

The History and Evolution of Conscription in the U.S.

by

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This Draft: July 10, 2012

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Abstract

Prior to World War One, conscription was not designed to attract individuals directly. From colonial times through the Civil War, draftees could hire substitutes, and often could pay a fee to avoid service. As in the Civil War, it appears the U.S. would have again used volunteer units in World War One, as the U.S. Senate desired and President Wilson initially supported. However, Woodrow Wilson's fear of Theodore Roosevelt gaining popularity by leading a volunteer division, and then opposing Wilson for president in 1920, appears to have caused a switch in policy towards directly attracting military personnel via conscription. With some modifications, subsequent U.S. wars essentially continued the World War One policy until conscription ended late in the Viet Nam War.

JEL classifications: N41, N42, and H56
Keywords: Conscription, substitution,

Conscription prior to the Civil War

Our history of conscription begins with colonial militia. Except for Pennsylvania, all of the colonies had similar militia laws. Substitution was allowed, and some colonies permitted one to pay a fee to avoid service, what was known as commutation in the Civil War. Conscription was designed to encourage volunteers (Levi, 1997). Decentralized militia drafts were used in Indian wars, in the Revolutionary War, and in the War of 1812 (Hummel, 2001). The tradition of local defense meant the militia would often not cross state and national borders, so regular British units were required to fight the French and Indian War (Rafuse, 1970). Other problems with the militia were the popular election of officers and relatively short terms (Murdock, 1967).

States used militia drafts in the late 1770s to maintain the Continental Army, and substitution was permitted (Chambers, 1987). During the Revolutionary War, annual recruiting began in 1777. One's term of service was no more than one year, ending in December each year (Royster, 1979). The Continental Congress assigned a quota to each state, which assigned quotas to towns. A militia commander then called for volunteers in a town. Few were usually obtained. Thus, the state, town, or private citizens (and sometimes all three) offered bounties to fill the quotas.

There were several proposals for conscription in the War of 1812. These plans were very similar. One version of these plans was close to being enacted when the war ended. The plans essentially involved shifting some of the burden of financing the military to individual classes of 25 men. If a member of a class could not be induced to volunteer, the class would pay a tax based on the wealth of its members. Lindsay (1968a) argues these plans did not really involve conscription since no one would be forced into the military, and those with less wealth would pay a lower tax if no one in their class was induced to volunteer. Indeed Lindsay (1968a) and

Rafuse (1970) claim these plans were similar to the then proposed, and now existing, volunteer military in the U.S.

Conscription in the Civil War

The militia system was initially used to provide and finance troops. A variety of states appropriated funds in 1861 to pay for recruiting and equipping the militia.¹ Prior to the militia law of July 1862, calls for troops were voluntary. The Militia Act of 1862 was the beginning of the transition to federal authority in raising an army. The act provided for a draft of the militia if a state did not fill its quota of three-year volunteers. Exemptions and substitutions were allowed. The prospect of a draft met with riots in many states. The draft was rescinded, and the use of bounties, along with the threat of a draft, enabled states to meet their quotas.²

The Enrollment Act of 1863 completed the transition to federal control of recruitment and national conscription. Enrollment was similar to draft registration in recent history, except it was conducted as a census: individuals were sought out to be enrolled. Enlistment quotas were assigned to each Congressional district by its pro rata share of the number called by the president, minus the number of previous enlistees from the district. After 50 days, a lottery would be held to obtain the remainder of a district's quota. Thus some districts might have drafts while others did not. The draft calls were in October 1863, March 1864, July 1864, and December 1864.³

One could furnish a substitute and avoid service for three years in all four drafts. Also, in the first draft, one could pay a \$300 commutation fee and be excused from service for three

¹ New York raised \$3,000,000 and Rhode Island raised \$500,000 (Shannon, 1965, Vol.1, 23-24).

² The quotas were for 300,000 nine-month militia and 300,000 three-year volunteers (Billings, 1968, 335-336, and McPherson, 1988, 601). Prior to the Civil War, militia service had become voluntary throughout the U.S. With the Militia Act, compulsory militia service was restored, but states ignored it and filled quotas with volunteers by using bonuses (Cutler, 1923, 171).

³ A call might mean a series of requests for volunteers within a short period of time, so the precise date of a draft is somewhat ambiguous. Draftees served for three years or until the end of the war (Rostker, 2006, 22).

years. In the second draft, commutation bought one out of service only for that draft. In July 1864, President Lincoln signed a bill eliminating commutation except for conscientious objectors. Effectively commutation ended after the second draft. Until February 24, 1864, a substitute could come from those who were enrolled; after that date, a substitute could only come from those exempt from military service. Thus, for the last three drafts, substitutes consisted of those under age 20, honorably discharged veterans with two or more years of service, alien residents, and (later) black citizens (Murdock, 1967, 14, Geary, 1986, 217, and Levi, 1997, 98).

In January 1862, there were 575,917 men in the army; one year later there were 918,121; in January 1864, there were 860,737; and, in January 1865, there were 959,460 (Livermore, 1957, 47). The regular army was authorized to have 42,000 men, but it never approached this number (Shannon, 1965, volume 1, 47). Most of those who served the Union did so in volunteer units.

One of the criticisms of Civil War conscription is only the wealthy could afford to commute or hire a substitute.⁴ The commutation fee was comparable to the average annual earnings in manufacturing in 1860.⁵ However, Murdock (1964) suggests commutation was feasible for most working men. Only 2% of those who served in the Union Army were draftees, and, of those who were called in a draft, only 6% were forced to enter service (Table Two in Perri, 2008). The low percentages of those drafted reflect the lack of difficulty for individuals who were called to pay for a substitute or to commute.⁶ Individuals could afford to commute or

⁴ Lindsay (1968b, 133) claims \$300 was an unattainable amount for a laborer or farmer, and it implied a tax of that amount on those called who could not otherwise avoid service. He ignores the substantial bounties provided by local communities and the availability of draft insurance. Enrolled men formed “mutual protective associations” to which each contributed funds. Fees ranged from \$10 to \$50 in Ohio (Murdock, 1963, 12-17). Late in the war, firms in Illinois and Indiana sold explicit draft insurance. Draftees who purchased insurance had substitutes hired for them (Murdock, 1971, 172).

⁵ Long (1975) uses the census of manufactures to derive average annual earnings in manufacturing of \$297 and \$384 in 1860 and 1870 respectively. Geary (1986, 214) claims a common laborer could earn about \$300 per year in 1860, rising to over \$400 in 1864.

⁶ It also reflects the relative ease individuals had to simply not report when called. From Table Two in Perri (2008), 20% of those called did not report.

hire substitutes because of the substantial state and local bounties that defrayed the amounts they had to spend, and because both informal and formal draft insurance existed with a price substantially below \$300 (footnote seven). Thus, it does not appear most individuals found it difficult to avoid being drafted in the CW.

Government at all levels offered bounties. The total amount paid in federal bounties was approximately \$300 million, with over 1.7 million recipients (Rafuse, 1970, 19). Local bounties were estimated at \$285 million.⁷ These bounties were sometimes paid directly to volunteers and substitutes, but could be paid to men who had been called in order for them to hire a volunteer or a substitute.⁸ For an example of the bounties available, in New York City in the fall of 1863, a volunteer could receive \$300 from the county and \$75 from the state; the \$100 federal bonus available to all who entered service; and the additional federal bonus of \$100-\$300 (for 1-3 years of enlistment), for a total possible bounty of \$775. Such a bonus was large relative to military pay.⁹

U.S. Conscription in the 20th Century

World War One

The National Defense Act of 1916 allowed the regular army to expand to 175,000, asserted the principle of military service for able-bodied males age 18-45, and empowered the president to draft militia units if sufficient volunteers did not appear. A draft of individuals was

⁷ Rafuse (1970, 19). Army pay is estimated to have been about \$500 million for the Civil War (Rostker, 2006, 23).

⁸ In Brooklyn, when commutation was in effect, an individual who was called was given \$300 to commute, hire a substitute, or keep if he entered military service (Murdock, 1967, 21).

⁹ Rafuse (1970) claims a union private earned \$6.40 per month in 1864. Lonon (1928) says pay was \$13 per month at the beginning of the war, rising to \$16 per month by May 1864. Shannon (1965, Vol. 2) says pay was \$11 per month at the outset of the war. Using the \$16 per month figure, annual pay would have been \$192, and the bonus per year in New City in 1963 mentioned above would be about triple that amount (\$575) for a one year enlistee, and more than 35% larger than base pay for a three-year volunteer ($\$775/3 = \258.33 versus \$192).

adopted in May 1917.¹⁰ Secretary of War Baker coined the term *selective service*. The ostensible objective was to choose the men the army wanted, leaving out those who were valuable to the war effort or other non-military production. Although skilled workers were eligible for deferments, the Wilson administration rejected blanket deferments for categories of skilled workers, fearing these exemptions would erode support for the draft. Local draft boards classified ten million draft registrants into five categories by eligibility. This fit the era's view of scientific classification of manpower. A lottery was then used to draft those deemed least essential for the civilian war effort (O'Sullivan and Meckler, 1974, 122 and 124, Chambers, 1987, 188-192, and Flynn, 2002, 37-39).

Cooper (1982) argues the World War One (WWI) draft minimized the cost of those serving in the military because it chose only those with the lowest value elsewhere. Similarly, Warner and Negrusa (2006) argue a draft that targets those with the lowest civilian wages will tend to induct the same people who would volunteer, provided wages and non-pecuniary aspects of military service are unrelated. Some evidence in favor of this argument is the fact 70% of those drafted had been manual laborers (Flynn, 2002, 38).

However, it is not clear whether those actually drafted were the lowest opportunity cost individuals. First, there was much room for favoritism by local draft boards. This might be more likely for those who had higher wages or income, but there might have been, for example, dilettante sons of the wealthy who had low civilian earnings. Second, the draft board reflected the views of the upper and middle classes on what social and occupational groups were more valuable, which may not have always coincided with the actual value to society of some individuals' occupations (Chambers, 1987, 191-192).

¹⁰ The first British draft occurred in 1916 (Chambers, 1987, 118).

Additionally, for some, civilian earnings and non-pecuniary aspects of the military may have been negatively related. One's opportunity cost of military service is the sum of civilian monetary compensation and the disutility from being in the military (relative to civilian employment). If one prefers the military to civilian employment (at identical wages), then one's opportunity cost of being in the military is less than one's civilian earnings. If there were individuals with high civilian monetary compensation, but large utility from military service, then these individuals could have a total opportunity cost that was low, but, because monetary earnings were high, they would tend to be prevented from entering the military. There is some evidence such individuals existed in the Spanish-American War. Some of the Rough Riders represented the elites of society.¹¹ Many of them included Harvard classmates of Theodore Roosevelt, and they came from some of the most famous names in the U.S., including Astor, Fish, and Tiffany (Walker, 1998, 109-110). With Roosevelt again trying to raise a volunteer unit for WWI less than two decades after the Spanish-American War, there could very well have been such individuals who wished to enlist as volunteers.¹²

World War Two

By World War Two (WWII), there no longer was even an ostensible effort to try to induct those with the lowest opportunity costs (ignoring non-pecuniary aspects of the military). The draft was enacted in September 1940 prior to U.S. involvement in WWII. Once the U.S. entered the war, the first few drafts were by lottery; after that, the oldest in the eligible pool were drafted first. Volunteers were allowed until December 1942. The draft was intended to share the

¹¹ Of course, as noted above, some of these individuals may have inherited wealth, but had low civilian earnings..

¹² A more recent example of someone with a high value of civilian earnings and a high utility from military service was University of Chicago economist Paul Douglas. Although age 50 and a professed pacifist, Douglas was so upset at the atrocities committed by the Axis Powers in WWII he enlisted as a Marine private, and fought and was severely wounded at Okinawa, losing the use of his left arm (Van Overtveldt, 2007, 333).

obligation of military service, but, as in WWI (with a different objective), the goal may not have been attained. Although there were no deferments for occupational groups, the president was allowed to provide exemptions for public health and safety. More importantly, local draft boards had a good deal of discretion, and generally preferred deferring married men and fathers over unmarried essential workers (O'Sullivan and Meckler, 1974, 177, Flynn, 1993, 54, Flynn, 2002, 59, 100, 127, and 171, and Rostker, 2006, 26).

In particular, farm workers received a significant number of draft exemptions, even though group deferments supposedly did not exist. Although 9% of non-farm workers were deferred, 17% of farmers received job deferments (Flynn, 1993, 58 and 65, and Flynn, 2002, 173). Consequently, many single men left industrial jobs that paid better than farming, but in which one did not have as high a chance of receiving a deferment (Flynn, 1993, 68). Thus, as was the case in WWI, the WWII draft did not result in either conscription of the lowest opportunity cost individuals or a random lottery in which occupational and social status played no role.

Korean War

In the Korean War, there was an attempt to return to the selective draft of WWI. Educational and occupational deferments were used in order to continue the flow into scientific and professional jobs (Janowitz, 1982, 406). Even when no one was drafted, the draft was a tool to induce volunteers to apply. Although volunteers served for three years, as opposed to twenty-one months for draftees, the latter also had a five year reserve obligation. An estimated 40% of volunteers enlisted to avoid the draft, and volunteers were allowed throughout the Korean War. Although the draft's goal seems to have been to protect the economy while maintaining war

production, once again farm workers received a disproportionate number of deferments. In 1951, there were 24,000 deferments for those in key industrial jobs, and 85,000 deferments for farm workers (Flynn, 1993, 111, 118, and 129-130).

Viet Nam

The draft during the Viet Nam War operated essentially in the same way as it did during WWII. Individuals registered at age 18, and were called between the ages of 18.5 and 26 for two years (plus a reserve obligation). In 1969, one out of six individuals in the military was a draftee, but 88% of infantrymen in Viet Nam were draftees (Flynn, 2002, 75-76). As in the Korean War, educational and occupational deferments existed. The latter were based on lists from the Department of Commerce and the Department of Labor, which supposedly included jobs that were critical for the civilian sector (Curtis, 1982, 595).

In addition to the unpopularity of the war, a neglected reason for significant draft opposition during the war in Viet Nam may have been the relatively poor pay for those at the lowest ranks. Consider the change in real pay for military personnel from 1946 to 1966. During that period, median real family income had increased by 69%. The real pay of generals had almost kept pace, increasing by 64%. Senior sergeants' real pay had increased by 48%, but privates' real pay had declined by 24%.¹³

Why the Draft Changed Significantly in the 20th Century

As discussed in Perri (2008), the bounty system and hiring of substitutes for the Union Army in the U.S. Civil War were fraught with problems. However, these problems were the

¹³ This information is contained in a July 1967 memo from Gardner Ackley, the chair of the Council of Economic Advisors, to Secretary of Defense McNamara (Ackley, 1967).

result of the lack of ability to identify individuals (allowing some to accept bounties and then desert),¹⁴ the weakness of the federal government at that time, and the ignorance of many who went as volunteers or substitutes and believed they could only do so by using brokers. Issues with a bounty system would be much less important today, and the problem of a weak central government no longer existed after the Civil War.

The dissatisfaction with some of the features of the draft was captured in the 1865 report by Illinois Assistant Provost Marshal General James Oakes (reprinted in O'Sullivan and Meckler, 1974, 93-101) which focused on the workings of the Civil War draft in Illinois. The Oakes report served as a blueprint for the next draft, in WWI. Subsequent drafts in WWII, Korea, and Vietnam essentially followed the template used in WWI. The Oakes report was very critical of substitute brokers, and recommended no substitutes or bounties be used. If bounties were to be used, Oakes believed they should be paid only after some service. As noted in Perri (2008), the weakness of the federal government in the Civil War was the likely reason bonuses (other than those from the federal government) were paid up front.¹⁵ Without current means of identification, but with the more powerful central government by WWI, bonuses could have been paid over time in WWI. Today, the U.S. volunteer military uses bonuses, some of which are paid up front, given the ability to find deserters.¹⁶

For reasons discussed below, prior to WWI, there was an increased support for universal military training (UMT) and a draft. From the theoretical model in Perri (2008), if opposition to a draft is less costly to the federal government, a lower military wage will be paid, and more will be drafted. Because of (1) the changing role of the U.S. in international affairs, and (2) domestic

¹⁴ Becker (1957) notes desertion would be less of a problem today with modern communications and the identification of individuals. He also suggests bounties may have been a form of life insurance for enlistees.

¹⁵ The weak federal government was reluctant to impose too many constraints on the states. Thus, apparently, one counted towards a draft quota even if one deserted before arriving at a training camp.

¹⁶ In July 2007, the army offered a new \$20,000 bonus to those who signed up by September 30th (Shanker, 2007).

politics, the view of the public towards the draft and UMT changed by the beginning of the 20th century. The first point has two parts: international trade and immigration.

Until the end of the 19th century, U.S. foreign policy involved isolationism along with economic and territorial expansion. Because of increased international trade, many of the elites in business, academia, and government were convinced the U.S. should take a more interventionist stance in the world. This view led them to support UMT and a draft. These individuals wanted the U.S. to be prepared for war, and to have a foreign policy consistent with the country's growing economic clout. Also, they believed a strong military was necessary for the maintenance of international trade and preservation of national honor (Chambers, 1987, 76, 84, and 265-266, and Flynn, 2002, 35). Additionally, in 1914, the U.S. had an army of 100,000. Germany and France had conscript armies of 800,000. The U.S. had relatively high civilian wages, so some feared the payroll costs of a U.S. volunteer army would be too high; thus they agitated for a draft for this reason.¹⁷

The second international factor that induced increased support for conscription was the increased immigration to the U.S. at the end of the 19th century, which changed attitudes of many native-born Americans. There was a belief the new arrivals had not become assimilated to the U.S. Thus, some became convinced individuals should not be free to pursue their own interests. The majority demanded conformity with Anglo-American values, and viewed citizen service as an obligation. Many of the elites who supported a greater international role for the U.S. viewed UMT as a means to assimilate recent immigrants. Once WWI began, there was increased willingness to use government power to induce conformity. Conscription and UMT were natural

¹⁷ See Chambers (1987, 75). The fear of too high a U.S. payroll cost may have been overblown. Regular soldiers were paid \$15 per month, but, supposedly, the full cost per soldier was \$1700 per year, suggesting the wage bill was barely 10% of this cost. During WWI, pay was \$30 per month (plus food and housing), when civilian wages averaged about \$80 per month (Chambers, 1987, 167).

parts of this movement towards national citizenship (as opposed to allegiance to a state). Note, the Civil War had seen the beginnings of the emphasis on national citizenship (Chambers, 1987, 87-89, 93-95, 192, and 264, and Flynn, 2002, 99).

Despite the clamor for a draft and UMT, President Wilson resisted both and never approved the latter. Initially, Wilson opposed conscription (Rostker, 2006, 24). On March 25, 1917, Wilson told his generals he wanted to move quickly with volunteers. Yet, a few days later, he proposed volunteers be limited to regular army and national guard units. Post-WWI, Wilson's position might be viewed as supportive of volunteers, but the situation was considerably different in 1917. As described in Perri (2008), to volunteer in the Civil War meant serving in volunteer units. This practice continued in the Spanish-American War, and, as will be discussed below, was still considered viable by many in WWI.

In the Spanish-American War, future U.S. president Theodore Roosevelt lead the 1st U.S. Volunteer Cavalry Regiment, more commonly known as the Rough Riders.¹⁸ Prior to the entrance of the U.S. into WWI, Roosevelt met with Secretary of War Baker, and, after the U.S. declared war, Roosevelt met with President Wilson. On both occasions, Roosevelt wanted volunteers dispatched to Europe, and requested permission to raise a division himself.¹⁹ Both the French and British endorsed the use of U.S. volunteer units, and Roosevelt had found regular officers to lead these units (O'Toole, 2005, 310-311 and 317-318, and Chambers, 1987, 136-137). In April 1917, the U.S. Senate voted to *require* four volunteer divisions---a corps of 100,000 men. The final version passed by congress simply *allowed* for the volunteer divisions. In fact, no volunteer units were used during the war. After WWI, U.S. military officers admitted the

¹⁸ Roosevelt was initially a lieutenant colonel and second in command to Colonel Leonard Wood, but the latter was promoted prior to the famous charge at San Juan Hill. Roosevelt was then promoted to colonel and given command of the regiment. The actual charge occurred on Kettle Hill, and most of the men charged on foot because they had been forced to abandon their horses before they got to Cuba (Walker, 1998, 143, 187, and 212-223).

¹⁹ A division is larger than a regiment, which Roosevelt lead in the Spanish-American War. Regiments are no longer listed in U.S. Army organizational charts.

Allied Expeditionary Force could easily have been staffed with volunteers (Chambers, 1987, 167-171).

Two historians---John Chambers (1987), who extensively studied U.S. wars and raising of troops, and Patricia O'Toole (2005), a biographer of Roosevelt---believe Wilson changed his mind on volunteer units because his party (the Democrats) feared Roosevelt would repeat his military heroics of the Spanish-American War and become a formidable Republican presidential candidate in 1920. One cannot rule out the importance of the internationalists who clamored for a draft and UMT. However, UMT was not adopted, so the question is: why was a draft implemented, with no volunteer units, when UMT was not adopted? At the very least, it appears the Roosevelt factor raised the political cost of a volunteer military sufficiently so a draft was adopted and volunteers units were not employed.²⁰

Conclusions

Prior to WWI, conscription was not designed to attract individuals directly. From colonial times through the Civil War, draftees could hire substitutes, and often could pay a fee to avoid service. The first widespread use of conscription in the U.S. was in the Civil War. As argued in detail in Perri (2008), Civil War conscription was designed to induce states and communities to use their funds to defray military personnel costs. Only 2% of those who served in the Union army were drafted due to the bounties that were available to pay commutation fees, hire substitutes, and pay volunteers.

Only in the 20th century, beginning with WWI, was conscription used to directly attract men into the military. Had it not been for Woodrow Wilson's fear of Theodore Roosevelt

²⁰ Individual volunteers were prohibited in 1918 (Chambers, 1987, 73). Ironically, in trying to replicate his heroics in the Spanish-American War, Theodore Roosevelt, one of the strongest proponents of the volunteer system, helped to end the U.S. volunteer system (Chambers, 1987, 268).

gaining popularity by leading a volunteer division, and then opposing Wilson for president in 1920, it is possible the U.S. would have again used volunteer units (as the U.S. Senate desired).

Although conscription has existed in the U.S. since colonial times, only in the last 100 years has it been used to directly enlist individuals. Those who advocate we return to conscription should recognize that conscription operated much differently prior to WW1. There was much less coercion of individuals, with an emphasis on shifting some of the financial burden to the states and municipalities. Given the growth in the relative size and power of the federal government since WWI, and particularly since the 1930s, the problem of federal financing of the military is no longer what it once was. Thus, the rationale for conscription that existed prior to WW1 no longer exists.

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