Black Man and the Draft,” *Ebony* 23, no. 10 (August 1968): 61-66; Flynn, *The Draft*, 242-43.

civilians would be an invitation for “ultimate disaster.” Hays ended with the plea to make “national security” the primary goal of any discussion of the draft.¹⁸

At the opposite end of the political spectrum from the libertarians, Morris Janowitz, a professor of sociology at the University of Chicago, advocated moving to a system of “national service.” One of the most valid complaints about the draft, Janowitz pointed out, was its inequity. There were simply too many young men for the military to make use of during the limited war in Vietnam. General Hershey had dismissed the inequity argument, with characteristic curtness, when he said that the “individual desires” of American men were not important when compared to the “national need” for manpower. So, too have some historians. George Q. Flynn later pointed out that it was impossible for any method of selective conscription to be meaningfully equitable. Young men of draft age during the Vietnam War doubtless found it unfair that they were eligible, while older or younger men remained untouched by Selective Service. Men called up but unable to pass the physical or mental aptitude tests were not inducted. Among those who were taken, some were put in combat in Vietnam while others were put in support roles in Saigon or placed on bases in Europe, far way from the fighting.

Janowitz put forward the idea of national service—either in the military or a benevolent aid organization—to answer what he saw as the legitimate argument regarding the inequity of the draft. This proposal would allow young men to volunteer in new federal agencies created around policing, teaching, health, and

¹⁸ Tax, *The Draft*, 7-22; Flynn, *The Draft*, 168-69.

other national needs, without putting themselves in harm's way in Vietnam. Meanwhile, veterans would have the benefit of the G.I. Bill and perhaps enjoy shorter lengths of service because of the increased risk they faced. Like Hays, Janowitz believed the vital link between the American people and the military could only be maintained if soldiers were temporarily drawn from and frequently replaced with young men from the civilian population. Universal service, in which the military was a viable option for many young men, would thus allow civilians to maintain many "points of interaction and control" of the military.

Universal national service would also prevent what Janowitz saw as the inevitable formation of "segregated Negro" combat units if Selective Service as it then operated was continued. He believed this problem would be accelerated if the volunteer system were adopted. Friedman had called this argument the "reddest of red herrings" and argued that discord between the races must be handled as a "domestic" issue rather than a military one. But because the military was made up of men drawn from civilian society, this argument loses most of its traction. Friedman could not predict the future, of course, but race relations in the military, as well as American society, were to get worse before they got better. The Watts riots had already passed, but similar violent conflagrations between African Americans and police occurred nearly every summer throughout the 1960s, culminated with the assassination of Dr. Martin Luther King in April 1968. The discord at home engendered declining morale and camaraderie between white and black troops in the military, and especially among those stationed in Vietnam.

Frank Borman's report to President Richard Nixon on "race relations" in Vietnam illustrated the challenges the military faced in this regard. Borman had commanded the 1968 *Apollo VIII* spacecraft that orbited the moon and was therefore a popular public figure. In 1969 Nixon sent him on a tour of Vietnam to boost morale and also report his observations on race issues among the troops. His report stated that commanders were alarmed at the spread of "militant black ideology" and resistance to authority among black troops. These developments posed a danger to the "future stability" of the American armed forces, he argued. African Americans had legitimate reasons to feel aggrieved toward a racist society that was reforming itself only sluggishly. Given these massive challenges, it was simply not realistic for Friedman to pretend that race conflicts and military manpower issues could be separated.¹⁹

The Tet Offensive of January and February 1968 proved to be the turning point of the war. Working in conjunction, the North Vietnamese Army (NVA) and National Liberation Front (NLF) diverted American forces to the northern edge of South Vietnam by conducting a siege of a Marine base at Khe Sanh in late 1967. Then during the Tet holiday in late January 1968, Communist forces caught the United States forces off guard as they appeared in cities across South Vietnam. Footage broadcast around the world documented bold attacks on the presidential palace and American embassy in Saigon. Fierce fighting continued for over a month,

¹⁹ Rostker, 46-47; Tax, *The Draft*, 5, 73-90; Flynn, *The Draft*, 194; Prados, 273-74; Patterson, *Grand Expectations*, 448-49, 662-65, 685-86.

notably at the imperial capital of Hue, where roughly 3,000 South Vietnamese government officials died at the hands of Communist occupiers. The brutal fighting at Khe Sanh lasted over two months until concentrated American bombing in mid-February drove the Communists out. Tet proved costly for the North Vietnamese and NLF forces on the battlefield; driven back after heavy fighting they had lost somewhere between 67,000 and 84,000 men. By comparison, around 3,500 American soldiers and 8,000 Army of the Republic of Vietnam (ARVN) soldiers lost their lives. The NVA and NLF were unable to hold any of the land that they had taken during the offensive, nor did South Vietnamese people flock to the NLF cause. Clearly, few saw the North Vietnamese as their would-be liberators.

But Tet's effect on American public opinion mattered more to the U.S. war effort. Opposition to the war solidified in the months that followed and public support for the war trended downward for the rest of the conflict although one must distinguish between the public's opinion of President Johnson's handling of the war and the war itself. A significant number of conservative Americans before and after Tet were critical of the President because he was not doing enough to win, not because they supported withdrawal. In fact, one poll taken in mid-May 1967 showed that one-fourth of those Americans polled were still willing to use nuclear weapons to win the war. In the months before Tet the public's disapproval of Johnson's handling of the war had steadily increased, surpassing 50 percent by the fall of 1967 even though most Americans polled continued to self-identify as "hawks." This sentiment declined as 1967 wore on and, by October, 46 percent of the American public called the war a "mistake"—nearly double what it had been in

1965. Even so, a full 59 percent said they believed the United States should stay the course in Vietnam. Over half of this group (55 percent) said the United States should escalate the war in spite of the fact that a majority of Americans (65 percent) believed the likely outcome in Vietnam was a negotiated settlement with the communists.

The year following Tet saw marked downturns in both the public's assessment of Johnson's performance and of how the war was going. In the first two weeks following the battle, Johnson's approval rating dropped to 35 percent. At the same time the percentage of people who called themselves "hawks" increased from 52 percent in December 1967 to 61 percent in February 1968, while the number of people who wanted to continue bombing North Vietnam increased by seven points to 70 percent. A month later only one-third of those surveyed said they believed the United States was making progress in the war. By mid-March 1968 over two-thirds (69 percent) said the United States should "phase out" the country's involvement in the war by training the ARVN and turning the war over to the South Vietnamese government. On March 12 Johnson squeaked by Minnesota Senator Eugene McCarthy in the New Hampshire Democratic primary, a terrible showing for a sitting president. McCarthy had won the support of the antiwar movement and at the time his victory was seen as a vindication of the doves' position. Democratic Senator Robert F. Kennedy of New York called the results proof of a "strong feeling" against the war. Later studies showed that in reality McCarthy owed his near-victory to hawks who were angry at Johnson's dithering in Vietnam. After this upset the President shocked the nation on March 31, when he announced his withdrawal

from the 1968 campaign so that he could devote the rest of his presidency to achieving peace.

Tet was also the point at which the United States began the long process of de-escalation and withdrawal from Vietnam. Ardent hawks like Democratic Representative L. Mendel Rivers of South Carolina publicly called for Johnson to remove the restrictions on the military after Tet and push for a complete victory. However, by a wide margin the American public continued to favor turning the war over to South Vietnam. In late February General William Westmoreland, commander of Military Assistance Command, Vietnam (MACV), asked for 205,000 additional troops. In response Johnson ordered a comprehensive review of American options in Vietnam, which was to be headed by newly confirmed Secretary of Defense Clark Clifford. Johnson adopted Clifford's recommendations to turn down Westmoreland's troop request and begin to turn the fighting over to the ARVN. These decisions marked the beginning of the "Vietnamization" phase of the war.²⁰

²⁰ Herring, *America's Longest War*, 204-21; Prados, 82, 233-49; Mark J. Peterson, "Protest Politics, the Media, and Public and Elite Opinion During the Vietnam War," (PhD diss., Indiana University, 1994), 280-83; George Gallup, "President Faces Growing Dissension Within Party Over Viet War Handling," *Washington Post*, April 9, 1967; George Gallup, "Superhawks: 1 in 4 Americans Favor Using Nuclear Weapons to End War," *Los Angeles Times*, May 14, 1967; George Gallup, "8-Point Drop: Johnson Wins Approval Of Only 39% of People," *Washington Post*, August 12, 1967; George Gallup, "57% Oppose LBJ's Handling of War," *Washington Post*, October 8, 1967; George Gallup, "Hawks' Predominate On College Campuses," *Washington Post*, May 28, 1967; George Gallup, "Vietnam Opposition Grows," *Los Angeles Times*, October 25, 1967; "A Gallup Poll Finds 59% of Americans Would Continue War," *New York Times*, November 11, 1967; "Gallup Poll Finds Victory Is Doubted," *New York Times*, December 11, 1967; George Gallup, "Viet Blow Cuts Johnson Rating," *Los Angeles Times*, February 14, 1968; George Gallup, "Wave of Pessimism Follows Latest Communist Offensive," *Los Angeles Times*, March 10, 1968; George Gallup, "Majority Favor Proposal To 'Phase Out' of War," *Hartford Courant*, March 13, 1968; "Vote Cited by Kennedy as Antiwar," *Los Angeles Times*, March 13, 1968; George Gallup, "Popularity of Johnson, Viet Policy at Low Point," *Los Angeles Times*, March 31, 1968; "Rivers Calls For Drive to Viet Victory," *Washington Post*, February 21, 1968, page 30. George Gallup, "'Phase Out' of Viet War Is Favored by Majority," *Washington Post*, March 13, 1968;

After the New Hampshire primary, Eugene McCarthy continued his campaign and Senator Robert F. Kennedy entered the race on March 17, two weeks prior to Johnson's withdrawal. The divisions in the Democratic Party over Vietnam continued through 1968. Martin Luther King, Jr. was assassinated in April and Robert Kennedy in June, after winning the California primary. Both had spoken out forcefully for an end to the war through negotiations with North Vietnam and the NLF. McCarthy continued his quest for the nomination while Hubert Humphrey, Johnson's vice president, entered the race in April. Humphrey was the favorite of Johnson and Democratic Party insiders, and many Americans saw him as likely to continue Johnson's policies in Vietnam. Humphrey centered his campaign on ensuring the support of establishment Democrats in the thirty-three states that chose convention delegates through party machines. With these organizations loyal to Johnson, Humphrey was virtually guaranteed their votes, and therefore the nomination. This strategy allowed him to avoid the primaries in the other seventeen states, where antiwar and anti-draft activists could spoil the outcome. In this way, Humphrey locked up the nomination but split the Democratic Party in the process. The riots in Chicago during the August 1968 Democratic Convention were an expression of the anger the New Left radicals felt over Humphrey's nomination and the expectation that he would maintain the war effort if he was elected.

George Gallup, "Fears Grow Over Threat of Red China," *Los Angeles Times*, December 10, 1967; Marilyn B. Young, *The Vietnam Wars, 1945-1990* (New York: HarperPerennial, 1991), 230.

Like the radicals, many historians have bemoaned this neutralization and defeat of true peace candidates in 1968. Robert Kennedy's murder, argues historian Tom Wells, discouraged the peace movement and made many on the left question whether the American "power structure" would ever allow the people to have a voice in the decisions made by the government. Stephen Ambrose believed that if Kennedy had lived or McCarthy had beaten Humphrey, the 1968 election could have served as a "clear referendum" on the war. However, there is significant evidence that had Americans been given that choice in 1968, any Democratic peace candidate would likely have lost to Richard Nixon. According to an August 1968 Gallup poll, by far the most important issue for Americans (at 52 percent) was Vietnam, and by July the Republicans were slightly favored as the best party to handle the war. The next most pressing issue for 29 percent of the public was "crime and lawlessness," another target of Republican rhetoric. On the war, only a minority of Americans favored the Kennedy/McCarthy promise to withdraw U.S. forces and negotiate with the Communists. A solid majority (generally around two-thirds) showed a consistent preference for "de-Americanization," but wanted the United States to continue its support for the anticommunist South Vietnamese government.

The wild card in the race was George Wallace, the former governor of Alabama who had symbolically blocked an entrance at the University of Alabama in 1963 to protest the school's integration. Wallace was a former Democrat who ran on the American Independent Party ticket. His running mate was retired Air Force Chief of Staff Curtis LeMay, whose most famous contribution to the USAF was his development of Strategic Air Command (SAC) into an effective force. This pair

appealed to at least one-fifth of Americans who were angry with one or more of the changes and failures of the 1960s—Johnson’s inability to conclude the war, war protesters, desegregation, and the rise of the welfare state. Wallace’s political base was of course in the South, but he made inroads with blue-collar workers in the North who had been aligned with the Democratic Party since the 1930s. His stand on the war appealed to a growing segment of Americans across the country that was tired of “limited war.” Wallace promised to let the military fight the war without interference from the civilians. LeMay even criticized the American “phobia” of nuclear weapons and inferred that he would support using them to win the war. After a protester lay down in front of Johnson’s limousine and stopped the President’s motorcade, Wallace promised to run over the first protester that made that mistake when he was president. Even General Hershey came out in favor of Wallace, opining that he was the candidate most supportive of the Selective Service System and would make a “good president.” It is impossible to tell how the Southern and Northern working-class Americans who chose Wallace (13.53 percent of the electorate) would have voted had he not been a candidate. Those groups had typically voted for the Democratic Party, but many Democrats were angry over the direction of the country and might have bolted the party. At the same time, there was a concerted effort by the Republicans to convince voters not to “waste” their vote on a third party candidate, an indication of their fear that Wallace and Nixon were drawing from the same group of voters. What is clear is that the American people decisively came out for change. If Nixon’s 43.43 percent of the electorate is combined with Wallace’s total, it is clear that nearly 57 percent of the American

people voted for a conservative in 1968. The country had begun a major political realignment.²¹

The draft was an issue in the 1968 presidential campaign that all three candidates had to tackle. Hubert Humphrey stated he would fire Director Hershey and move selection to a lottery system. He called plans to move to an all-volunteer army “irresponsible.” As noted previously, General Hershey endorsed Wallace. Apart from attacks on draft-card burners and the promise to let the military handle the war, George Wallace said nothing about conscription itself. Either Wallace supported conscription as then constituted or at the very least his priorities lay elsewhere.

Only candidate Richard Nixon spoke out against the draft. At least two factors motivated this stand. First, he wanted to neutralize the antiwar radicals, many of whom were motivated by simple self-interest, he believed. If the draft were abolished, they would lose a major issue around which to rally opposition to the

²¹ Prados, 185-86; “Kennedy Reconsiders, May Battle President For Party’s Nomination,” *Hartford Courant*, March 14, 1968; “Kennedy’s Statement and Excerpts From News Conference,” *New York Times*, March 17, 1968; John Herbers, “Kennedy Resumes Criticism of War,” *New York Times*, April 3, 1968; Patterson, *Grand Expectations*, 692-709; Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York: Scribner, 2008), 267-68, 271, 307-14, 340-41, 348-49; Tom Wells, *The War Within: America’s Battle Over Vietnam* (Berkeley: University of California Press, 1994), 272-73, 276-82, 284-86; Stephen E. Ambrose, *Nixon: The Triumph of a Politician, 1962-1972* (New York: Simon and Schuster, 1989), 182; Tom Wicker, “In the Nation: Are the Conventions Sewed Up?,” *New York Times*, July 30, 1968; George Gallup, “Vietnam Rated as Top Issue,” *Los Angeles Times*, August 4, 1968; “G.O.P. War Stand Is Backed in Poll,” *New York Times*, August 11, 1968; George Gallup, “Nixon Overtakes Both Democrats in Gallup Poll,” *Los Angeles Times*, July 30, 1968; Taylor Branch, *Parting the Waters: America in the King Years, 1954-63* (New York: Simon and Schuster, 1988), 821-22; Rowland Evans and Robert Novak, “Auto Workers’ Support for Wallace May Fortell a Political Revolution,” *Washington Post*, September 30, 1968; John H. Fenton, “Wallace Stumps in Massachusetts,” *New York Times*, June 30, 1968; “Hershey Declares Wallace Would Be Good President,” *New York Times*, August 1, 1968; Barry Goldwater, “Don’t Waste a Vote on Wallace,” *National Review* 20, no. 42, October 22, 1968: 1060-61; John Ashbrook, “And Anyway Is Wallace a Conservative,” *National Review* 20, no. 42, October 22, 1968: 1048-49; “Nixon for Prez,” *National Review* 20, no. 44, November 5, 1968: 1097-98.

war. The other factor was that a small group of economists and libertarian ideologues convinced Nixon that an all-volunteer army was possible. Principal among this group was Martin Anderson, a professor of business at Columbia University and disciple of Milton Friedman and Ayn Rand. Anderson sent Nixon several memoranda in 1967 in which he argued that free men could not morally be compelled to fight for the state, a volunteer army would be more effective in the field, and the United States could fit higher pay into the budget to attract soldiers. Convinced by Andersons' arguments, Nixon announced his belief that the United States should move to professional, well-trained troops to replace draftees in a speech to University of Wisconsin students in November 1967. He argued that the draft was no longer needed because of the types of wars the country then faced—either a nuclear exchange with the Soviet Union, in which the number of soldiers would be irrelevant, or guerrilla wars like Vietnam, where a professional force was preferred. The Republicans added an anti-draft plank to their 1968 platform during the August convention. After receiving the nomination, Nixon repeated his pledge in October to end the draft and laid out a comprehensive plan to do so once he had ended the Vietnam War on an “honorable” basis.²²

²² George Lardner, Jr., “HHH Says He’d Fire Hershey,” *Washington Post*, August 3, 1968; Roy Reed, “Humphrey Backs a Draft Lottery As Fair to Youths,” *New York Times*, July 16, 1968; “HHH Calls Nixon Irresponsible on Draft,” *Washington Post*, August 18, 1968; Stephan Leshner, *George Wallace: American Populist* (Cambridge, Massachusetts: Perseus Publishing, 1994), 369, 406; Rostker, 33-36; Robert B. Semple, Jr., “Nixon Backs Eventual End of Draft,” *New York Times*, November 18, 1967; “Nixon on the Draft,” *Washington Post*, October 22, 1968; Burns, 235.

Upon inauguration, Nixon adopted a two-track strategy to carry out his campaign promise. The first track was to reform Selective Service. In May 1969 he proposed to Congress that 19-year-olds be called first (instead of older men up to age 26) and that they only be subject to call-up until age 20—essentially what Colonel Samuel H. Hays had suggested at the University of Chicago conference in late 1966. Nixon also asked Congress to move the Selective Service to a lottery, hoping that this move would neutralize the Left's allegations of draft board bias against poor or minority candidates. The lottery was popular in spite of important criticisms. First, inequity in Selective Service would still exist as long as deferments continued; the country could only use a fraction of the men who reached draft age every year no matter who was inducted. In 1968, just 46 percent of men who turned 26 had served in the armed forces. While this was a substantial portion of, it was nevertheless a minority of American young men, reinforcing the fact that the draft was hardly universal. Thus, some men fought in Vietnam, others served in the military in other locations or capacities, and the majority of men enjoyed life at home. Additionally, as Colonel Hays had argued, the lottery negatively affected morale because many men called to serve in this way viewed themselves as “losers” in a game of chance instead of proud soldiers called on to defend the country. Finally, the lottery obviated the primary reason Selective Service had been created in the first place—to “select” young men for service based on the needs of the country. Nevertheless, Congress passed revisions to the selective service law in November 1969 and the lottery went into effect on December 1, 1969. The rational system that Enoch Crowder had established in 1917 was replaced by chance.

The other part of Nixon's reform of Selective Service was to get rid of Hershey. The director of Selective Service had been at the post since 1940. In the words of historian George Q. Flynn, he was "Mr. Selective Service" in the eyes of both supporters and opponents of the draft. A lightning rod for criticism, Hershey had been on Nixon's hit list since 1969, and appeasing the draft's opponents became increasingly important after that; prosecuting an unpopular war without having to fight on two fronts was difficult enough. Still, Nixon had to proceed carefully lest he lose the support of veterans groups, draft boards, and conservatives in Congress. Hershey refused to quit voluntarily so Nixon came up with a face-saving compromise: On October 10, 1969, he brought Hershey to the White House to give the lieutenant general a fourth star and promoted him to full general. Hershey was made a special advisor to the President on manpower and stepped down from Selective Service effective February 16, 1970.

Available evidence indicates that historian Melvin Small's assessment is correct: the antiwar movement reached its peak in the fall of 1969. During the Moratorium of October 15, many Americans nationwide took the day off to contemplate the war and engage in protest. On November 12, Seymour Hersh broke the My Lai massacre story, publicizing the March 1968 murder of several hundred unarmed Vietnamese villagers by infantrymen of the Americal Division. Then, from November 13 to 15, the antiwar movement focused on Washington, D.C. in protests dubbed "The Mobilization." Forty thousand demonstrators participated in the "March Against Death," during which the names of all Americans killed in Vietnam to that point were read; there were at least 250,000 participants in the main protest

held on November 15. Nixon took several steps to counter the antiwar protests after this tumultuous fall, including Vietnamization and the “Silent Majority speech” in which he excoriated the protestors and appealed for the support of a patriotic majority of Americans—patriotic Americans who supposedly supported his quest for an “honorable peace.” Nixon believed his most effective tactic to subdue the protests was his draft reform. The young people in the streets, he believed, were afraid of “getting their asses shot off.” Despite Nixon’s views, postwar studies of the antiwar movement have shown that young men’s draft status was not strongly correlated to their opinions about the war. In other words, he was probably incorrect that winding down the draft significantly contributed to the decline of the antiwar movement. Instead, historians of the era have argued that many protesters became disenchanted because their demands seemed to have little visible effect on American political leaders or the course of the war.²³

The second track involved convincing Congress and the American public that the All-Volunteer Force (AVF) was not only feasible, but an improvement over Selective Service. To do this, Nixon announced the creation of the President’s Commission on an All-Volunteer Armed Force in March 1969, whose charge was to study the issue and make recommendations. Popularly known as the Gates

²³ Flynn, *The Draft*, 168-73, 197-98, 230-31, 242-49; Ambrose, *Nixon*, Vol. 2, 190, 264-65; Rostker, 67-72; Ted Sell, “Draft Lottery to Be Conducted Today,” *Los Angeles Times*, December 1, 1969; Flynn, *Mr. Selective Service*, xiii-xv. Historian Melvin Small noted that by 1971 protesters were “burned out” due to Nixon’s successful corralling of the Silent Majority in *Johnson, Nixon, and the Doves*, 182-93, 218-219. Tom Wells wrote that after the Moratorium some activists were despondent because the protests had not changed official policy, nor had they budged public opinion, with 65 percent supportive of Nixon’s policy of gradual Vietnamization instead of immediate withdrawal, *The War Within*, 397-398. Peterson, 135-36.

Commission after Chairman Thomas S. Gates, who had been Secretary of Defense under President Eisenhower, its fifteen members held various opinions on the AVF; four out of the five senior staff members on the committee were “anticonscription free-market economists.” Historian Beth Bailey has shown that it was these staff members who pushed the commission to focus on quantifiable economic data instead of philosophical debate. The commission accepted the idea that conscripts paid a hidden tax in time and money, as Milton Friedman (who served as a committee member) and Walter Oi (who was a staff member) had long held. Alan Greenspan was another free-market economist and acolyte of Ayn Rand who served on the committee; he, too, played a crucial role in bringing other members over to the AVF side.

But not all the committee members agreed with the emphasis placed on economics. Crawford Greenewalt, a high-ranking executive at the DuPont Corporation, asserted that young men who risked death in the service of their country were not performing “just another job.” Stephen Herbits, a 26-year-old law student at Georgetown University and strong proponent of the AVF argued that the primary rationale for ending the draft was that it violated a conscript's freedom—not that it was a pay cut. As George Q. Flynn noted, there was an unseemly nature to the economic argument: American citizenship conferred obligations as well as rights. He saw Americans’ refusal to defend the nation as a threat to the social fabric of American society.

Nevertheless, economic arguments won the day and the Gates Commission issued its unanimous report to President Nixon in February 1970. In it the

commission recommended adoption of the AVF and an end to conscription by July 1, 1971. Soldiers' pay should be significantly boosted to encourage volunteering. The commission also recommended maintaining a "standby draft" on the books in case of emergencies. In March 1970 Nixon rejected the commission's recommendation to end conscription in 1971 and instead set June 1973 as the goal. This decision came after Secretary of Defense Melvin Laird lobbied for the extension because he did not believe the military would be ready by mid-1971. Nixon's message to Congress in April 1970 asked for a two-year extension of draft authority beyond July 1, 1971, a pay raise for the military, and a reduction in deferments. On September 21, 1971 Nixon signed into law the bill carrying these provisions.²⁴

Meanwhile, the Vietnam War continued. There is substantial evidence that Nixon sabotaged Johnson's peace negotiations with the Vietnamese in the fall of 1968 in order to guarantee his election in November. In spite of his campaign promise of a "plan" to end the war once he was elected, fighting dragged on for four more years and, although the peace movement sputtered after November 1968, protests continued. The largest of these occurred in April and May 1970, in response to Nixon's Cambodian "incursion." The destruction of active NVA and NLF bases in an officially neutral country was its object, but many on the American left saw the invasion as confirmation that Nixon intended to keep U.S. troops in

²⁴ Beth Bailey, *America's Army: Making the All-Volunteer Force* (Cambridge: Belknap Press, 2009), 24-30; Rostker, 66-67, 76-96; Flynn, *The Draft*, 196, 235-36, 238-39; Robert B. Semple, "Nixon Panel Asks Volunteer Army By Middle of '71," *New York Times*, February 22, 1970. Throughout this thesis I will use the term All-Volunteer Force (AVF) to describe the post-draft U.S. military. Although the military chose to discard AVF because of its political connotations, it continued to replenish manpower through voluntarism. For consistency and clarity, I will use the appellation AVF to describe the American military after conscription was ended. See Bailey, 228.

Southeast Asia rather than bring them home. Protests erupted on campuses and in the streets across the United States. In Ohio, Governor James Rhodes ordered the National Guard to Kent State University in early May 1970 after protesters torched the ROTC building on campus. On May 4, these units fired on over a thousand protesters as well as bystanders, killing four and wounding nine students. Many in Middle America were shocked at this brutality. Many others sympathized with the National Guardsmen, who claimed that their lives were in danger and they had fired in self-defense. Protests intensified and over one-third of campuses shut down for the remainder of the school year.²⁵

As the war continued through the late 1960s and early 1970s, Americans' views on the draft continued to evolve. A 1967 poll demonstrated that hawks outnumbered doves on college campuses by a 16-point margin. A year later, another survey of 1,033 students evinced much more conservatism than the popular stereotypes suggested. Only 20 percent had actually participated in a protest even though many of them were interested in politics and especially the war in Vietnam. Very few (one student in eight) gave strong support to the "hippie movement" and 30 percent expressed strong disapproval. As for the draft, at least these Americans said they were opposed to a volunteer military by a two-to-one margin, and this was

²⁵ Nixon biographer Stephen Ambrose documented that Nixon made contact with Vietnamese President Nguyen van Thieu through Mrs. Anna Chan Chennault. Nixon told South Vietnamese Ambassador to the United States Bui Diem that his administration would give South Vietnam a better deal than Johnson would. He also encouraged Thieu to reject Johnson's entreaties to hold peace discussions before the election. Ambrose, *Nixon*, vol. 2, 208-209. Young, *The Vietnam Wars*, 232-34, 245-51, 275-80; Prados, 360-68. "Slain Girl Just Going to Her Class," *Los Angeles Times*, May 7, 1970. Jerry M. Flint, "Ohio Guardsmen Defend Shooting of Kent Students," *New York Times*, May 7, 1970.

two months before Nixon publicly announced the creation of the Gates Commission. Nearly 80 percent favored a compulsory national service program of one year in which all young men served in the military or worked in a non-military governmental organization. By September 1969, only 44 percent supported continuing the draft while 43 percent opposed it; 53 percent of young people in their twenties and 65 percent of those in their late teens opposed the draft. By early 1970 the public had come around to the volunteer military, with 52 percent in favor and 38 percent opposed. Even when one takes into account the size of the sample, these were significant figures. John Ford, who served on the professional staff of the House Armed Services Committee, aptly noted that Congress was responding to a perceived “national will” to ending the draft, in spite of many doubts.²⁶

Conservatives and libertarians both shaped and responded to these developments. In the ensuing public debate, both sides wooed the undecided. Traditional conservatives sought to maintain the draft even in the face of declining support while conservative libertarians united with the radical left in opposition to the draft. The Constitution itself was the most important area of disagreement between pro- and anti-conscription advocates. For the draft’s defenders, the case was relatively straightforward. The basis for the constitutionality of the federal conscription law was found in a loose interpretation of the Article I, Section 8, Clause 12 (known as the “Army Clause”) of the Constitution and the 1918 *Arver* case,

²⁶ George Gallup, “Students: On Vietnam, LSD, the Draft,” *Los Angeles Times*, May 28, 1967; “Poll Finds Youths Aren’t So Radical,” *New York Times*, June 29, 1968; George Gallup, “Volunteer Army Still Not Favored in U.S.,” *Los Angeles Times*, January 26, 1969; “Age Groups Differ on Draft Question,” *New York Times*, September 9, 1969; Rostker, 96 note 68.

discussed in Chapter II. As President Abraham Lincoln had explained during the Civil War, the power to “raise and support armies” was given “fully, completely, [and] unconditionally” to Congress.

Lawrence Friedman, a Harvard-trained lawyer and professor at Hofstra University School of Law since 1973, put forward the most scholarly exposition of the “original understanding” of the federal government’s conscription power in a 1969 article in the *Michigan Law Review*. He explained that the meaning of the Constitution should be established by determining “what was it in [the] minds” of the Framers when they wrote it. Having argued that one could ascertain this original intent through historical study, Friedman saw evidence that they feared professional standing armies and valued citizen participation in national defense as the appropriate counterpoise. It was because of this fear that the Constitution went into an unusual amount of detail where the military was concerned. On *Arver*, Friedman outlined the “chain of errors” made in that case that had led the Court to unanimously uphold conscription. First, Congress’s power to raise armies did not mean it could conscript soldiers any more than the power to establish Post Offices meant Congress could draft postal workers.

Friedman then argued that the drafters of the Constitution believed that a standing army was a serious threat to liberty. English kings had used standing armies to wage ruinous foreign wars and limit the rights of their people. Militias of the people developed in England in order to place a check on the king’s armies, and the colonists later brought the practice to America. Friedman does not provide historical examples of militias performing this public service, unfortunately. In

England, the men who followed Parliament during the Civil War waged a decade-long struggle against the arbitrary power of Charles I. In Virginia in the late seventeenth century, Nathaniel Bacon and armed men on the frontier nearly overthrew the colonial government under Governor William Berkeley. But it is not clear that these examples provide indisputable support for Friedman's argument. In both cases, contemporaries as well as historians view these incidents as destructive misuses of the militia against established order, complications which Friedman glosses over.

Nevertheless, Friedman continued by describing the militia in America. In the colonies, the militia was composed of all able-bodied adult men, and individual colonies generally only required actual service for emergencies inside their borders. Volunteers in the Continental Army and state militias fought in the Revolution for America. Washington suggested conscription by the states, which they avoided as much as possible by use of bounties and other inducements to get men to join voluntarily. No political leader was willing to allow a draft by the central government in spite of the fact that the militias frequently proved to be untrustworthy. After the Revolution, states continued to jealously guard their power over the militia. In this context, the delegates to the Constitutional Convention of 1787 debated how to best man the military. Friedman placed great stock in Edmund Randolph's speech of May 29, in which he argued that only a "regular military force" would be sufficient. He noted defects with volunteers and with the militia, and argued that a state draft "stretch[ed] the strings of government too violently to be adopted." Unfortunately Friedman did not explain exactly what

he thought Randolph meant by that statement, but based on the speech he reasoned that the draft had been “rejected on the very first day” of the Convention.

Professor of political science Michael J. Malbin, in a reply to Friedman, wrote that Randolph had only said that volunteers or the militia would likely prove unreliable during an emergency; he did not claim that the national government should be prohibited from drafting men into the Army. But there was a defect in Malbin’s argument: Randolph was referring to the states’ power to draft men into their own militias, not a national army. Malbin saw this distinction as inconsequential since a man drafted into the militia which was later federalized would be in “exactly the same position” as a man drafted directly into the national army. Malbin is correct that this was the case after passage of the Militia Act of 1903. However, that distinction would have been significant to the Constitution’s framers, who saw the state militias as a check on overreach by the federal government. In *Federalist 46* Alexander Hamilton had argued that the states, with the people (in their capacity as the militia), were more than adequate to guard against a tyrannical national government with a standing army on its side. If there was no difference between a draft by the states and one by the federal government, as Malbin contended, the federal government could simply use this power to draft the state militias in their entirety and destroy the capacity of the states to resist encroachments.

Friedman succeeded in arguing that the “original understanding” of the drafters of the Constitution probably restricted a national draft like the one administered by Enoch Crowder during World War I. However, Friedman’s

analysis has two weaknesses: First, the Supreme Court's decision in *Arver* noted that the Fourteenth Amendment had expanded the power of the federal government thereby changing its relationship with the American people. Friedman did not address this issue in his essay, and scholars still debate the extent to which that amendment changed the nature of citizenship—and thus whether it authorized conscription. In a 2000 article, constitutional law scholar David Yassky conceded that the Constitution as originally written did not allow direct conscription by the national government. In support of his argument, Yassky laid out a history of conscription before the Civil War that largely conformed to Friedman's narrative. But the war, and especially the Fourteenth Amendment, fundamentally altered several important principles upon which the Constitution had been established. The Framers had seen the states as the "bulwarks of liberty" against the federal government. Based on their experience during the Civil War, Congressional Republicans after 1865 came to view the states as the real danger to liberty. The Fourteenth Amendment's increase in federal authority vis-à-vis the states allowed the U.S. government to act directly on the American people, thus countering the threat. Yassky pointed to the text, which clearly makes American citizenship supreme and state citizenship secondary, to support his case. So, too, did previous interpretations that saw citizenship both as a conferral of rights and a source of obligations. Yassky inferred that the duty to provide military service to the national government had indeed become part of American citizenship when the Fourteenth Amendment was ratified. Before that, when state citizenship had been supreme, the individual states could compel military service in militias. It now followed that

American citizens owed this duty to the federal government as well and that ratification was a “revolution” in the conception of American citizenship that made the draft Constitutional. In short, the Court in *Arver* had been correct.

Yassky also pointed out that if one judges the meaning of the amendment by the “intent” of its drafters, one must come to the conclusion that the amendment made conscription constitutional. First, most of the Congressmen who had voted for Lincoln’s Enrollment Act of March 1863 also voted to ratify the Fourteenth Amendment, a clear indication of their intentions regarding the scope of the postwar government. Furthermore, if Chief Justice Taney had found the draft unconstitutional, as he had hoped to do, Yassky argued that the Fourteenth Amendment would have included specific wording to overturn that ruling, just as it did for the *Dred Scott* decision. Noted legal scholar Akhil Reed Amar believed Yassky’s reasoning both “clever” and reasonable. In an earlier work Amar had contended that the *Arver* decision was “unpersuasive.” Even when taking the Fourteenth Amendment’s radical effect on the Bill of Rights into account, Amar initially refused to concede that the constitutionality of the draft had been altered. A few years later, however, Amar acknowledged that perhaps Yassky was onto something. Its adoption, Amar argued, was a “visible sign” that the relationship between the national army and the state militias was “constitutionally redefined” by the Fourteenth Amendment. This change of mind notwithstanding, the Fourteenth Amendment’s stance on conscription was contested ground. Exactly why Friedman omitted this fact in his otherwise thorough analysis cannot be known. Possibly

accidental, it might just as easily be a purposeful effort to protect his “original understanding” theory from attack.

Friedman's second stumbling block is the standard by which he proposed to judge the Constitution in his 1969 essay. Because he opposed the draft and feared the threat posed by a large military that it enabled, he argued that the original understanding of the Constitution was key to judging the draft. This narrow interpretation of the Constitution denies much of the federal power that conscription's proponents saw in Congressional interpretations of the Army Clause and the Necessary and Proper Clause. However, on a law Friedman supported—the Patient Protection and Affordable Care Act (popularly known as “Obamacare”)—he replaced his original understanding standard and replaced it with the idea that the Constitution must be interpreted according to the “economic reality of our time,” not that of 1787. If Friedman had used this more permissive standard in judging the constitutionality of the draft, mere determination of the Framers' intent would not have sufficed; a consideration of contemporary defense realities such as the Cold War and atomic weapons would have been needed. These factors call his central conclusion—that the Vietnam War-era draft was unconstitutional—into question.²⁷

²⁷ Flynn, *The Draft*, 211; Leon Friedman, “Conscription and the Constitution: The Original Understanding,” in Martin Anderson, ed., *The Military Draft: Selected Readings on Conscription* (Stanford, California: Hoover Institution Press, 1982), 231-96; Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press, 2005), 509-513; Leon Friedman, “Resume,” Hofstra University, <http://law.hofstra.edu/directory/faculty/fulltime/friedman/cv/cv.pdf> (accessed April 4, 2015); Leon Friedman, “The Constitutionality of the Federal Health Care Law,” *The Huffington Post*, May 13, 2011, http://www.huffingtonpost.com/leon-friedman/the-constitutionality-of-health-care_b_861846.html, (accessed April 4, 2015); Michael J. Malbin, “Conscription, the Constitution, and the Framers: An Historical Analysis,” *Fordham Law Review*, vol. 40, issue 4 (1972), 805-26; Michael J. Malbin, “Curriculum Vitae,” University at Albany, State University of New York, http://www.albany.edu/rockefeller/rock_images/faculty/malbin/articles/cv-May2014-Malbin.pdf, (accessed April 4, 2015); Amar, *The Bill of Rights*, 53-58, 61, 306; David Yassky, “The Second

Contributing to this debate, George E. Reedy (in 1969) and Harry A. Marmion (in 1971) each published book-length studies of the arguments against the AVF. Both believed that a volunteer military would be filled with poor and black enlisted soldiers, while more well-to-do, white young men escaped service. Cost was another factor, since an integral part of voluntary enlistment and re-enlistment was higher pay. Both authors raised the possibility that the AVF would be much more expensive than its backers were claiming. Friedman replied that conscription allowed the country to unfairly shift the true costs of the AVF to young draftees. Expense aside, simple justice dictated that soldiers should be paid what they were worth. Both Reedy and Marmion also posited that an end to conscription might isolate the military from civilian society; a prospect that Americans customarily feared. Conversely, the frequent turnover of two-year draftees kept the military close to the American people. Just as serious was the possibility that an all-volunteer army might make wars more likely, for whatever its weaknesses, the draft was a public check on the Commander in Chief's use of the military in wars that lacked public support. The specter of a military disloyal to American democracy was an old one that talk of professionalization raised anew.

While both authors primarily made arguments against the AVF, they also recommended alternatives of their own. Both criticized aspects of the Selective Service System as it existed in the late 1960s. Reedy thought the lottery least

Amendment: Structure, History, and Constitutional Change," *Michigan Law Review* 99.3 (Dec 2000): 588-668; Akhil Reed Amar, *America's Constitution: A Biography* (New York: Random House, 2005), 609 note 66.

susceptible to corruption by favoritism and personal connections, as he had in 1966-7 when he served on the Marshall Commission. Marmion explained several alternatives to the draft in addition to the All-Volunteer Force: ending deferments and instituting a lottery, universal military training, and national service for all young men that would include a nonmilitary option. This last option drew most of his attention, leaving the impression that Marmion supported national service even though he did not say so. He did aptly note that Nixon's Gates Commission only explored two of the four possible alternatives—either maintaining the draft or instituting the AVF. This narrow focus on the AVF came despite the clear preference of the American people. It is true, as shown previously, that when given the choice between the draft and AVF polls showed the public moving toward support for the AVF. But at the same time, 71 percent of Americans said they would support the choice of a civilian service system for draftees.²⁸

Predictably, General Hershey opposed the AVF and made his sentiments known to the President as well as the American public. As Nixon prepared his message to Congress in the spring of 1970 calling for implementation of the Gates Commission's recommendations, Hershey sent him a memo arguing that it was simply not realistic to expect a military motivated by pay alone to defend the nation.

²⁸ Harry A. Marmion, *The Case Against a Volunteer Army* (Chicago: Quadrangle Books, 1971), 11-20, 34, 37-41, 55, 57-59, 61, 67-72; George E. Reedy, *Who Will Do Our Fighting For Us?* (New York: The World Publishing Company, 1969), 51-56, 83-87; George Gallup, "71% Favor Choice for Draftees," *Washington Post*, July 5, 1970. Polls indicate that the American people would have supported national service over the AVF. Since the Nixon administration did not give them that choice, it is impossible to tell how deep that feeling was. But clashes after the war between draft dodgers and conservative Americans, discussed below, demonstrate that the ideal of national service resonated with many Americans.

Hershey correctly noted that the AVF originated as an appeasement of those who wanted to avoid the "obligations of military service." He then pointed out the contradiction between Nixon's promise and what he saw as the draft's inevitable reinstatement in a few years once the volunteer system had failed. Publicly, Hershey said that the United States could move to the AVF by either increasing the prestige of military service or discrediting those who did not serve. If "our girls . . . [had] nothing to do" with a young man unless he had served in the military, Hershey reasoned, the draft might not look so bad. Ultimately, he believed that an all-volunteer army would work only if war itself became obsolete.²⁹

The U.S. armed forces' relationship with the draft during the Vietnam War was a complicated one; especially in the Army, which relied on conscription to a much greater extent than the other services, although the percentage of draftees between 1965 and 1973 had declined since Korea, from 52 to 40 per cent. However, draftees made up the majority of enlisted combat troops and suffered most of the combat deaths in Vietnam. Once the war started, surveys showed that over 50 per cent of volunteers were "draft motivated," meaning that they volunteered so that they could have greater control over the branch of service or type of job they would perform, options that were not always available to draftees. Thus, during the first few years of the war, many in the armed forces feared that abandoning the draft would lead to a greatly reduced military. By the late 1960s, this situation had

²⁹ Rostker, 92; Lewis B. Hershey, "Memorandum to the President," April 10, 1970; Robert M. Gettemy, "Hershey Sees Firm Peace as Requisite for Ending Draft," *Los Angeles Times*, February 8, 1969; "Hershey Unopposed to Draft Alternatives," *Hartford Courant*, March 5, 1969; "Hershey Doubts Volunteer Army," *Hartford Courant*, April 14, 1969.

changed. General Westmoreland, who had left MACV and became Chief of Staff of the U.S. Army in mid-1968, began planning for the AVF in September, a month before Nixon's October 1968 speech in which he called for a volunteer army. Westmoreland recognized that the draft might end but insisted that draft authority be continued as a hedge against emergencies, a position that was known as the "zero-draft" goal. This was a frequent target of AVF partisans like Martin Anderson, who contended that "[c]linging to a standby draft" was an excuse to avoid fully implementing the AVF, and an unusually transparent one at that.

The Army's change of heart came partly from a recognition that a many in the American public—especially the young people from whom the military drew its recruits—had turned against the draft by the late 1960s. At the same time, the Army was dealing with a host of discipline problems in Vietnam. Colonel Robert D. Heinl, Jr. wrote in 1971 of an "approaching collapse" evidenced by combat refusals and the "fragging" of unpopular officers. Drug use, especially heroin and marijuana, was widespread, producing an increase in thefts and muggings. There were 144 underground newspapers published around U.S. military bases; papers that Heinl regarded as seditious or even mutinous. Bemoaning the lack of prosecutions during the Johnson and Nixon administrations for such activities, both in and out of the armed forces, he nevertheless doubted that federal judges would have convicted in any case. In the years before 1971, Heinl charged that a series of libertarian-leaning federal court decisions had hastened the erosion of military discipline. He also highlighted racial violence, which he blamed mostly on black enlistees. Skyrocketing desertions highlighted these problems in all but the Navy since the

mid-1960s, reflecting the challenges faced in contemporary civilian society. Many in the Army, including Westmoreland, believed that an army of volunteers would allow the leadership to reestablish professionalism. It was for this reason that the Army worked to implement a volunteer force once the civilian leadership moved in that direction.³⁰

³⁰ Flynn, *The Draft*, 171, 197; Robert K. Griffith, Jr., *The U.S. Army's Transition to the All-Volunteer Force, 1968-1974* (Washington, D.C.: U.S. Government Printing Office, 1997), 17, 24-26; Rostker, 147-48, 295-96; Robert D. Heintz, Jr., "The Collapse of the Armed Forces," *Armed Forces Journal*, June 7, 1971.

CHAPTER IV

CONCLUSION

The United States finally extricated itself from Vietnam in early 1973. Just as in 1968, Nixon delayed the end of the war until after the 1972 election at least partly for political reasons. In the four years that Nixon claimed to be fighting for an honorable peace, over 15,000 Americans and perhaps 1.2 million Vietnamese on both sides had died. The United States turned the war over to the South Vietnamese government and provided massive amounts of aid to help them fend off attacks from the NLF and NVA. In spite of this aid, the Communists advanced on Saigon in 1975 and defeated the ARVN, forcing the remaining Americans to flee Vietnam.³¹

After the war, bureaucrats in the Nixon administration, conservative members of Congress, and libertarian intellectuals in and out of government took credit for ending the draft. Milton Friedman later ranked it as one of his proudest accomplishments. In reality, it was the antiwar protesters who forced Nixon to act

³¹ Historian Marilyn B. Young documented that National Security Advisor Henry Kissinger thought he had a peace agreement in late October 1972 but Vietnamese President Nguyen Van Thieu opposed the agreement and Nixon's advisors believed his margin of victory in 1972 would be greater if the United States postponed the peace until after the election. This strategy kept the divisive war in play as a motivating factor for Nixon's silent majority. See *The Vietnam Wars*, 275-80, 285-99.

by creating a crisis that forced a political response. Only then could free market economists led by Friedman and Alan Greenspan, and libertarians led by Ayn Rand and Murray Rothbard influence Selective Service reform. As Friedman later explained, only a crisis could have spurred a significant shift to libertarian values. Notably, he saw no need to consult public opinion or operate through democratic processes when effecting this shift. Journalist Naomi Klein later identified the instances in which either Friedman or his acolytes pushed free-market solutions while purposely ignoring majority public opinion—that the AVF was superior to the selective draft, but that universal service was preferable to both. This opinion held until well after the AVF had been put into place. Klein was right about the end of conscription in the United States.³²

Perhaps more surprising, the draft remained divisive even after the United States had moved to an all-volunteer army. As America came to grips with its most recent losses, its citizens argued about the hundreds of thousands of young men who had illegally avoided conscription. At least 50,000 draft resisters who had fled to Canada or Europe during the war became the focus of the debate over amnesty. Nixon himself had brought up the issue during the 1972 election. He promised in January of that year that there would be none as long as North Vietnam held American prisoners. Then, a few days before the election, he ruled out any type of amnesty for what he and many others termed “draft dodgers.” In a speech before an

³² Milton Friedman and Rose D. Friedman, *Two Lucky People: Memoirs* (Chicago: University of Chicago Press, 1999), 379-81; Peterson, 283-84; Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Picador, 2007), 7-8; Flynn, *The Draft*, 168-69, 277-82; Cohen, *Citizens & Soldiers*, 94-98, 106-10, 183-89; Friedberg, 179.

organization for families of prisoners of war (POWs), the president stated it would be immoral for him to pardon draft resisters with thousands of Americans either killed in action or prisoners of North Vietnam. Having mollified at least some protesters in 1968 with his proposal to end the draft, he now worked to create a “New Majority” of conservatives using the amnesty issue as ammunition. Meanwhile, Democratic candidate Senator George McGovern of South Dakota embraced amnesty for those who opposed the war on principle when, according to [WHAT SOURCE?] only 20 per cent of the nation supported this stance. Results of the 1972 election were mixed. Nixon soundly defeated McGovern with 520 electoral votes to McGovern’s 17, and 61 per cent of the popular vote, but saw his dream of a conservative majority vanish. The Democrats retained sizeable majorities in both houses, meaning that Americans had voted against McGovern but not necessarily for Nixon’s program.

Like the war itself, amnesty split Americans into warring camps. Most conservatives strongly opposed pardons or amnesty for draft resisters. This was especially true of veterans’ organizations and family members of men who had served during the war. Liberals were sympathetic to the resisters’ argument that the war was immoral and argued that amnesty was a way to finally end the war at home. Most parents of draft resisters hoped the government would allow their sons to come home, although there is evidence that some parents effectively disowned their sons for active draft resistance. Libertarians split over the question of whether conscription justified fleeing the country to avoid service. Ayn Rand claimed she did not “blame” young men who refused to accept conscription if they did so because of

“genuine convictions,” but they still would have to accept the consequences of their actions. However, she criticized the “bums” who only refused to fight in Vietnam to advance the Communist cause. These young men, she believed, should be exiled to the Soviet Union or North Vietnam. In contrast, Murray Rothbard supported total amnesty for young men who resisted the draft regardless of their motivations and even called for reparations to be paid to them by the government officials who had sustained the draft during the war.

The terms of various amnesty proposals complicated the issue further. Resisters and their families trended toward complete and unconditional amnesty, while conservatives tried to block any form of forgiveness. Moderates argued that resisters should pay some type of penalty—typically community service—before amnesty could be granted. President Gerald Ford then tangled the question of amnesty by pardoning Nixon for his role in the Watergate crimes in September 1974. Most Americans were outraged over Nixon’s pardon, regardless of their opinion on amnesty for draft resisters. The commander in chief of the Veterans of Foreign Wars (VFW) argued that neither Nixon nor the draft evaders should be given amnesty in order to uphold the rule of law. Many letter writers contrasted Nixon’s behavior, which one called “sick self-centered power-grabbing ambition,” with that of draft dodgers, asking why Nixon deserved a pardon for crimes that were much worse while resisters did not.

Ironically, Ford’s work on Nixon’s pardon delayed his action on amnesty for draft resisters; it was a few days after Nixon’s pardon that Ford finally announced his plan. He called it “clemency,” consciously avoiding the more politically charged

synonym. Draft resisters could now have charges dismissed by performing twenty-four months of community service. But President Ford was behind the curve; resisters were already getting better deals in courts or by surrendering to Army bases known for leniency. Perhaps 350,000 people were eligible for Ford's clemency program but only six per cent took advantage of it. The amnesty debate continued into the presidential election of 1976, when Democratic presidential candidate Jimmy Carter promised to issue "blanket pardons" to draft resisters immediately upon taking office. He told those people who had "defect[ed]" to return to the United States. Not surprisingly, conservatives decried Carter's pledge; less understandable was his decision to deliver it at a VFW convention. General Westmoreland responded with an opinion piece in which he argued that pardons for draft resisters would degrade the nation's "moral fiber" as well as weaken the American military. The plan went forward in spite of conservative opposition, albeit with the caveat that it did not include thousands of veterans who had been discharged or convicted for desertion. Ultimately, only nine per cent of those eligible applied for amnesty under Carter's plan anyway. By the late 1970s, enough time had passed that many resisters had either learned to cope with their legal disabilities or come to regard application process as a bigger hassle. As for the thousands of young men who had fled the country, some returned, but others had established lives and elected to remain elsewhere.³³

³³ Jeffrey Kimball, "The Enduring Paradigm of the 'Lost Cause': Defeat in Vietnam, the Stab-in-the Back Legend, and the Construction of a Myth," in Jenny Macleod, ed., *Defeat and Memory: Cultural Histories of Military Defeat in the Modern Era* (New York: Palgrave Macmillan, 2008), 234-35; Baskir and Strauss, 115, 167, 203-35; Perlstein, *Nixonland*, 618, 640, 652, 745; Ambrose, *Nixon*, vol. 2, 581-82, 620, 651-652; Foley, 164-167; Albert B. Crenshaw, "No Amnesty, Nixon Vows," *Washington Post*, October 30, 1972; "Nixon Won't Grant Military Amnesty," *Hartford Courant*, October 17, 1972; "We

Several times in the forty years since the All-Volunteer Force's 1973 inception, U.S. presidents have raised the conscription issue. In response to the Soviet invasion of Afghanistan in 1979, President Carter successfully supported legislation to renew registrations—but not inductions—with the Selective Service. Republican nominee Ronald Reagan criticized Carter's actions but continued registration once in office. Reagan's massive defense buildup allowed the military to increase pay, while the economic recession of the early 1980s made military service attractive to a greater number of young men. The combination of these factors may have saved the AVF, which Eliot Cohen still called "fragile" in 1985. During the Persian Gulf War of 1990-1991 some commentators argued that the United States might need to return to the draft because minorities were overrepresented in, and upper classes absent from, the AVF. Similarly, as the Iraq War spiraled out of control in the mid-2000s, some Americans believed that President George W. Bush might reinstitute the draft to fight the so-called "War on Terror." The anemic recruitment numbers at the height of the war increased this fear and led to the Army's "stop-loss" policy in 2004, in which thousands soldiers who were about to be

Can Forgive," *New York Times*, March 14, 1974; "Bind Up the Amnesty Wound," *Hartford Courant*, March 14, 1974; Jack Bourque, "Residents Want Draft Dodgers Home," *Hartford Courant*, August 20, 1974; "VFW Votes Against Conditional Amnesty," *Chicago Defender*, August 21, 1974; "Resisters Want No Strings on Amnesty," *Hartford Courant*, August 23, 1974; Robert Mayhew, ed., *Ayn Rand Answers: The Best of Her Q & A*, (New York: New American Library, 2005), 91; Murray Rothbard, ed., "The Party Emerges," *The Complete Libertarian Forum, 1969-1984* (Auburn, Alabama: Ludwig von Mises Institute, 2012), 1409-11; Don Irwin, "Ford Grants Nixon Absolute Pardon," *Los Angeles Times*, September 9, 1974; Lesley Oelsners, "Amnesty for Nixon: Views For and Against," *New York Times*, August 14, 1974; Stanton Hammond, "Pardon Versus Amnesty," *New Pittsburgh Courier*, October 5, 1974; Barbara J. Fields, "Reactions to the Pardon of Mr. Nixon," *Washington Post*, September 12, 1974; "Draft Evaders Deserve Amnesty Much More Than Richard Nixon," *Philadelphia Tribune*, September 17, 1974; Don Irwin, "Ford Amnesty Plan Put Off Indefinitely," *Los Angeles Times*, September 10, 1974; Rowland Evans and Robert Novak, "Carter: The Intent and the Effect," *Washington Post*, August 27, 1976; William C. Westmoreland, "No Pardon for Draft Evaders," *New York Times*, December 12, 1976.

discharged were forced into extended service. Some Americans questioned whether this meant the end of the volunteer army while Democratic presidential candidate John Kerry called the practice a “backdoor draft.” In 2006, while the American army was still embroiled in Iraq, former Marine Paul Kane went so far as to argue that the United States needed the draft to confront the threat posed by Iran.

One final irony: Kane's preference for a new draft has garnered most of its support then and since from left-leaning scholars and government officials. Stanford historian David M. Kennedy noted in 2005 that an ideological gulf had grown up between American civilians and their longtime volunteer “mercenary army.” The consequence was “military adventurism,” made possible because the counterpoise previously provided by conscription was long gone. Kennedy proposed a lottery to restore what he terms the principle of “universal duty.” Representative Charles B. Rangel (D-NY), called in 2002 for the United States to reinstitute the draft as well, reasoning that it made “shared service” possible for all Americans in the war against terrorism. Rangel also hoped that a draft might block President Bush’s aggressive policies in Iraq, which Rangel himself had already voted against. Meanwhile, Secretary of Defense Donald Rumsfeld countered that the draft would bring “no value, no advantage” to prosecution of the war, a stance shared by Republicans in the Bush administration and on Capitol Hill. Thus far, no proposals to reinstate the draft have succeeded. Barring another large war, it is likely that an all-volunteer military is here to stay.³⁴

³⁴ Friedberg, 196-98; Edwin Dorn, “Devil’s Bargain in the Front Lines,” *Los Angeles Times*, December 4, 1990; Lawrence Young, “Put the Rockefellers in the Army Next to the Sanchezes,” *Philadelphia Tribune*, February 5, 1991; Carl Hulse, “Military Draft?; Official Denials Leave Skeptics,”

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Friedman first published this book in 1962 in which he laid out his economic ideas. Useful to show how Friedman's belief in free market capitalism helped influence his arguments about the draft and the "tax" on conscripts.

Friedman, Milton. "The Case for Abolishing the Draft - and Substituting for It an All-Volunteer Army," *New York Times Magazine*, May 14, 1967, 23, 114-119.

One of the many articles Friedman wrote against the draft in the name of freedom, as defined from Friedman's libertarian perspective.

Friedman, Milton and Rose D. Friedman. *Two Lucky People: Memoirs*. Chicago: University of Chicago Press, 1999.

Friedman published his memoirs with his wife a few years before his death. Used as the source of his recollections about ending the draft.

Fulbright, J. William. *The Arrogance of Power*. New York: Vintage Books, 1966.

Senator Fulbright's attack on the Vietnam War early on, during the Johnson administration, after hearings held by Fulbright in the Senate. Important for demonstrating doubts about the justification of the war at the highest levels, well before 1968.

Haldeman, H. R. *The Haldeman Diaries: Inside the Nixon White House*. New York: Berkley Book, 1994.

Haldeman was a key advisor to Nixon during most of his presidency, and therefore provides an insider's account of the actions Nixon took while president. He wrote it during his service, although according to Stephen Ambrose he sanitized it for publication.

Heath, G. Louis, ed. *Mutiny Does Not Happen Lightly: The Literature of the American Resistance to the Vietnam War*. Metuchen, NJ: The Scarecrow Press, 1976.

Heath provides a large collection of antiwar literature from the Vietnam War era. Useful for showing the arguments made against the war, and in many cases against the draft itself as well.

Heinl, Robert D., Jr. "The Collapse of the Armed Forces." *Armed Forces Journal* (June 7, 1971), pages 30-37.

Heinl was a colonel in the U.S. Army. He witnessed and documented the many problems the Vietnam-era army faced. Used to show that an army based on conscription waging an unpopular and very difficult war was literally falling apart. The Army sought to use the AVF to rebuild itself.

Herring, George C., ed. *The Pentagon Papers, Abridged Edition*. New York: McGraw Hill, Inc., 1993.

Herring's version of the Pentagon Papers in abridged format. Useful to show one of several reasons for disillusionment with the war, and by extension the draft, when the *New York Times* and other news outlets published them in 1971.

Just, Ward. *Reporting Vietnam: American Journalism, 1959-1975*. New York: The Library of America, 2000.

Contains a compilation of news reporting on the Vietnam War from the period when under 1,000 advisors were in the country to 1975, when Saigon fell to the communists. Useful for the possible influence of news reporting on public opinion at home.

Kalb, Deborah, Gerhard Peters, and, John T. Wolley, eds. *State of the Union: Presidential Rhetoric from Woodrow Wilson to George W. Bush*. Washington, D.C.: CQ Press, 2007.

Compilation of state of the union and inaugural addresses for presidents over the last 100 years. Used for Roosevelt's final state of the union in 1945 when he called for UMT.

Kissinger, Henry. *White House Years*. Boston: Little, Brown and Company, 1979.

Kissinger's account of his time as National Security Advisor and Secretary of State for Nixon. Ambrose has noted that Kissinger's account is extremely self-

serving, but still useful as an account of the many decisions Nixon made during the war.

McNamara, Robert S. with Brian VanDeMark. *In Retrospect: The Tragedy and Lessons of Vietnam*. New York: Random House, 1995.

McNamara's account of the mistakes made in the Johnson administration that got the US into the Vietnam War, from a strong defender of the war who turned against it by late 1967.

Marmion, Harry A. *The Case Against a Volunteer Army*. Chicago: Quadrangle Books, 1971.

An argument against the AVF as it the Nixon administration implemented it. Marmion was a college president during this time. This was his direct response to proponents of the AVF. It is useful for the perspective of a traditionalist who believed young men had a duty to the country as well as someone who feared the AVF might become a threat to the country.

Marshall, George C. "The Obligation to Serve." *Army Information Digest* Vol. 6 No. 4 (April 1951).

Marshall provides the point of view of traditional conservatives who believed that Americans owed service to their country. Strong argument against libertarian arguments against UMT and conscription by an important public figure.

Melman, Seymour, ed. *In the Name of America*. Annandale, VA: The Turnpike Press, 1968.

A critical look at alleged US war crimes in Vietnam, by a strident critic of the war. Useful for justifications for resisting the draft based on the claimed illegality of the war.

Mises, Ludwig von. *Human Action: A Treatise on Economics*, 4th ed. San Francisco: Fox & Wilkes, 1996.

Mises was an Austrian economist who laid the foundation of free-market economics and limited government intervention with this work. Mises focused on economics, but also explained how government intervention in the economy caused war between nations, wars which made evils like conscription necessary.

New Individualist Review. April 1961 to Winter 1968.

This was a libertarian magazine published in the 1960s. The entire Spring 1967 issue was devoted to various essays in opposition to the draft. Useful for libertarian ideology in general as well as these specific essays regarding conscription.

Nixon, Richard. *The Memoirs of Richard Nixon*. 2 vols. New York: Warner Books, 1978.

Although written after the war and after Nixon's resignation, Nixon gives his account of the many important issues and decisions of the Vietnam War, both abroad as well as at home.

Nixon, Richard. *No More Vietnams*. New York: Arbor House Publishing Company, 1985.

Nixon's biased but important analysis about what went wrong in Vietnam, including a defense of how the US essentially would have won the war if not for a weak-kneed Congress.

O'Sullivan, John, and Alan M. Meckler, eds. *The Draft and Its Enemies: A Documentary History*. Urbana: University of Illinois Press, 1974.

Includes primary source documents from sources opposed to conscription in the United States over the country's history, including during the Vietnam War. Useful for those documents specifically related to the war, as well as a demonstration of the long history of anti-conscription thought and action in the United States.

Opitz, Edmund A., ed. *Leviathan At War*. Irvington-on-Hudson, New York: Foundation for Economic Education, Inc., 1995.

Brings together important libertarian essays on libertarianism, conscription, and war. Used for Leonard Read's essay in which he argues that the Korean War amounted to state-sanctioned murder by the U.S. government. Only defense made violence permissible.

Paterson, Isabel. *The God of the Machine*. New Brunswick, New Jersey: Transaction Publishers, 2009.

Paterson wrote this book during World War II. She claimed to have investigated societies throughout history and used her interpretations of them to argue that nations with freedom at their foundation were more stable and stronger than authoritarian ones. She went in to her study of past civilizations with an ideological bent, and her understanding of them is suspect.

Porter, Gareth, ed. *Vietnam: A History in Documents*. New York: Meridian, 1981.

A large collection of primary source documents on the Vietnam War from both sides of the conflict. Useful for documents on how both sides fought the war and the enemy viewed the United States.

President's Commission on the All-Volunteer Armed Force. *The Report of the President's Commission on an All-Volunteer Armed Force*. Washington, DC: U.S. Government Printing Office, 1970.

The report of the Gates Commission, which argued for an all-volunteer force to replace conscription. Dominated by economists but influenced Nixon to abandon the draft and try the experiment of voluntarism.

Ramparts Magazine. May 1, 1962 to August 1, 1975.

This magazine was an outlet for left wing and anti-Vietnam writers in the late 1960s and early 1970s. Useful for its publication of documents on the Selective Service System as well as articles by libertarians like Murray N. Rothbard, demonstrating the common cause the two groups found over Vietnam and the draft.

Rand, Ayn. *Capitalism: The Unknown Ideal*. New York: Penguin Group, 1967.

Rand explains her philosophy on free market capitalism. Most importantly, she explains how government encroachment into the market economy leads to war, why she opposed the Vietnam War, and why she opposed the draft.

George E. Reedy. *Who Will Do Our Fighting For Us?* New York: The World Publishing Company, 1969.

Reedy served on the Marshall Commission and had previously worked as Lyndon Johnson's press secretary. This book raised the fears that the AVF would separate itself from American society and become a threat to the nation. Reedy pushed for a lottery, which was the same recommendation the Marshall Commission had made.

Rothbard, Murray N. *Left and Right: The Complete Edition*. Auburn, Alabama: Ludwig von Mises Institute, 2007.

Left and Right was a magazine published in from 1965 to 1968 in which Rothbard and other libertarian authors wrote. Important articles were written on the war, the draft, and the split between libertarians and conservatives.

Schell, Jonathan. *The Real War: The Classic Reporting on the Vietnam War*. Boston: Da Capo Press, 1988.

A reprint of reporting done by Schell, an opponent of the war, written during the war, including firsthand accounts of the devastating effects of US actions on the ground and from the air. Important for the probable effects of this reporting on those choosing whether and how to resist conscription while the United States still waged the war.

Schlissel, Lillian, ed. *Conscience in America: A Documentary History of Conscientious Objection in America, 1757-1967*. New York: E. P. Dutton & Co., 1968.

An edited history of documents related to conscientious objection, placing this form of resistance to war in historical perspective. Written during the Vietnam War, so obviously influenced by that war. Useful for placing this form of resistance in historical context.

Sevy, Grace, ed. *The American Experience in Vietnam: A Reader*. Norman: University of Oklahoma Press, 1989.

Sevy compiles primary sources on the Vietnam War. Used specifically for James Fallows essay, "What Did You Do in the Class War, Daddy?," in which Fallows shared his perception of the class inequities of the draft.

Spooner, Lysander. *A Letter to Grover Cleveland, on His False Inaugural Address, the Usurpations and Crimes of Lawmakers and Judges, and the Consequent Poverty, Ignorance, and Servitude of the People*. Boston: Benj. R. Tucker, Publisher, 1886.

Spooner, Lysander. *No Treason. No. 1*. Boston, 1867.

Spooner, Lysander. *The Unconstitutionality of Slavery: Including Parts First and Second*. Boston: Bela Marsh, 1847.

Spooner was an abolitionist and later libertarian thinker. He linked the compulsion of slavery to most other government compulsion, including conscription. In these essays, he laid out his thinking on the draft. Since it was a violation of man's natural rights, it was void.

Stone, I. F. *In a Time of Torment, 1961-1967*. Boston: Little, Brown and Company, 1967.

Collection of articles written by alternative journalist I. F. Stone during the buildup of Vietnam. Useful for the critiques of US policy in that country and possible effects of this reporting on Stone's readers.

Stone, I. F. *Polemics and Prophecies, 1967-1970*. Boston: Little, Brown and Company, 1970.

Collection of articles written by alternative journalist I. F. Stone during the height and beginning of the Vietnamization phase of the war. Useful for the critiques of US policy in that country and possible effects of this reporting on Stone's readers.

Suri, Jeremi Suri. *American Foreign Relations Since 1898*. Malden, MA: Wiley-Blackwell Publishing, 2010.

Suri provides a good compilation of documents on US foreign policy over the last 100 years. Used specifically for documents related to US-Soviet relations after the Cold War.

Robert A. Taft. *A Foreign Policy for Americans*. Garden City, New York: Doubleday & Company, 1951.

Taft laid out his vision for a foreign policy centered on the legislative branch and one that kept America's interests first. He was in favor of fighting communism, but he thought that fight was to be through ideological and economic warfare more than military war. This is a useful statement of how his views fit into postwar military issues including UMT and the draft.

Tax, Sol. *The Draft: A Handbook of Facts and Alternatives*. Chicago: The University of Chicago Press, 1967.

Wide-ranging collection of papers on the draft and a transcript of a discussion on the draft held at the University of Chicago in late 1966. Useful for the wide variety of perspectives on the draft, focusing primarily on reasons the United States should end the draft, although General Hershey and other pro-draft writers did submit essays.

Taylor, Telford. *Nuremberg and Vietnam: An American Tragedy*. New York: The New York Times Company, 1970.

Taylor was a prosecutor of Nazi war criminals during the Nuremberg Trials. In the book Taylor uses the principles established at Nuremberg to evaluate US conduct of the Vietnam War. Taylor views much of the evidence of US war crimes in Vietnam as ambiguous, which makes the legal standing of objectors to the war somewhat tenuous.

Tollefson, James W., ed. *The Strength Not to Fight: Conscientious Objectors of the Vietnam War in Their Own Words*. Washington, D.C.: Brassey's, 2000.

Collection of interviews with conscientious objectors compiled well after the war had ended. Reveals their efforts to resist service in the war and their justifications for doing so.

U.S. National Advisory Committee on Selective Service. *In Pursuit of Equity: Who Serves When Not All Serve?* Washington, D.C.: U.S. Government Printing Office, 1967.

Johnson's "Marshall Commission" which examined the draft in 1967. Ended with this report after months of study, which recommended against the AVF but recommended a lottery and elimination of deferments. The Johnson administration ignored the commission's recommendations in 1967, leading to the continuation of dissatisfaction with the draft.

U.S. President's Advisory Commission on Universal Training. *A Program for National Security: Report of the President's Advisory Commission on Universal Training*. Washington, D.C.: United States Government Printing Office, 1947.

The report of Truman's commission on UMT issued in 1947. Used for the detailed examination of UMT and replies to various arguments that opponents would likely make against it.

U.S. Senate. *Universal Military Training: Hearings Before the Committee on Armed Services*, United States Senate, 80th Cong., 2nd sess., March 23, 1948. Washington, D.C., U.S. Government Printing Office, 1948.

The Senate held hearings on UMT in 1948. This is a compilation of the testimony given during the hearings. Useful for the pro and con positions taken by the various witnesses, as well as the interaction between the witnesses and Senators.

Walton, George. *Let's End the Draft Mess: A Proposal for a Fair System of Universal Service for All*. New York: David McKay Company, 1967.

This is Walton's argument for universal service, which would answer a major criticism of the draft, namely that it operated in an unfair manner, since all would serve.

Weaver, Richard M. *Ideas Have Consequences*. Chicago: University of Chicago Press, 1948.

Weaver, Richard M. *Visions of Order: The Cultural Crisis of Our Time*. Baton Rouge: Louisiana State University Press, 1964.

Weaver's books celebrated traditional, non-materialist societies, especially the antebellum South. He studied during World War II and worked after the war as a professor of English, and his work was a reaction against the destructive forces unleashed by industrialism during the war. He upheld tradition, honor, and duty, but at the same time criticized the mass armies made possible by modern society. Both sides of the conscription debate could find aspects of his philosophy that supported their views.

Benjamin F. Wright, ed. *The Federalist: The Famous Papers on the Principles of American Government*. New York: Barnes & Noble Books, 2004.

Conservatives see these 85 essays as authoritative interpretations of the Constitution. Since the meaning of the Constitution's "army clause" was a point of contention over the entire course of the conscription debate.

Wunderlin, Clarence E., ed. *The Papers of Robert A. Taft, Volume 3, 1945-1948*. Kent, Ohio: Kent State University Press, 2003.

Compilation of the papers of Senator Taft. Useful for his views on foreign policy, conscription, and UMT.

SECONDARY SOURCES

Books

Amar, Akhil Reed. *America's Constitution: A Biography*. New York: Random House, 2005.

Amar is a noted constitutional scholar and provides an authoritative interpretation of important clauses, especially the "Army Clause." He opens up to the possibility of conscription in this work, as opposed to the 1998 book on the Bill of Rights.

----- *The Bill of Rights: Creation and Reconstruction*. New Haven: Yale University Press, 1998.

A clear exposition of the Bill of Rights as originally understood by the Founders, and as modified by the 14th Amendment. Useful for the original understanding of the term "militia." Amar doubts that conscription was constitutional, even after the Fourteenth Amendment.

Ambrose, Stephen E. *Nixon: The Education of a Politician, 1913-1962*. New York: Simon and Schuster, 1987.

----- *Nixon: Ruin and Recovery, 1973-1990*. New York: Touchstone, 1991.

----- *Nixon: The Triumph of a Politician, 1962-1972*. New York: Simon and Schuster, 1989.

Definitive biography of Nixon, covering his time as Vice President, wilderness years, presidency, and downfall. I'll use this to get an overview of the Nixon presidency; his decisions on the draft, Vietnam, and wage and price controls; and the move to the all-volunteer force.

Anderson, Terry H. *The Movement and the Sixties: Protest in America From Greensboro to Wounded Knee*. New York: Oxford University Press, 1995.

Overview of the "sixties" – from the early 1960s to early 1970s. Includes information on anti-draft and anti-Vietnam protests. Generally sympathetic to the protest movement.

----- *The Pursuit of Fairness: A History of Affirmative Action*. New York: Oxford University Press, 2004.

Anderson's account of affirmative action, including its roots. Useful to show Nixon's "liberal" or statist streak, undertaken for political gain not out of principle, but done in spite of the wishes of his conservative constituents.

Appy, Christian G. *Working-Class War: American Combat Soldiers and Vietnam*. Chapel Hill: University of North Carolina Press, 1993.

Appy argues that the draft during Selective Service carried out the draft in a discriminatory manner during the Vietnam War. Flynn argues against this notion. What is most useful to me is the perception during Vietnam that the government administered the draft in a biased manner, whether it actually was or not.

Bailey, Beth. *America's Army: Making the All-Volunteer Force*. Cambridge: Belknap Press, 2009.

Bailey outlines the origins, steps, and challenges of the all-volunteer force. Useful overall for the primary sources she cites and the clear account of what occurred, including a critical stance taken regarding the free-market and libertarian arguments put forward by Friedman and some sympathy for the situation that the AVF put the Army in.

Baskir, Lawrence M., and William A. Strauss. *Chance and Circumstance: The Draft, the War and the Vietnam Generation*. New York: Vintage Books, 1978.

Authors served on Gerald Ford's board established to decide whether and how to grant clemency to those who resisted the draft. They argue that low-income white males were the most likely to serve because the upper class and lower classes escaped service (college and other deferments, and unable to meet qualification). Useful for the detailed explanation of the operation of the draft during Vietnam, with a wealth of statistics. Note that Flynn takes issue with some of these conclusions, however.

Burns, Jennifer. *Goddess of the Market: Ayn Rand and the American Right*. New York: Oxford University Press, 2009.

An examination of Ayn Rand's life and thought, as well as her influence on the conservative movement after World War II. Important for understanding Rand's Objectivist philosophy and support for laissez-faire, as well as her thoughts on the military, war, and conscription.

Berkowitz, Edward D. *Something Happened: A Political and Cultural Overview of the Seventies*. New York: Columbia University Press, 2006.

An overview of the decade of the 1970s. Useful primarily for the context of the end of the war.

Bilton, Michael, and Kevin Sim. *Four Hours in My Lai*. New York: Penguin Books, 1992.

An account of the My Lai Massacre. Useful for the impact of this horrific act on US public opinion on the war and the draft.

Branch, Taylor. *Parting the Waters: America in the King Years, 1954-63*. New York: Simon and Schuster, 1988.

Standard overview of the Civil Rights movement in the 1960s. Used to show the reaction in the white South to the success of the movement and the rise of conservatism/Republicanism in the South after 1968.

Buzzanco, Robert. *Masters of War: Military Dissent and Politics in the Vietnam Era*. Cambridge: Cambridge University Press, 1996.

An analysis of military-civilian relations during the Vietnam War. Most important for me in Buzzanco's argument that the military leadership itself had significant doubts about the ability of the US to win the war at acceptable cost.

Capozzola, Christopher. *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen*. New York: Oxford University Press, 2008.

Account of the rise of the federal government's power during World War I. Specifically documents the dual nature of conscription, from voluntarism at the beginning of the war to compulsion and protest at the end.

Caro, Robert A. *The Years of Lyndon Johnson: Master of the Senate*. Toronto: Vintage Books, 2003).

Caro gives a comprehensive account of debates in Congress before World War II. Used for information on the Neutrality Acts and other debates prior to the war.

Chambers II, John Whiteclay. *To Raise an Army: The Draft Comes to Modern America*. New York: The Free Press, 1987.

Chambers recounts the coming of the draft of the World War I era. Useful for the context of the debate over the draft, and its similarities/differences to the debate during Vietnam.

Cohen, Eliot A. *Citizens and Soldiers: The Dilemmas of Military Service*. Ithaca: Cornell University Press, 1985.

Written during the Reagan buildup of the early 1980s and after 10 years with the all-volunteer army. Cohen argues against voluntarism, criticizes the Gates Commission's focus on economics in deciding soldiers' fates/futures, and argues for

a type of universal militia serve and modification of US foreign policy, which is interesting in light of his strong support for the foolish 2003 invasion of Iraq.

Collier, Peter, and David Horowitz. *Destructive Generation: Second Thoughts About the 60s*. New York: Free Press Paperbacks, 1996.

Horowitz is a reformed 1960s radical with second thoughts about the entire decade. He lumps together the Sixties generation with the few actually radical protesters, and is not in my opinion objective. He does seem to have influence with conservatives today who believe traitors at home stabbed the US in the back.

Craig, Campbell and Fredrik Logevall. *America's Cold War: The Politics of Insecurity*. Cambridge, MA: Belknap Press, 2012.

Argument that the US kept the Cold War going for domestic reasons more than foreign policy ones. Correlates with the breakdown of the "Cold War consensus" during the Vietnam War.

Dallek, Robert. *Flawed Giant: Lyndon Johnson and His Times, 1961-1973*. New York: Oxford University Press, 1998.

Dallek's biography of Johnson. Useful for the context of Johnson's decisions regarding the Vietnam War and conscription, as well as reactions to the protestors.

----- *Franklin D. Roosevelt and American Foreign Policy, 1932-1945*. New York: Oxford University Press, 1995.

An overview of U.S. foreign policy during the entirety of Roosevelt's administration. Used for information on U.S. entry into World War II and the debate between interventionists and isolationists before the war.

----- *Nixon and Kissinger: Partners in Power*. New York: Harper Collins, 2007.

Account of Nixon and Kissinger in the White House. Useful for the context of decisions made by these two regarding Vietnam, the protesters, and the draft.

Davidson, Phillip B. *Vietnam At War: The History, 1946-1975*. New York: Oxford University Press, 1991.

Davidson offers a primarily military history of the wars in Vietnam involving France, the United States, and finally North and South Vietnam. He believes that Johnson's gradual escalation of the war early on doomed the United States, since Americans at home did not have the will for a drawn-out conflict. Useful for this military perspective on a war that Davidson believes could have been won.

DeBenedetti, Charles, and Charles Chatfield. *An American Ordeal: The Antiwar Movement of the Vietnam Era*. Syracuse, NY: Syracuse University Press, 1990.

Sympathetic account of the protests against the Vietnam War. Useful for primary sources cited, interpretations, and arguments against the draft specifically which they referenced. Useful for understanding the positions of the radicals when compared to other political factions in the United States during the war.

Doherty, Brian. *Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement*. New York: Public Affairs, 2007.

Important account of libertarianism, and a useful companion to Nash's book on conservatism. Explains key thinkers' positions on domestic and foreign policy.

Dunn, Susan. *1940: FDR, Willkie, Lindbergh, Hitler—the Election amid the Storm*. New Haven: Yale University Press, 2013.

Dunn recounts the election of 1940, including the debate between the two interventionist candidates (Roosevelt and Willkie) opposed by the isolationists in both parties.

Ellsberg, Daniel. *Secrets: A Memoir of Vietnam and the Pentagon Papers*. New York: Penguin Books, 2002.

Leaker of the Pentagon Papers Daniel Ellsberg's account of the war and his actions to expose what he viewed as US duplicity. Useful for the account of a doubter on the inside and the effects of his revelations on the wider US public.

Emery, Fred. *Watergate: The Corruption of American Politics and the Fall of Richard Nixon*. New York: Touchstone, 1994.

Account of Watergate around the time of Nixon's death, 20 years after the actual event. Not a sympathetic portrayal of Nixon, but useful for the context of how Nixon operated in the White House.

Farmer, Brian. *American Conservatism: History, Theory, and Practice*. Newcastle: Cambridge Scholars Press, 2005.

Explanation of conservatism in the US, in opposition to liberalism and as split between traditional and libertarian varieties. Useful in evaluating the conservative split over the draft.

Flynn, George Q. *The Draft, 1940-1973*. Lawrence, KS: University Press of Kansas, 1993.

Definitive history of the draft between World War II and the Vietnam War. Answers many myths, especially that the Vietnam draft was purposefully discriminatory. Provides good overview of the end of the draft under Nixon.

-----, *Lewis B. Hershey: Mr. Selective Service*. Chapel Hill: University of North Carolina Press, 1985.

Flynn's biography of General Hershey, who ran Selective Service from World War II to nearly the end of the Vietnam War. Sympathetic portrayal of a lightning rod of criticism during Vietnam, and someone Nixon used as a scapegoat to deflect criticism from the draft and his ineffective war policies.

Foley, Michael S. *Confronting the War Machine: Draft Resistance During the Vietnam War*. Chapel Hill: University of North Carolina Press, 2003.

Written by a sympathizer to draft resistance, although he was not old enough to participate himself. Useful for many interviews and firsthand accounts of resistance to the draft. Specifically focused on the resistance movement in Boston.

Friedberg, Aaron L. *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy*. Princeton, NJ: Princeton University Press, 2000.

Argues that the growth and expansion of the federal government's power during the Cold War occurred, but the traditional "anti-statism" of Americans kept it limited. Useful for discussion of how UMT and conscription fit into US strategy during the Cold War.

Gardner, Michael R. *Harry Truman and Civil Rights: Moral Courage and Political Risks*. Carbondale: Southern Illinois University Press, 2002.

Argues that Truman's presidency was central to the civil rights movement. Used for the information on his desegregation of the armed forces in 1948.

Gitlin, Todd. *The Sixties: Years of Hope, Days of Rage*. New York: Bantam Books, 1987.

An overview of the protests and violence of the 1960s/Vietnam War era. Useful for this overview and these accounts.

Goldberg, Robert Alan. *Barry Goldwater*. New Haven: Yale University Press, 1995.

Excellent biography of Goldwater, who was the symbol of respectable libertarian conservatism, as opposed to Birchers or others on the extreme right wing of the Republican Party. Useful for documentation of Goldwater's early opposition to the draft, at a time when Nixon continued to support it.

Gottlieb, Sherry Gershon. *Hell No We Won't Go!: Resisting the Draft During the Vietnam War*. New York: Viking, 1991.

Gottlieb conducted interviews with draft resisters and compiled their stories in this volume. Useful for these firsthand accounts of the varied reasons for draft resistance.

Graham, Hugh Davis. *The Civil Rights Era: Origins and Development of National Policy*. New York: Oxford University Press, 1990.

Graham focuses on the enactment of civil rights laws in the mid-1960s and their implementation through Nixon's first term. Useful for the way Nixon especially carried out these laws in order to evaluate to what extent his presidency could be termed "liberal."

Griffith, Robert K., Jr. *The U.S. Army's Transition to the All-Volunteer Force, 1968-1974*. Washington, D.C., Center of Military History, United States Army, 1997.

Account of the coming of the all-volunteer force from someone extremely sympathetic to the challenges faced by the US Army. He contends that it was the Army that led the way in ending the draft.

Grow, Michael. *U.S. Presidents and Latin American Interventions: Pursuing Regime Change in the Cold War*. Lawrence, KS: Kansas University Press, 2008.

Overview of various interventions in Latin America carried about by the United States in its "backyard." Provides context for US intervention in Vietnam during the Cold War, as the justifications – stopping the spread of communism – were virtually identical.

Halberstam, David. *The Best and the Brightest*. New York: Ballantine Books, 1992.

Account of the mistakes by the Kennedy/Johnson intellectuals that led to Vietnam. Useful for the background that informed Halberstam's reporting in Vietnam since the early 1960s and probable attitudes toward the war/draft of those influenced by his reporting.

Hallin, Daniel C. *The "Uncensored War": The Media and Vietnam*. Berkeley: University of California Press, 1989.

Argues the media was not significantly opposed to the war and did not influence the public to oppose the war. A clear reply to the conservative narrative that the media betrayed the country and the troops.

Harris, Ian. *The Mind of John Locke: A Study of Political Theory in Its Intellectual Setting*, rev. ed. New York: Cambridge University Press, 1998.

Study of John Locke's political theory. Used especially for explanation of Locke's conception of rights and property, as a counter to mischaracterizations of Locke by conservative William Henry Chamberlain in *National Review*.

Herring, George C. *America's Longest War: The United States and Vietnam, 1950-1975*. 3rd. ed. New York: McGraw-Hill, Inc., 1996.

The standard account of the Vietnam War. Useful for context of the war, draft, and decisions made by Johnson and Nixon on these issues.

----- *From Colony to Superpower: U.S. Foreign Relations Since 1776*. New York: Oxford University Press, 2008.

Herring provides a comprehensive narrative of American foreign policy throughout its history. Used for Herring's discussion of World War II and the Vietnam era.

----- *LBJ and Vietnam: A Different Kind of War*. Austin: University of Texas Press, 1994.

Herring examines the many flaws in how Johnson conducted the "limited war" in Vietnam, as well as how this increased dissatisfaction with the war at home. Useful for how the conduct of the war affected the antiwar and anti-draft movements.

Hoff, Joan. *Nixon Reconsidered*. New York: BasicBooks, 1994.

Written around the time of Nixon's death, Hoff tries to paint Nixon as more liberal than most historians view him. Primarily focuses on domestic issues. Useful for the information on the wage and price controls, and possibly affirmative action.

Holsti, Ole R. *Public Opinion and American Foreign Policy*, Rev. ed. Ann Arbor, MI: University of Michigan Press, 2004.

Holsti analyzes how public opinion has shaped foreign policy decisions. Used for the discussion of opinions on conscription after World War II.

Hoover, Kenneth, Vernon Johnson, John Miles, and Sara Weir. *Ideology and Political Life*. Orlando, FL: Harcourt College Publishers, 2001.

Textbook account of primary ideologies in American life. Useful for defining "libertarian," "conservative," and "liberal," in order to evaluate the arguments made by various opponents and defenders of the draft.

Hunt, Andrew E. *The Turning: A History of Vietnam Veterans Against the War*. New York: New York University Press, 1999.

Important account of the Vietnam Veterans Against the War. Useful for evaluating the actions of those who resisted the draft based on the opposition of some of those who actually fought in it.

Iggers, Wilma A. *Women of Prague: Ethnic Diversity and Social Change from the Eighteenth Century to the Present*. Providence, Rhode Island: Berghahn Books, 1995.

Used for information on Milada Horáková, a Czechoslovakian legislator who was executed after the communist coup in 1948. An author who wrote a parable about communism in *National Review* in 1958 used her name to evoke memories of communist atrocities.

Isaacs, Arnold R. *Without Honor: Defeat in Vietnam and Cambodia*. Baltimore: Johns Hopkins University Press, 1999.

A powerful account of the final years of US involvement in Vietnam, including the failure of Vietnamization and the fall of Saigon. Useful to help evaluate the legitimacy of the arguments used by those who protested the war and resisted the draft that US policy was deeply flawed or even that the war itself was futile.

Isserman, Maurice, and Michael Kazin. *America Divided: The Civil War of the 1960s*. 2nd ed. New York: Oxford University Press, 2004.

General overview of the culture of the 1960s, written by scholars sympathetic to the left wing movements of that decade. Useful for an account of the social milieu out of which the New Left sprang.

Jenner, Robert E. *FDR's Republicans: Domestic Political Realignment and American Foreign Policy*. Lanham, Maryland: Lexington Books, 2010.

Jenner documents the debate in the Republican Party between isolationists and internationalists, and their eventual support for Roosevelt's foreign policy during World War II. Used for the discussion of the Nye Committee and isolationism among agrarian and progressive Republicans before the war.

Judis, John B. *William F. Buckley, Jr.: Patron Saint of the Conservatives*. New York: Simon & Schuster, 1988.

A biography of Buckley and his influence on the conservative movement during the Cold War. Used for explorations of Buckley's philosophy as well as the history of *National Review*.

Karnow, Stanley. *Vietnam: A History*. New York: Penguin Books, 1991.

Standard overview of the Vietnam War. Useful for the breadth of information on the war overseas and at home.

Kearns, Doris. *Lyndon Johnson & the American Dream*. New York: Harper & Row, 1976.

Sympathetic account of Lyndon Johnson. Useful for information on the actions taken by Johnson on Vietnam and regarding war protesters.

Kennedy, David M. *Freedom From Fear: The American People in Depression and War, 1929-1945*. New York: Oxford University Press, 2005.

Kennedy provides an overview of the New Deal and World War II eras, from a position sympathetic to Roosevelt. Useful for discussion of isolationism before World War II, the debate over conscription, Pearl Harbor, and the course of the war.

-----, *Over Here: The First World War and American Society*. New York: Oxford University Press, 1980.

Kennedy wrote a history of how World War I affected Americans at home. Very useful for discussion of conscription during the war, Wilson's work to get it passed, opposition in Congress, and some military manpower issues during the war.

Kersten, Andrew E. *A. Philip Randolph: A Life in the Vanguard*. Lanham, Maryland: Rowman & Littlefield Publishers, 2007.

Biography of Randolph with emphasis on his political ideology and work in the field of civil rights. Used for background on Randolph's testimony and work behind the scenes on UMT in the 1940s.

Kirk, Russell, and James McClellan. *The Political Principles of Robert A. Taft*. New York: Fleet Press Corporation, 1967.

An intellectual biography of Senator Taft by two sympathetic writers. Gives a broad overview of Taft's ideas. Useful specifically for an explanation of Taft's views on noninterventionist foreign policy.

Kissinger, Henry. *Ending the Vietnam War: A History of America's Involvement in and Extrication from the Vietnam War*. New York: Simon & Schuster, 2003.

Kissinger's self-serving but insider's account of the end of the Vietnam War. Useful for the information on the end of the war and changes in US foreign policy as the US withdrew from Vietnam and ended the draft at the same time.

Klein, Naomi. *The Shock Doctrine: The Rise of Disaster Capitalism*. New York: Picador, 2007.

Klein is a journalist who wrote this book during the Iraq War and George W. Bush presidency. Her argument was that Milton Friedman's or his followers pushed free-market ideology on people during times of "shock" when the democracy was

too weak or disorganized to oppose it. Used to show that end of the draft fits this pattern.

Kolko, Gabriel. *Anatomy of a War: Vietnam, the United States, and the Modern Historical Experience*. New York: Pantheon Books, 1985.

Overview of the US war in Vietnam from someone very sympathetic to the communist victory there. Useful for the arguments made by the extreme left wing of radical protesters in opposition to the Vietnam War.

Krepinevich, Jr., Andrew F. *The Army and Vietnam*. Baltimore: Johns Hopkins University Press, 1986.

Krepinevich argues that the US fought the Vietnam War in a conventional manner, instead of using the techniques of counterinsurgency. Useful for understanding the way in which the war was fought and possible problems with the overall American strategy.

Kyvig, David E. *The Age of Impeachment: American Constitutional Culture Since 1960*. Lawrence, KS: University Press of Kansas, 2008.

An overview of the rise of the use of impeachment by the opposition party. Useful for placing the illegal actions and resignation of Nixon in context of the larger use of impeachment.

Leshner, Stephan. *George Wallace: American Populist*. Cambridge, Massachusetts: Perseus Publishing, 1994.

Biography of George Wallace by a journalist. Important to understand Wallace's appeal to many in the white working class in the 1960s and into the 1970s. Also notable for his differences with the libertarian right and defense of traditionalism.

Levin, Matthew. *Cold War University: Madison and the New Left in the Sixties*. Madison: The University of Wisconsin Press, 2013.

Levin discusses the linkage of the federal government and universities (focusing on the University of Wisconsin at Madison) during the Cold War. He discusses the protests during the 1960s that this linkage gave rise to. Useful for the Cold War setting on universities as well as understanding one aspect of the way the Cold War affected Americans at home.

Lind, Michael. *Vietnam: The Necessary War: A Reinterpretation of America's Most Disastrous Military Conflict*. New York: Touchstone, 1999.

An argument, from 30 years hindsight, that US motivations and goals were correct in Vietnam. Useful for evaluating the actions of antiwar protesters and draft resisters.

Little, Roger W., ed. *Selective Service and American Society*. Hartford, CT: Connecticut Printers, Inc., 1969.

Collection of statements on the draft from the period. Used for examination of the membership of draft boards and how representative they were.

Logevall, Fredrik. *Choosing War: The Lost Chance for Peace and the Escalation of War in Vietnam*. Berkeley: University of California Press, 1999.

Logevall argues that the Johnson Administration purposely avoided opportunities to achieve peace between the United States and Vietnam from late 1963 to early 1965. Aids in evaluation of the charges made by opponents of the war regarding US motives in Vietnam.

Lowen, Rebecca S. *Creating the Cold War University: The Transformation of Stanford*. Berkeley: University of California Press, 1997.

Lowen links the universities and the “military-industrial complex.” She shows how universities sought out support from the military to expand funding. Important to show the symbiotic relationship between the universities, the military, and defense contractors.

Macleod, Jenny, ed. *Defeat and Memory: Cultural Histories of Military Defeat in the Modern Era*. New York: Palgrave Macmillan, 2008.

Macleod compiled essays on the effects of defeat on cultures. Used for explanation of the “stab-in-the-back” myth popular among conservatives after Vietnam, similar to the same legend in Germany after its loss in World War I.

Mahnken, Thomas G. *Technology and the American Way of War Since 1945*. New York: Columbia University Press, 2008.

Discussion of the use of technology and the U.S. military. Used specifically for an explanation of early thinking on atomic weapons and their relationship to manpower policies during the early Cold War.

Matusow, Allen J. *The Unraveling of America: A History of Liberalism in the 1960s*. New York: Harper & Row, 1984.

Matusow charts the rise and fall of liberalism during the 1960s, from its origins under Kennedy to the election of 1968 and rise of Nixon. Useful for the accounts of the activities of protesters against the war and the impact of the division over the war on the Democrats.

McAllister, Ted V. *Revolt Against Modernity: Leo Strauss, Eric Voegelin, and the Search for a Postliberal Order*. Lawrence: University Press of Kansas, 1996.

Explanation and comparison of two traditionalist conservative philosophers. Used specifically for definitions and comparison between traditional and libertarian conservatives.

McCormick, Thomas J. *America's Half-Century: United States Foreign Policy in the Cold War*. Baltimore: Johns Hopkins University Press, 1989.

McCormick focuses on economic causes for the break between the US and USSR after World War II. Useful for an interpretation of the Cold War that interprets the rift as something more than just ideology.

McPherson, James. *Battle Cry of Freedom: The Civil War Era*. New York: Oxford University Press, 1988.

Standard account of the Civil War era. Important for discussion of the draft during the Civil War, as well as Lincoln's defense of it and Roger Taney's attack on the draft's constitutionality.

Mettler, Suzanne. *Soldiers to Citizens: The G.I. Bill and the Making of the Greatest Generation*. New York: Oxford University Press, 2005.

Mettler discussed the manning of the army during World War II and the return of the soldiers. Discusses the GI Bill and its effect on the lives of returning soldiers.

Miller, James. *Democracy Is in the Streets: From Port Huron to the Siege of Chicago*. Cambridge, MA: Harvard University Press, 1994.

A study of the New Left movements during the 1960s, including the protests led against the Vietnam War and in protest against conscription. Useful for the account of these movements.

Miscamble, Wilson D. *George F. Kennan and the Making of American Foreign Policy, 1947-1950*. Princeton, NJ: Princeton University Press, 1992.

Discussion of early Cold War foreign policy in the Truman administration and the influence that George Kennan in the State Department had. Useful for the discussion of the fear of Soviet expansion and Containment policy, and the effects these had on U.S. manpower policies during the early Cold War.

Moser, Richard. *The New Winter Soldiers: GI and Veteran Dissent During the Vietnam Era*. New Brunswick, NJ: Rutgers University Press, 1996.

An account of antiwar protests carried out by Vietnam veterans during the war. Useful to place in context the actions of other antiwar protesters and draft resisters, and for the arguments made by these veterans against the war and draft.

Moyer, Mark. *Triumph Forsaken: The Vietnam War, 1954-1965*. New York: Cambridge University Press, 2009.

Moyer provides a spirited defense of US aims in the Vietnam War, and pins the blame for failure on Diem's assassination in 1963 and the reporters of the time who supposedly refused to tell the truth about Diem's successes in South Vietnam. Useful as a counterpoint to standard histories of the war and informative regarding conservative views of US war aims.

Nash, George H. *The Conservative Intellectual Movement in America Since 1945*. Wilmington, Delaware: Intercollegiate Studies Institute, 1996.

Nash provides an important account of the rise of conservatism after World War II. Concentrates on traditional as well as libertarian conservatives. Foundational for understanding conservatism, including participants' views on Vietnam and conscription.

Neely Jr., Mark E. *Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War*. Chapel Hill: University of North Carolina Press, 2011.

Important discussion of the challenges that the Civil War posed to the Constitution. Specifically used for the information on the draft, Justice Taney's opposition and Lincoln's defense, and Lincoln's suspension of *habeas corpus* to block state judges from releasing conscripted soldiers.

Ojserkis, Raymond P. *Beginnings of the Cold War Arms Race: The Truman Administration and the U.S. Arms Build-Up*. Westport, CT: Praeger Publishers, 2003.

The author provides a study of the change in policy that Truman undertook to build up American arms to face the Soviet Union over the long term. Nuclear weapons, worldwide bases, and conscription were all part of this strategy. Used for discussion of how the draft fit into Truman's larger plan for the Cold War.

Olson, Keith W. *Watergate: The Presidential Scandal That Shook America*. Lawrence, KS: University Press of Kansas, 2003.

An overview of the Watergate scandal. Useful for the context of Nixon's illegal actions during his presidency.

Pach Jr., Chester J. and Elmo Richardson. *The Presidency of Dwight D. Eisenhower*, rev. ed. Lawrence: University Press of Kansas, 1991.

Overview of Eisenhower's presidency. Used for information on Eisenhower's military policy, especially as it related to manpower policy and the New Look.

Palmer, Jr., Bruce. *The 25-Year War: America's Military Role in Vietnam*. Lexington: University Press of Kentucky, 1984.

An analysis of why the US lost the war in Vietnam from the point of view of a military historian and general who led troops in Vietnam.

Paterson, Thomas G. *Meeting the Communist Threat: Truman to Reagan*. New York: Oxford University Press, 1988.

Paterson argues that US planners exaggerated the threat posed by communism during the Cold War, and this led to unwise foreign policy adventures, including the Vietnam War. Used to show how this led to the breakdown of the Cold War consensus.

Patterson, James T. *Grand Expectations: The United States, 1945-1974*. New York: Oxford University Press, 1996.

Overview of the United States from post-World War II to the early 1970s. Useful for context.

----- *Restless Giant: The United States from Watergate to Bush v. Gore*. New York: Oxford University Press, 2005.

Overview of the United States since the early 1970s. Useful for the context of US history in the post-draft era.

Perlstein, Rick. *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus*. New York: Nation Books, 2009.

A biography of Goldwater and conservatism in the early 1960s. Useful for charting the origins of the conservative backlash that resulted from Vietnam and the protest movement of that era, as well as the early split between libertarian conservatives (typified by Goldwater) and traditional conservatives (typified by Nixon).

----- *Nixonland: The Rise of a President and the Fracturing of America*. New York: Scribner, 2008.

Written by a journalist, but extremely well documented account of the Nixonian use of division to win political battles. Perlstein criticizes those on the left and right for their extremism. Useful for the information of the cultural and political climate of the 1960s.

Polenberg, Richard. *One Nation Divisible: Class, Race, and Ethnicity in the United States Since 1938*. New York: Penguin Books, 1980.

An account of the divisions over race and class in the United States through the 1970s. Useful for the impact of these divisions in the Vietnam War era.

Powaski, Ronald E. *Toward an Entangling Alliance: American Isolationism, Internationalism, and Europe, 1901-1950*. New York: Greenwood Press, 1991.

Powaski evaluates American isolationism before World War II and the changes of the first half of the 20th century that led to the United States abandoning isolationism. Useful for discussion of the Nye Committee and the lessons of World War I.

Prados, John. *Vietnam: The History of an Unwinnable War, 1945-1975*. Lawrence: University Press of Kansas, 2009.

An overview of the Vietnam War from a critic. Includes much material on the antiwar/anti-draft movement in the United States. Also discusses military issues, failures of strategy that led to the U.S. loss in the war, and operation of the draft.

Reeves, Richard. *President Nixon: Alone in the White House*. New York: Simon & Schuster, 2001.

An account of Nixon's White House, focusing on a few key dates, and attempt to provide an inside view of Nixon and his administration. Useful for this perspective on Nixon, including information on the decision to reform and eventually end the draft.

Robinson, Armstead L. *Bitter Fruits of Bondage: The Demise of Slavery and the Collapse of the Confederacy, 1861-1865*. Charlottesville: University of Virginia Press, 2007.

Argues that the breakdown of the antebellum society led to the defeat of the South during the Civil War. Conscription and centralization of authority in the confederate government were part of this breakdown. Useful for discussion of the debate in the South over the draft.

Rostker, Bernard. *I Want You!: The Evolution of the All-Volunteer Force*. Santa Monica, CA: Rand Corporation, 2006.

An account of the end of the draft and coming of the all-volunteer force from someone very sympathetic to this change in policy. Very detailed and includes a wealth of primary sources. Useful for the emphasis on the economic arguments made by the Gates Commission and its defenders, as well as the primary sources.

Schell, Jonathan. *The Time of Illusion*. New York: Alfred A. Knopf, 1976.

An account of the presidency of Richard Nixon written by a longtime critic of the Vietnam War and Richard Nixon. Useful for the criticisms of Nixon and his policies, especially as it related to waging the war against Vietnam.

Shafer, D. Michael, ed. *The Legacy: The Vietnam War in the American Imagination*. Boston: Beacon Press, 1990.

A collection of essays about the Vietnam War and its impact by various historians. Important for essays on the draft and how the war was fought.

Sherry, Michael S. *In the Shadow of War: The United States Since the 1930s*. New Haven: Yale University Press, 1995.

Powerful argument that World War II continues to have a profound impact on Americans' thinking about war. Americans chose militarization in response to World War II and the Cold War. This has shaped US response to many challenges, including Vietnam.

Skeen, C. Edward. *Citizen Soldiers in the War of 1812*. Lexington: University Press of Kentucky, 1999.

In-depth discussion of the use and failings of state militias during the War of 1812. Used specifically for the treatment of the debate over the 1814 draft proposal, including positions of supporters and opponents as well as the reasons why it was not enacted.

Small, Melvin. *Johnson, Nixon, and the Doves*. New Brunswick: Rutgers University Press, 1989.

Small's primary argument is that the antiwar movement had enormous influence on US public policy, in spite of the perception of many in the New Left that the movement had been a failure. Useful for demonstration of the impact of the protestors on the decisions made by Johnson and Nixon.

-----, *The Presidency of Richard Nixon*. Lawrence, KS: University Press of Kansas, 1999.

A concise overview of Nixon's presidency from the point of view of a critic. Useful for placing Nixon and his decisions as president regarding Vietnam in context.

Smith, Jean Edward. *FDR*. New York: Random House, 2007.

Smith provides a general biography of Roosevelt and his presidency. Used for information on Roosevelt's handling of the coming of World War II and the war itself.

Sorley, Lewis. *A Better War: The Unexamined Victories and Final Tragedy of America's Last Years in Vietnam*. New York: Harcourt, Inc., 1999.

Sorley argues the strategy used in Vietnam by General Creighton Abrams after 1968 had the prospect to win the war, but that politics at home got in the way and Abrams was not allowed the men or money to win the war. Important for evaluation of who was to blame for the loss in Vietnam and evaluating arguments made against the war by antiwar protesters at home.

Summers, Jr., Harry G. *On Strategy: A Critical Analysis of the Vietnam War*. Novato, CA: Presidio Press, 1995

An important argument about why the US lost the war in Vietnam, written by a military historian. Summers argues that the US should have concentrated on the North Vietnamese Army instead of the National Liberation Front in South Vietnam. Important for understanding the flawed strategy carried about by Johnson and the military leadership.

Taylor, William A. *Every Citizen a Soldier: The Campaign for Universal Military Training After World War II*. College Station: Texas A&M University Press, 2014.

Taylor gives an in-depth account of Truman's campaign for UMT in the late 1940s. Used to understand the debate over UMT as well as how various constituencies (military, Congress, racial groups, people from the North and South) reacted to Truman's proposal.

Walzer, Michael. *Just and Unjust Wars: A Moral Argument With Historical Illustrations*. 2nd ed. New York: BasicBooks, 1992.

An explanation of the criteria for judging unjust and just wars from an accomplished social scientist. Useful for evaluating the claims regarding Vietnam that draft resistance was morally permissible because of the "unjust" nature of the war in Vietnam.

Wells, Tom. *The War Within: America's Battle Over Vietnam*. Berkeley: University of California Press, 1994.

A book that attempts to be exhaustive on the various strands of the antiwar movement during Vietnam. Important for the arguments given specifically against the draft and the reaction of the country to the protesters.

Westmoreland, William C. *A Soldier Reports*. Garden City, NY: Doubleday and Company, 1976.

This is Westmoreland's explanation for the actions taken during his time in Vietnam, through June 1968. Useful for the perspective of a member of the military regarding the challenges and obstacles to fighting the war.

Wicker, Tom. *One of Us: Richard Nixon and the American Dream*. New York: Random House, 1991.

A somewhat sympathetic account of Nixon's origins and some issues of his presidency, written by a critic and member of Nixon's "enemies list." Important for information on Nixon's presidency.

Willbanks, James H. *Abandoning Vietnam: How America Left and South Vietnam Lost Its War*. Lawrence, KS: University Press of Kansas, 2008.

Willbanks is a conservative author who argues that the US had essentially won the war in the early 1970s, but the Democrats in Congress refused continued support for South Vietnam's President Thieu and the presidents (Nixon and Ford) were powerless to prevent this betrayal because of the Watergate scandal. Useful for an understanding of the impact of antiwar sentiment among liberals on the decisions made by leaders in Washington.

Wittner, Lawrence S. *Rebels Against War: The American Peace Movement, 1933-1983*. Philadelphia: Temple University Press, 1984.

Wittner places the peace movement in historical perspective, tracing its outlines from the years prior to World War II, through Vietnam, into the 1980s. Important for placing the actions and arguments of the peace movement of the New Left in historical perspective.

Young, Marilyn B. *The Vietnam Wars, 1945-1990*. New York: HarperCollins, 1991.

Young provides an overview of the French and US involvement in Vietnam from the end of World War II until well past the US withdrawal. Written from a liberal/critical point of view. Useful for understanding how critics of Vietnam saw the war during the 1960s/1970s, and have continued to view it since.

Young, Fred Douglas. *Richard Weaver: A Life of the Mind*. Columbia: University of Missouri Press, 1995.

Biography of Weaver that fleshes out his thought and puts it in the context of World War II and the early Cold War. Useful to aid in understanding his thought.

Zaroulis, Nancy, and Gerald Sullivan. *Who Spoke Up?: American Protest Against the War in Vietnam, 1963-1975*. New York: Holt, Rinehart and Winston, 1978.

A collection of interviews with those who protested against the Vietnam War. Paints the antiwar movement as having broad support, and the authors collect the stories of these people. Useful for the arguments made by these individuals against the war.

Articles

Abrams, Burton A. "How Richard Nixon Pressured Arthur Burns: Evidence from the Nixon Tapes." *Journal of Economic Perspectives* 20, no. 4 (Fall 2006): 177-88.

Abrams documents political pressure placed on Arthur Burns, chair of the Federal Reserve, by Nixon in the run-up to the 1972 election. Nixon wanted an inflationary monetary policy from the Fed to help in his reelection campaign. Important as a window into Nixon's economic policies as president.

Bailey, Beth. "The Army in the Marketplace: Recruiting an All-Volunteer Force." *The Journal of American History* 94, no. 1 (June 2007): 47-74.

Bailey's account of how the AVF policy forced the army to use marketing techniques to get volunteers for the army once the draft ended. She incorporated these ideas into *America's Army: Making the All-Volunteer Force*.

Brayton, Abbott A. "American Reserve Policies Since World War II." *Military Affairs* 36, no. 4 (December 1972): 139-44.

An analysis of how the United States has used the reserves, from 1945 to the Vietnam War. Brayton wrote this analysis during the final months of the Vietnam War and while the issue of the all-volunteer force was still in the process of being carried out. Important for understanding the historical use of the reserves to inform how the US military could use them under the all-volunteer system of military service.

Brinkley, Alan. "The Problem of American Conservatism." *The American Historical Review* 99, no. 2 (April 1994): 409-29.

Brinkley wrote this essay in 1994, interestingly during the resurgence of conservatism of the 1990s under the leadership of Gingrich and others in the House of Representatives. Brinkley argues that mainstream historians have ignored conservative interests and values and this is his attempt to encourage further study of American conservatism.

Burk, James. "Debating the Draft in America." *Armed Forces & Society* 15 (Spring 1989): 431-48.

Burk compares the debates over conscription from World War II to Vietnam. Important for the descriptions of these disagreements, especially as it relates to Vietnam.

Carter, Dan T. "Legacy of Rage: George Wallace and the Transformation of American Politics." *The Journal of Southern History* 62, no. 1 (February 1996): 3-26.

An account of the effects of George Wallace's 1968 candidacy on American politics. Significant for the exposition of the rise (or re-recognition) of what Nixon called the "silent majority" who rejected the values of the New Left and supported a traditional understanding of America and its place in the world. I'll especially use this to help identify this population's views on the draft.

Chambers II, John Whiteclay. "Decision for the Draft." *Magazine of History* 17, no. 1 (October 2002): 26-30, 33.

Account of the coming of the draft during World War I. Useful for the tracing of the debate over the draft during that war, as a comparison to the debate that occurred during the Vietnam War.

----- "The New Military History: Myth and Reality." *The Journal of Military History* 55, no. 3 (July 1991): 395-406.

An overview of new methods for writing military history. Useful for the advice given from this gifted historian about how to write about the military and military issues.

Cohen, Eliot A. "Constraints on America's Conduct of Small Wars." *International Security* 9, no. 2 (Fall 1984): 151-81.

Cohen contrasts small wars and large wars (especially in the age of nuclear weapons) in this essay. He argues that small wars necessitate a volunteer/professional force for small wars and a force manned through conscription for large wars. Useful for an outline of the problems of military manpower in a world in which the United States believes it has global responsibilities.

DeBoer, Larry, and B. Wade Brorsen. "The Demand for and Supply of Military Labor." *Southern Economic Journal* 55, no. 4 (April 1989): 853-69.

An economic focus on the manpower problem under the all-volunteer military. The authors examine the costs of military manpower under the draft, how these costs changed after the all-volunteer military through the mid-1980s, and project costs through the year 2000. Useful for an economic perspective of the costs of military manpower.

Deleon, David. "The American as Anarchist: Social Criticism in the 1960s." *American Quarterly* 25, no. 5 (December 1973): 516-37.

An examination of the protests of the New Left in the 1960s, written only a few years after the end of the Vietnam War. Useful for the account of the protests and their impact.

Fisher, Anthony C. "The Cost of the Draft and the Cost of Ending the Draft." *The American Economic Review* 59, no. 3 (June 1969): 239-54.

A technical study of the economic costs of moving to an all-volunteer force, written during the Vietnam War and shortly after Nixon had taken office with the pledge to end the draft.

Flynn, George Q. "Conscription and Equity in Western Democracies, 1940-1975," *Journal of Contemporary History*, vol. 33, no. 1 (January 1998): 5-20.

Flynn examines conscription and the issue of equity in France, Britain, and the United States from World War II through the Vietnam War (for the United States). Useful for Flynn's comparison of these issues in the context of other western nations.

Freeman, Joshua B. "Hardhats: Construction Workers, Manliness, and the 1970 Pro-War Demonstrations." *Journal of Social History* 26, no. 4 (Summer 1993): 725-44.

An account of the hard-hat riots of 1970. Important for the definition of traditional conservatism typified by the riot.

Garnier, Maurice A. "Some Implications of the British Experience with an All-Volunteer Army." *The Pacific Sociological Review* 16, no. 2, *Military Sociology* (April 1973): 177-91.

An examination of the British move to an all-volunteer army and lessons that the United States would want to take from this experience.

Gartner, Scott Sigmund, and Gary M. Segura. "Race, Casualties, and Opinion in the Vietnam War." *The Journal of Politics* 62, no. 1 (February 2000): 115-46.

The authors examine how the perception that blacks and the poor suffered disproportionate casualties in the Vietnam War affected public views of the war, whether or not these perceptions were actually accurate.

Graham, Hugh Davis. "The Ambiguous Legacy of American Presidential Commissions." *The Public Historian* 7, no. 2 (Spring 1985): 5-25.

An examination of American presidential commissions. Useful for placing in context Nixon's commission on the draft.

Hagan, John, and Ilene N. Bernstein. "Conflict in Context: The Sanctioning of Draft Resisters, 1963-1976." *Social Problems* 27, no. 1 (October 1979): 109-22.

An examination of the punishments meted out to draft resisters over the course of the Vietnam War. Useful for understanding how society viewed draft resisters based on these punishments.

Henderson, David R. "The Role of Economists in Ending the Draft." *Econ Journal Watch* 2, no. 2 (2005): 362-76.

Highlights the importance of economists and free-market economic theories in ending the draft. Important to show the narrow range of arguments considered by officials actually involved in bringing about the all-volunteer military.

Hero, Alfred O., Jr. "Negroes and US Foreign Policy: 1937-1967." *The Journal of Conflict Resolution* 13, no. 2 (June 1969): 220-51.

A study of the involvement of blacks and US foreign policy over the course of World War II and the Cold War, including part of the Vietnam War. Important for understanding how blacks served in recent US wars to judge how discrimination affected their service.

Hummel, Jeffrey Rogers. "The America Militia and the Origin of Conscription: A Reassessment." *Journal of Libertarian Studies* 15, no. 4 (Fall 2001): 29-77.

A libertarian attack on the idea that Americans did not have conscription in the United States until the Civil War. In reality, the author argues, the militia system amounted to conscription and the government did use it in all wars prior to the Civil War except for the Mexican War. Useful to show that compulsory service was an important part of the Constitution, although at the state level instead of national level.

Janowitz, Morris. "The All-Volunteer Military as a 'Sociopolitical' Problem." *Social Problems* 22, no. 3 (February 1975): 432-449.

Janowitz argues that the all-volunteer army endangers civilian control of the military and represents a cleavage between civilian and military society, both dangerous side effects for American democracy. A useful counterpoint to the arguments of the Gates Commission.

----- "The Social Demography of the All-Volunteer Armed Force." *Annals of the American Academy of Political and Social Science* 406 (March 1973): 86-93.

Almost concurrent with the implementation of the all-volunteer force, Janowitz wrote this essay, arguing that the composition of military personnel would change in significant ways because of the end of conscription. Useful as a counterpoint to the arguments made by the Gates Commission.

Kennedy, David M. "The Wages of a Mercenary Army: Issues of Civil-Military Relations." *Bulletin of the American Academy of Arts and Sciences* 59, no. 3 (Spring 2006): 12-16.

Critic of the all-volunteer army of Stanford University, in a speech responding to the Iraq War and calling attention to the impact of a "mercenary" army on American society, which had been studiously ignored by the Gates Commission.

Kolodziej, Edward A. "Congress and Foreign Policy: The Nixon Years." *Proceedings of the Academy of Political Science* 32, no. 1 (1975): 167-79.

An account of Congress's foreign policy decisions made during the Nixon presidency. Useful for placing the Nixon/Congress decision to end the draft in the context of larger foreign policy concerns and decisions.

Lacy, James L. "Military Manpower: The American Experience and the Enduring Debate." In *Towards a Consensus on Military Service: Report of the Atlantic Council's Working Group on Military Service*, edited by Andrew J. Goodpaster, Lloyd H. Elliott, and J. Allan Hovey Jr., 20-51. New York: Pergamon Press, 1982.

Lacy gives an overview of US military manpower policies throughout American history. Useful for comparisons of different times and policies and arguments for and against each.

Laird, Melvin R. "A Strong Start in a Difficult Decade: Defense Policy in the Nixon-Ford Years." *International Security* 10, no. 2 (Fall 1985): 5-26.

A brief account of US foreign policy in the Nixon/Ford years, by Nixon's secretary of defense. Useful for placing the all-volunteer military in the context of the demands placed on it in the immediate aftermath of the Vietnam War.

Lock-Pullan, Richard. "'An Inward Looking Time': The United States Army, 1973-1976." *The Journal of Military History* 67, no. 2 (April 2003): 483-511.

An account of the post-Vietnam, post-draft US Army, as it tried to rebuild itself after the war and carry out the country's directive that ended the draft. Useful for demonstration of the immediate effects of the end of conscription.

Murray, Paul T. "Blacks and the Draft: A History of Institutional Racism." *Journal of Black Studies* 2, no. 1 (September 1971): 57-76.

Murray examines the drafting of blacks during World War I, World War II, and the postwar era. He argues that the selective service system and the military exhibited clear racism in its treatment of blacks. While these conclusions have been disputed, especially by George Q. Flynn, this essay is important as an exposition of the understanding of the draft during the Vietnam War.

Peterson, Mark J. "Protest Politics, the Media, and Public and Elite Opinion During the Vietnam War." PhD diss., Indiana University, 1994.

Discussion of the effect of protests on elites' discussion of the war and subsequent influence on public opinion. Public opinion then influenced the handling of the war. Used to demonstrate the influence that mass protests had over the course of the war.

Reichley, A. James. "The Conservative Roots of the Nixon, Ford, and Reagan Administrations." *Political Science Quarterly* 96, no. 4 (Winter 1981-1982): 537-50.

Reichley outlines the conservatism of the Nixon, Ford, and Regan administrations. Important for the definition of conservatism and highlighting specifically of Nixon's conservative policies as president.

Ribuffo, Leo P. "Why is There so Much Conservatism in the United States and Why Do So Few Historians Know Anything about It." *The American Historical Review* 99, no. 2 (April 1994): 438-49.

An argument that historians for the most part misunderstand conservatism and a call for a reexamination of American conservatism. Important for a historical overview of conservatism.

Rieder, Jonathan. "The Rise of the 'Silent Majority.'" In *The Rise and Fall of the New Deal Order, 1930-1980*, edited by Steve Fraser and Gary Gerstle, 243-68. Princeton: Princeton University Press, 1989.

Rieder tells the story of the rise of the Silent Majority during the late 1960s. Useful for this perspective on the traditional conservatism of this group as it related to the draft.

Rohr, John A. "Just Wars and Selective Objectors." *The Review of Politics* 33, no. 2 (April 1971): 185-201.

A historical examination of selective objectors to American wars based on arguments that the war was unjust or immoral. Important for placing the arguments of draft resisters during the Vietnam War in historical perspective.

Warner, John T., and Beth J. Asch. "The Record and Prospects of the All-Volunteer Military in the United States." *Journal of Economic Perspectives* 15, no. 2 (Spring 2001): 169-92.

An evaluation of the arguments made by Milton Friedman and other economists associated with the Gates Commission, written nearly 30 years after the government established the AVF in the United States. The authors conclude that

economic data over the last 30 years has upheld the economic case for ending the draft and claim that this evidence supports the findings of the Gates Commission.

Wittkopf, Eugene R., and James M. McCormick. "The Cold War Consensus: Did It Exist?" *Polity* 22, no. 4 (Summer 1990): 627-53.

The authors examine the "Cold War consensus" from the onset of the Cold War to Vietnam. They examine how the Vietnam War affected this consensus and conclude that there was a public opinion consensus that communism must be confronted. The most important consequence of the Vietnam War was a reluctance on the part of the American people to use force to do so.

Yon, Richard M., and Tom Lansford. "Political Pragmatism and Civil Rights Policy: Truman and Integration of the Military." In *The Civil Rights Legacy of Harry S. Truman*, edited by Raymond H. Geselbracht, 103-16. Kirksville, Missouri: Truman State University Press, 2007.

The authors argue that the Truman had many motivations for his executive order desegregating the military. These included pressure placed on him by African American activists, political pressure from the Wallace camp, and his personal opposition to segregation. Useful for putting the order in context.