

## **The Sleeping Giant: Selective Service, Draft Registration, and the American State**

A peculiar ritual for most men who have reached the age of eighteen and are living on American soil is their obligation to register with the Selective Service System (“the draft” system). Ironically, while the United States never created a permanent system of universal conscription such as that found in much of the world, just as more and more countries are cancelling national service and creating professional armies, and despite cancellation of the draft and formation of the All Volunteer Force in 1973, American men are still required by law to register with the Selective Service System. Men within this registered pool could, in theory, be drafted into the armed forces should Congress determine that a draft needs to be activated. This is a fact largely taken for granted by men when they reach the age of 18, but when one really reflects on it, it is a strange fact. Where did this institution come from? What are the principles behind it? What seeds from the past are represented in this contemporary institution?

With these questions in mind, the purpose of this paper is three-fold. Firstly, it points to the presence of what I view as a “dormant” component of the American state. To Lis Clemens’ memorable characterization of the modern American state as “kaleidoscopic,”<sup>1</sup> we can add yet another layer of complexity in characterizing the American state by making note of a sleeping giant that was laid to rest in 1973, but which can be awakened once again should Congress so decide. Secondly, this dormant state institution has been about as male as the state gets. Today’s draft rules, with the support of the Supreme Court, continue to exempt women from registration. Those administering this institution from 1917 until 1973 were almost exclusively male, only men were drafted, and local board members were exclusively male until 1968. Thirdly, it aims to bring into relief some of the lesser known gendered aspects of the origins of Selective Service, namely, the extent to which it was organized around

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<sup>1</sup> Elisabeth S. Clemens, “Lineages of the Rube Goldberg State: Building and Blurring Public Programs, 1900-1940,” in *Rethinking Political Institutions: The Art of the State*, ed. Ian Shapiro, Stephen Skowronek, and Daniel Galvin (NYC, NY: New York University Press, 2006).

American policymakers' wish to minimize socializing the cost of conscription by drafting the smallest possible number of men with economic dependents. In other words, the breadwinner/caregiver distinction central to American social policy was also central to the organization and operation of Selective Service, and also explains some of the racial disparities that dogged the draft system so long as it was in operation.

### **Origins of Selective Service:**

The U.S. Selective Service System (SSS) is arguably one of the most important federal bureaucracies founded in the twentieth century. Established in 1917 with the aim of organizing the WWI draft, it was the product of longstanding military traditions, short-term political calculations, and institutional innovation. Though it endured some modifications with its revival in 1940, and its subsequent organization of national drafts up until 1973, the core organizational attributes of Selective Service can be identified from its first year of existence. The organizational attributes most commonly emphasized are preservation of the National Guard, the formation of local civilian "draft" boards which followed guidelines provided by the federal Selective Service System's headquarters, draft quotas which local boards needed to fill, and significant personal discretion at the hands of local draft board members in assigning draft classification. Another aspect of the draft system was the consistently disproportionate number of African American men drafted relative to the national population.<sup>2</sup>

However, one underappreciated aspect of the formation and operation of the SSS in much scholarship on the draft is the extent to which gendered assumptions regarding men's breadwinning obligations to their financial dependents affected the twentieth century draft system. Consideration of

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<sup>2</sup> On racism during the WWI draft, see Mark Ellis, *Race, War and Surveillance: African Americans and the United States Government during World War I* (Bloomington: Indiana University Press, 2001), and Gerald E. Shenk, "Work or fight." For a longer-term view of racism and the draft, and see P. T. Murray, "Blacks and the Draft: A History of Institutional Racism," *Journal of Black Studies*, 2, (1971): 57-76.

men's civilian breadwinning obligations influenced the political compromise struck between those arguing for universal mandatory conscription, and those arguing for a voluntary army in the months just before 1917. Furthermore, throughout its operation during WWI, local boards and Selective Service national headquarters spent much time, energy and ink in a bid to clarify which draft registrants could legitimately claim "dependency deferments" for the purposes of supporting their familial dependents.<sup>3</sup> When WWI erupted in August 1914, the US had a nominal federal army. But as the war continued, it appeared more likely that the US would intervene. Between 1915 and 1917, Congress, President Woodrow Wilson, and military policymakers considered a variety of formats for a potential expansion of the American armed forces. The longstanding militia tradition had effectively curtailed formation of a federal army, and the American armed forces were still mainly organized around the state militia system. Entertaining the possibility of a larger federal army was in itself a drastic shift, and the idea of national conscription was equally, if not more of, a radical change. One of the ideas proposed in light of the United States' potential participation in the Great War was that of a selective compulsory service – only *some* men would be conscripted, or drafted, into a newly expanded national standing army.

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<sup>3</sup> For work in this expanding field of historical scholarship, see K. W. Hickel, "'Justice and the highest kind of equality require discrimination': Citizenship, dependency, and conscription in the South, 1917-1919," *The Journal of Southern History*, 66, 4, (2000): 749-780; K. W. Hickel, "War, region, and social welfare: Federal aid to servicemen's dependents in the South, 1917-1921," *The Journal of American History*, 87, (2001): 1362-1391; Jeanette Keith, "The politics of Southern draft resistance, 1917-1918: Class, race, and conscription in the rural South," *The Journal of American History*, 87, (2001): 1335-1361; Jeanette Keith, *Rich Man's War, Poor Man's Fight: Race, Class and Power in the Rural South during the First World War* (Chapel Hill & London: University of North Carolina Press, 2004); Gerald E. Shenk, *"Work or fight": Race, Gender, and the Draft in World War One* (New York, Palgrave Macmillan: 2005); and Christopher Capozzola, *Uncle Sam Wants You: World War One and the Making of the Modern American Citizen* (New York & Oxford: Oxford University Press, 2008). Much of this scholarship is deeply indebted to W. I Chambers' *To Raise an Army: The Draft Comes to Modern America* (New York: The Free Press, 1987), which offers the most comprehensive account of the formation of the Selective Service System from.

By early 1917, Americans were paying close attention to the conscription experiences of Great Britain, Canada, New Zealand and Australia. The British voluntary experience from the first years of WWI was of particular interest to lawmakers and military planners. The British had found that maintaining a voluntary army created difficulties in filling the ranks of a wartime army, and also affected industry in unpredictable ways. Prime Minister Asquith had supported the Derby scheme whereby men were to register their willingness to serve, and if insufficient numbers committed to volunteer, the government would call for mandatory service. Yet the Derby scheme proved to be a failure. Separate lists of attestation had been organized for bachelors and married men, and millions of bachelors failed to attest due to their suspicion that they would be the first to be called upon if necessary.<sup>4</sup> The British Parliament consequently passed the Military Service Bill on January 27, 1916. The law required compulsory service of all single males, and was modified one year later by a law that also incorporated married men.

In March 1917, after initially supporting the voluntary method, President Wilson submitted a bill to Congress asking to forego reliance on the militia system, and form a national army raised through a selective national draft. The question remained, however, as to who would be selected to serve, and who would not. War Secretary Newton Baker and Judge Advocate General Enoch H. Crowder initially argued that only single males should be drafted, as it would relieve taxpayers of the burden of supporting dependent wives and children. But Congress proved reluctant to provide blanket exemptions to any category of men. As a result, the administration turned to a proposal suggesting deferrals – rather than blanket exemptions – for reasons of dependency hardship.

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<sup>4</sup> R.J.Q. Adams, “Asquith's Choice: The May Coalition and the Coming of Conscription, 1915-1916,” *The Journal of British Studies*, 25 (1986): 243-263, and R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18*, (Columbus, OH: Ohio State University Press, 1987).

In April 1917, the Senate debated the administration's conscription bill. In addition to manpower considerations for the armed forces and for wartime industry, pro-draft arguments submitted that voluntarism tended to unfairly place the burden of service upon the best of men. This was occasionally linked to a contrast between bachelors' and married men's service. A report redistributed by the War College Division in April 1917 touched upon this point. The report from 1916 had strongly objected to the volunteer system, arguing that the prevalence of married volunteers caused undue expenses. Drawing from the Canadian experience, the report argued that married men tended to volunteer more because,

“[T]he married man is older, more thoughtful, by reason of his greater responsibilities, and has undoubtedly a greater stake in the war.”<sup>5</sup>

At this point in the war, the Canadian military was still relying on voluntary enlistments, and had committed to providing support to soldiers' dependents through the Canadian Patriotic Fund.<sup>6</sup>

British witnesses were also invited to testify on this matter, such as one Captain Benson who testified before the House Military Affairs Committee on April 14, 1917. Referring to the first years of war, Captain Benson asserted that, “the State had to pay separation allowances and dependent allowances ... and those allowances were a very serious factor... It was laughingly said that if a man only had enough children his pay would be as much as the pay of a general...”<sup>7</sup> The House Military Affairs Committee cited this testimony in their recommendation to shelve the voluntary army plans. Debate

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<sup>5</sup> National Archives Administration (NARA), (RG 165), “Objections to the Voluntary System,” March 4, 1916, redistributed by the War College Division on April 25, 1917.

<sup>6</sup> Desmond Morton, *Fight or Pay: Soldier's Families in the Great War* (Vancouver, BC: UBC Press, 2004). In August 1917, however, the Canadians also introduced conscription. This time it was the Canadians who were influenced from the American draft experience. The Canadian Military Service Act was modeled after the American Selective Service System, and created a system of classifications that combined age, marital status and occupation. The first category included single men aged twenty to thirty-four, while the final category incorporated men aged forty-one to forty-four who were married. See Desmond Morton, *When Your Number's Up: The Canadian Soldier in the First World War* (Toronto: Random House of Canada, 1993).

<sup>7</sup> House Committee on Military Affairs, “Increase of the Military Establishment – to accompany H.R. 3545,” *House Reports*, 17, Part 2, 65<sup>th</sup> Congress, 1<sup>st</sup> Session, April 21, 1917, p. 8.

over the selective draft plan continued in both houses throughout April 1917. After several compromise amendments, Congress finally approved the bill. Deferments were to be given for men in specified industrial occupations and to some agricultural laborers. Men found to be morally or physically deficient could also be deferred, along with men with dependents.<sup>8</sup>

It was not, however, the first time in American history that marriage and dependency status figured centrally in a conscription law. In the midst of the Civil War, the 1863 Enrollment Act authorized conscription in order to staff the Union Army beyond the militia, and in like manner was sensitive to men's familial obligations. The law divided men who were not yet members in the armed forces into two classes. The first group was comprised of men between the ages of twenty and thirty-five, along with unmarried men under the age of forty-five. The second group included all other men, and was only to be turned to in case manpower from the first group had been depleted. Furthermore, even men from the first group could be exempt by local "enrolment" boards due to several family situations in which family members were dependent on a potential draftee's financial support. These situations could include the only son of a widow dependent; the only son of infirm parents; two sons of infirm parents, where the father could choose which son would be exempt; the only brother of children younger than twelve; and a father of motherless children, where the children were younger than twelve years old.<sup>9</sup> Policymakers confronting the realities of organizing a draft around WWI had an institutional legacy from which to draw, one which had already demarcated dependency exemptions as intrinsic to the American institution of conscription.

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<sup>8</sup> U.S. *Statutes at Large*, XL, pp. 76-83; Selective Draft Act, Section 4.

<sup>9</sup> Neil C. Kimmons, "Federal Draft Exemptions 1863-1865," *Military Affairs* 15, 1, (1951): 25-33.

### **Selective Service in Action:**

Once the Selective Draft Act was passed, the War Department needed to organize its first draft registration drive, and created a bureaucratic structure that could sift through millions of men across the country and select 1.5 million men by September of that year. The result was the formation of the National Selective Service System, based in Washington, D.C., and which became the center for manpower planning, operating through a network of over 4500 local draft boards comprised of unpaid civilian volunteers. All of the draft board members were men, though much of the paid clerical staff was female. No standard cut-off point for financial dependency was ever defined, and abundant communication between local boards and the national headquarters (found at the US National Archives) was exchanged on this topic. Local boards often expressed frustration with these vague guidelines, but national headquarters insisted that local boards continue to show sensitivity towards dependency claims.

I will note, though, that in an attempt at lessening this confusion, new Selective Service regulations were formulated in November of 1917.<sup>10</sup> A sixteen-page questionnaire was now sent to all registrants, gathering data about each registrant's health, occupation, financial situation, and dependency status. If a man had a wife he noted as a dependent, she was required to confirm her husband's information through a notarized affidavit. With the aid of the completed questionnaires, men were to be placed in one of five newly defined classifications. This was the first use of the Selective Service System's classification rules that remain, in modified form, to this day. The classes were in the inverse order of importance to industrial wartime needs, and were also largely defined by the degree of dependency exhibited by a man's relatives. As a man's relatives showed greater dependence upon him, or if he was a skilled laborer within a wartime industry, he was placed in a lower class, and was less likely

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<sup>10</sup> Selective Service System, *The Classification Process*, Special Monograph No. 5, Volume 1 (Washington DC, US Government Printing Office, 1950), p. 21.

to be called to service. For example, the first men to be drafted belonged to Class I, and included the following categories:

Class I:

- (a) Single registrant with no dependents.
- (b) Married registrant, with or without children, or father of motherless children – failure to support.
- (c) Married registrant, with or without children – income of wife means of support.
- (d) Married registrant, with or without children, not engaged in any useful occupation – whose removal would not deprive wife and children of reasonably adequate support.
- (e) Registrant not in a ‘necessary’ agricultural enterprise, or if in necessary enterprise not found necessary to effective operation.
- (f) Registrant not in a ‘necessary’ industrial enterprise, or if in necessary enterprise not found necessary to effective operation.<sup>11</sup>

Moving down the list, men in Class IV included:

Class IV:

- (a) Married registrant whose wife or children are mainly dependent on his labor for support.
- (b) Classification in respects other than of dependency, industry, and agriculture. Mariner actually employed in sea service (including Great Lakes) of any citizen or merchant within the United States.
- (c) Any registrant in ‘necessary’ agricultural enterprise found to be necessary to such enterprise...
- (d) Any registrant in ‘necessary’ industrial enterprise found to be necessary to such enterprise...

One of the surprising aspects of the formation and operation of the Selective Service System is that despite formation of a racially segregated army throughout WWI, the Selective Service System’s rules did not make any overt racial distinctions within the classification scheme. Still, African American men were drafted at higher rates than their white counterparts. Local board members of the Selective Service System were more likely to assign African American men a Class I(a) classification. Based on the Provost-Marshal General’s national estimates after the war’s end, amongst the draft registrations from which men were drafted, 34.1% of “colored registrants,” were inducted, as compared to 24.04% of

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<sup>11</sup> Ibid, pp. 22-23.

white registrants.<sup>12</sup> Furthermore, the Provost Marshal General's post-war report estimated that 50.65% of African American registrants from the draft-liable registrations were placed in Class I (the class of men who would be the first to be drafted), as opposed to 32.53% of white registrants. Provost Marshal General Enoch Crowder offered a threefold explanation for these disproportionate draft rates. These ranged from several Southern states' policies banning African American from voluntary enlistment and hence a higher rate of mandatory enlistment, a higher rate of delinquency of African Americans in Southern states resulting in their immediate placement in Class I, and finally, because African American men received fewer dependency deferments. Given that these deferments were largely left to the discretion of local board members, it is likely that the poverty rates of African Americans lowered the perceived bar for what constituted economic hardship, and that the higher incidence of African American women's employment diminished local draft boards' interpretation of them as economic dependents.<sup>13</sup>

National rates of dependency deferrals confirm that men's breadwinning obligations were taken very seriously throughout WWI. According to estimates published by the Provost Marshall General, over 10 ½ million men registered with the Selective Service System between June of 1917 and September 1918.<sup>14</sup> Amongst these registrants, 36.5% were deferred for reasons of dependency.

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<sup>12</sup> Provost Marshal General, *Second Report of the Provost Marshal General to the Secretary of War on the operations of the Selective Service System to December 20*, cit., Appendix 73-A, p.459.

<sup>13</sup> Ibid. See also K. W. Hickel, "Justice and the Highest Kind of Equality Require Discrimination," and Gerald E. Shenk, "*Work or Fight*," whose studies both confirm that local board members often viewed African American men as less worthy of dependency deferments. There are interesting parallels between this and J.L. Goodwin's *Gender and the Politics of Welfare Reform: Mothers' Pensions in Chicago, 1911-1929*, (Chicago, IL: University of Chicago Press, 1997,) which similarly illustrates how compared to white women, African American women were less likely to receive mothers' pensions in Progressive Era Chicago given that they were expected to be employed, and were presumed to cope with a lower standard of living.

<sup>14</sup> These estimates do not include registrants from the final registration of September 12, 1918, since only some of these men were classified, and none of them saw service.

The draft was put to rest at the end of WWI, and a quick process of demobilization ensued. It was revived again in 1940, and continued to operate almost continuously until 1973. This paper will not describe in detail the operation of Selective Service throughout WWII and after, however, I will note that Selective Service's presumption of women's economic dependence declined somewhat as WWII progressed, and the War Manpower Commission (which did not exist during WWI) mobilized women to enter labor sectors that had been previously barred to women. The War Manpower Commission was a new agency that through an extraordinary Executive Order was vested with the responsibility of organizing all manpower issues throughout the war. At the start of WWII, the Selective Service System's administrative categories of "pre-Pearl Harbor fathers" versus "post-Pearl Harbor fathers" were central in determining a man's classification, and marriage deferments declined as the war pressed on. By the war's end, hardship deferments due to dependent children remained a legitimate possibility for draft deferments, yet these too declined as the war continued. Fatherhood therefore remained a legitimate category for dependency deferments. National headquarters continued to direct local boards to be as considerate as possible to men claiming dependency, and to always try to draft non-fathers before fathers. Class "III" became the classification for men with dependents – and remained so through to the end of the Vietnam War draft (as some audience members or readers might know from first-hand experience). Furthermore, the War Manpower Commission proved to be less concerned with protecting dependency deferments, and the so-called "father draft" problem became a lightning rod issue that led to Congress successfully restricting the executive powers President Roosevelt had granted to the War Manpower Commission.

At the end of WWII, Class III dependency deferments underwent some changes. In 1951, an Executive Order specified that only men with children could be deferred and placed in Class III-A, unless they proved that their absence would result in undue hardship for their dependents. Paternity

deferments continued to constitute legitimate grounds for deferral. In 1953, an additional Executive Order removed automatic deferments for fathers, except for cases of extreme hardship, or unless men furnished proof that they had fathered children prior to August 25, 1953. Ten years later, in 1963, all fathers were again presumed to deserve paternity deferments, and were to be placed in Class III-A. Married men without children were to be placed in Class I, but were to be placed one sub-classification lower than single men without children. These generous deferments to “Kennedy fathers” were curbed in 1970 by an Executive Order issued by President Nixon. Fathers who conceived children on or after April 23, 1970, were no longer eligible for deferment on the grounds of dependency, with the exception of extreme hardship. In 1973, considerations of marriage were also removed from draft rules. Today, were there to be a draft, marriage and children unto themselves would not be reason enough for a man to be placed in a lower classification, though men can be classified into III-A due to economic hardship for dependents. With regards to complete exemptions for the sole surviving son of a family that had lost another son or daughter to war, a 1964 addition to the 1948 law provided that the sole surviving son of a father killed in war was also provided complete exemption. In 1971, this exemption was extended to any son, and not only a sole son, of a family who had lost a son or daughter, or a father, as a result of military service.

**The Draft Today:**

According to current draft rules, consideration would continue to be given to men with dependents if a draft were to be called. Women, on the other hand, are not required to register for the draft, and only the future will tell whether women will one day have to submit to registration. In February, 1980, in response to the Soviet advance on Afghanistan, President Carter tried to put an end to such speculation by calling for a new draft registration that would also incorporate women. Draft registration had ceased

in 1975, and in response to Carter's request, Congress refused to allow the registration of women, though it did permit the apportionment of funds for a registration of nineteen and twenty year-old males. After a political maelstrom, Carter backed off the proposal to require women's registration. The Department of Defense in fact supported the registration of women, but Congress obstinately disagreed. Some vociferous members of Congress insisted that the purpose of registration was to form an army for combat warfare, and since army rules at the time banned women from combat roles in the All Volunteer Force, it was reasonable to minimize the administrative costs of enacting registration by excluding women from the obligation to register.

A suit filed in the name of several male plaintiffs claiming that the all-male draft registration was unconstitutional on the grounds of sex discrimination and that it therefore violated the equal protection clause of the Fourteenth Amendment, was upheld by a Pennsylvania District Circuit. On appeal by the Selective Service System's director, Bernard Rostker, the Supreme Court reviewed the District Circuit's opinion in *Goldberg v. Rostker* in March of 1981. The judges of the Eastern District of Pennsylvania had not been persuaded by Congress' justification for the exclusion of women from registration. It noted that Congress was constantly expanding funds to incorporate more women into the All Volunteer Force, and such a policy was incongruous with the claim that women were unsuitable for registration in the armed forces.<sup>15</sup> However, the Supreme Court, in a 6:3 majority opinion delivered by Justice William H. Rehnquist, overturned the district court's ruling in June, 1981. The court was persuaded by the claim that Congress had not arbitrarily distinguished between men and women as a by-product of traditional distinctions between the sexes. Rather, Congress reactivated a draft for the purpose of efficiently providing for combat replacements. Given that women as a group were ineligible for combat, Congress had a legitimate basis for excluding women from registration. A registration for men alone therefore did

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<sup>15</sup> 453 U.S. 57, 64

not violate the equal protection clause, as men and women are not similarly situated “for purposes of a draft or registration for a draft,” and the distinction between men and women thus passed the test of classification for the purposes of an important governmental objective.<sup>16</sup>

The majority opinion of the Supreme Court took a modest view of its competence on issues of national defense, and deferred to the Executive and Legislative branches in determining the complex and subtle issues involving the training, equipping, and control of the military forces. However, a student of the history and actual administration of the Selective Service System cannot help but notice how poor the Court’s and Congress’ competence was in this particular case. The dissenting opinion delivered by Justice White stated the rather obvious point that “the majority simply assumes that registration prepares for a draft in which every draftee must be available for assignment to combat. But the majority’s draft scenario finds no support in either the testimony of Congress, or more importantly, in the findings of the Senate Report. Indeed, the scenario appears to exist only in the Court’s imagination...”<sup>17</sup> The entire point of the Selective Service System as it was established from 1917 was to require all male citizens to register so that the SSS could determine who will see service, and who has a lower chance of seeing service. The Selective Service System’s title could not make that point more clearly. The majority opinion erroneously presumed that all male citizens shared the same potential obligation, and even more specifically, that the primary purpose of the Selective Service System was to organize men towards putting this obligation into practice. Building upon this fiction of unity in men’s obligation, the majority opinion concluded that the government convincingly proved that it had constructed such a classification (of registering only men) in order to meet compelling state interest.

The majority opinion in *Goldberg v. Rostker* imagined a body of uniformly situated male citizens sharing the same universal end (being drafted into combat service) in contrast to a body of uniformly

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<sup>16</sup> 453 U.S. 57 (1981)

<sup>17</sup> *Ibid.*

situated female citizens, thereby concluding that the sexes are, in aggregate, not similarly situated vis-à-vis one another. But the practice (and principles!) of Selective Service show that no such uniformity of obligations existed, or exists, for males. More accurately, men's obligations were and are as differentiated as women's obligations were and are. It would have been more accurate had arguments against registering proved that women's varied obligations are significantly different from men's varied obligations in such a manner that a classification by sex is still justifiable because it meets compelling state interest. In any case, the result is that draft registration has persisted. Selective Service rules continue to exempt women from registration, and likewise, continue to define Class III as incorporating men whose conscription would cause hardship for their dependents. As it stands, conscientious objectors, men working in war industries, and students, would all be placed in higher classifications if current Selective Service rules were activated through a draft.

**Conclusion:**

The tale of Selective Service holds several lessons for scholars of the American state and citizenship, and for comparative-historicists in general. First, the Selective Service System's classification rules openly displayed an inventory of state-endorsed masculinity. Its formal emphasis was on an unracialized, heterosexual male, whose prime obligations ranged between military service, war industry labor, and breadwinning. The symbolic and practical importance of the male breadwinner in American society was not eclipsed by the symbol of the citizen-soldier upon institutionalization of Selective Service in 1917. The American conscription system wove breadwinning into the fabric of the Selective Service System by incorporating generous dependency exemptions into its regulations, and by defining dependency

according to the logic of the male breadwinner regime.<sup>18</sup> In order to understand the shape of masculine and feminine citizenship where conscription has existed, and continues to exist, contrasting women's lack of military service to men's fulfillment of military service is enlightening, but captures only part of the story. Rather, it is important to take careful note of which men did *not*, and do not, see service, and the ideological justifications for such exemptions.

Secondly, this massive federal bureaucracy reproduced the breadwinner/caregiver distinction at a time when social policies were doing so at local and state levels, not the federal level. While the New Deal is usually identified as the period during which federal policies embraced and further reproduced the breadwinner/caregiver distinction, this chronology is slightly inaccurate. Selective Service in fact predated federal support for the sexual division of labor. Not only did it federalize the caregiver/breadwinner distinction, it also federalized inequalities amongst men. Even for those who were drafted, their incorporation into the armed forces was not necessarily due to recognition of their equal worth as citizens. Rather, as was often the case for African American men and poor white men, they could be framed as failing to fulfill familial or labor obligations which therefore justified their conscription. Conscription should not be hastily equated with inclusion into the polity. Exclusion from service could constitute recognition of men's civilian obligations, and incorporation into the armed forces could signal the state viewing some men as failing in their masculine civilian duties. Selective

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<sup>18</sup> This paper draws from a larger comparative project, where French exemptions to military service are also examined. The project traces how during the French Third Republic, when French conscription supposedly became truly universal, special exemptions were provided to men from large families, or "*familles nombreuses*," up until WWII. Whereas exemptions in the United States were justified through the frame of men's breadwinning citizenship and women's economic dependence, in France, such exemptions were tied to pronatalist concerns with low fertility rates. French fathers with many children, and in some cases the eldest son of a large family, were rewarded by shortened mandatory service, and significant reductions in reserve service. Nevertheless, the American Selective Service System is unusual in the degree to which it formalized a *selective* draft, with an exceptionally high rate of exemptions for reasons of dependency.

Service was founded upon, and further bequeathed, a complex taxonomy of inclusions and exclusions that was significant in the American experience of citizenship so long as the draft was in operation.

For all of the above reasons, today's draft registration is the tip of a deep, gendered, iceberg. The forms which almost all eighteen-year old men in the United States are obliged to complete functions like a vestigial trace of a once massive bureaucracy that extends back to WWI, and whose logic hasn't changed that much since WWI. Draft rules underwent some modification during the Vietnam War, such as with the narrowing of student deferments and introduction of the lottery system, but Selective Service classifications are still remarkably similar to their initial formulation during the Great War. There is, then, a striking operational plasticity to this sleeping giant in that it was established with breathless speed in 1917, proceeded to sift through millions of men during WWI, was suspended at the end of WWI, reactivated again in 1940, suspended again in 1973 with registration suspended in 1975, followed by reactivation of registration in 1980. Yet this operational plasticity belies an ideological rigidity in relation to state-sanctioned masculinity and femininity, alongside the race and class prejudices we can expect to find hidden behind such gendered distinctions. Today's draft registration is a federal institution linking long-standing inequalities to the present. Yet, perhaps due to its curious hibernation, it's an institution which is barely paid any heed in considering the contemporary American state.