

# “ON SERVICE”

By M. Kelly Tillery

**M**y son, Alexander, turned 18 years old in 2012. He is handsome, lean, 6 feet 4 inches tall, bright and strong. After working out recently on a cruise, a lady with a room near us observed, “He must eat hand grenades for breakfast.” Yes, he is an impressive specimen of young manhood. He would make an excellent soldier.

Within 30 days of his 18th birthday, he was required by the 1980 Registration Under Military Selective Service Act to register with the Selective Service System. If he had not registered, he would be denied access to federal student loans and grants, job training, some government jobs and in some states a driver’s license. My daughter, Erin, turned 18 years old this year. She did not have to register. My other daughter Kate, will turn 18 years old in two years and, like Erin, will not have to do so, unless the law is changed or found unconstitutional.

The constitutionality of conscription, based on Article I, Section 8, Clause 17 of the Constitution, has repeatedly been upheld by the U.S. Supreme Court

in several decisions beginning with *Butler v. Perry*, 240 U.S. 328 (1916). The Confederacy was the first to pioneer modern conscription on this continent on April 16, 1862, followed shortly thereafter by the Union on Aug. 4, 1862. In 1981, the Supreme Court upheld the “female exemption,” holding that since the purpose of the law was to prepare for a draft of “combat troops” and since women were excluded from combat, there was a “rational Congressional basis” (an oxymoron?) for the different treatment of women (*Rostker v. Goldberg*, 435 U.S. 57). The 9th Circuit Court of Appeals is presently considering a new constitutional challenge to this exception in *National Coalition For Men v. Selective Service System*.

MILTON JARED TILLERY

CIVIL WAR ACTIVITIES

AND

SOME TILLERYANA



**SELECTIVE SERVICE SYSTEM**

For selective service you will be mailed a Classification Statement and return to your local board. From the Statement you will be classified by your local board on the reverse side hereof. This classification will be made by your local board, based on the evidence in your Statement. You have the right to question that decision should you feel that it has certain rights and privileges in the Statement. These rights of personal appearance and appeal, and these rights and privileges are not denied to you. These rights and privileges as your selective service local board. If you have any questions, you may telephone, or write to your selective service local board.

of the community in which you live. You are a citizen and a resident who is ready and willing to offer your services to your country in which you may be in need. All of these services and knowledge in the national health,

DETACH ALONG THIS LINE

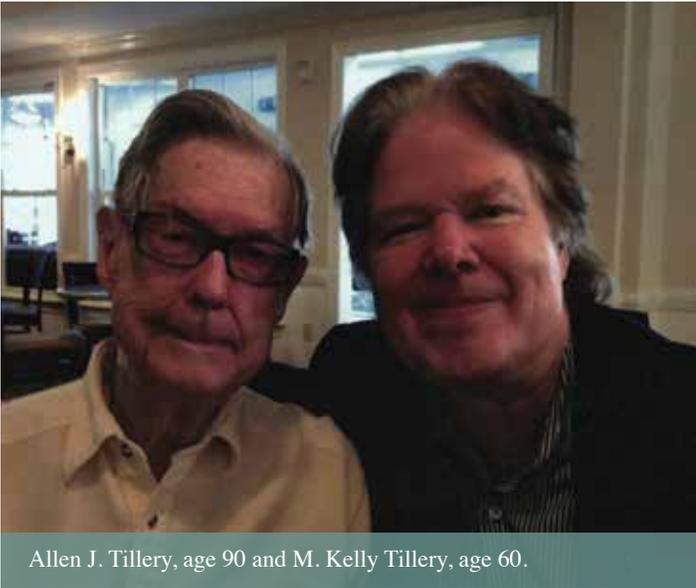
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INDICATE

MIDDLE NAME <b>KELLY</b>		ES	COL
SERVICE NUMBER <b>54 525</b>		HEIGHT <b>6</b>	WEIGHT <b>160</b>
DATE OF BIRTH <b>OCT 7 1954</b>		FT.	IN. LBS.
BIRTH PLACE <b>JEANS, LA</b>		SOCIAL SEC.	ACCT. NO.
AUTHORIZED SIGNATURE <i>E. D. Klocher</i> (REGISTERANT'S SIGNATURE) <i>Michael Kelly Tillery</i>		REGISTRATION DATE <b>NOV 22 1972</b>	
OTHER OBVIOUS PHYSICAL CHARACTERISTICS, TYPE BELOW. <b>NONE</b>			

LOCAL BOARD NO. 54

Photo of Allen J. Tillery, U.S.M.C. 1943, M. Kelly Tillery's draft card remnants and Milton Jared Tillery biography.



Allen J. Tillery, age 90 and M. Kelly Tillery, age 60.

Only a few days before that court heard oral argument recently, the Department of Defense announced that after studying the issue for three years, all positions in the U.S. military would be open to women, including combat, no exceptions. The Supreme Court's "rationale" in *Rostker* thus no longer exists. I fully expect the 9th Circuit to find the Selective Service "female exception" unconstitutional.

It is my fervent hope that none of my offspring ever have to serve in the military. That is not meant as any negative reflection on the brave men and women who serve or have served in or on our military services themselves, but rather just me being a protective parent. In fact, virtually every male in my family from my father, Allen J. Tillery, a Marine in World War II, going back to my great, great, great, great grandfather, Henry Tillery, in Washington's Continental Army, has served proudly. I am neither proud nor ashamed that I have never served my country, but now regret that I did not. That is a strange statement from a graduate of Quaker Swarthmore College, a place Nixon derisively called the "Kremlin On the Crum." It is not that I had or have any great desire to shoot or be shot at, but if paying taxes counts as service, I have more than paid my dues. However, I regret two things — missing the discipline and character-building provided only by military service and not having given my time, blood, sweat and tears for a nation that has given me and my family so much.

I actually did serve our Commander in Chief twice, — in 1972, as a youth consultant for President Nixon's National Commission on Marijuana and Drug Abuse and in 1978, as a law clerk in the U.S. Army Claims Service. In the end, though, advising on recreational drug use and evaluating servicemen's claims for damaged household goods hardly count as "service." A friend jokes that I served honorably in the Sexual Revolution; you know, that period between the invention of the "pill" (1960) and the appearance of AIDS (1981). But such humor does a disservice to those who served, including many of my forebears.

#### CONTINENTAL

I am a history buff who has lived in the metropolitan

Philadelphia area for more than 30 years, but only recently visited George Washington's 1777-78 headquarters at Valley Forge, where I made a fascinating discovery. I knew that my great, great, great, great, great grandfather, Henry Tillery (1725-1795) and his son, my great, great, great, great grandfather, Joshua Tillery (1745-1820) of Culpepper County, Va., both fought the British in The Revolutionary War and were recognized for "Public Service Claims," entitling my progeny and me to Sons of (SAR) or Daughters of The American Revolution (DAR) status.

What I did not know is that another Tillery, their cousin, Lt. John Tillery, of North Carolina, served in Washington's Continental Army and was camped with him that bitter winter, not 25 yards from the great general's headquarters. The thought that one member of my bloodline had been so close to, and no doubt saw and perhaps even met, the father of our country sent shivers down my spine. Known in family lore as "Revolutionary John," John Tillery served in the 3rd North Carolina Infantry under Col. Jethro Sumner, part of McIntosh's brigade lead by Brig. Gen. Lachlan McIntosh, a close confidante of Washington, and part of his 3rd Division under the then 20-year-old Gilbert du Motier, otherwise known as the Marquis de Lafayette. Washington, Lafayette and Tillery. This could not get any better for an old history buff!

Drawing upon this association a century later, my great grandfather Tillery had a younger half-brother named Goodwin *Lafayette* Tillery who served in the Confederate Army, Alabama 23rd Infantry, Co. I. Uncle Goodwin, as my father knew him, reportedly carried cannonballs to Rebel batteries up Lookout Mountain at the battle of the same name (Nov. 24, 1863). Later known affectionately as "Old Coot," Uncle Goodwin attended one of the last great gatherings of Confederate Civil War veterans in Shreveport, La. in 1939. My father, who would go to war himself only four years later, rode in a parade with the old, bearded vet as other old men who had once been slaves looked on silently from the roadside.

#### DEUTSCHLAND UBER ALLES

Although I know little of the military exploits, if any, of my maternal ancestors, I do know that my mother's father, my grandfather, Irvin Joseph George Janssen, of pure Teutonic heritage, fought against his own people, Le Boche, in France as part of the U.S. Army Air Corps in World War I. While in later years he claimed to have engaged Baron von Richtofen, The Red Baron, in dog fights, official records reflect that he only repaired and maintained the flying machines of some who may have.

The only other maternal forbear of whom I know, also a Hun, had quite a different 'military' experience. Family lore has it that Frederick David Becker (1849-1905), my great grandfather, emigrated to New Orleans in the late 1860s to avoid the draft of the Iron Chancellor, Otto von Bismarck, who was then consolidating modern Germany and crushing the French at Sedan in the brief, and ill-conceived (at least for the French), Franco – Prussian War (1870-71).

Curiously, one of the few items Frederick David brought with him on his long journey to the Crescent City, besides his cigar-making tools, was a small bust of Bismarck. It sat on

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my grandmother's and, later, my mother's mantle for years and I always admired it and appreciated its irony. It inspired my first college history paper titled "Otto Von Bismarck and the Constitution of the North German Confederation" (1972) and my mother gave it to me as a law school graduation gift in 1979. It has a prominent place in my home today – a symbol of one man's determination to avoid the idiocy of war.

#### "WINNING" THE LOTTERY

It also reminds me of my own brush with the possibility of involuntary induction. In 1972, as I turned 18 years old, there was still a real draft, we still had 24,000 troops in Vietnam, and I was issued a draft lottery number. My older brother had already had one for two years. Fortunately, we both had high numbers, and Henry Kissinger, pre-election, had announced "peace is at hand," however disingenuously. As it turned out, I was in jeopardy for only a few months, as on Jan. 27, 1973, Secretary of Defense Melvin R. Laird announced the end of the draft and the creation of all-volunteer armed services.

#### "O CANADA!"

Although none in our household supported this war, my father, who had served bravely in the U.S. Marine Corps for 2.5 years in the South Pacific in World War II, was adamant that if our country called, it was our duty to serve, even if it meant going to Vietnam. My mother, on the other hand, was equally adamant that if we were called, she was going to follow her grandfather Frederick David's tradition of resisting tyrants and take us to Canada. If I had been forced to emigrate to The Great White North, I am certain I would not have taken a bust of Tricky Dick. Perhaps a bobble head.

Fortunately, even though "peace" was still three long and painful years away, we were de-escalating and the clash of parental philosophies never had to be resolved. I was particularly pleased since both parents, to this day, say it is the one issue that could have broken their marriage. And I really do not understand ice hockey. In New Orleans we put ice in our mint juleps; we did not skate on it.

My father's older brother, James Henry Tillery, Jr. (1920-1991), also a Marine, served with President Roosevelt's son, James, in Carlson's Raiders, the famous "Gung Ho" unit which made the first U.S. land attack on Japanese forces at Makin Atoll in August 1942. Although their father, James H. Tillery Sr. (1888-1952), never served in the military, he provided valuable public service as "Captain Jim," a fire captain in Shreveport, La., for many years.

#### "CONFEDERATES IN MY ATTIC"

His father, however, Milton Jared Tillery (1834-1909) served 1,491 days in the Confederate Army in a storied Texas

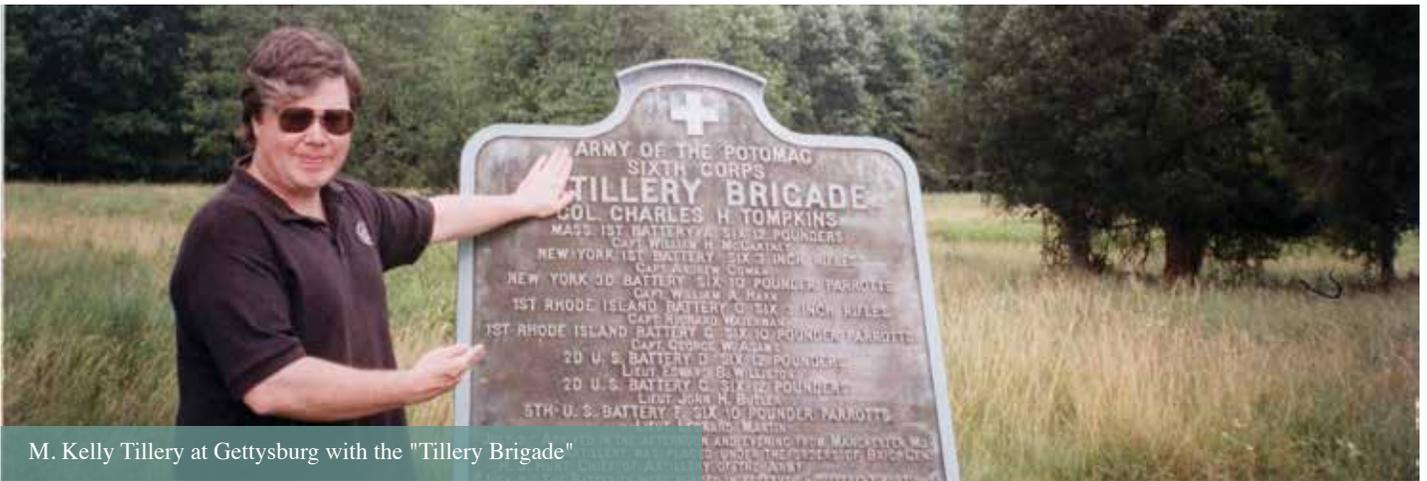


cavalry unit, known as the W.P. Lane Rangers. The exploits of his unit are painstakingly recorded in an often cited work of one of his comrades, William Williston Heartsill, in "Fourteen Hundred And Ninety One Days In The Confederate Army" (1867-Original Handpress; 1954, McCowat-Mercer Press; 1992, Broadfoot Publishing).

Private Tillery and his unit were captured by the forces of Gen. John A. McClernand, part of Gen. William Tecumseh Sherman's army, on Jan. 12, 1863 at the Battle of Arkansas Post. He and 4,000 Confederates repulsed 60,000 Yankees on six frontal assaults succumbing to their overwhelming numbers only on the seventh.

The Rangers were taken prisoner and shipped north to Camp Butler, Ill., for internment. But on April 7, 1863, they were transported to City Point, Va., for a prisoner exchange. On April 14, 1863, Milton Jared was exchanged for a Federal prisoner and was once again a free man. After a short stint at Chancellorsville, one in Gen. Braxton Bragg's Army and medical leave in Atlanta, Pvt. Tillery, Pvt. James W. Young and Sgt. James M. Vaughn decide to take "French leave" and return to their old unit.

On their trek home, on May 6, 1863, Milton Jared and his confreres slept in the hallways of the Virginia State Capitol



M. Kelly Tillery at Gettysburg with the "Tillery Brigade"

in Richmond designed by Thomas Jefferson, just as Lincoln, only 106 miles away in the War Department Telegraph Office received the news that Lee had decisively defeated Hooker at Chancellorsville and cried, "My God! My God! What will the country say?! What will the country say?!" Less than two years later on April 4, 1865, Lincoln would enter the Confederate Capital triumphantly and sit at Jefferson Davis's desk.

Milton Jared and the Arkansas Post Boys hurried to the outskirts of Richmond to stop Stoneman's raid and to hold off any of Hooker's troops if they got past Gen. Robert E. Lee. Lee made sure they did not, but sadly lost his right arm, Stonewall Jackson, in the fight.

After walking 736 miles (a particular indignity for a cavalry soldier), they reported back to the W.P. Lane Rangers, then, ironically, guarding Federal prisoners at Camp Ford in Tyler, Texas.

Gen. U.S. Grant disfavored prisoner exchanges for just this reason — the Confederacy had fewer military-age men and to return them to fight again seemed absurd. Milton Jared was one of the last Confederate soldiers exchanged. Just six weeks later, on May 25, 1863, Lincoln stopped such exchanges because the Confederacy refused to exchange black Federal soldiers. Milton Jared got out in the nick of time.

Although the Rangers saw a little more action, they were disbanded on May 20, 1865 at Sterling, Texas, after hearing that Confederate forces under Gen. Joe Johnston had surrendered. Actually, the last intact Confederate army, the 43,000-man force of Gen. Edmund Kirby Smith, surrendered six days later on May 26, 1865, 188 miles away in Shreveport, La., where my father would be born 60 years later. I was amused in 1970 when my brother, a new freshman at Louisiana State University, moved into a dormitory named for this Rebel general — Kirby Smith Hall.

Milton Jared returned to Panola County, Texas, homesteaded 625 acres and never spoke of his Civil War experiences. His personal copy of Heartsill's book was found among his effects upon his death in 1909.

Six of his eight brothers fought for the same cause, as did almost 100 other Tillery relatives. Their grandfather, William Henry Tillery (1773-1813) of Putnam County, Ga., was a veteran of the Northwest Indian War (1785-1795), a war brought to an end by local Pennsylvania hero, Gen. "Mad"

Anthony Wayne's decisive victory at the Battle of Fallen Timbers.

#### MORE THAN ONE WAY TO SERVE

I am beginning to feel like Lieutenant Dan in "Forrest Gump," albeit with forebears who fought, but survived their service. With my heritage one might expect more desire to serve and to require others to do so. While that ship has sailed for me, I do favor a national, without exception (other than real physical/mental disability), two-year public service requirement in either the military or other public service such as AmeriCorps. Requiring such service anytime between 18 and 25 years old would provide jobs, man power, pride, discipline, honor and an investment. William James first proposed a program of compulsory national service in his 1916 essay titled "The Moral Equivalent of War." Time magazine proposed such a national service system in 2008, and New York Times columnist David Brooks only recently proposed one.

Korean War Veteran Congressman Charles Rangel (D-N.Y.) has introduced a Universal National Service Act several times, most recently in 2010. It was voted on only once and defeated in the House, 400-2.

In 21 years, AmeriCorps, the nation's main public service program, has given almost one million young people the opportunity to serve without joining the military, though its funding has repeatedly been cut in recent years.

In the political thriller film titled "The Ides of March," Ryan Gosling advises candidate George Clooney to push a mandatory youth national service program, arguing that those who would serve cannot yet vote and that those who would benefit would be too old to qualify — a perfect political program!

I would have my son *and* daughters sign up with honor, to such a program on their 18th birthdays. After all, they will not be able to vote until the day they would be required to serve.

And they say you cannot control your teenagers. ■

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