

Y4
. Ar 5/3

1034

904414
Ar 5/3
N 22/8
S 13
18

N 22/8 NAVY JUDGE ADVOCATE GENERAL'S CORPS AND PROHIBITING COERCION IN CHARITABLE CONTRIBUTIONS

GOVERNMENT

Storage

HEARING
KANSAS STATE UNIVERSITY LIBRARIES
BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

NINETIETH CONGRESS

FIRST SESSION

ON

S. 1036

TO PROTECT THE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES BY PROHIBITING COERCION IN THE SOLICITATION OF CHARITABLE CONTRIBUTIONS AND THE PURCHASE OF GOVERNMENT SECURITIES

H.R. 12910

TO ESTABLISH A JUDGE ADVOCATE GENERAL'S CORPS IN THE NAVY, AND FOR OTHER PURPOSES

NOVEMBER 9, 1967

Printed for the use of the Committee on Armed Services

KSU LIBRARIES



411900 477140



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1967

CONTENTS

Statements of—		
Hon. Sam J. Ervin, Jr., a U.S. Senator from the State of North Carolina.....		Page 5
Hon. Alfred B. Fitt, Assistant Secretary of Defense (Manpower).....		48
Rear Adm. Wilfred A. Hearn, Judge Advocate General of the Navy.....		59

NAVY JUDGE ADVOCATE GENERAL'S CORPS AND PROHIBITING COERCION IN CHARITABLE CONTRIBUTIONS

THURSDAY, NOVEMBER 9, 1967

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The committee met, pursuant to notice, at 10:35 a.m., in room 212, Old Senate Office Building, Senator Richard B. Russell (chairman) presiding.

Present: Senators Russell, Stennis, Symington, Ervin, Inouye, Byrd, Jr., of Virginia, Smith, Thurmond, and Tower.

Also present: William H. Darden, chief of staff; T. Edward Braswell, Jr., and Gordon T. Nease, professional staff members; Charles B. Kirbow, chief clerk; and Herbert S. Atkinson, assistant chief clerk.

Chairman RUSSELL. The first two bills on the agenda of the committee this morning are bills in which Senator Ervin has a special interest. H.R. 12910 would establish a Judge Advocate General's Corps in the Navy. In the last Congress Senator Ervin introduced several bills on the subject of military justice, one of which would have established a Judge Advocate General's Corps in the Navy.

Again this year, Senator Ervin introduced a comprehensive bill dealing with military justice, S. 2009, which has as one of its purposes the creation of a Judge Advocate General's Corps for the Navy.

The other bill, S. 1036, would make it unlawful for a member of the Armed Forces to coerce or attempt to coerce any other member of the Armed Forces to purchase bonds or to make donations.

(Bills H.R. 12910 and S. 1036 follow:)

[H.R. 12910, 90th Cong., first sess.]

AN ACT To establish a Judge Advocate General's Corps in the Navy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 of title 10, United States Code, is amended as follows:

(1) Section 801 (11) is amended to read as follows:

"(11) 'Law specialist' means a commissioned officer of the Coast Guard designated for special duty (law)."

(2) The following new clause is added at the end of section 801:

"(13) 'Judge advocate' means an officer of the Judge Advocate General's Corps of the Army or the Navy or an officer of the Air Force or the Marine Corps who is designated as a judge advocate."

(3) Section 806(a) is amended by deleting the first sentence and inserting the following sentences in place thereof:

"The assignment for duty of judge advocates of the Army, Navy, and Air Force and law specialists of the Coast Guard shall be made upon the recommendation of the Judge Advocate General of the armed force of which they are members. The assignment for duty of judge advocates of the Marine Corps shall be made by direction of the Commandant of the Marine Corps."

(4) Section 815(e) is amended by striking out the words "Army or Air Force, a law specialist of the Navy" in the last sentence and substituting in place thereof the words "Army, Navy, Air Force, or Marine Corps".

(5) Section 827(b)(1) is amended by striking out the words "or the Air Force, or a law specialist of the Navy or" and inserting in place thereof the words, "Navy, Air Force, or Marine Corps or a law specialist of the".

(6) Section 865(c) is amended by striking out the words "or the Air Force, a law specialist of the Navy" and inserting in place thereof the words "Navy, Air Force, or Marine Corps".

(7) Section 936(a)(1) is amended by deleting the words "and the Air Force" and inserting in place thereof the words "Navy, Air Force, and Marine Corps".

SEC. 2. Chapter 513 of title 10, United States Code, is amended as follows:

(1) Section 5148 is amended—

(A) by amending the catchline to read:

"§ 5148. Judge Advocate General's Corps: Office of the Judge Advocate General; Judge Advocate General; appointment, term, emoluments, duties";

(B) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively, and inserting the following new subsection:

"(a) The Judge Advocate General's Corps is a Staff Corps of the Navy, and shall be organized in accordance with regulations prescribed by the Secretary of the Navy."; and

(C) by striking out, in subsection (b) as redesignated, in the third sentence, the word "officers" and inserting in place thereof the words "judge advocates".

(2) Section 5149 is amended to read as follows:

"§ 4149. Office of the Judge Advocate General: Deputy Judge Advocate General; Assistant Judge Advocates General

"(a) A judge advocate of the Navy or Marine Corps who has the qualifications prescribed for the Judge Advocate General in section 5148(b) of this title shall be detailed as Deputy Judge Advocate General of the Navy. While so serving he is entitled to the rank and grade of rear admiral (upper half) or major general, as appropriate, unless entitled to a higher rank or grade under another provision of law. The Deputy Judge Advocate General is entitled to the same privileges of retirement as provided for chiefs of bureaus in section 5133 of this title.

"(b) An officer of the Judge Advocate General's Corps who has the qualifications prescribed for the Judge Advocate General in section 5148(b) of this title shall be detailed as Assistant Judge Advocate General of the Navy. While so serving he is entitled to the rank and grade of rear admiral (lower half), unless entitled to a higher rank or grade under another provision of law. An officer who is retired while serving as Assistant Judge Advocate General of the Navy under this subsection or who, after serving at least twelve months as Assistant Judge Advocate General of the Navy, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank and grade of rear admiral (lower half). If he is retired as a rear admiral, he is entitled to retired pay in the lower half of that grade, unless entitled to higher pay under another provision of law.

"(c) A judge advocate of the Marine Corps who has the qualifications prescribed for the Judge Advocate General in section 4158(b) of this title shall be detailed as Assistant Judge Advocate General of the Navy. While so serving he is entitled to the rank and grade of brigadier general, unless entitled to a higher rank or grade under another provision of law. An officer who is retired while serving as Assistant Judge Advocate General of the Navy under this subsection or who, after serving at least twelve months as Assistant Judge Advocate General of the Navy, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank and grade of brigadier general. If he is retired as a brigadier general, he is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law.

"(d) When there is a vacancy in the Office of the Judge Advocate General, or during the absence of disability of the Judge Advocate General, the Deputy Judge Advocate General shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases.

"(e) When subsection (d) cannot be complied with because of the absence or disability of the Deputy Judge Advocate General, the Assistant Judge Advocates General, in the order directed by the Secretary of the Navy, shall perform the duties of the Judge Advocate General."

(3) The analysis is amended by amending the items relating to sections 5148 and 5149 to read as follows:

"5148. Judge Advocate General's Corps: Office of the Judge Advocate General; Judge Advocate General; appointment, term, emoluments, duties.

"5149. Office of the Judge Advocate General; Deputy Judge Advocate General; Assistant Judge Advocates General."

SEC. 3. Section 5404 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(c) The Secretary of the Navy, as of January 1 of each year, shall establish the authorized strength of the active list of the Navy in officers in the Judge Advocate General's Corps."

SEC. 4. Section 5508(b) of title 10, United States Code, is amended—

(1) by inserting the following new clause after clause (5): "(6) Officers in the Judge Advocate General's Corps,"; and

(2) by renumbering clauses (6), (7), and (8) as clauses "(7)", "(8)", and "(9)", respectively.

SEC. 5. Chapter 539 of title 10, United States Code, is amended as follows:

(1) The following new section is added after section 5578:

"§ 5578a. Regular Navy; Judge Advocate General's Corps

"(a) Original appointments to the active list of the Navy in the Judge Advocate General's Corps may be made from persons who—

"(1) are at least twenty-one and under thirty-five years of age;

"(2) are graduates of an accredited law school or are members of the bar of a Federal court or the highest court of a State; and

"(3) have physical, mental, and moral qualifications satisfactory to the Secretary of the Navy.

For the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, an officer appointed in the Judge Advocate General's Corps shall be credited with the amount of service prescribed by the Secretary of the Navy, but not less than three years.

"(b) Under such regulations as the Secretary of the Navy may prescribe, appointments to the active list of the Navy in the Judge Advocate General's Corps may be made from officers of the Navy, including the Naval Reserve, in the line or in another staff corps. Notwithstanding any other law, an officer appointed under this subsection shall have a running mate assigned to him under regulations to be prescribed by the Secretary of the Navy."

(2) Section 5587(c) is amended by striking out "law,".

(3) The following new section is added after section 5587:

"§ 5587a. Regular Marine Corps: judge advocates

"(a) With the approval of the Secretary of the Navy, any officer on the active list of the Marine Corps who is qualified under section 827(b) of this title may, upon his application, be designated as a judge advocate.

"(b) For the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, a person appointed to the active list of the Marine Corps with a view to designation as a judge advocate may be credited with the amount of service prescribed by the Secretary of the Navy, but not more than three years."

(4) Section 5600(b) is amended—

(A) by adding at the end of clause (1) the words "(D) Judge Advocate General's Corps—3 years;";

(B) by striking out clause (2); and

(C) by renumbering clause (3) as clause (2).

(5) The following new items are inserted in the analysis:

"5578a. Regular Navy: Judge Advocate General's Corps."

"5587a. Regular Marine Corps: judge advocates."

SEC. 6. Section 5762 of title 10, United States Code, is amended as follows:

(1) Section 5762(d) is amended by inserting the words "Judge Advocate General's Corps," after the words "Medical Corps,".

(2) The following new subsection is added at the end:

"(f) The Secretary shall furnish the appropriate selection board convened under chapter 543 of this title with the number of officers that may be recommended for promotion to the grade of captain or commander in the Judge Advocate General's Corps. This number, determined by the Secretary as of the date the selection board is convened—

"(1) may not exceed the total number of officers of the Judge Advocate General's Corps in the promotion zone for the grade concerned; and

"(2) may not be less than the product of the number of officers of the Judge Advocate General's Corps in the promotion zone and a fraction,

of which the numerator is the number of male line officers, not restricted in the performance of duty, placed upon the promotion list pursuant to the report of the comparable board for the selection of line officers convened in the same fiscal year, and the denominator is the number of male line officers, not restricted in the performance of duty, in the promotion zone considered by that board."

SEC. 7. Section 202 of title 37, United States Code, is amended as follows:

(1) Subsection (g) is amended by inserting the words "or as Deputy Judge Advocate General of the Navy," after the word "Navy".

(2) Subsection (h) is amended—

(A) by striking out "or" at the end of clause (6);

(B) by redesignating clause (7) and clause (8); and

(C) by adding immediately after clause (6) a new clause as follows:

"(7) Deputy Judge Advocate General of the Navy; or".

(3) Subsection (i) is amended by striking out clause (3) thereof and by renumbering clauses (4) and (5) as clauses (3) and (4), respectively.

(4) The following new subsection is added at the end:

"(k) Unless appointed to a higher grade under another provision of law, an officer of the Navy or Marine Corps serving as Assistant Judge Advocate General of the Navy is entitled to the basic pay of a rear admiral (lower half) or brigadier general, as appropriate."

SEC. 8. (a) In this section "law specialist" means a line officer on the active or retired list of the Regular Navy or the Naval Reserve designated for special duty (law) or a line officer of the Naval Reserve assigned a numerical designator indicating a special duty officer (law).

(b) All law specialists in the Navy are redesignated as judge advocates in the Judge Advocate General's Corps of the Navy. Each law specialist of the Navy who is on a promotion list on the day before the effective date of this Act shall be placed on the appropriate promotion list for the Judge Advocate General's Corps and shall be eligible for promotion when the officer who is to be his running mate in the next higher grade becomes eligible for promotion in that grade. All provisions of title 10, United States Code, not inconsistent with this Act, relating to officers of the Medical Corps of the Navy shall apply to officers of the Judge Advocate General's Corps of the Navy.

SEC. 9. Nothing in this Act shall operate to terminate or reduce the term of an officer who was serving as Deputy and Assistant Judge Advocate General of the Navy on the day before the effective date of this Act or to deprive him of the rank, pay, allowances, or retirement privileges to which he was then entitled. Notwithstanding any other provision of law, an officer who was so serving on the day before the effective date of this Act shall be deemed to be detailed as Deputy Judge Advocate General, pursuant to section 5149 of title 10, United States Code, as amended by this Act, and, in addition to rights and benefits then accrued, to be entitled to the rank and retirement benefits authorized by that section. For the purposes of determining his eligibility for the retirement benefits authorized by section 5149 of title 10, United States Code, as amended by this Act, an officer who is serving as Deputy Judge Advocate General on the effective date of this Act shall be credited with all service performed under appointment or detail as Deputy and Assistant Judge Advocate General before the effective date of this Act.

SEC. 10. This Act does not affect rights accrued, duties matured, or proceedings commenced before its effective date.

SEC. 11. Notwithstanding any other provision of law, all provisions of law applicable to a male officer in the Judge Advocate General's Corps of the Navy, including the Naval Reserve, are applicable to a woman officer in that corps.

Passed the House of Representatives October 2, 1967.

Attest:

W. PAT JENNINGS, *Clerk.*

[S. 1036, 90th Cong., first sess.]

A BILL To protect members of the Armed Forces of the United States by prohibiting coercion in the solicitation of charitable contributions and the purchase of Government securities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It shall be unlawful for any commissioned officer, as defined in section 101, title 10, United States Code, or any member of the Armed Forces

acting or purporting to act under his authority to coerce, or attempt to coerce, any member of the Armed Forces to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however*, That nothing contained in this subsection shall be construed to prohibit any commissioned officer or any member of the Armed Forces acting or purporting to act under his authority from calling meetings or taking any action appropriate to afford to any member of the Armed Forces of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause of any kind.

SEC. 2. Any commissioned officer as defined in section 101, title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority who willfully violates any of the provisions of this Act, shall be punished as a court-martial may direct.

Chairman RUSSELL. The Chair understands that Senator Ervin desires to make a brief statement before the witnesses on these bills are heard, and accordingly he is glad to recognize Senator Ervin at this time.

(The prepared statement and accompanying material submitted by Senator Ervin follow:)

STATEMENT OF SENATOR SAM J. ERVIN, JR., OF NORTH CAROLINA

Mr. Chairman, I am pleased to have an opportunity to make a short statement in support of the two bills which are the subject of today's hearings. I am greatly interested in both pieces of legislation—S. 1036, which I introduced as a result of complaints received by the Constitutional Rights Subcommittee; and H.R. 12910, which I first introduced in substantially the same form in 1963, also after extensive study by the Constitutional Rights Subcommittee.

Creation of a Judge Advocate General's Corps for the Navy was the subject of Subcommittee hearings in 1962 and joint hearings between the Subcommittee and an ad hoc committee of the Armed Services Committee in 1966. The purpose of H.R. 12910, as well as its companion bill in the Senate and identical measures which I introduced in earlier Congresses, is to transform the present organization of Navy law specialists into a corps similar to that which has existed for many years in the Army. Our investigations have conclusively shown that this reorganization is imperative if the Navy is to fulfill its increasing responsibilities under the Uniform Code of Military Justice.

Creation of a corps is long overdue. This need was first recognized in studies compiled more than twenty years ago; and in 1955, the Hoover Commission reported to Congress on legal services in the government, beginning its discussion of military lawyers with these words:

"A. JUDGE ADVOCATE GENERAL'S CORPS

"A Judge Advocate General's Corps should be established in the Navy similar to other Navy staff corps but paralleling the Army Judge Advocate General's Corps and the Air Force Judge Advocate General's Department. The morale of officers in the Navy legal service is low, due largely to the practice of categorizing Navy lawyers as 'restricted line officers', and denying them opportunity to attain flag rank or to belong to a professional corps. Other professions in the Navy have their staff units, such as physicians, dentists, civil engineers, and chaplains. The only way in which a strong professional spirit can be regained by lawyers in the Navy, with consequent benefit to the service, is by establishing a staff corps for Navy officers whose primary duties shall be legal. It is particularly important that the Judge Advocate General and his assistants be selected from that corps."

The studies of the Constitutional Rights Subcommittee in 1962 and 1966 confirm that these conclusions are still valid and that the need for this reorganization persists.

This legislation has been endorsed by the Department of Defense, the Navy Department, and Admiral Hearn. To my knowledge, there is no opposition.

The bill passed by the House is essentially the same as Title II of S. 2009, legislation which I introduced earlier this year. Title II, in turn, was drafted with the close cooperation of the Navy. The differences between the two measures are de-

scribed in a letter to me from Admiral Hearn, Judge Advocate General of the Navy, and for the convenience of the Committee, I would like to insert the letter at this point in the record.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D.C., October 12, 1967.

HON. SAM J. ERVIN, JR.,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I want to thank you for the opportunity to discuss with you the legislation pending the Senate to establish a Judge Advocate General's Corps in the Navy—particularly the bill which you introduced (S. 2009) and the bill H.R. 12910 which has passed the House and been referred to the Senate Armed Services Committee. I am especially grateful for your willingness to seek an early hearing in the interests of receiving final Senate action on this legislation during the current session of the Congress. As I think you are aware, the early establishment of a Judge Advocate General's Corps is considered highly important in meeting our current critical problem of recruiting career lawyers to replace our more senior experienced legal officers who are retiring from active duty.

As I indicated, we prefer H.R. 12910, which contains certain technical refinements and because it has passed the House and may offer the best chance of having the legislation enacted by the Congress at the earliest date.

Set forth in this paragraph is a listing of the differences between H.R. 12910 and S. 2009. Of these differences there is only one which I consider to be of particular consequence. S. 2009 provides for one Assistant Judge Advocate General who would be either a rear admiral of the lower half or a brigadier general. The House bill provided for two Assistant Judge Advocates General—one would be a flag officer of the lower half and the other a brigadier general. The following differences I consider to be primarily of a technical nature:

H.R. 12910

Marine Corps lawyers are designated "judge advocates" with same powers as judge advocates of other services.

"Judge advocate" is defined to mean a member of Army or Navy JAG Corps or an Air Force or Marine Corps officer designated as a judge advocate.

Duty assignment of Marine Corps judge advocates shall be made by direction of Commandant of Marine Corps.

Original appointments in JAG Corps in Regular Navy may be made from persons who (1) are between 21 and 35 years of age, (2) are graduates of an accredited law school or are members of Federal or State bar, and (3) have physical, mental, and moral qualifications satisfactory to Secretary of the Navy.

Persons appointed in Regular Marine Corps with a view to designation as a judge advocate shall be credited with not more than 3 years of service for determining grade and lineal position. (Marine Corps prefers this.)

(No change in present law: for determining grade and lineal position a person appointed as an office of Marine Corps Reserve may be credited with service reflecting his experience, education, and other qualifications prescribed by regulations of Secretary of the Navy. (10 USC 5600(a)))

S. 2009

Marine Corps lawyers are designated "law specialists" with same powers as judge advocates of other services.

(No definition of "judge advocate.")

(No such provision.)

Same as Column 1 except that bar membership is an alternative qualification.

Persons appointed in Regular Marine Corps with a view to designation as a judge advocate shall be credited with not less than 3 years of service for determining grade and lineal position.

Persons appointed in Marine Corps Reserve with view to designation to perform legal duties shall be credited with at least 3 years of service for determining grade and lineal position. (10 USC 5600(b))

H.R. 12910

S. 2009

Secretary of the Navy shall furnish to a selection board, as the number of JAG Corps officers that may be recommended for promotion to grade of lieutenant commander or lieutenant, the number of JAG Corps officers in the promotion zone. (10 USC 5672(d))

Secretary of the Navy shall furnish to a selection board as the number of JAG Corps officers that may be recommended for promotion to grade of captain and commander, *not less* than the number derived by multiplying the number of officers in the promotion zone by a fraction (the so-called "line fraction") representing the promotional opportunity of the unrestricted line officers in the same grade in the same fiscal year. (10 USC 5762(f))

(This conforms to existing law.)

Laws applicable to a male officer in Navy JAG Corps are applicable to a woman officer in that corps.

(No express provision regarding effective date. Act will be effective on date of enactment.)

I am prepared to be of any assistance you may desire in this matter.

Sincerely,

(Medical Corps assimilation provision would have same effect as in column (1). Sec. 208, S. 2009; 10 USC 5672(d))

(By Medical Corps assimilation provision, the number furnished in the situations described in column (1) would be *equal to* a number derived by multiplying the number of officers in the promotion zone by a fraction (the so-called "line fraction") representing the promotional opportunity of unrestricted line officers in the same grade in the same fiscal year. Sec. 208, S. 2009; 10 USC 5762(a))

(No such provision.)

Title II, S. 2009, relating to JAG Corps, becomes effective on first day of third month following month in which enacted. (Sec. 211, S. 2009)

WILFRED HEARN,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

S. 1036, a bill to protect members of the Armed Forces by prohibiting coercion in the solicitation of charitable contributions and the purchase of government securities, is also the product of preparatory work done by the Constitutional Rights Subcommittee. I introduced it in February of this year as the second of a two-part package designed to protect civilian and military employees of the government from some of the most shocking types of coercion. The first bill, S. 1035, was passed overwhelmingly by the Senate two months ago, to protect civil servants from such invasions of their privacy in their personal expenditures and donations.

The military anti-coercion bill is a direct result of the hundreds of letters received from servicemen and their families describing the official and quasi-official pressure to extract contributions from them or to get them to invest in savings bonds. These pressures affect every rank, officers as well as enlisted men, and complaints have been received from Colonels as well as privates.

Neither I nor any serviceman who has written to me objects to charitable contributions or to participation in the savings bond program. But these programs are voluntary and must be kept so. If they are not, Congress should pass a law requiring equal participation from all citizens. Strong-arm tactics that have been used to transform these programs into forms of coercive taxation, taxation imposed upon those who sacrifice more than any other group and who are underpaid by any standard.

Certainly no citizen in a free society should be subjected to official economic penalties or threats of such penalties because he exercises his right to spend his money as he sees fit. And if a soldier chooses to buy shoes for his children or a hat for his wife instead of another bond, that is his business, not his employer's. If a sailor prefers to contribute \$3 instead of \$5 to a fund-raising campaign, and spends the difference on groceries, whose business is it? Not his employer's.

Why then are these coercions taking place: The denials of leave to servicemen departing for Viet Nam; the refusal of weekend passes, the rendering of detrimental reports which mar a serviceman's record for the rest of his career and often impede his advancement; the outright official threats of denial of promotion; the

assignments to K. P., unpleasant duties, or undesirable working hours? These are only a few examples of the more standard reprisals which are threatened or which actually occur. The extent of the reprisals vary with the ingenuity and imagination of the individuals responsible for filling the quotas.

S. 1036 is based on the theory that in our country, a serviceman is first a citizen with certain basic constitutional rights and privileges. Congress has reaffirmed this truth in various statutes and in the Uniform Code of Military Justice. Civilian and military courts have illustrated it in the concepts of due process developed in decisions affecting the rights of the serviceman.

This bill is striking at a problem which besets modern man in an age of big organizations, whether they are governmental or private.

It does not matter whether he is a soldier, sailor, marine, coast guardsman, civil servant, or a machine operator in a large factory. The individual is subject to all of the psychological pressures, threats, and economic sanctions which a large organization can bring to bear on him. Where administrators, supervisors and commanding officers show common sense, basic fairness and consideration for the welfare of those under them as human beings, there is no problem. But where the heavy hand of the governmental organization which employs him is brought down upon him to compel him to surrender his freedom of action in his personal affairs, then the employee suffers, the organization suffers, and our society suffers.

This is especially true of the thousands of servicemen who surrender so much of their personal lives to fulfill their legal military obligations.

It is senseless to say, as some have said, that this is the natural result of big government, of large organizations; that nothing can be done to protect the individual, especially the serviceman, from the arbitrary acts of officials who threaten privacy and basic freedoms. This is not true. Congress has both the duty and the means to protect the liberties of Federal employees, whether they are military or civilian. I hope that it will do so in this case by enacting S. 1036 to protect the American serviceman.

To illustrate the importance of this legislation, I would like to have included in the record a sampling of the letters I have received in support of the bill. The names of the servicemen have been deleted at the request of the writer.

While I am convinced that this bill is carefully drafted to meet the problem, I should state that I am not wedded to the exact language of the enforcement provisions. I will emphasize, however, that effective enforcement is necessary if these improper pressures are to be stopped. The largely futile efforts of the Department of Defense to end coercion by means of exhortatory pronouncements have demonstrated this conclusively. If the Committee proposes more effective provisions that will be all to the better.

PROPOSED PLAN FOR CONTINUATION OF SAVINGS BOND CAMPAIGN

I. Reopen the campaign with a bond rally at messhalls and other areas where people are congregated, using the Center Band. Company Savings Bond NCO's and civilian employee bond representatives, when appropriate, would be available at the site of the rally to sign up those who desire to do so. However, the rallies are intended to serve primarily as preliminary advertising. Gunnery Sergeant Marshall, the Center Bandmaster, has had experience with this type event and has agreed to advise and assist me in the planning and execution of the rallies, if approved. Also, I recommended that the Prospector carry a prominent candid article announcing the reopening of the campaign on the date to be determined and stating the Marine Corps' and command policy on Savings Bond Program participation and that the goal is 75% participation.

II. PLAN FOR MILITARY PERSONNEL

A. Officers and Staff Noncommissioned Officers

1. Investment in Savings Bonds at the request of the President has been put on a "duty" basis by the Commandant. He has gone further to say that our participation in the Savings Bond Program is directly indicative of our devotion to our country. It appears to me that this is all that is necessary to make participation by officers and staff NCO's mandatory except under the most unusual circumstances. I believe that there are no officers and very few staff NCO's who are financially unable to participate in at least the minimum amount. We may hear the argument that where a person invests his money or whether or not he invests at all is strictly a personal matter. We may also hear resentment expressed because we dare to press them on a matter they consider personal. I think that officers and

staff NCO's should be reminded that when our President, Commandant, Commanding General, Battalion Commander, or other senior officer desires that we do something, it is no longer a personal matter. It falls into the same category as any other expressed desire or prescribed policy—we comply unless it is impossible to do so; and we offer a valid explanation when we cannot comply. This is no more a personal matter than the military's requirement that we get our hair cut more often than civilians usually do or that we spend more of our money on shoe polish. These things we have accepted as part of the military life we have chosen. When our seniors policies include participation in the Savings Bond Program, this, as officers and staff NCO's, we must accept, whether or not we agree wholeheartedly with the policy. A clear understanding of this point should be the end of the Savings Bond Campaign for officers and staff NCO's. But, if this doesn't work, we may be able to strike a chord of patriotism or we may ask them how they can ask a Private to invest in Savings Bonds in compliance with the policy of our seniors when they themselves are not complying. Although the savings may be more beneficial to the Private than to the Sergeant Major, the Private would never believe this; and he is just as convinced as the Sergeant Major that it may not be the best investment in the world and that his investing is his own affair.

Should an unexpected emergency arise, your Savings Bonds can be turned into cash at any bank or post office.

There President has made a personal appeal to members of the Armed Forces to support our country through participation in the Savings Bond program. Our Commandant, in turn, has interpreted our obligation to comply with the President's request as being inseparable from our duty to support our country. He has expressed his confidence that we would answer the President with traditional Marine enthusiasm. I want to emphasize that participation in the Savings Bond program is a policy of this Command. It is expected that all Marines will participate to the fullest extent possible and that our staff noncommissioned officers will provide the example and leadership necessary for a successful program at this Center.

Each American shares the responsibility of keeping our nation strong. You can help through your purchase of Savings Bonds. If you desire further information before taking out a bond allotment, I will be pleased to discuss the matter at a time convenient to you.

Sincerely yours,

D. D. FINNE, Jr.,
Major, U.S. Marine Corps,
Commanding Officer, Headquarters Battalion.

SELECTED COMPLAINTS FROM SERVICEMEN

[From the Overseas Weekly, Nov. 6, 1966]

SELLING BONDS STAYS THE SAME

DA NANG, VIETNAM.—Nothing stops a gung-ho savings bond salesman, not even war, and when a little gentle persuasion is needed to peddle Uncle Sam's promissory notes, the Marines are willing to get shot at just to ring up a sale. In a letter to the Third Marine Division's Third Regiment leatherneck boss, Lt. Gen. Lewis W. Walt patted the unit leaders on the back for topping 75% participation in a recent bond drive, according to the Third Marine Amphibious Force newspaper, *Sea Tiger*, "with the different units conducting daily patrols," quoted the papers, "Marines were away for days and sometimes weeks. However, this did not discourage the battalion Sergeant Major, Company First Sergeants and platoon commander who were the key personnel in the drive. They went to forward positions and interviewed Marines in fighting holes and kept track of the patrols so that every individual had an opportunity to learn how he could invest his money in a worthwhile savings program." You can't get away from it, even in Vietnam.

DEAR SENATOR ERVIN: My name is Mrs. ———. I have a burden on my heart and this morning when I saw this article in the Charlotte paper I had to write you.

I have a son in the U.S. Army. He is a draftee and is 19 years of age. He has a wife who is living with him in Fort Gordon, Georgia, where he is stationed at the present. They are expecting a child January 26. He has been forced to buy U.S. Savings bonds on what little he makes a month. I think it is outrageous! They can hardly live! They have a diet of beans and potatoes! I wish you could do something about the way things are going for our boys in service. It's a disgrace to a country that has plenty. The Lord has blessed us but how much longer will he?

These two young people were also due a food allowance two months ago but haven't received it yet!

Please help us & many more people like us.

Thank you for speaking out on this issue.

Sincerely yours,

P.S.—If this letter would get to the President of U.S. I would also send it. Thank you for reading this.

CLAUDE, TEX., *January 8, 1967.*

Senator SAM J. ERVIN, Jr.,
*Senate Office Building,
Washington, D.C.*

SENATOR ERVIN: Congratulations on your stand and present bill to bar coercion in the federal services.

This is one of the unpleasant memories of 4 years with the Air Force (Military) and 10 years with Air Force Civil Service until November, 1965.

During my military service it is hard to remember a payday that some senior NCO or Officer was not at the end of payline with his hand out for some contribution.

In Federal Service the fund drives decreased somewhat but the amount of money requested consistently increased.

Actual coercion is seldom used but more in the form of hidden threats. Some examples that come to my mind are:

1. Airman Form 75, Proficiency Report *May* reflect lack of cooperation. (Military)
2. Time off or other favors given for completion of drive. (Military)
3. Supervisors usually collect money making it hard to refuse. (Military and Civilian).
4. More recent drives have sealed envelopes with name or assigned number on outside. These are opened by individuals, usually 1st or 2nd line superiors of people contributing, defeating the original purpose of sealed envelopes.
5. Chairman of drives are usually chosen by superiors if they are close to promotions.
6. Drives such as United Fund, etc., start with Base Commander impressing on each level of command that the goal must be met or someone may suffer. This is more of a hidden thing.
7. In a few cases where an individual refused to give quota the individuals' supervisor has offered to give in the man's place, thereby he belittles the employee forcing him to give.
8. Employees may be singled out for not giving.
9. Bonds sold encouraging employee to buy them, then cancelled in 90 days.

I personally think it would be good to *stop* all drives for money in Military and Federal Civil Service. This would be an excellent way to increase their pay.

Again, may I express my appreciation for your concern and work in this area.

Sincerely,

DETROIT, MICH., *January 11, 1967.*

Senator SAM J. ERVIN, Jr.,
*Subcommittee Chairman, Senate Constitutional Rights Subcommittee, Washington,
D.C.*

DEAR SENATOR ERVIN: The enclosed article appeared in the Detroit News the first week of January.

I could understand a possible over-enthusiastic effort to get men to buy savings bonds, in many cases, doing young men a favor by getting them to save systematically. If it were done with the atmosphere of salesmanship and enthusiasm, I doubt that there would be too many objections.

However, in the case of my own son, and those I met when we were visiting Fort Knox last November, we were told fantastic stories of men being threatened, made to walk 5 miles back to camp, and ordered to contribute or be put on extra details—particularly for contributions on certain “causes.”

Our son entered basic training; rose to platoon leader in three weeks; was urged to go into officers training; was made Soldier of the Week; and won both trophies given for proficiency and outstanding trainee.

These coercion tactics soured him quickly, and were instrumental in his decision against officer training. He will make the best of the situation and will be a good soldier, but it's a shame that this situation exists.

Please add this letter to your others in “protest” over such a condition.

Sincerely,

MATTOON, ILL., *January 12, 1967.*

DEAR SENATOR ERVIN: I just read with great interest the article on servicemen being forced to buy bonds and contribute to charity. I wrote to several people about this . . . , but no one so far, except you, has had the courage to voice an opinion.

My son enlisted in the Navy last summer after graduating from High School and was sent to San Diego, California, Recruiter Training Center. He was coerced into signing an allotment of \$5.00 each payday for the San Diego Community Chest and for another allotment, a War Bond. All this out of \$97.00 a month.

I do not feel this is right; these boys were afraid to say *No* to anything. He has been raised decent and honest and to give to his fellowman, but for right now his father and I can take care of this for him. How can anyone ask more of a young boy than 3 or 4 years of his life, or maybe all of his life.

Bless you for your honesty and courage.

Sincerely,

WILMINGTON, DEL., *January 10, 1967.*

Senator SAM J. ERVIN, Jr.,
Chairman, Senate Constitutional Rights Subcommittee,
Washington, D.C.

DEAR SENATOR ERVIN: I just read a newspaper article about the Senate Constitutional Rights Subcommittee's bill to protect government employees and servicemen against compulsion to buy bonds and contribute to charity. This bill, if passed, will be a great aid in releasing a lot of pressure on servicemen, especially the men in the enlisted ranks.

Three months ago I got out of the Army as a staff Sgt. E6 after completing 9 years, 2 months, and 11 days of active service.

The very thing this bill will protect the serviceman from has been a thorn in my side during my tour of duty and is the biggest contributor for my getting out of the Army. I not only speak for myself but also for a couple of men that got out the same time I did, one a Staff Sgt. with 15 years service and the other a Sgt. First Class E7 who left after 17 years of service.

We have all found (supposedly) Commanders stoop so low and do the most unmanly things just to try and put a feather in their caps to obtain 100% participation in the savings program or charity drives by means of high pressuring or threats.

I won't take up any more of your time but would like you to know I'm behind you and so are many men in uniform. Most men can't let us know for fear of jeopardizing their positions by having more pressure applied; and then, of course, there is this thing of the big red stamp saying Political Influence being stamped on their records jacket.

If I may be of assistance to you for examples of incidents of this malpractice, feel free to call upon me.

I thank you and your subcommittee for the outstanding job you are doing for our servicemen and in doing so, I remain.

Yours truly,

FAIR LAWN, N.J., January 9, 1967.

Senator SAM J. ERVIN, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Reference a recent AP article printed in the Newark, N.J., "Star-Ledger", 8 Jan 67 stating that you have introduced " * * * a bill that would * * * protect government employees against any form of compulsion to buy bond or contribute to charity."

Your bill, sir, commands my greatest respect and admiration.

I was recently (8 Oct 66) honorably discharged from the U.S. Army with a rank of Captain. I originally enlisted on 5 Feb 63 as a private E-1. Having been on "both sides of the fence" I can but affirm the truth of your allegations.

If I may, realizing that you are not my Senator, I would like to list some comments for your consideration.

* * * * *
(2) You are quoted as saying, upon being asked by the Pentagon to release names of persons who have complained, that "The risk of reprisals is not worth such an exercise in futility."

It has been my experience that the pressure to contribute has varied according to the person of the post commander. Said pressures, in most cases, cannot be documented owing to their subtlety. Add to this the fact that commanders frequently change, and the difficulties of proving unethical conduct are magnified.

(3) In conjunction with the above might I recommend that military and civilian personnel close to or recently retired could supply you with further information with little fear of reprisal.

(4) My final comment relates to your bill to the extent that I feel that it is worthy of your attention. It has to do with The Association of the United States Army (AUSA). The pressures brought to bear upon career officers and non-commissioned officers (in the top three grades) to join this organization greatly surpass bond drives and united fund campaigns.

There are no veiled hints or subtle pressures to join the AUSA. The officer or senior NCO is plainly told that not to join is to invite a poor Officer Efficiency Report (OER) or Conduct and Efficiency Report (CEB).

While most junior officers who are career-minded join the AUSA—some admittedly want to join and do not have to be coerced—many of the career NCOs are far enough along in their careers and close enough to retirement that they are resisting pressures put upon them to join the AUSA.

Please do not think that my motivation stems from a sense of "sour grapes." I liked the U.S. Army enough to take a one year voluntary extension, and have, in the past few months, given more than passing thought to putting in for a recall to active duty. Further, I thought that my Commanding Officer was a fine soldier and officer. Unfortunately, he was pressured by his commander, who in turn was pressured by the next commander up the line, and so forth.

Be advised that I plan to write to my Senators (Clifford Case and Harrison Williams) urging them to support your bill.

In closing, allow me to thank you on behalf of the officers and men who are not in a position to speak out.

Sincerely yours,

FORT BRAGG, N.C., January 8, 1967.

DEAR SENATOR ERVIN: I noted in the *Fayetteville Observer* an article concerning coercion by military commanders to cause their troops to participate in bond savings programs and in charity drives. While the means used to "sell" soldiers on these matters are less than proper in many cases, it is usually not the junior commander who is at fault. Indeed, the fault lies, apparently, all the way at the top when Generals "imply" that subordinates' efficiency would be reflected in the amount of participants in the savings bond program or in the percentage of troops contributing to charity drives.

The bond savings program and charity drives are, however, to some degree worthy causes. In the case of the bonds, for instance, the soldier loses nothing.

We in the Army do, however, have one drive that is particularly aggravating, and that is the drive for "membership" in the "Association of the U.S. Army." Perhaps you are familiar with this organization already. It is staffed by virtually 100% retired Army officers. Apparently it does conduct lobbying activities in Washington. For whom it lobbies, I don't know, but I have a hunch for the people

who advertise in its monthly publication "Army." Among these advertisers are some of the biggest defense contractors in the country, including Lockheed, Grumman, Bell Aircraft, etc. The association claims its goals are for a bigger, better Army which is very high sounding and are, in fact, just what the Department of the Army's goals are. Too, those goals would be good for Lockheed, Gunman, Bell, etc., as all would profit from goals like "increased airlift capability," etc.

I don't mind at all seeing the A.U.S.A. working toward these high and mighty goals, but I *don't* like being coerced into contributing to it, and that is just what is happening here. We are told, of course, that the \$6.00 yearly dues is just that—dues—not a contribution and just to prove it, a "member" gets the monthly "Army" magazine and a membership card. We are told that we should support the A.U.S.A. because it lobbies for us and is our "voice" in legislative matters. We are told that, if the A.U.S.A. achieves its goals, we are bound to benefit. True, but that's simply because the goals are so high sounding.

What the A.U.S.A. really means to us enlisted men and most junior officers is "taxation without representation." While we are called up to "join," we have no voice in the decisions made by the A.U.S.A., these being made by the "General Staff," just like "the old days" in the Army.

Why the insistence that enlisted men join? I don't know. Maybe the battle of statistics is being waged in this area, too. Probably, though, they just need the money. You know, a retired general or colonel gets on the phone and calls one of his "active" friends, mentions that membership in the A.U.S.A. is sagging and a "drive" for fresh members would help. I'm sure you get the picture. Just the other month General Bruce Palmer boasted that the "Braxton Bragg" chapter of Fort Bragg would be the "biggest in the Army." Now we are going through the usual pressures here. "Interviews" by senior noncoms, lists prepared for the commanders information," etc. I'll let the two enclosures (rescued from a trash can) illustrate further.

Please do not use my name as I now have 17½ years service and would like to retire at my present grade. I'm only sending you this information because I noted that you are interested in these activities.

Sincerely,

DISPOSITION FORM: (AR 340-15)

Reference or office symbol: -----
 Subject: SMaj's Meeting Notes.
 To Assigned Personnel, T&T Committee.
 From: NCOIC, T&T Committee * * *.

1. A meeting was held by the Gp SMaj following is the information which was put out:

* * * * *
 j. Those who are not members of the AUSA, contact MSG * * * for necessary application blanks.

2. The above notes WILL be compiled with by all members of the committee. _____, NCOIC.

DA Form 2496, 1 Feb. 62.

Replaces DD form 96, existing supplies of which will be issued and used until 1 Feb 63 unless sooner exhausted.

JANUARY 9, 1967.

DEAR SENATOR ERVIN: I listened with great interest yesterday morning to a news account of your proposal to outlaw the coercion which is presently connected with the U.S. Savings Bond program.

* * * * *
 Perhaps, if you have the time to read on, you will find the whole story of interest.

I am a 43-year-old lawyer with 19 years service, 4 of it as an enlisted man in World War II with 49 combat missions and 4 Air Medals. I have never received so much as a verbal admonition and my effectiveness reports have all been—with the exception of the last one—in the "Very Fine Officer" category, at least.

My career was progressing at a normal rate, with a promotion to Major . . . January 1961, and a prospective promotion to Lieutenant Colonel in March 1966.

Then came the Bond drive of 1963. Unbelievable pressure was applied, with the

usual threats of loss of promotion and other dire consequences. My Group commander even gave me a written order to participate. I refused. (See enclosure 2.) [Not included in RECORD.]

The drive of 1964 caused me no trouble because I was blessed with a different, more fair-minded commander. During the 1965 drive I was in transit to . . . Pakistan.

In March 1966 I learned that I had been passed over for promotion to Lieutenant Colonel. While I was extremely reluctant to believe it, I was forced to conclude that my failure of promotion was a direct consequence of my failure to buy bonds.

In the latter part of June 1966 my commander at . . . announced a crash program to gain 100 percent participation in the Bond program by 30 June. The enclosed file relates the outcome of that Bond drive as far as I was concerned.

Upon my return to the United States in September 1966 I made a trip to . . . for the purpose of reviewing my Effectiveness Reports. I found that although Colonel _____ (my 1963 commander) had rated me in the "Very Fine" category and had made glowing comments about my honesty and integrity, he had also included a disclosure that I had refused to participate in the Bond drive.

His successor had given me an outstanding rating, and my first rating in . . . (March 1966) bordered on the outstanding.

Then came the real shock: Lt. Col. _____, who had known me but three months rated me in the mediocre category and commented that I had failed to support the commander in his programs, specifically, the Bond drive.

As you can see from the enclosures, I replied for relief . . . and was denied.

In November 1966 I learned that I had been passed over for promotion a second time and would no longer be eligible for temporary promotion.

I'm telling you all this, Senator, to give you assurance that the letters you've been receiving informing you of coercion in connection with the Bond drives are not merely the result of the usual GI griping. In my own case, as you can see, they carried out their threats; they've even ruined my career.

Please do something about this intolerable situation, Senator, not for me—it's too late—but for my associates in the Service.

I'd appreciate it if you didn't refer this letter to Air Force L&L; I've had enough ostracism to last me for a while. If you need more information though, let me know and I'll do what I can.

Sincerely yours,

_____, Major, USAF.

ELMONT, N.Y., December 15, 1966.

HON. SAM J. ERVIN, JR.

MY DEAR SIR: My son, who is a G.I. stationed in Germany, has sent me a clipping from the November 26, 1966, edition of *Overseas Weekly* which tells of your efforts to have the pressure on the G.I.'s to buy bonds removed.

I would like to quote a few lines written by my son last April—

"While I am not a martyr, I do take a little pride in pulling extra details sometimes because I feel I am right and it's a lot harder than taking the easy way out by compliance with the ridiculous. Case in point—they are having a big savings bond drive here and only about 10 people in the whole battery have not taken one out. I don't want the savings bonds. Well, a Lt. called me over today and told me to take one out and I could cancel it in 60 days and get my money back. This would have been very easy to do—all they were interested in was reporting a high percentage of sales to higher command. Well, I can't do something like this!"

This practice should be stopped. I know many people feel as I do, and are behind your efforts to get a bill passed to safeguard G.I. rights.

Very truly yours,

MOUNT STERLING KY.,
January 13, 1967.

DEAR SENATOR ERVIN: I read the attached article from my hometown newspaper, *Arkansas Democrat*, with much interest.

I completed my military service obligation as an Air Force Officer, and requested release to the inactive reserves in June 1966. During my four years of active duty I served as "Collection Officer," as most Lieutenants do, on many fund drives.

As I recall, these carried a quota which was set somewhere at a higher echelon of command. This quota was vigorously pursued by the Wing Commander, and it meant hounding young airmen and NCO's time and time again for their "fair share." I always passed off the collection to other officers and took only the task of keeping records. I frequently encouraged the men who complained to write their Senators or Representatives. Most of them were reluctant to do so as they were career men or were considering a career and didn't want to cause any trouble that they felt would reflect back on them.

With regard to the annual Savings Bond Drive, this was the most ruthlessly pursued campaign of the year. Commanders did everything to fulfill their imposed quotas. The end result was an increase of government expense as a lot of men who were persuaded to purchase bonds on the payroll savings plan cancelled the allotment after the drive, cashed the bond(s) in 60 days and returned to their previous savings plan.

I was told by my Commanders that I was unpatriotic for not buying the bonds, and that my not buying bonds reflected against me as an Officer. This Lt. Colonel was primarily interested in being the first Commander on base to achieve 100 ± participation. Many young airmen, NCO's, and Officers who had never thought about buying bonds came across with this sort of persuasion.

I sincerely believe that legislation is needed to protect the enlisted men from overzealous commanders at "Fund/Bond Drive time." Giving should not be based on a quota system. Savings Bonds should not be pushed on servicemen because they are a captive group. I know of two NCO's who were financially insolvent who were persuaded to spread their salary even thinner by buying bonds. I happened to be assisting each at the time and was able to intercept and destroy the allotments for them.

I hope you and your colleagues are successful in presenting your proposed bill to the Congress. I would like to have any printed information your Subcommittee has on this subject (Committee Hearing Reports, Bulletins, etc.)

Very truly yours,

JANUARY 11, 1967.

HON. SAM ERVIN.

DEAR SIR: I have read with interest your concern over the pressuring of Armed Forces personnel to participate in the Savings Bond Program. Since I have just recently left the military I would like to bring another facet to your attention which you may or may not be aware of. During the period that LTC Lester O. Styve commanded the 205th Trans. Bn AM&S here in Europe this was the method he directed for anyone to follow to cancel a Savings Bond. Each individual in the individual's chain of command had to interview the person concerned and then all personnel concerned had to appear before the Bn CO, i.e., the individual, the squad leader, the platoon sergeant, the platoon leader, the 1st SGT, and finally the Company Commander. The fact that all had to travel at other than government expense, except possibly the soldier concerned, and the fact that we were required to travel 90 to 100 miles did not seem to daunt the Bn CO at all. This and other malpractices on this officer's and many other of our so-called leaders' part is the main reason that young intelligent soldiers become disenchanting with the Army. I trust that you will see to it that these young men can at least exercise their right to cancel an allotment at their own discretion rather than be subjected to humiliations such as this. When I have time I would like to discuss the methods used to collect money for various type drives at the pay table. This is much worse than the bond program.

Sincerely,

DUBUQUE, IOWA, January 9, 1967.

SIR: Thank you for doing something about the service men buying savings bonds under pressure. I have one son in Viet Nam and another one who just returned from there so I know about it. When these boys risk their lives they should not be forced to pay the expenses too.

Thank you again.

JANUARY 9, 1967.

Senator SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SIR: Enclosed is a copy of a news article reference some recent actions taken by yourself. Accept my sincere thanks!

The subject matter, of course, is only one of a number of things becoming more and more irksome in the military service.

Never think for a moment that we older people in the military are unaware or unappreciative of efforts like yours on our behalf. Sometime, if you should ever be visiting an area where I am assigned I'd like to sit down and discuss with you some of my own feelings concerning the peculiar position of the career soldier in our present day society.

Being a World War II combat veteran, my own inclinations, at present, are to hang it up and retire to a normal civilian-orientated life.

Please accept my letter as an expression of interest and appreciation re your comments. While not an anonymous letter writer, be advised that I have absolutely no desire to become identified as an individual (in the military) who would write to a government official. However, I believe it is very important that you be aware that efforts in behalf of the military, at the "little man" level certainly do not go without notice. Most pressures brought to bear are not the kind provable in definitive form.

Will close here before I expand. Again thank you for your concern.

Respectfully,

_____, M. Sgt. USAF.

ROBINS AIR FORCE BASE, GA.

I am very interested in the passage of Legislation restricting the use of force and coercion in Military Installations during charity drives and savings bond sales.

I encountered such force and coercion at Keesler AFB, Miss. during the United Fund Charity Drive and personally think this type action is unconstitutional. Thank you for your efforts in correcting this problem.

Yours truly,

JANUARY 8, 1967.

DEAR SIR: Congress should act on the give away programs which is done against our will. In the Air Force they give us detail or K.P. at Keesler if we didn't give or buy bonds. (UGF) I also gave to United Fund but I ended up with KP or detail because I didn't give a fair share!

At the time I didn't get very much and the wheels knew it! I paid out more than came in!

Really it is no one's business what I give and everything is on an IBM card including name and where I work. Where will it end? I give but not because someone tells me to! Also I seal it up. The USO places are really poor for all the money GI's give.

AVONDALE ESTATES, GA., January 7, 1967.

Re U.S. savings bonds investigation.

Senator SAM J. ERVIN, Jr.
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: I have today read in the Atlanta Journal where your subcommittee is investigating complaints of servicemen that coercion is being used against them to force purchase of U.S. Savings Bonds. Recommend your efforts and I hope that positive steps will be taken to end this.

I know from experience in the U.S. Air Force as a Lieutenant from 1962-1965, stationed at Hancock Field and Stewart Air Force Base, New York, that coercion to buy U.S. Savings Bonds is not the exception but the rule, and I believe that you will find that the reason for this comes from the top, from the commander and I assume, all the way to the Pentagon. Evidently some administrative

bureaucracy has set goals for the purchase of U.S. Savings Bonds within the Defense Department and these goals extend to the lowest department and organizational level, throughout the world.

I saw proud officers with over 20 years service, who had served with distinction and bravery, forced to buy bonds themselves and in turn were forced to coerce their men to buy. Sometimes you consider what the Generals think are important in a military unit. Sure, it is patriotism to invest in your country but to force this upon men will destroy their patriotism. *It must be stopped!* Some of the men cannot even afford to buy Bonds.

Senator Ervin, I'm sure that you and your colleagues have the power to stop this flagrant abuse of constitutional rights. I believe that all goals for the purchase of U.S. Savings Bonds should be eliminated within the Defense Department. When you see a percentage of over 80% participation such as the Army has, you know there has been wholesale coercion. Just because a serviceman does not buy a bond, this does not mean he is unpatriotic. Tell the Defense Department that they are not fooling anybody but themselves when they push participation this far.

I was also pleased to read your comment to the Pentagon's request for the names of persons who had complained—"The risk of reprisal is not worth such an exercise in futility." How true that statement is, sir, and I'm glad that Senators realize this.

Good luck!

Sincerely yours,

OVERLAND, Mo., January 7, 1967.

DEAR SENATOR ERVIN: Thank God for men like you that are not afraid to speak out against the Military establishment that is and has threatened our servicemen with various reprisals if they do not buy savings bonds. In a long conversation with my son while home on Christmas leave from his military base at Fort Dix, New Jersey, he related to me some of the punishment given to some boys who did not sign up for savings bonds, such as, as many as 150 to 200 push-ups, extra K.P. duty—sometimes 48 hours without rest in one K.P. duty stretch—, demerits of all kinds for the least little infraction of their strict rules. I don't mean to ramble in this letter but would like to give you my son's case. He received his degree from the University of Missouri last June and went to work immediately after graduation until being drafted first of October. He worked 3½ months before induction and bought eight \$50 savings bonds, so you see he is not against savings bonds or, as far as that goes, in saving money, period. My son had to borrow money from the U. of Mo., the Methodist Church, and the government and worked part-time plus what help we could give him to get through school. We could not help a lot for we have two daughters in college, also, and are a family of a limited income.

My son is receiving about \$90 per month before taxes are taken out, plus paying for his GI insurance, plus \$10 a month to College Life Insurance Company of Indianapolis, Indiana, an insurance program he has had since the beginning of his senior year in college and felt he had too much invested in it to stop it, plus he pays \$20 a month on his loan to the church, plus \$20 a month on his loan to the U. of Mo. So, Sir, you can see, by the time they take out the \$6 a month that his Sergeant made him sign up for bonds, leaves him practically nothing. Other than being a life-long Democrat, I don't have any pull or connections or the power to do anything about these wrongs that are being done to our servicemen, but I can and will say this: I will not vote Republican, but I sure as H... will not vote for Johnson again.

I certainly would sign my name to this letter if I did not think that in some way it might get into the hands of some military official and could jeopardize my son's career in the Army. In a few more weeks he will be going to officers school, and I do know that when and if he receives his commission and his income increases, he will not have to be harassed or coerced into buying savings bonds for he, as you and I, is a very patriotic young American, plus being very thrifty and a good manager.

May I suggest, Senator Ervin, a public statement by you on the Senate floor that this practice by the military cease at once, or there could be a bill introduced that a serviceman making \$90 or less per month not be permitted to buy savings bonds by payroll deductions. I believe that your fellow colleagues in the House

and Senate that were given the knowledge by you what is taking place in the various branches of the services about this condition, would certainly join you in passing such legislation as this. May I again commend you for your work as a great Senator and Democrat, and may your political life be long and to the good of the average, patriotic American citizen.

Best regards,

JANUARY 10, 1967.

Hon. SAM J. ERVIN, Jr.
U.S. Senate,
The Capitol,
Washington, D.C.

DEAR SENATOR ERVIN: Several days ago, I saw a newspaper article which was rather vague about a bill you are introducing to take some of the heat off of our service men in this matter of soliciting for certain community organizations on military posts. Congratulations. I have watched this type of solicitation for twenty-five years. In fact, since I was in service myself.

It has always been my thinking that if they are going to solicit from service men in communities where a service man does not reside, he should at least be given the option to send whatever donation he wishes to make to his home town. After all, what interest does a service man have for a community where the Armed Forces have sent him other than to get the training that he is receiving. The item that I read was not too clear but nevertheless, it appeared to me that you were trying to do something and for this, I commend you.

With kindest personal regards,
Cordially yours,

JANUARY 13, 1967.

Senator SAM J. ERVIN, Jr.,
Washington, D.C.

DEAR SIR: I read with pleasure an article in the Atlanta Journal about a bill you have introduced to protect government employees and service men from being coerced into so-called "voluntary" contributions. This has been desperately needed for some time. More power to you.

I know of several instances—one concerning my own son—and from others in the service, where men have been disciplined and threatened for not contributing to "voluntary" contributions.

I've been told that commissioned officers pass the word down that their units are expected to contribute one hundred per cent. That officers place bets on whose unit will be the first with one hundred per cent in contributions.

I read with sickness and disgust about our Marines out on patrol and in fox holes who were given an "opportunity" to invest in bonds. It seems it isn't enough that they lay their lives on the line in this war—but that they must help finance it, too.

A service man returned home from France after we were "kicked out" said that on their last pay day there, there was a line of French representatives from French charities waiting for contributions, and it was "suggested" that our service men contribute "to show good will to the French."

I know that we have a law against reprisals to service men who report these things. I'm very happy to read you stated that risk of reprisal is "not worth such an exercise in futility".

I've read article after article about men leaving the service after completing the time for which they signed up—refusing re-enlistment—and what a cost it is to retrain men to replace them. I don't wonder, and can't understand why the government wonders, why this is so. A young man who is brought up to love his country, and goes into a service to serve Her, soon learns what it takes to gain promotions, to escape rigid discipline by making contributions to all "voluntary" collections, realizing he needs to stay on the "good side". The ordinary discipline of service life is something needed, and some, like my son, enjoy it, but these extra disciplinary measures concerning "voluntary" contributing to not only American charities, but foreign ones also, is just too much. The ordinary competition of service life should be enough, without competition in how much and whether contributions are made, in gaining promotions and trying to get ahead in the chosen service.

More power to you, sir, and your committee.

Respectfully,

EAST LEBANON, MAINE, January 11, 1967.

Senator MARGARET CHASE SMITH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: Many reports of coercion in regard to the buying of U.S. Savings bonds and charitable donations have been forwarded to the Senate Constitutional Rights subcommittee by armed forces personnel. I feel that this is a most serious problem in the armed forces and perhaps in other government agencies that should be of immediate concern to the Congress. Most of the men in the Army today I feel are happy to support their nation not only by their tour of service but by buying bonds if it's necessary. However, the methods by which bonds are sold should be a personal matter left up to the conscience of the individual and of course this applies to charitable donations.

My interest in writing this letter is to bring this important matter to your attention and to ask you to look into the problem.

* * * * *
Sincerely yours,

JANUARY 13, 1967.

Hon. SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I read with much appreciation your public statement concerning the pressuring of both military and civil personnel of the federal government to buy savings bonds and to contribute to charity. It is my hope that you will succeed in getting legislation prohibiting this most unfair conduct. During my incumbency in public office, I prohibited such conduct towards personnel under my jurisdiction. Although I was criticized by these professional patriots and sob-sisters, I stuck by my guns. I have been both a federal and a state officer and had the opportunity of observing just what you referred to in your public statement.

One of the most shameful examples of this thing happened in 1917 at Ft. Monroe, Virginia. Enlisted men were herded into a large mess hall and urged to buy Liberty Bonds. Most of these men were receiving only \$30 a month. They were told that they were not being ordered to buy these bonds but that it was their patriotic duty to do so and to put the last ounce of pressure upon them, they were told that *they must sign a statement to that effect, if they refused to buy a bond*. You find these little crusading busybodies in both the military and civil service. Some of the worst were in the military service.

Since communicating with you last, I have retired from public service after twenty-five years and am now practicing law in a very leisurely way.

Wishing you success with your proposed legislation, I am,

Cordially yours,

JANUARY 14, 1967.

Hon. Senator SAM J. ERVIN,
U.S. Senate.

DEAR SENATOR: In reference to the attached clipping, it is heartwarming indeed to realize that at long last someone is on our side.

On behalf of many hundreds of thousands of servicemen I would like to say thank you, thank you, thank you and God bless you.

Yours very truly,

Sergeant, USAF.

COMMITTEE PROBES BOND DRIVE COERCION

(By John Chadwick)

WASHINGTON.—The files of the Senate Constitutional Rights subcommittees are bulging with complaints from servicemen and federal employes that they are coerced into buying savings bonds and making charitable contributions.

Letters from servicemen tell of being denied promotion and even of being threatened with shipment to Vietnam if they fail to buy bonds.

The subcommittee also has received reports of Marine sergeants being sent into the foxholes in Vietnam to sign up fighting men for bond purchases.

Sen. Sam J. Ervin, Jr., S-N.C., subcommittee chairman, has introduced a bill that would, among other things, protect government employes against any form of compulsion to buy bonds or contribute to charity.

In a recent letter to Thomas D. Morris, assistant secretary of defense for manpower. Ervin wrote: "It is becoming glaringly apparent that legislation is needed to protect servicemen as much—or more so—as it is to protect civilian personnel."

Morris said the Defense Department not only does not authorize coercion of civilian and military personnel to buy savings bonds or contribute to charitable campaigns but has not and will not condone such coercion.

Ervin replied "the numerous complaints from civilian and military personnel throughout the world" indicate that the mere continuance of the Pentagon's support of established grievance procedures is insufficient.

The senator declined to submit to the Pentagon for investigation the names of persons who had complained to the subcommittee. "The risk of reprisals is not worth such an exercise in futility," Ervin wrote.

The senator's letter said that "a Marine general has been quoted as saying that his men in charge of the bond drive in Vietnam were not deterred from achieving the unit goal."

"They went to forward positions and interviewed Marines in fighting holes and kept track of the patrols so that every individual had an opportunity to hear how he could invest his money in a worthwhile savings program," he quoted the general as saying.

Ervin added: "I find this story grotesque."

The Treasury Department said 1,427,602 servicemen were enrolled in payroll savings plans—where bonds are automatically purchased and the price is deducted from pay—as of last Sept. 30.

It said the percentage of those enrolled, compared with total strength, varied widely among the services.

As of Sept. 30, the Army had 84 percent enrollment with 765,133 active participants followed by the Air Force with 45.3 percent or 392,542 participants.

The Navy and Marine Corps combined had 27.2 per cent participation, the department said, with 201,637 Navy personnel and 68,290 Marines taking part.

Of federal, civilian employes, 73.8 per cent or 1,687,129 persons were enrolled in the payroll savings program as of Sept. 30, the department added.

During the first nine months of 1966, the department said, \$648.1 million in bonds were bought by federal employes both civilian and military under payroll savings. Civilians bought \$445.2 million and the military \$202.9 million.

JANUARY 8, 1967.

Senator SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: It was with a great deal of interest that I read a front page article in The Atlanta Journal, Jan. 7, 1967 of military and civilian personnel being coerced into buying bonds and making "charitable" contributions.

Further, I admire you for your refusal to submit to the Pentagon the names of persons who had complained to your sub-committee.

As a civilian employee of the ——— Army Depot ——— the same sort of thing happened to me in connection with purchasing bonds; rarely a week goes by when an envelope is not passed to collect funds with which to purchase something for someone who is ill, leaving by retirement, or promoted; and the so-called "established grievance procedures" are so much white-wash.

The bond approach was made on the basis that the Chief of the Division wanted 100% of those in the division purchasing bonds. No statement was made, as to what would happen if one refused; however, it isn't difficult to imagine. I feel I'm capable of deciding whether I do or do not wish bond deductions without it having been decided for me and in view of the salary I receive, even the small amount deducted for bonds makes a difference to me.

* * * * *

In writing this, I trust that it and my name will not be made available either to the Pentagon or to the Civil Service Commission for as the paper quotes you "The risk of reprisals is not worth such an exercise in futility".

With kindest regards, I am,

NEW LONDON, CONN., *January 12, 1967.*

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: I would like to congratulate you on your proposed legislation regarding coercion of federal employees and servicemen, as recently reported by the A.P. news service.

At various times during my 22 years of federal service I have been "pressured" in varying degrees—and I have exerted pressure, for bond drives, United Funds and other worthwhile endeavors.

The most recent of these worthwhile activities is absentee voting, where we are trying to achieve maximum participation, and in the process we are pressuring people to request ballots.

In all cases the objectives are certainly worthwhile and most commendable.

The "arm twisting" to obtain these desirable goals appears to me to be getting progressively worse, and I think it is now time to put a stop to it.

I would recommend legislation to stop any hint of coercion and also to prohibit superior commands from publishing statistical comparisons of their subordinate units in such "voluntary" undertakings. I believe these bar-graphs and percentage tabulations lead directly to the offensive coercion.

Again, thank you for your efforts in behalf of servicemen and federal employees.

Yours truly,

PRESTON, GA., *January 20, 1967.*

Senator SAM J. ERVIN, Jr.,
Subcommittee on Constitutional Rights,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am very interested in your legislation to end coercion during charity and U.S. Savings Bond drives. For goodness sake keep the penalties in the bill.

I am an employee at the Marine Corps Supply Center, Albany, Ga.

I bought Savings Bonds under the payroll deduction plan for eleven years. During January of 1966 they got five weeks behind with my bond. No one could give me a satisfactory answer as to why they were behind. After approximately four months I contacted the head of payroll section. They stated they knew I was five weeks behind but didn't know whether they would ever catch it up. They said Charleston Navy Yard, where the Bonds were issued, had changed their system. I then discontinued buying bonds on the payroll savings plan. I began to buy a \$50 bond at my bank every pay period, at the time I deposited my check. Shortly after this they had a Savings Bond drive here. I explained that I was buying bonds at my bank and that I quit the payroll deduction plan because of their inefficiency. I was called in by two top supervisors and received the usual arm twisting. However, I did not go back to the bond payroll deduction plan and have no intention of doing so.

As of this date, a report goes to the Division Director, who is a Marine Corps Colonel, each month with the names of all people who are not taking bonds on the payroll deduction plan, listing them as nonparticipants. I am listed as a nonparticipant, even though I have over \$4,000 in Savings Bonds and buy a \$50 Bond every two weeks from the bank. Frankly, I didn't think the Government cared where you bought their Savings Bonds. I have the bonds for anyone to see at anytime they want to. If you want me to, I can send you the serial numbers of my bonds.

It has been made pretty plain that I will not be considered for any promotion unless I join the bond payroll deduction plan and my job would be more secure if I joined.

I served in the U.S. Army from 1938 through 1945 with service in Europe during World War II. I love my country and know that my loyalty cannot be questioned. However, I don't like to be harassed when I'm doing all I can to support my country. What goes on here and is still going on is unbelievable.

You may use this letter in any way you see fit, especially if you have occasion to consult Senator Richard B. Russell concerning your legislation.

Yours truly,

JANUARY 18, 1967.

DEAR SENATOR ERVIN: I read with considerable interest about the bill you have introduced to protect Government employees against compulsion to buy bonds etc. I want to congratulate you on your initiative. A bill like this has been needed for a long time. But, more important, I want to thank you from the bottom of my heart for declining to submit to the Pentagon the names of the people who complained. I only wish there were more representatives who felt as you do. Perhaps it would take some of the futility out of the lives of career servicemen and give them one of their rights which most of them are now afraid to take advantage of—the right to protest.

I have been married to a career marine for eight years, and in that time I have seen injustices done which no civilian would put up with for a second. "Write to your Congressman" I've said to many a Marine, including my own husband, only to be pounced upon like I had said "dig your grave and jump in." Most of them feel the consequences aren't worth it, and usually, they are not.

A few years ago when we were stationed in Hawaii a friend of mine was living in low-cost housing at the base at Kaneohe. After one of our so called pay raises, they raised the rent on the low-cost housing from \$80 a month to \$105 which is full quarters allowance. E-5 and below were paying the same price for houses which were the next thing to slums that the higher ranks including officers were paying for beautiful ranch-type quarters. I thought she had a good complaint. Write to your Congressman I said. And she did, she wrote to two of them. As for me, I'll never give that advice again. When her husband was passing through D.C. last year he stopped to check his record book and there big and plain for all the world to see, including the promotion boards, were all the letters his wife had written to our so called representatives.

The Marine Corps especially seems to be guilty of Mafia-like tactics. It seems that they can get you for anything they don't happen to like, including "ratting to your Congressman" on the article or law known as "Conduct unbecoming to a Marine." It seems to me that it's about time service men started to get a few of the rights and liberties it is their job to protect for others. The first on the list as far as I'm concerned is the right to protest without fear of reprisal. Again, thanks. It's good to know we have a friend out there. We are going to be permanent residents of North Carolina soon and it will be our pleasure to vote for you. If I were writing this to any other member of Congress, I'd probably chicken out and sign it anonymous, but in view of your record, I'll chance my name.

Sincerely yours,

 JANUARY 18, 1967.

SENATOR ERVIN: A note in the *Washington Post* of 17 January about coerced contributions to charity and savings bond drives in the military leads me to write about my experiences.

Navy Relief is a fine charity, but the Marine Corps fills its coffers by questionable methods. The last Navy Relief drive was going slowly, so the enlisted men in my company were paid in cash one payday in mid-drive. Each man had to go to the company commander, who spent all day, with the help of a sergeant, counting money. I stood in line a few minutes, gave my name to the sergeant, who called out the amount I was to be paid, which was a dollar less than my usual pittance. I objected to the company commander, who, after giving me a look like Benedict Arnold's CO must have given him, gave me my pay in full.

The Navy Relief drive before the one described above was a worse affront. After going through the pay line, I was given five dollars *more* than my normal pay. I wasn't told the reason—who asks why pennies fall from heaven? I was on my way out of the company office when the first sergeant yelled at me to come back. He growled something about Navy Relief. When I said I didn't want to contribute he began deriding me as a divisive influence in the company, the sort of man who keeps the others from standing solid behind the 100 per cent contribution goal. He concluded his remarks with a contemptuous, "Get out of here and don't come back." When I wasn't promoted along with others in the company of similar longevity and proficiency, I could trace at least one cause back to the Navy Relief drive.

I have no doubt this sort of things goes on in every unit on every base in every service. One reason for it is that a unit quota concept leads to a man-quota concept. Do away with the requirement that each unit produce so many dollars and cents, and you escape the tendency to dragoon each man for his "share" of the unit's quota.

No grievance procedure works without the power of solidarity held by the aggrieved. And the only union among the lower enlisted ranks is the union of the — upon. All written complaints have to go through the office whose idiocy provoked the complaint. So even if the complaint produces a change, the complainant is marked as a "troublemaker." The result is the choice between paying off the company with a dollar for Navy Relief and standing up for your rights and heading the work detail list.

I'm getting out in 61 days, so the situation no longer reduces me to black impotent anger. But it's like the napalmed children of Viet-Nam—I'm not directly involved, but I'd like to see something done.

ANN ARBOR, MICH., *January 20, 1967.*

HON. SAM J. ERVIN, JR.,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Thank you for your letter of January 17 replying to my letter of December 13 outlining some of my experiences with Savings Bond and Charity drives while serving in the Army.

* * * * *

It may be useful for you to know that besides experiencing the situations outlined in my letter, I observed that much of the pressure exerted by the Executive (it was and still is my understanding that the pressure to show 100% "voluntary" participation in Savings Bond drives originates at the White House) is futile. A substantial percentage (my guess would be of the order of magnitude of $\frac{1}{3}$ to $\frac{1}{2}$) of the soldiers I knew who did purchase a bond to please their commanding officer cashed them in at the first opportunity, probably costing the government more in clerical expense than the value of the bond for the few weeks it was outstanding. In fact, this practice was always suggested to those of us who resisted on principle: "Why do you rock the boat, just take the minimum contribution and cash it in in 60 days—don't be a troublemaker." The rocking of boats, I might add, was cardinal sin number one.

Let me assure you that I am not a chronic malcontent; I enjoyed my tour of active duty in the Army, and offer my observations as hopefully constructive criticism. I appreciate the problem of teaching and maintaining discipline in a military organization, but feel rather strongly that the Regular Army Establishment allows "discipline" to be the excuse for riding roughshod over important democratic values and traditions.

I hope these observations are helpful to you.

Sincerely,

SANTA ANA, CALIF., *January 15, 1967*

HON. SAM J. ERVIN, JR.,
U.S. Senate, Chairman, Senate Constitutional Rights Subcommittee, Washington, D.C.

SIR: Last week I read the enclosed article in the January 12, 1967, issue of the San Diego Evening Tribune. I cannot agree with you more that the service needs legislation to protect itself from over-zealous charity and bond drives.

By pressure, a unit commander may obtain 100 percent participation in a bond or charity drive and thus receive a higher grade on his personal fitness report. Many officers and men in the service, including myself, believe that they should buy bonds and contribute to charity. However, it is a different matter when these deeds no longer remain the choice of the individual.

I work in a unit that is very highly trained. It costs the United States many thousands of dollars to train and educate the men with whom I serve. But their worth cannot be measured in terms of dollars—they *want* to serve their country and are willing to risk their very lives for it. No amount of money can buy that!

Yet our own organization destroys its morale and provides the "straw that broke the camel's back" with these forced drives. Men of courage do not like to be told that their participation in these drives will be reflected in their fitness reports. If commanders make their men cower to obtain the necessary percentage in a bond drive, what will these same men do when faced by a determined enemy?

Very respectfully yours,

Captain, USMC.

[From the San Diego (Calif.) Evening Tribune, Jan. 12, 1967]

U.S. BOND SELLERS PLAYED FOR COERCION—PROMOTIONS DEPEND ON PURCHASE, YANK SERVICEMEN COMPLAIN

WASHINGTON.—The files of the Senate Constitutional Rights Subcommittee are bulging with complaints from servicemen and federal employes that they are coerced into buying savings bonds and making charitable contributions.

Letters from servicemen tell of being denied promotion and even of being threatened with shipment to Vietnam if they fail to buy bonds.

The subcommittee also has received reports of Marine sergeants being sent into the foxholes in Vietnam to sign up fighting men for bond purchases.

Sen. Sam J. Ervin Jr., D-N.C., subcommittee chairman, has introduced a bill that would, among other things, protect government employes against any form of compulsion to buy bonds or contribute to charity.

LEGISLATION NEEDED

In a recent letter to Thomas D. Morris, assistant secretary of defense for manpower, Ervin wrote:

"It is becoming glaringly apparent that legislation is needed to protect servicemen as much—or more so—as it is to protect civilian personnel."

Morris said the defense department not only does not authorize coercion of civilian and military personnel to buy savings bonds or contribute to charitable campaigns but has not and will not condone such coercion.

COMPLAINTS MANY

Ervin replied "the numerous complaints from civilian and military personnel throughout the world" indicate that the mere continuance of the Pentagon's support of established grievance procedures is insufficient.

The Senator declined to submit to the Pentagon for investigation the names of persons who had complained to the subcommittee. "The risk of reprisals is not worth such an exercise in futility," Ervin wrote.

GENERAL QUOTED

The Senator's letter said that "a Marine general has been quoted as saying that his men in charge of the bond drive in Vietnam were not deterred from achieving the unit goal."

"They went to forward positions and interviewed Marines in fighting holes and kept track of the patrols so that every individual had an opportunity to hear how he could invest his money in a worthwhile savings program," he quoted the general as saying.

Ervin added: ". . . I find this story grotesque."

PURCHASE IS AUTOMATIC

The Treasury Department said 1,427,602 servicemen were enrolled in payroll savings plans—where bonds are automatically purchased and the price is deducted from pay—as of last Sept. 30.

It said the percentage of those enrolled, compared with total strength, varied widely among the services.

BREAKDOWN LISTED

As of Sept. 30, the Army had 84 per cent enrollment with 765,133 active participants followed by the Air Force with 45.3 per cent or 392,542 participants.

The Navy and Marine Corps combined had 27.2 per cent participation. The Department said, with 201,637 Navy personnel and 68,290 Marines taking part.

Of federal civilian employees, 73.8 per cent or 1,687,129 persons were enrolled in the payroll savings program as of Sept. 30, the Department added.

During the first nine months of 1966, the Department said, \$648.1 million in bonds were bought by federal employes both civilian and military under payroll savings. Civilians bought \$445.2 million and the military \$202.9 million.

SOUTH BEND, IND., *January 25, 1967.*

DEAR SENATOR ERVIN: I have read that you and the members of your Senate Constitutional Rights Subcommittee are trying to introduce legislation that

would protect government employees, and especially servicemen, from the type of coercion represented in the letter I am enclosing. May I thank you, and offer my full support for your efforts? As I am sure you must realize, this type of legislation is very difficult to enforce, but despite what Mr. T. D. Morris of the DoD says, the pressure comes from the Pentagon, and in the long run, through lowered morale and especially, reduced enlistments, it has a very detrimental effect on the services.

Sincerely yours,

U.S. NAVAL AIR STATION, OCEANA,
Virginia Beach, Va., June 27, 1966.

NAVAL AIR STATION, OCEANA,
Virginia Beach, Va.

DEAR MR. ———: The President has asked that each member of the federal service, military and civilian, subscribe to the U.S. Savings Bonds Program through the payroll deduction plan. Through this plan you can get a bond for as little as \$6.25 withheld each month; receiving an \$18.75 bond every three months.

The purpose of the campaign is to reduce spending and thus slow the upward drive of costs—in other words, inflation. With members of the federal service supporting the program, the general public will be encouraged to join, too. For those of you who are economists, I need not remind you of the reverse multiplier effect caused by buying government bonds. The small amount invested by each individual can help when multiplied by millions of participants.

Also, lest we all forget, our President has asked this: and he is the one at whose pleasure we hold our commissions, serve, and are promoted.

In personnel administration, study reveals that to get work done, to provide esprit and achieve morale in an organization, support must be in two directions. The business provides equitable, safe, and reasonable conditions of work. Those who then take the job are expected to carry out the requirements of it as a condition of work. For a commissioned officer, this could include participation in saving programs such as that being requested by the President.

Enclosed is a form to assist you in your decision. Just write the name of the co-owner, his or her address, and sign your name. Then turn in, in an envelope, to your Head of Department.

Won't you join me? I have my small bond deduction.

Sincerely,

DEXTER C. RUMSEY II,
Captain, U.S. Navy.

—————, S.C., January 31, 1967.

DEAR SENATOR ERVIN: I have read many articles about your strong feelings against coercion in bond drives and various charities. Presently I am stationed at Shaw Air Force Base, assigned as a jet engine mechanic. My unnecessarily bad experience with just such a bond drive may to some be unimportant, but to me the freedom to choose is most important. Because I chose not to participate in the bond drive I have suffered the consequences, humiliation, promotion and almost my self-respect. One person standing alone cannot combat the overwhelming superior forces of our service. Buying United States Savings bonds is not the subject in which I object; it is the procedure in which they are presented to men in all branches of the service. Individuals who are in charge of filling their bond quotas specify that you have free choice in deciding to buy or not to buy a bond, even when it's the 12, 15 or 25th time you are approached; they specify you have a free choice, but religiously they come, always asking the same question, "Why not?" We have a free choice, but it had better be yes to get along in our service system.

Right now we are engaged in a war in Vietnam, military men are losing their lives to stop communist aggression so that we may live in a free society. Is it a free society if we cannot choose to buy or not to buy a savings bond. If this ugly monster of coercion is not exterminated from the service, where will it end? Will I have to go to the church of military choice, will the Government choose my wife and how big my family should be? Being in the military we are obligated in our actions and thoughts to an extent, but we must draw the line somewhere or else it's not just the military system, it's just plain old-fashioned dictatorship.

Rid us men of this repulsive unwritten law of conformity. Make all men, in all ranks, stand out as men, not just puppets on a string. Dissolve this unwanted but tolerated cancer in our service system, cut the strings and forever abolish puppetism. Give us service men back our duly deserving freedom of choice—do this one thing and you will achieve a well-rounded superior defense system second to none. I ask this not for myself; for my actions and thoughts I feel no remorse. I ask this for my fellow GI's and the men that will follow in my place.

FEBRUARY 1, 1

DEAR SENATOR SAM J. ERVIN, JR.: Sir I read your article in a newspaper^r concerning servicemen being forced to buy U.S. Savings Bonds. I had been trying to cancel bonds since last May, but it is a ships rule that this unit will have 100% participation or else. The reason I wanted to stop my bonds last May was because there had been a mix up in addresses and I still have bonds missing. At that time I wished only to stop until mailing was correct, but the Captain, Executive Officer and Paymaster said "I must have one out."

This January I receive orders to Squadron One in Viet Nam which I had volunteered for. I was transferred off this unit to Coast Guard Base Alameda, Alameda, California for further training. The day of my transfer the Executive Officer let me cancel my bonds. At Alameda they cancelled my orders two weeks later and sent me back to this unit. They've been trying every means possible forcing a bond on me.

Today I was informed by my Engineering Officer by a direct order from the Captain "I will stay aboard every night until 10 P.M. until I agree to take out a bond." I would appreciate any help you could give concerning my problem. I know my rights as a American citizen of the United States of America and I'm holding my stand no matter what force they use.

Sincerely,

HEADQUARTERS, 3D BATTALION, 9TH MARINES,
3D MARINE DIVISION (REIN) FMF,
FPO San Francisco, Calif., February 7, 1967.

MEMORANDUM

From: Commanding Officer.
To: Company Commanders and Section Heads.
Subject: Savings Bond Program.

1. In view of the excellence of performance in the many areas of endeavor of units of this command it is incomprehensible that our objectives in the bond program have not been realized.
2. In view of the personal benefit accruing to the individual Marine and in view of our objective of 95% minimum acceptable participation, maximum emphasis is required from all unit leaders.
3. In the event 95% participation has not been attained by each company of this battalion by 101200 February 1967 unit commanders will discuss their program with the Battalion Executive Officer.

S. G. FAULK,
(By direction).

WASHINGTON COURT HOUSE, OHIO, February 10, 1967.

DEAR SENATOR ERVIN: While my son, an Army Private, was home at Christmas, he informed me that upon entering the Army at Fort Benning, these boys whose entire monthly pay is about \$100.00 per month, were "encouraged" to deduct a bond a month. With so little money, I do not see how anyone can expect to take away \$18.75 from a serviceman's paycheck of this proportion for savings bonds. My husband, at present a 20-year Air Force officer, went through this several years ago but our income is such that we do not object—only the manner in which the "Brass" of the Armed Forces get their 100% participation from all servicemen.

This same coercion is *more* pronounced on a military facility when it comes to local United Fund campaigns—in fact, my husband was told that "if you do not give the specified amount, determined by rank, you will go see the Colonel.

Then, if he can't convince you, you will go see the General." Then, as anyone in military service knows, a list is made of all those who refuse and note is taken when promotion time rolls around.

I can't believe that this "give or else" practice is justified *any* place in the Armed Forces or for *any* cause. Many of the officers who have participated in previous bond drives have done so unwillingly but to save their chances of promotion, then redeemed the bonds at an early date. One hundred percent means nothing when resentment or necessity reduces the bonds through immediate redemption.

Sincerely,

Air Force Wife and Army Mother.

SAVINGS BOND SALES PRESSURE IS BANNED

(By Roulhac Hamilton)

WASHINGTON.—Acting under the prod of the Senate subcommittee of constitutional rights, the Defense Department has promulgated a new order prohibiting use of coercive methods in persuading civilian employes and military personnel to participate in United States Savings Bond-purchase campaigns.

The action followed sharp criticism by subcommittee Chairman Sam J. Ervin, Jr., of bond-purchase campaign practices within the Defense Department and the Army, Navy and Air Force in denouncing the Defense establishment's activities. Ervin cited as an example the boast of a Marine Corps general that he had had his Savings Bond squad solicit his men while they were in Vietnamese foxholes in mortal combat with the enemy.

The resulting Defense Department directive says:

"Any practice that involves compulsion, coercion or reprisal directed to the individual serviceman or civilian employe because of the size of his contribution or his failure to contribute has no place in the federal campaign.

"Coercive practices debase the spirit and purpose of the program. They cannot be tolerated or condoned. The choice of whether to buy or not to buy a United States Savings Bond is one that is up to the individual concerned. He has a perfect right to refuse to buy and to offer no reason for that refusal."

The betting odds around Washington are that the directive will not stop the practice of coercive tactics. There have been similar directives before, in defense and other agencies, and complaints continue to pour into Ervin's subcommittee from those who have been victimized by commanding officers and supervisory officials determined to meet both monetary and participation quotas, set sometimes by themselves, sometimes by their own superiors.

FEBRUARY 17, 1967.

DEAR SENATOR ERVIN: I've delayed long enough!! Ever since I read an article about your stand on investigating pressure tactics used in the Army to encourage 100% participation in the U.S. Savings Bond program, I've wanted to relate to you my personal story.

It happened while I was in basic training at Fort Knox, Kentucky. In the beginning we were briefed that the company commander wanted all of the men to buy a bond. Personally, I don't prefer bonds as a method of saving, so I told my assistant platoon sergeant that I didn't want a bond. Afterwards, I had to be counseled by the platoon sergeant (3 times). Next, it was a trip to the first sergeant and then to the captain, with whom I talked several times. After the captain decided that I didn't want to invest, he told me that I would then have to talk to the battalion commander and if the battalion commander couldn't convince me, it would mean a trip to the regimental commander.

Well, I was never counseled by the battalion or regimental commanders, but I do consider all the extra counseling unnecessary and the mental harrassment that I received wondering when I would have to talk to the battalion and regimental commanders to be strictly "out-of-bounds" with the regulations. Seriously, I didn't know *where*, *when* or with *whom* the harrassment might end! I, like the rest, bought the bond just to get the "monkey off my back." It mattered *not* that I had a savings plan of my *own*.

Red Cross *donations* were next with the Captain paying and the first sergeant between you and the exit asking why you didn't want to give to the American Red Cross. With the knowledge in mind of who made the duty rosters—you gave!!

It is my suggestion that both drives be made independent from the pay lines and collections be paid to an agent unaffiliated with the Army or to be specific—with your immediate company.

I give my thanks to you for bringing this matter to the public.

Sincerely,

ALAMEDA, CALIF., May 9, 1967.

Senator SAM ERVIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: As parents of a serviceman, we thank you for introducing a bill into Congress, protesting the forced war bond buying by United States Servicemen, you have our full support of this bill.

We are not against the purchasing of United States Bonds, but feel that our son should be free to make his own choice as to whether or not he wants to invest in bonds. I guess the government does not realize just how many parents have to give their sons a helping hand financially because of this enforced buying.

If we as parents trusted a boy of six with a weekly allowance, why should that same boy be told by others what he should do with the money he earns at nineteen?

Good luck on your bill and thank you again.

Sincerely yours.

DEAR SENATOR ERVIN: Our local newspaper carried a brief story about your recent bill to prohibit coercion of servicemen to buy bonds or contribute funds to charity drives.

Such a bill is long overdue. My husband spent 20 years in the Air Force and was constantly forced to contribute to charity drives. Never once could we afford the amount assessed us but that made no difference. Only with the rank of Master Sergeant did he have enough rank to resist pressure on his own behalf and that of his men.

Now our son is in the Navy and we watch history repeat itself. During the last United Crusade Drive the men of the Schools Command at [deleted] were forced to sign an allotment for one year for the United Crusade. He held out for three weeks, then signed. Verbal threats were used.

I have always thought these practices deplorable and a blot on the good name of our Armed Forces. Perhaps if the officers no longer received recognition for high percentages of "donations" this would slow down.

I wish you well with your bill but have little hope it will pass. Our men can fight and die, live on substandard wages, face long separations from their families, move constantly, have no one place they can put down roots and call home, put up with rent gougers and inflated prices because of the uniform they so proudly wear, and still have to "donate" to charties in hopes the local townspeople will think well of them.

I am writing my own Senator asking support of your bill and asking my friends to do the same. I wish there was more I could do to help. This is a terrible injustice to our service men that needs to be corrected.

Again, best of luck with your bill.

Respectfully,

Napa, Calif.

SUNNYVALE, CALIF., May 8, 1967.

Senator SAMUEL J. ERVIN, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Each morning while driving to work I always listen to Oakland's Station KNEW, Joe Dolan's program. This morning I heard that you were going to be on the program to discuss the prevention of forcing servicemen to buy bonds. Unfortunately I could not listen in as I had to be in the office at 8 a.m. So I am writing you to inform you how very much I appreciate your doing something about this dastardly business.

I speak from personal experience and the following was the circumstance which I object. Our only son was drafted into the army in June 1966 and was told to buy bonds because this particular company has always been 100% in this area. He had no choice but to do as the captain suggested. I suspect there would have been some disciplinary action taken against this young man if he had refused. As a parent, I find it abhorrent in this free country to force young men who are already giving their lives to fight a war forced to buy bonds (which further reduces their pay) while the rest of the citizens are free to decide whether they want to buy bonds or not.

I fail to understand the logic of the bigwigs who would foist such an order upon the servicemen. In my estimation the servicemen already are the butt of merciless hijacking of his pay whenever he has leave anywhere in the world including our own fair country.

As a private citizen and a mother of a son in Vietnam, I sincerely hope and respectfully implore you to keep this fight going until something is done to stop this forced buying of bonds. Can't something be done also about peace negotiations? Thank you for being so aware of this problem and for being our champion in this cause.

Respectfully yours,

GERMANY, March 3, 1967.

HON. SAM ERVIN,
Senate Office Building,
Washington, D.C.

DEAR SIR: Enclosed find a copy of a letter that is given to all personnel that do not have a savings bond.

It is the policy of this Battery that in order to be promoted, one must have a savings bond. I should think that this policy is a discredit to the Army and all that it stands for.

Thank you for any co-operation you can give this matter.

Sincerely yours,

HEADQUARTERS AND HEADQUARTERS BATTERY,
3D BATTALION, 80TH ARTILLERY,
APO 09175 January 4, 1967.

Subject: Savings Bond Program.

1. It has been brought to my attention that you do not have a systematic Savings Bond Program in effect at the present time.

2. As a member of the Armed Forces as well as a citizen of the United States you receive the benefits of the government money in a most direct manner. You have a responsibility to plan for the future and your future depends on your country. Thus, you not only benefit by establishing a systematic Savings Bond Program and have cash tucked away for that "rainy day" but you receive the side benefits of assisting your government by allowing it to use your money to improve your total way of life.

3. It is the goal of this Battery to have 100% of the personnel assigned participate in the government Savings Bond Program. Since you are not participating at present, we fall short of our goal by at least one. Attached you will find an application blank which will help you help yourself. Remember a bond can be cashed whenever ready cash is needed, thus, your money is never lost or inaccessible.

4. Please indicate the amount you wish to have deducted from your monthly pay starting 1 April 1967 and turn in the form to the orderly room. You may choose any of the following amounts: \$6.25, 18.75, 37.50, 75.00, or more depending upon your pocketbook and desires.

5. If you do not wish to participate please return this letter and attached form personally to me. You may contact the 1st Sergeant for an appointment.

OTTO D. LAURSEN,
Captain, Artillery, Commanding.

HALLANDALE, FLA., April 9, 1967.

Senator SAM J. ERVIN,
Washington, D.C.

DEAR SIR: I just read in the Miami Herald that you have or are going to introduce a bill to prevent coercion in GI's buying U.S. Savings Bonds and contributing to charities. Bravo!

I was on active duty in the Air Force in Texas and France for 2 years each place and at each base I encountered coercion in such instances as your bill applies. The coercion, where I was stationed, dealt not so much with savings bonds but with giving to charities. Every time I turned around the base had a drive on for another charity. I am not against charities; however, I was only, while in the Air Force, an E-1, E-2, and E-3. As could be expected I just couldn't afford to contribute to every charity drive; yet if I didn't contribute, I knew I would be explaining why before my Squadron Commander.

I think what you have proposed to do is very ethical and proper. I think that sometimes the higher echelon personnel of the armed services forget to think about their men and not about their prestige.

Thank you from a Veteran and for the buddies I still have in the Air Force. I sincerely hope that your proposed bill will be enacted swiftly!

Sincerely yours,

66TH MILITARY POLICE Co.,
APO San Francisco, March 18, 1967.

DEAR SENATOR ERVIN: As a member of the United States Army in Vietnam serving with the 66th Military Police Company (Qui Nhon) and as a fellow resident of Carolina, I was extremely happy to see the enclosed article in the *Army Times*. It pertained to a problem which has been troubling members of the Military for quite some time. It is my opinion, which is shared by others, also, that steps should have been taken sooner.

Therefore, we all take this opportunity to thank you for playing the major role in having the "Charity Abuse Bill" introduced. We will back you with our votes and mine especially.

(Names of 34 members of Company stationed in Vietnam.)

[From the Army Times, Mar. 8, 1967]

IN CHARITY ABUSE BILL—GIVE-OR-ELSE CO'S HIT

(By a Times Staff Writer)

WASHINGTON.—Any commander who pressures his men into buying bonds or donating to charity would be subject to court-martial under a bill introduced this week by Sen. Sam Ervin (D., N.C.), chairman of the Senate Constitutional Rights subcommittee.

At the same time, Ervin introduced another bill to protect civil servants against the same kinds of pressure. Fifty-two senators joined him in sponsoring the civil service measure, and it is expected that the same number—a majority of the entire Senate—will back Ervin on the servicemen's bill.

Ervin said he hoped his bill would "put a halt to the denial of weekend passes, the restriction of liberty, the KP assignments, the forced marches, the adverse proficiency reports and all the other more subtle threats of deprivation of a serviceman's right to spend his small pay check the way he wants, and to invest his money as he sees fit."

Pressure to buy bonds and to donate to charities has long been a sore point with thousands of American servicemen. Ervin's subcommittee and the Armed Services Committees have received stacks of mail protesting high-handed actions by officers who sometimes act too zealously in reaching a 100 percent participation goal.

Ervin himself introduced into the Congressional Record a string of examples of abuses by commanding officers. The Congressional columnist of this newspaper has received numerous complaints, including reports of men being sent on Saturday morning five-mile runs if they refuse to sign up for the bond-a-month plan. Many of the complaints have come from service wives.

Ervin's bill clearly would not prohibit the calling of meetings to explain the advantages of bond purchases or charitable donations. But an officer, "or any

member of the armed forces acting or purporting to act under his authority" who coerces servicemen in these areas would be subject to punishment "as a court-martial may direct."

It is possible that the measure may be approved by the Senate Judiciary Committee without new hearings. Ervin conducted hearings on the same subject last year, and the bill is the result of those hearings.

NOVEMBER 7, 1966.

DEAR SENATOR ERVIN: I was very interested in your article on the bond drive in the Army. I have been subjected to some of the same kind of treatment.

I refused to buy bonds during basic training and was told if I couldn't afford a bond I was too poor to get a pass to go to town.

I was told by my CO that I was the only one who was keeping the battalion from having 100% participation in the bond program. The next day I found five other people without bonds.

A former Sergeant Major of mine said he was going to get rid of me if I didn't take out a bond.

A former motor Sergeant said I must be a Communist because I didn't have a bond.

I have been asked how I expected to be promoted when I didn't have a bond. I was told that although I couldn't be forced to take a bond, I would be very sorry if I didn't.

My motor Sergeant told me that I'd better take a bond because he couldn't spare me from my job to go and explain to someone once a week why I wasn't taking a bond.

Several officers said they thought bonds were a pretty poor buy compared to stock or even a regular savings account, but they took one just to keep their superiors off their necks.

After 9 months of holding out, I now have a bond. An officer agreed to pay me for a bond the same day I receive it if I sign it over to him. This way I don't have to wait 2 months before I can cash it in. This was the only way they could get me to take a bond. If it wasn't for this setup I still wouldn't buy bonds and I would still be the target of Army "persuasion." If for any reason I'm not paid for a bond the day I receive it, I'm going to cancel them and rejoin the oppressed minority; the people who don't volunteer for the U.S. Army's Voluntary Savings Bond Program.

I would be glad to help you in any way I can.

Sincerely yours,

Private _____

MARCH 10, 1967.

DEAR SENATOR ERVIN: Being a recent draftee, September 27, 1966, I have been pushed into many things which I've felt unfair. The bonds were one of the first things we, the new troops, were forced into. After hearing of the bill that you have recently introduced, I felt this letter a must.

The Battalion Commander wanted 100% participation, and he got it within a week after our arrival here at Fort Hood. We were threatened with loss of what few privileges we were entitled to as a trainee; K.P. on weekends was the favorite threat. There were a few individuals, most of whom felt that even a \$6.25 deduction would hurt them financially, that refused to draw the bond. They were unduly harrassed until they came around to the commander's way of thinking.

Last week at our Advanced Infantry Training graduation, the Battalion Commander was presented with a Minute Man flag, given to our Battalion by the Department of the Army for 100% participation in the bond program.

The pathetic part about the whole situation is that we never have received any of those privileges that were supposed to have been taken away from us, such as weekend passes.

I, personally, was planning on buying; however, I felt hostile towards the idea of having little choice in the proceedings. I want you to know that myself and many others that I speak for are delighted to see that someone is taking action to curb such mistreatment. Sir, you are a good man.

Respectfully yours,

Private _____

FEBRUARY 27, 1967.

DEAR SENATOR ERVIN: Enclosed is an article from a recent copy of the *Overseas Weekly*, dealing with your concern for the individual soldier's rights. I was heartened to see that someone is actively interested in this area, for I have seen this type of extortion practiced almost every month in my unit for the past 3 years—if it isn't buying bonds or donations to nonetheless worthy causes, it's raffles or the sponsoring of some local event which many do not wish to participate in. Just recently I was the last holdout in a 100% drive. An extremely minor and never prosecuted charge was trumped up against me by the first sergeant and company commander, and I was offered a choice: take the punishment or take a bond! (I bought a bond.)

My military service is almost completed, and I'll be glad to become a citizen again and regain the majority of my constitutional rights which have been out of sight for so long. But I wish to encourage you so that some of the friends I left behind will be able to maintain a little more of their dignity.

Respectfully,

Pfc _____

[From the Overseas Weekly, February 1967]

SENATOR SCORNS GI ARM TWISTING

WASHINGTON, D.C.—An influential U.S. Senator has sneeringly rejected Pentagon claims that GI Joe is adequately protected from command pressure in savings bonds and fund drive campaigns.

"It is becoming glaringly apparent," charged Sen. Sam F. Ervin, Jr., "that legislation is needed to protect servicemen as much—or more so—as it is needed to protect (Federal) civilian personnel."

The North Carolina Democrat, who told OW a few months ago that he may introduce just such a bill during the current session of Congress, made the remark in a stop-kidding-me letter to Thomas D. Morris, assistant secretary of defense for manpower.

Following a complaint filed through Ervin about one Ft. Bragg Army commander's arm-twisting tactics, Morris had pointed out that the Civil Service manual on bond peddling and fund raising lays down complete safeguards, but DOD was sending a special warning to the field according to the Senator's request.

Ervin poured a large dose of scorn on that response.

"Unfortunately," replied Ervin, chairman of a subcommittee on Constitutional rights, "the number of executive officers and platoon sergeants who have read this section of the manual apparently is discouragingly small."

Despite Morris' assurances that troops and Defense Dept. employees are protected from being forced to buy Uncle Sam's promissory notes, the Senator strongly implied, campaigns mounted by the Government's top bond salesmen are something else again.

"The numerous complaints from civilian and military personnel throughout the world," Ervin said, "indicate that the mere continuation of your 'strong support of those long-established grievance procedures' is insufficient to protect the personnel of your department.

"Nor does it appear to me that the department has either the time or the inclination to investigate all of the complaints the subcommittee has received."

Ironically, around the same time Morris was telling Ervin that the Pentagon "does not authorize or condone any practice or procedure which smacks of coercion or reprisal," somebody up there was mailing letters guaranteed to spark more gripes about you-WILL-give techniques.

Advance publicity kits for the 1967 DOD Overseas Combined Federal Campaign—a fund drive set to kick off on March 1—are telling military newspaper editors in Usareur their job is "to urge that 100 percent participation is achieved."

"No dollar goal is established," reads one of several similar suggested blurbs, "but 100 percent voluntary participation is an objective of the campaign."

"The campaign," says another press release to stimulate cash collections, "has been endorsed by President Johnson, Federal department heads, and military commanders."

As any GI in this man's Army knows, those words mean that "voluntary contributions" to the 22 worthwhile agencies represented in the drive will be reduced to outright quota-meeting extortion in some units.

If manpower boss Morris' instructions were followed to the letter, troop donations and bond purchase would be strictly on the up-and-up.

"True voluntary giving," said the secretary, ". . . must be the basis of our campaign activities." And as for savings bonds, "Coercive practices debase the spirit and purpose of the program. They cannot be tolerated or condoned.

"The choice of whether to buy or not to buy a U.S. savings bond is one that is up to the individual concerned. He has a perfect right to refuse to buy and to offer no reason for that refusal."

Any serviceman who has been strong-armed into bond ownership or contributions, said a Pentagon spokesman, should report the circumstances to his superior or to Morris at the Defense Dept., Washington, D.C.

MAY 22, 1967.

DEAR SIR: I'm writing to you because I feel I have no other way to turn. A month ago I joined this unit. At that time it was "suggested" to us that we take out a bond. We were told the unit had a 100% participation and it would stay that way. After thinking on the subject I decided that this was not right. I agree that bonds are important but just because we are in the military our superiors have no right to exert pressure on us. After telling my section head I wanted to cancel my bond I had to see the company gunny. The gunny told me if I cancelled my bond I would never make corporal. Then I had to see the operations officer. He told me that here I wanted to go fight in Viet Nam but didn't want to have a bond. He alluded to the fact that if I cancelled my bond I would be very unpatriotic. That in itself doesn't even dignify an answer. Then I got to see (finally) our company commander. When I told the Major that I intended to cancel my bond I'm afraid he lost his temper. He made threats and told me from now on I would catch every dirty detail around here. At that time I was driving for the C.O. of Camp Butler. From that day on I have not driven one mile. They put me to work where they can keep an eye on me. I'm constantly harassed but have been told all will be fine if I renew my bond. I feel this would not be right and in clear conscience cannot do so. The pressure is getting worse and actually fear I will go to jail on a trumped up charge if they are given an ample opportunity. I don't want to make trouble for anyone but if you could help I would prefer to be transferred out of this outfit. I prefer to go to a unit in Viet Nam. I used to be proud to be a marine but after coming here I'm ashamed to wear the uniform. Any help you could give me would be appreciated. I realize by writing this letter I would be in serious trouble if nothing comes of it. But actually I would be unable to sleep nights because this wouldn't be the America I have grown up to love and respect. I think my record speaks of what kind of a marine I was before I got here. And my civilian life testifies what kind of citizen I have been. Thank you for your time and consideration.

Sincerely,

(S) L/Cpl _____,
Camp Butler, FPO, San Francisco, Calif.

AUGUST 12, 1967.

HON. SAMUEL J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: I want to express my wholehearted support for your proposal that would make it an offense for an officer or NCO to use pressure to secure funds for bonds, charities, etc., from enlisted men.

I have been in the Army for some 25 years and on many occasions have been pressured, and on occasion, forced to collect specific amounts of money from my men. Commanders in the field have no choice but to comply with the desires of senior commanders who set goals of many thousands of dollars for units they command. When your efficiency report reflects your failure to respond in the right spirit, you must produce. The appointment of so called "key men" within the chain-of-command makes it pretty tough for a private soldier not to come across with amount desired. Do not be deceived as to whether or not this practice continues, it does, and will continue until the quota system in charity drives is thrown out the window.

On the credit side of the ledger, the 1st Cavalry Division just completed an AER drive without coercion. The drive was a success and ample proof that soldiers will contribute to what they consider a good cause.

Respectfully,

Sergeant Major, U.S. Army.

APO SF

MARCH 6, 1967.

Senator SAM ERVIN, Democrat, North Carolina,
Senate Constitutional Rights Committee,
Senate Office Building, Washington, D.C.

DEAR SIR: According to the Army Times of March 8th, you are introducing a bill which, in my opinion, is long overdue.

Your charity abuse bill will protect not only the men, but the commanders themselves who suffer fantastic pressures from post commanders and high-level commanders who want 100% participation.

If the soldiers think THEY are being pressured, they should attend a commanders' "kick-off" meeting at about the time the local community chest drive begins.

Too often the soldier is pressed to contribute to charities in which he has no interest nor wish to contribute; he is pressed to add to the unit's "spirit and prestige" by sweetening the kitty for a charity which will benefit the local community and have no impact at all in his home town.

I congratulate you on your effort and urge all appropriate efforts on behalf of our soldiers and their commanders.

Very sincerely yours,

Lieutenant Colonel, U.S. Army.

FLINT, MICH., April 12, 1967.

Senator SAM ERVIN, Jr.

DEAR SIR: In Monday's Free Press was an item on bond drives that angered G.I.'s serving in Vietnam.

My son . . . is in Vietnam with the Marines.

He was, as you wrote in your article by James Batten, badgered into signing up for bonds by his superiors. He refused to sign the papers telling them he wanted to continue with saving plan he was using. He . . . sends home his service & combat pay and his mother banks it for him. He has big plans for its use when his four years are up on 1968.

Enclosed is a statement made by my son . . . I think you can see for yourself what treatment our boys are getting for not signing for bonds. I wrote to our Congressman Donald Riegle and he is investigating for us.

The statement is the result of his investigation so far.

At this time he is serving his court-martial sentence. In the heat of Viet Nam he is doing 11 hours of duty. I ask what are they trying to do kill our own boys by this kind of thing faster than the Cong do.

He is also now being harassed by his gunnery Sgt. for going to Don Riegle with his problem.

I hope you get this bill passed soon to save other boys from this sort of thing. As for my son he is paying the price for his part and his Sgt. and superiors won't ever let it drop.

Respectfully,

STATEMENT OF PVT. _____, U.S. MARINE CORPS

Having been warned of my rights under Article 51 of the Uniform Code of Military Justice, I hereby make the following statement voluntarily:

On or about 22 February 1967, while on Operation _____, SSgt. B. L. _____ interviewed me for the purpose of obtaining the necessary information to start a bond allotment. I gave him the information he needed and also told him that I wasn't in favor of this type savings plan. I asked what different type bonds were offered. I then designated the bond I had chosen. I again asked SSgt. _____ if there was anyway I could get away from starting a savings bond allotment. This was after he had given me the details on what would happen after I signed for the bond. Included in his briefing was what would happen and what he would do to me if I didn't accept the savings plan. He said I either take it out or he would burn me for disobedience, and see to it I was put on every working detail that came along, and concluded with the statement, "I'll have your ass thrown in jail personally".

Then a few days later, the processed papers came back into the field for my final signature. Previous to this on the same day I told SSgt. _____ I had decided against the bond. He then told me that he would see about it and let me know in

about an hour. I said fine, I'll check back then. About two o'clock on the same afternoon I was called upon by our Battery Gunnery Sergeant to sign the final paper. I told the Gunny I had decided against it for the reason that at home I have a personal bank account, which at the present time contains \$1,107.93, and I saw no reason to change my present savings plan at this time. He, the Gunny, sent me to SSgt. ———, by this time I was getting rather perturbed at the whole situation. After talking to SSgt. ———, his final words were not to sign it, I then went back to work.

About an hour later SSgt. ——— appeared and told me I was not to leave Outpost #1 under any circumstances. I questioned him and got no reasonable satisfaction. Included in his orders on staying on the outpost 24 hours a day, which may I add, was never a 24 hour post until then, with instructions that I couldn't leave to get my three meals a day, couldn't leave to take a shower, wash up or even make it to the field head in time of need, and cutting me off completely from beer calls. Plus, in his rage of anger, he finally confined me to a ten foot radius of the outpost. I had trouble getting it across to him that I understood him, because he worked himself up into a state of insanity to my way of thinking. There wasn't anymore said and he walked away. The rest of the day I went without food because SSgt. ——— couldn't be found and I had to have his permission to leave the post. The next day my food was sent to me and he granted me the permission I needed to go through a normal day. On the third day about nine in the morning he came back to the outpost with instructions to start a trench leading to a fighting hole on the side of the bunker. One trench and a fighting hole was already dug and I had another one to complete before the next morning. The trench was only for harassment covered up by the statement of it being a Division Order. So I started digging. Around noon I secured for chow and I had just finished eating and started reading through a letter I had received. SSgt. ——— returned to see my progress and started hollering for me to get outside and start digging, I asked him to "Wait a minute" and he said "No minutes, get out here and start digging". I was laying down and I had already started moving and putting the letter away when he again called for me to get outside. By this time I was getting madder than he was and I said to him when I was half way outside the bunker, "You haven't got the balls or pack the guts to get me out of this hole". Then I started digging. He then changed the time limit making it that afternoon at 1700. This was impossible because a TD-15 had dug the bunker out and piled its dirt where I was supposed to dig the trench. I told him it was impossible and he said "Just have it dug by 1700." I got even more perturbed at his ignorance of the situation, and asked him "What do you want me to do, tell you to hang it in your ass?" and he walked away. Needless to say the trench wasn't finished by 1700, and he, SSgt. ——— spent the rest of his day writing up a charge sheet on the specifications as follows:

- a. Not getting out of the rack when he told me to.
- b. Failure to dig a trench in a specified time.
- c. Telling him "to hang it in your ass".
- d. Telling him "He didn't have the balls to come inside the bunker and get me out".

At Battery Office Hours the Battery Commander referred my case to the Battalion Commander who at Battalion Office Hours awarded me a Summary Courts-Martial. On 11 March 1967 I was tried by a Summary Courts-Martial and found guilty on two of the above specifications (b and d) and not guilty on the other two (a and c). I was reduced to the grade of Private, fined eighty dollars (\$80.00) per month for one month and ordered to perform hard labor for forty-five days without confinement. All of this situation stems from the fact SSgt. ——— failed to get my signature on a savings bond allotment and he saw to it to make things rough for me to fulfill his own satisfaction.

SEPTEMBER 12, 1967.

HON. SAMUEL J. ERVIN, JR.,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: I have read with a great deal of interest, in the ARMY TIMES, the progress, and problems you have had with your bill which would make it illegal for military personnel to coerce a subordinate into taking Savings Bonds, or give to various charity organizations.

I would like to cite a personal case which happened to me in May 1965 when on active duty at Amarillo AFB, Texas.

A savings bond drive had just been initiated on the base, and our Squadron CO made it known that he was going to have a good record. The NCO's under the CO's command felt the Squadron out one afternoon and asked to see a show of hands for those who wished to sign up for a bond. Not a hand was raised. Consequently, we were marched to the athletic field, told that we would have all passes cancelled, we would be placed on K.P. and other Squadron details that they saw fit. Next we were subjected to some of the most rigorous physical training for unconditioned men that I've ever witnessed. Afterwards, five men went on sick call, one man was hospitalized.

Needless to say, the "Old Man" succeeded in obtaining 100% participation from the Regulars.

At the time, I was an Air National Guardsman on active duty for training. ANG's, and AF Reservist were prohibited from taking bonds because of the short duration of tour of duty. If this had not been the case, I can assure you that we would have been "happy" to sign up for the bonds.

I always felt like the Regulars got a raw deal in this case, and am therefore very much in support of your bill.

At the present time, I'm in the Army National Guard going through the State OCS program. I hope to God up above that when I'm commissioned, no enlisted man can ever say I've tried to pressure him into buying bonds, or "donating" to charity.

Many thanks for the support you have given the serviceman. It is men, such as yourself, for which we can be duly appreciative.

Respectfully,

SHAW AFB,
South Carolina, March 8, 1967.

DEAR SENATOR ERVIN: An article in the *Air Force Times*, March 8, 1967, stated that you had introduced a bill to discourage military commanders from using coercive methods to promote U.S. Savings Bond and charity drives.

If this is true, then I wish to express my gratitude for the initiative you're taken in submitting this bill. Most GI's contribute without reluctance to various charities, but we do not like mandatory donations drives with a pre-set fee. Aren't we doing enough for our fellow man as it is?

* * * * *

In reference to the coercive methods used by commanders to promote U.S. Savings Bond drives, my supervisor selected the weekend duty crew from those who did not hold them. A show of hands discriminated against those airmen who did not invest their money as the commander saw "fit."

If we members of the U.S. Armed Forces are mature, responsible adults as depicted on recruiting posters, then we should be quite able to manage and spend our money as we please.

* * * * *

Cordially yours,

_____, A/1C, U.S. Air Force.

FORT BRAGG, N.C., November 5, 1967.

DEAR SENATOR ERVIN: I want to thank you for your efforts to pass a law against pressuring military and civilian employees of the government into buying bonds or contributing to charity drives. I have read how the Defense Department has assured you that such a law is unnecessary because there are already rules against these practices.

Sir, I'm sure you know that such a law *is* needed and as quickly as possible. I'd rather see this law passed than the pay raise bill. I would like to add another example to your files of why this law is needed. Yesterday, November 4th, I had to report to a Major along with my Commanding Officer to explain why I won't give to the United Fund Campaign. I explained why: I won't give to any charity drive that is run by the military and especially not to one in which I am told how much to give! When I wish to donate I do so privately and directly to the charity of my choice. This answer wasn't satisfactory. I was told that I am disloyal to my C.O., to my unit, and to the Army, and that this "disloyalty" would be held against me if I came up for promotion.

Now the Defense Department claims that there is a policy against this sort of pressure to extract donations. What action can I take against this Major? None.

Why? Because he is only doing what he is being pressured into doing by his commander. In fact, I was told that the entire Ordnance Group would "train" on Veteran's Day rather than observe the holiday if contributions to the United Fund don't substantially increase.

Senator Ervin, Sir, we certainly do need the protection of the law that you have proposed and I do hope that it will include adequate machinery to enforce it

Sincerely yours,

NOVEMBER 10, 1966.

DEAR SENATOR ERVIN: I understand that you plan to introduce legislation in Congress next year to make the use of coercion in bond drives and charity campaigns conducted by various government agencies illegal. I fully support this proposal.

From my own experiences I know that the junior officer who wants to have a successful career in the armed services finds it extremely difficult to resist pressure from superiors who want him to "display his leadership ability" and obtain 100% participation in the drive from the members of his unit. In my own case, I have had pressure of varying degrees applied during the past seven years and have finally adopted a policy of contributing from my own pocket for any of my subordinates who do not wish to participate in a drive so that I can meet the goals set for me and still live with my conscience.

However, I do feel that to be effective such a bill must have an absolute prohibition on setting participation or contribution goals, making awards for performance in the drive, or keeping any participation records other than those absolutely essential for accounting purposes. Otherwise the over-zealous commander or staff officer will figure out some way to circumvent your bill and continue present policies. You might also consider prohibiting pressure to join post youth councils and the Association of the United States Army and to subscribe to various publications.

Sincerely yours,

Captain, U.S. Army.

WASHINGTON, D.C., March 5, 1967.

DEAR SENATOR ERVIN: I understand you are sponsoring a bill to insure that soldiers are not coerced into making contributions or buying bonds. I wholeheartedly agree with your effort and earnestly hope you are successful.

In over 20 years of Army service as an Officer, I have resisted the immense pressures that are brought to bear on the relatively defenseless soldier to part with some of his meager pay for one or another fund-raising campaign. I have never been very successful and have made myself quite unpopular because of this stand.

The fund raisers are very shrewd and very clever. I would guess they'll find a way to beat you. They always have beat me. Hardly a payday goes by that the soldier is not asked to contribute to some fund or another. Even in areas where they have a united community fund drive advertised as a once-per-year event, they make it last over three paydays at least, and then there is always another, separate drive for some special organization such as the March of Dimes, Red Cross, Army Emergency Relief, etc.

I've known many commanders who just automatically put an extra can at the end of the pay line every month to which each man is expected to contribute. Then when the fund drives come along, he has a slush fund from which to kick in his quota and does not have to hit the men so hard on a particular payday.

Don't let anyone tell you they don't set quotas and then put the pressure on through the chain of command. By devious means the word gets out as to what the quota is and by when it must be met. Then it gets to be a contest between the various commanders to demonstrate their "leadership" ability to be the first to meet the quota. Really, it's just a demonstration of their extortion capability, except that some enterprising units conduct candy sales, bake sales, or chop and sell wood, or the whole company goes and picks beans for a farmer to make money—all on government time, of course.

Most insidious are the special gift drives—for someone who is departing or for some special event. For these, often the officers only are asked to donate, or perhaps all officers and NCO's.

Of course, the bond drives are notorious. It doesn't matter that the men cash in the bonds as fast as they buy them. The big thing is to be able to report 100% are buying bonds. My efficiency report for one period of command contains the derogatory statement that I couldn't get my command up to 90% bond buyers. This is the only derogatory statement in many ratings, but it probably cost me a promotion. The fact is, I deliberately refused to push bond sales. My command was in the 60% bracket on an entirely volunteer basis which I thought was pretty good anyway.

Your bill will have to be pretty good to do what you want. The soldier has always been a soft touch for the money grabbers, and they'll find ways to get his money every time.

Best of luck, anyway.

Sincerely,

Lieutenant Colonel, U.S. Army.

SEPTEMBER 4, 1967.

Senator ERVIN,
Senate Office Building,
Washington, D.C.

SENATOR: I was very happy to learn several months ago that you are trying to pass a bill that would make it a criminal offense, subject to court martial, for a military commander to coerce a subordinate into donating money to any cause not prescribed by law. I want to tell you that there is a very great need for such a law. I think that the proposed law should also include compulsory membership in private organizations, such as the Association of the United States Army, Officer and NCO clubs. Just today NCO's were telling me that membership in these organizations is a requirement for promotion. The people who need the protection most are the new draftees and the young lieutenants. Let no one tell you that the cases offered as proof of this abuse are isolated. Do not let the DoD tell you that it will handle the problem without further legislation. They won't do it. The evil will be reduced for a while, but after congressional concern and clamor dies down, there will be a return to the old custom of making everyone join and everyone donate or buy. Indeed, the higher ranks are the worst offenders. Let no one tell you that the motive is to teach the soldier to save or to assure him good association. The motive is very clear. The motive is to advance the career of the commanders in the eyes of senior commanders. Every commander has to have 100% participation and it is difficult for the soldier to get through the pay line without being robbed. Interrogate the next soldier you meet. Visit a company pay line at one of the Washington area posts next pay day. But don't tell anyone you are coming. I tell soldiers that under our law they have no obligation to donate, buy or join and they have no obligation to explain to any officer of the U.S. government their refusal. I think that all collectors, vendors and recruiters should be kept far from the pay line.

This abuse is widespread in the Armed Forces. It is pushed by the higher ranks. It is resented by the vast majority of servicemen. But very few are in a good position to fight, because they all want to get along with their bosses, they all want promotions and good efficiency reports. So they submit to the injustice. The morale and the career of their bosses is thereby improved.

I have remonstrated about this with my Division Commander and Brigade Commander. I don't want you to investigate anyone, I don't want anyone to be punished. I just want you to pass the bill. I would prefer that you do not write to my military commanders. This wastes too much time and besides the ones who were guilty of this have been changed. I want the practice stopped and passing the bill might do it.

Sincerely,

Rev. _____,
Chaplain (Major), U.S. Army.

JANUARY 9, 1967.

Hon. SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I listened with great interest yesterday morning to a news account of your proposal to outlaw the coercion which is presently connected with the U.S. Savings Bond program.

Coincidentally, I am in the process of applying to the Board for the Correction of Military Records for the voiding of my latest Officer Effectiveness Report on the ground that it contains unfair remarks concerning my refusal to participate in the most recent bond drive. A copy of this application is enclosed for your information. I think you will find it interesting.

Perhaps, if you have the time to read on, you will find the whole story of interest.

I am a 43 year old lawyer with 19 years service, 4 of it as an enlisted man in World War II with 49 combat missions and 4 Air Medals. I have never received so much as a verbal admonition and my effectiveness reports have all been—with the exception of the last one—in the "Very Fine Officer" category, at least.

My career was progressing at a normal rate, with a promotion to Major on 19 January 1961, and a prospective promotion to Lieutenant Colonel in March 1966.

Then came the Bond drive of 1963. Unbelievable pressure was applied, with the usual threats of loss of promotion and other dire consequences. My Group commander even gave me a written order to participate. I refused. (See Enclosure 2)

The drive of 1964 caused me no trouble because I was blessed with a different, more fair-minded commander. During the 1965 drive I was in transit.

In March 1966 I learned that I had been passed over for promotion to Lieutenant Colonel. While I was extremely reluctant to believe it, I was forced to conclude that my failure of promotion was a direct consequence of my failure to buy bonds.

In the latter part of June 1966 my commander announced a crash program to gain 100 percent participation in the Bond program by 30 June. The enclosed file relates the outcome of that Bond drive as far as I was concerned.

Upon my return to the United States in September 1966 I made a trip, to Air Training Command Headquarters at Randolph Air Force Base, Texas, for the purpose of reviewing my Effectiveness Reports. I found that although Colonel ——— (my 1963 commander) had rated me in the "very fine" category and had made glowing comments about my honesty and integrity, he had also included a disclosure that I had refused to participate in the Bond drive.

His successor had given me and outstanding rating, and my first rating in (March 1966) bordered on the outstanding.

Then came the real shock: Lt. Col. ———, who had known me but three months, rated me in the mediocre category and commented that I had failed to support the commander in his programs, specifically, the Bond drive.

As you can see from the enclosures, I applied for relief and was denied.

In November 1966 I learned that I had been passed over for promotion a second time and would no longer be eligible for temporary promotion.

I'm telling you all this Senator, to give you assurance that the letters you've been receiving informing you of coercion in connection with the bond drives are not merely the result of the usual GI griping. In my own case, as you can see, they carried out their threats; they've even ruined my career.

Please do something about this intolerable situation, Senator, not for me—it's too late—but for my associates in the Service.

I'd appreciate it if you didn't refer this letter to Air Force L&L; I've had enough ostracism to last me for a while. If you need more information though, let me know and I'll do what I can.

Sincerely yours,

MARCH 6, 1967.

HON. SAM ERVIN,
Chairman, Senate Constitutional Rights Subcommittee,
Washington, D.C.

DEAR SENATOR ERVIN: I read with much interest the Army Times (March 8) article concerning your introduction of a bill to stop the intimidation of servicemen who do not wish to purchase a U.S. Savings Bond or contribute to a charity fund drive.

As you may have become aware from other letters, the major pressure is applied to servicemen while they are undergoing basic training. Commanders capitalize on the newly inducted man's lack of knowledge as to his civil rights while in the military service. Most individuals give in to the coercion, either for fear of punishment or because they simply do not want to put up with any more harassment than they have to.

I was the only one in my Basic Combat Training company (and moreover, the battalion) who refused to buy a bond. While the only pressure applied on me was

verbal harassment and false threats, this method seemed sufficient to convince all others. In the pay line there, we were told, not asked, to contribute to the United Fund and were not allowed out of the room until we did so.

Such a law is long overdue and I commend you and your committee for bringing this serious concern to the attention of the Congress.

Sincerely yours,

Pfc. _____

NORTH CAROLINA, February 22, 1967.

DEAR SENATOR ERVIN: I have just read in the newspaper that legislation has been introduced by you to prevent coercion being used in forcing our enlisted men to use a part of their meager funds to purchase Savings Bonds and to donate to charity drives. As the father of a son drafted last September, may I state that this is long overdue and so badly needed, provided enough teeth can be put into it, to stop the overeager officers from continuing their same old habits, whether permitted or not.

Also as the father of a son in the Armed Forces, I would appreciate your not using my name in any public manner in connection with this as I am sure it would be reflected somewhere in the treatment of my son, and at this point he has been treated as well as or better than expected, except for this one detail.

After all, what a man buys and what he gives should be a free choice. This is supposed to be a free country and without a freedom of choice in this connection, what we are supposed to be fighting for has already been lost, and all our casualties and expense are already in vain.

As a little background information may I say my son was drafted from a job at more than \$400 per month to the usual \$85 per for the services. His car payments were \$85 per month and after the lien holder reduced this to the bare minimum of \$40 per month, plus insurance, savings bond, United Fund contribution, not to mention certain items of equipment which were supposed to have been furnished by the Army, but which were only available for a price at the PX, and for the lack of which penalties were invoked, pretty well uses up his entire stipend. At this rate he has had to draw on what little savings he had managed to accumulate as a civilian to keep his head above water and his car from being repossessed. I believe a man should be prepared to make a sacrifice at times but enough is enough.

The only salvation now, financially, is that undoubtedly he will be sent overseas soon, which will automatically give an increase in pay. Or maybe the Armed Forces plan it this way so the man will enlist in the more hazardous units, such as paratroopers, just to get a decent wage. If we are going to have minimum wages for industry, commerce, and even farmers, why not our servicemen?

I am sure I reflect the feelings of many fathers on this subject, and I remain

Sincerely yours,

FREMONT, CALIF., May 3, 1967.

SAM J. ERVIN, Jr.,
U.S. Senator.

DEAR SIR: We were shocked to learn of the condition existing in regards to our servicemen; practically being compelled or forced to purchase U.S. Savings Bonds and contributing to various charities. This is outrageous and disgusting. Since when must our servicemen be subjected to such a demand by superior officers? If such is really occurring, then the officers must be suspended or demoted. It's sufficient that the servicemen must go through enough hardship, let alone be taxed in such a manner.

We are thankful to such men as yourself for bringing this matter out in the open and preparing and submitting a bill to prevent this from further occurrence.

We urge you to pursue this matter to its full extent.

Good luck, and keep up the fine work.

Sincerely,

Mr. and Mrs. _____

ALBANY, GA., February 27, 1967.

Dear Senator ERVIN: I sincerely wish to congratulate you on the introduction of a bill forbidding coercion in the savings bond program.

I am enclosing a SecNav Notice on the same subject.

In my opinion the issuing of such a notice will not alleviate the problem. It is inherent in the military system that the "maximum effort toward attainment of goals set by the President" will produce undue pressure. Here on the Supply Center in my office (Disbursing) we are required to maintain an IBM card on each member of the military and upon request we run the cards producing a list of each man aboard the base by service number and containing only the information of a "B" or a blank space after the name. This list is reproduced and I have heard from many that they are "counseled" further on the merits of a bond.

It was common knowledge that any officer on this base who did not buy a bond would have a conference with the Chief of Staff.

Often I feel even the \$6.25 per month bond program could be better utilized by say for instance a Lance Corporal (E-3) under two years service:

Base pay	\$121. 80
BAQ (W)	55. 20
(Excluding) clothing allowance (normally require for upkeep of uniform)	(5. 10)
Commuted rations	39. 00
Total (per month before taxes)	216. 00
Typical expenditures:	
Rent	65. 00
Food	60. 00
Gas-oil, etc., (automobile)	15. 00
Heat, lights, water, phone	25. 00
Social security	5. 35
Government life insurance	2. 00
Miscellaneous soft goods	10. 00
Clothing	10. 00
Total	192. 35.

Therefore, this \$6.25 often is about 25% of "spendable" income per month. Often these bonds are cashed as soon as the law allows; and I am quite certain the government loses money since administrative costs on a \$18.75 bond cashed within a year of issue far exceeds the "interest" the government gains, thus defeating the program.

Sincerely yours,

_____, Marine Corps.

MARCH 17, 1967.

DEAR SIR: You don't know me. But I would greatly appreciate it if you would take a small amount of your time to read this little note. I am in the Army and I am stationed in Mannheim, Germany. I am also a reader of the *Overseas Weekly* magazine. And just tonight I was looking it over. And also ran into an article that I think is of great importance to all servicemen. That is this article of you trying to pass a new bill for this so-called voluntary charity. It couldn't have been said better than the magazine printed it. Something should certainly be done about it. They hit me once a month in the pay line for two dollars each month. They even take more from a guy each time he gets another stripe. That is foolish. And it sure isn't voluntary at all. I draw about 74 dollars a month. I'm married and also have one child. They even get their charity money before my wife receives her allotment check. In fact, my wife is still waiting on last month's check to come in. In my pay line a guy has to walk up to one table, salute and get his money; then no more than three steps away there's someone waiting there to take it away again. Now, sir, please don't misunderstand me; I don't mind at all giving to charity of any kind. But it's far from being voluntary. What I really want to tell you is that I wish you the best of luck in passing this new bill. And I'm quite sure that I'm speaking for many American soldiers. I felt kind of funny writing this letter because I've never done anything like this before. But I felt that I had to do this. Thank you very much for your interest in us soldiers. Nice to know someone in the world is thinking about us.

Sincerely yours,

Pfc. _____.

FORT HOOD, TEX., March 10, 1967.

Hon. SAM ERVIN,
 Chairman, Subcommittee on Senate Constitutional Rights,
 U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: As a company commander I agree that service men should have the right to spend his pay check as he sees fit. Pressure to buy bonds or donate to charities has always been a disturbing issue.

I would also like for you to consider the fact that all officers join the Officers Club and are always donating to charities or slush funds. I feel that provisions should be introduced in your bill to prohibit the pressure applied in these areas.

Thanking you in advance for your consideration in this matter, I remain,

Sincerely yours,

2 Lt. _____

MAY 2, 1967.

Senator SAM J. ERVIN, Jr.,
 Senate Office Building,
 Washington, D.C.

DEAR SENATOR ERVIN: I am pleased to learn that you have introduced a bill to prohibit coercion of servicemen to buy bonds and contribute to charities. My purpose for writing relates only to savings bond pressure tactics evident here. Commanders at Wing, Base or higher levels within 10th Air Force have not exerted "hard Sell" pressure in charity drives, but the Savings Bond program has lost all manner of reasonable proportion as evidenced by the attached letters.

You will notice the goals established, the references to, "hard sell", and weekly reports demanded of unit bond officers. These reports and attendant coercion of personnel to achieve the assigned participation goals are continuing.

I hope my letter reaches you before your bill is debated because the value of written evidence such as I have attached can far exceed that of my letter alone. Please understand, no inquiry is being requested by this letter. The attachments have been sent to you solely for the purpose of giving evidence of coercion in its most obvious form. Many policy statements from Department of Defense, Air Force Chief of Staff, and other executives above our numbered Air Force level have clearly stated that all drives are to be conducted on a voluntary basis. Competition for promotion, probably more than anything else, caused the signatories of these letters to blatantly ignore written guidance. I am confident your bill translated into a regulation will bring a halt to all of this. Without your bill, the coercion will continue. An investigation by your office would only cause the pressures to take more subtle forms. They will continue as long as men in command positions are judged and rated on their effectiveness at achieving goals of participation set by some headquarters above them. Prohibiting coercion in any form seems to be the only way to get rid of these arbitrary quotas which destroy morale by forcing lower-level commanders to meddle in the financial affairs of their subordinates.

 Major, U.S. Air Force.

APRIL 19, 1967.

Senator SAM J. ERVIN, Jr.

HONORABLE SENATOR: The enclosed news article recently came to my attention, and I wish to take this time to congratulate you in attempting to eliminate a disgraceful situation that exists in the military in the form of coercion to buy bonds. Having had a distasteful experience whereby I was almost court-martialed for trying to resist being coerced into "prying" into the personnel records of airmen and officers for the bond campaign, it leaves me with a good feeling to know that this sort of thing is not going by unnoticed. At the time of the above mentioned affair, I was a dedicated 30-year career NCO in the Air Force, with 22 years of service already behind me. After this happened, I decided that if I could get court-martialed and lose all I took 22 years to get, over a bond program just so a Lt./Col. could look good, then it was time for me to get out, and I did. (Otherwise, I probably wouldn't feel free to write this.) What my getting out of the service cost the Air Force in skill and experience, I don't know. But I do know that mine is not an isolated incident, and that many others have gotten out or retired from the service for similar type actions of coercion.

Even after the coerced party buys the bonds, probably 90% of them are cashed in again at the earliest possible time anyway. So you really haven't sold any bonds when the full story of selling bonds ends.

So not wanting to risk my career further I happily retired, and wish to thank you and your fellow committeemen for their continued efforts toward helping our servicemen.

Sincerely yours,

U.S. Air Force Master Sergeant (Retired).

GI'S, U.S. WORKERS FIGHT SAVINGS BOND "COERCION"

WASHINGTON. (AP).—The files of the Senate constitutional rights subcommittee are bulging with complaints from servicemen and Federal employes that they are coerced into buying savings bonds and making charitable contributions.

LAW SOUGHT

Letters from servicemen tell of being denied promotion and even of being threatened with shipment to Vietnam if they fail to buy bonds.

The subcommittee also has received reports of Marine sergeants being sent into the foxholes in Vietnam to sign up fighting men for bond purchases.

Sen. Sam J. Ervin, Jr., (D., N.C.), subcommittee chairman, has introduced a bill that would, among other things, protect government employes against any form of compulsion to buy bonds or contribute to charity.

Thomas D. Morris, assistant secretary of defense for manpower, said the Defense Department not only does not authorize coercion of civilian and military personnel to buy savings bonds or contribute to charitable campaigns, but has not and will not condone such coercion.

Ervin declined to submit to the Pentagon the names of persons who had complained.

"The risk of reprisals is not worth such an exercise in futility," Ervin said.

84 PERCENT

The Treasury Department said 1,427,602 servicemen are enrolled in payroll savings plans—where bonds are purchased automatically and the price is deducted from pay—as of last Sept. 30.

As of Sept. 30, the Army had 85 percent enrollment with 765,133 active participants, followed by the Air Force with 45.2 percent or 392,542 participants.

The Navy and Marine Corps combined has 27.2 percent participation, the department said, with 201,637 Navy personnel and 68,290 Marines taking part.

Of Federal civilian employes, 73.8 percent or 1,637,129 persons were enrolled in the payroll savings program as of Sept. 30, the department added.

During the first nine months of 1966, the department said, \$648.1 million in bonds were bought by Federal employes both civilian and military under payroll savings.

Civilians bought \$445.2 million and the military \$202.9 million.

NORTH MIAMI BEACH, FLA., April 6, 1967.

Senator SAM J. ERVIN, Democrat,
Washington, D.C.

DEAR SIR: Congratulations on your introduction of your bill to prohibit coercion of servicemen to buy bonds or contribute to charity fund drives.

I was a chaplain in Korea (1962-63), Fort Bliss, Texas, Fort Dix, N.J., and we were badgered by our superiors to buy U.S. saving bonds, etc.—I have noticed plenty of arm twisting on this matter.

Push your bill through and try to keep a close eye on the Armed Forces.

Sincerely,

Senator ERVIN. Mr. Chairman, thank you.

I think that Admiral Hearn is here to testify on the bill to establish the Judge Advocate General's Corps for the Navy. I am sure he will cover that subject fully, and I don't care to add anything to his testimony.

In respect to the other matter, I have a bill (S. 1036) that would make it a military offense for any commissioned officer or any person acting under the authority of an officer to coerce or attempt to coerce military personnel to purchase savings bonds or make contributions or donations to any charitable cause. It has a proviso in it that—

Nothing contained in this subsection shall be construed to prohibit any commissioned officer or any member of the Armed Forces acting or purporting to act under his authority from calling meetings or taking any action appropriate to afford to any member of the Armed Forces of the U.S. the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause of any kind.

It has been one of the most astounding things, Mr. Chairman, but the Committee on Constitutional Rights has received literally hundreds and hundreds of letters from people in the Armed Forces telling me of the coercive practices that are imposed upon them to compel them to make contributions to various charities and to compel them to purchase bonds. I have had many letters sent in to me, such as this one from a major in the Marine Corps, in which he says:

Investment in savings bonds at the request of the President has been put on a "duty" basis by the commandant. He has gone further to say that our participation in the savings bond program is directly indicative of our devotion to our country.

He goes ahead to say:

I think that officers and staff noncommissioned officers should be reminded that when our President, commandant, commanding general, battalion commander or other senior officer desires that we do something, it is no longer a personal matter. It falls into the same category as any other expressed desire or prescribed policy—we comply unless it is impossible to do so; and we offer a valid explanation when we cannot comply. This is no more a personal matter than the military's requirement that we get our hair cut more often than civilians do or that we spend more of our money on shoe polish. These things we have accepted as part of the military life we have chosen. When our seniors policies include participation in the savings bond program, this, as officers and staff noncommissioned officers we must accept, whether or not we agree wholeheartedly with the policy. A clear understanding of this point should be the end of the savings bond campaign for officers and staff noncommissioned officers. * * * The President has made a personal appeal to members of the Armed Forces to support our country through participation in the savings bond program. Our commandant, in turn has interpreted our obligation to comply with the President's request as being inseparable from our duty to support our country. He has expressed his confidence that we would answer.

And so on.

I have a multitude of letters coming from others in the service. I have had statements from many officers in the Armed Forces, such as this one from a captain:

From my own experiences I know that the junior officer who wants to have a successful career in the armed services finds it extremely difficult to resist pressure from superiors who want him to "display his leadership ability" and obtain 100-percent participation in the drive from the members of his unit. In my own case, I have had pressure of varying degrees applied during the past 7 years and have finally adopted a policy of contributing from my own pocket for any of my subordinates who do not wish to participate in a drive so that I can meet the goals set for me and still live with my conscience.

Then I have a statement from a lieutenant colonel in the Army:

Don't let anyone tell you they don't set quotas and then put the pressure on through the chain of command. By devious means the word gets out as to what the quota is and by when it must be met. Then it gets to be a contest between the various commanders to demonstrate their "leadership" ability to be the first to

meet the quota. Really, it's just a demonstration of their extortion capability except that some enterprising units conduct candy sales, bake sales, or chop and sell wood, or the whole company goes and picks beans for a farmer to make money, all on Government time, of course * * *.

Of course, the bond drives are notorious. It doesn't matter that the men cash in the bonds as fast as they buy them. The big thing is to be able to report 100 percent are buying bonds. My efficiency report for one period of command contains the derogatory statement that I couldn't get my command up to 90 percent bond buyers. This is the only derogatory statement in many ratings, but it probably cost me a promotion.

I received one letter from an officer in Vietnam. He said he had just gotten back from the fighting and hadn't had time to sell bonds, but they threatened to give him a poor efficiency report, because he had not got 100 percent participation in the bond drives.

I have introduced in the record scores of other letters. One of them states that the sergeant major and a platoon commander—

had a bond drive. They interviewed Marines from fighting holes and kept track so that every individual could have an opportunity to invest his money in a worthwhile savings program. You can't get away from it even in Vietnam.

Then I have a letter from a chaplain in the Army with the rank of major, which outlines the harrassment put on these men. He says:

Do not let the DoD tell you that it will handle the problem without further legislation. They won't do it. The evil will be reduced for awhile, but after congressional concern and clamor dies down, there will be a return to the old custom of making everyone join and everyone donate or buy. Indeed, the higher ranks are the worst offenders. Let no one tell you that the motive is to teach the soldier to save or to assure him good association. The motive is very clear. The motive is to advance the career of the commanders in the eyes of senior commanders. Every commander has to have 100-percent participation and it is difficult for the soldier to get through the pay line without being robbed. Interrogate the next soldier you meet. Visit a company pay line at one of the Washington area posts next pay day. But don't tell anyone you are coming. I tell soldiers that under our law they have no obligation to donate, buy or join and they have no obligation to explain to any officer of the U.S. government their refusal. I think that all collectors, vendors and recruiters should be kept far from the pay line.

I have had a number of letters from men in the service that say that whenever they have a payday somebody is over at a table for a bond drive or for a charitable cause, and they are compelled to contribute before they leave the line. They are told, and I have got hundreds of letters from servicemen, that they can't get promotions unless they participate. They are even denied leave if they don't participate, and are threatened with all of the bad assignments like kitchen police. They are told that if they are too poor to buy a bond they are too poor to get leave to go off on the weekend.

I wish I had time to read more of these, but I would be trespassing too much on the time of the committee. But I have one here from a boy whose father sent it to me from North Carolina. The boy is up near the front and the sergeant wanted him to participate in the bond drive. He was kept on the post and told to stay there. They kept him there 24 hours without food or water to break his spirit and compel him to buy the bond.

I could multiply these things a hundredfold. In some places they even combine these charity drives with other programs of the military. At the U.S. Naval Air Station, Pensacola, Fla., October 24, 1966, they posted the plan of the day. They were raising money there for what they call the annual one-shot combined Federal campaign drive (CFC). They combined this with the weight-reducing program. Everybody

had to be weighed prior to the 4th of November, and had to make their fair share of donations to the combined Federal campaign funds based on this weight. If you were E-1 to E-3 you were told to contribute 1 cent for each pound. If you were of higher rank it went up to 12 cents a pound. If you were E-8 you had to contribute 60 cents each pound you weighed. The plan said:

Figure your donation on your present weight. Then start your reducing program to save money. A lot of forms will be available on weight days for personnel desiring to spread the amount donated over a period of 1 year.

I could multiply this. I have received hundreds and hundreds and hundreds of letters. The kind of tyranny that is being practiced on these men is past believing.

Senator TOWER. Would the Senator yield for a question?

Senator ERVIN. Yes.

Senator TOWER. This wouldn't void a payroll deduction plan by which the boys want to save by buying bonds; they could still have it deducted from their pay.

Senator ERVIN. It wouldn't interfere with that at all. It only prevents their being coerced into buying bonds or making contributions to charitable causes.

Senator THURMOND. And it wouldn't prohibit, as I understand it, the matter being called to their attention if they care to have it done.

Senator ERVIN. That is right.

Senator THURMOND. Simply when coercion is used on them.

Senator ERVIN. That is right. I could go on and bring the letters. I have a member of the staff here to testify about some of these things, and we have literally hundreds and hundreds and hundreds of letters from all over the world on this thing.

Chairman RUSSELL. Senator Stennis.

Senator STENNIS. Is the Senator appearing as a witness?

Senator ERVIN. Yes.

Senator STENNIS. I don't want to question you.

Senator ERVIN. I am appearing here.

Senator STENNIS. For the bill?

Senator ERVIN. Yes.

Senator STENNIS. I just want to say this, Senator Ervin, everything you say is important to me on any subject. About the bonds, however, I imagine that there is an exaggeration in some of those letters. Normally, any organization that is trying to teach thrift, the principles of saving, accumulating something for a future day, whether it is raining or not, I would hate to pass a law prohibiting it. We have to have money to pay the salaries of these people who are complaining, to pay their retirement. That is one way to get money—through the sale of bonds. I imagine you are more interested in other parts of the bill than you are the bond part.

Senator ERVIN. That is the only thing prohibited in this bill—coercion in bond and charitable drives.

Senator THURMOND. That is the heart of it.

Senator ERVIN. That is the heart of the bill. In other words, these men are told they must subscribe rather than being asked to subscribe. If they don't subscribe they have to report to higher authority the reason for not subscribing. This bill only prohibits coercion, it leaves them free to go ahead and invest. I have this boy in North Carolina who said that he had his own savings plan. He was sending his money,

all his surplus money, to his mother who was investing it for him. He wants to invest it in that way instead of by buying bonds. It is a rather heartening letter. He wrote to his parents and they transmitted it to me.

Senator STENNIS. How much is the percentage required of them on their salary basis? Is there some formula.

Senator ERVIN. Well, it varies with different posts, just whatever the post commander wishes.

Senator STENNIS. Could you give us some idea of the maximum or the minimum?

Senator ERVIN. The minimum of a private is usually \$6.25 a month. It goes up according to rank.

Senator STENNIS. Do you have any further figures in addition to the \$6.25?

Senator ERVIN. Yes, I can get them without any difficulty.

I think if these men offer themselves they ought to be free as civilians are to purchase or refuse to purchase the bonds.

Senator TOWER. Mr. Chairman, may I supplement what the distinguished Senator from North Carolina said. I have had several letters complaining about coercion. I participated in a voluntary plan when I was in the Navy and was glad to do it, to save some money, but apparently this coercion does exist in many places and the pressure comes directly from DOD, apparently. I have even gotten complaints by word of mouth from boys in Vietnam that I have been talking to there that they are being coerced to buy them and they don't want to buy them. It would seem that something is appropriate on the matter anyway to avoid the coercive aspect of it.

Chairman RUSSELL. I don't think they ought to be any more subject to punishment through coercion than civilians.

Senator TOWER. They don't make us buy bonds and we get bigger salaries than they do.

Chairman RUSSELL. No.

Senator STENNIS. I have never heard of any complaint. I don't think I ever heard this thing mentioned.

Senator ERVIN. Senator, I have received hundreds and hundreds of letters. I would hate to estimate how many hundreds.

Senator THURMOND. Would the Senator yield?

Senator ERVIN. Yes.

Senator THURMOND. I have gotten considerable complaint on this same subject, and while I have talked with men in my travels in Vietnam only two or three mentioned the matter. I didn't get the complaint that the Senator from Texas did but I did have some complaint there. My experience has been that there is some coercion, not because the officers want to do it but because it is brought from on high. They feel they have got to do it, and if they don't do it, then it indicates to their superiors a lack of leadership on their part in getting the men to buy these bonds or to contribute. Not only that, now you have also got the United Fund drive in these various places too. I got some complaint last year about the pressure brought on them to contribute to the United Fund in these various places, and they put out regular reports on that, how many are contributing in each company and unit right on down, and from the information that has come to me, I have become rather convinced that there is some

coercion, if not intentionally on the part of the officers, because they are merely carrying out the orders that come to them.

Senator STENNIS. From higher up?

Senator THURMOND. Yes. The officers in uniform certainly wouldn't do it unless they were asked to do it and they felt it was necessary in order to show a fine leadership on their part.

Senator ERVIN. I got a letter from one serviceman, a lance corporal, in the Marine Corps from Albany, Ga., on February 7 of this year in which he sets out what his pay and his expenses are. He says that this \$6.25 constitutes about 25 percent of what he has got that is spendable resources after he pays his other expenses.

Senator STENNIS. That is pretty heavy. My remarks are about the bonds only. I have heard some complaints about these drives for funds.

Senator THURMOND. Will the Senator yield? I am in thorough accord with the Senator's views on thrift and savings and I think that is most important, and I think a commanding officer is doing his men a great service if he will call to their attention the fact that they can buy bonds and save, but stop with that and not make it appear that if they don't buy bonds then they are not cooperating or they are not good members of the unit or they can't get promotions and things of that kind. I think it is the coercive part that the Senator is trying to protect here, and on that point it appears he has considerable merit.

Senator ERVIN. I have a letter dated March 6, 1967, from an Air Force base in Mississippi:

On a personal level I was pressured to buy bonds. Also in basic I was politely told if we didn't subscribe to the President's combined Federal campaign we wouldn't receive our stripes on graduation. They didn't adhere to this however as everyone received his stripes.

That is the kind of threat that is repeated time after time in these things.

Chairman RUSSELL. Are there any further questions of Senator Ervin? If not, we will hear from the Honorable Fred B. Fitt, Assistant Secretary of Defense for Manpower, who has been designated by the Department of Defense to testify on this bill. You may proceed, Mr. Fitt.

STATEMENT OF ALFRED B. FITT, ASSISTANT SECRETARY OF DEFENSE (MANPOWER)

Mr. FITT. Thank you, Mr. Chairman and members of the committee.

I appreciate the opportunity to appear before you today to present the views of the Department of Defense concerning S. 1036.

The purpose of S. 1036 is to protect members of the Armed Forces of the United States by prohibiting coercion in the solicitation of charitable contributions and the purchase of Government securities.

The bill would do two things:

Make it unlawful for any commissioned or other member of the Armed Forces to coerce or attempt to coerce any member of the Armed Forces to invest his earnings in Government bonds or securities or to make a donation to any institution or cause. The bill does, however, specifically allow any member of the Armed Forces to call meeting or take any action appropriate to afford any member of the

Armed Forces the opportunity of voluntarily investing in securities issued by the United States, or voluntarily donating to any institution or cause.

Impose such punishment as a court-martial may direct, upon any member of the Armed Forces found guilty of willful violation of the statutory prohibition against coercion.

Executive Order 10927, dated March 18, 1961, governs fund-raising within the Federal service for voluntary health and welfare agencies. The Chairman of the Civil Service Commission is charged thereunder with making arrangements on behalf of such agencies—

to solicit funds from Federal employees and members of the Armed Forces at their places of employment or duty stations.

President Kennedy reemphasized in the Executive order the established Federal policy governing these Federal campaigns:

Such arrangements shall * * * permit true voluntary giving and reserve to the individual the option of disclosing the gift or keeping it confidential.

Department of Defense Directive 5035.1, as amended, implements within the Department the Government-wide policy and procedures prescribed in the manual published by the Chairman of the Civil Service Commission, in carrying out his responsibilities under Executive Order 10927. The Chairman's manual expressly and positively forbids compulsion, coercion, or reprisal directed at any employee or service member because of the size of his contribution or his failure to contribute:

Any practice that involves compulsion, coercion, or reprisal directed to the individual serviceman or civilian employee because of the size of his contribution or his failure to contribute has no place in the Federal program.

DOD Directive 5035.1 in the same unequivocal language sets forth the same principle as the fundamental precept for fund-raising campaigns within the Department of Defense.

Campaigns to promote the sale of U.S. savings bonds and similar Government securities within the Federal service including the Department of Defense are specifically and separately addressed. Repeating and reemphasizing the firm Federal policy prohibiting compulsion coercion or threats of reprisal in the course of U.S. savings bond campaigns within the Federal Service Postmaster General O'Brien chairman of the 1967 drive declared:

There was some criticism during the last campaign that employees were being coerced. I firmly believe the publicity was out of all proportion to the isolated instances of abuse that may have arisen from our enthusiasm * * * But let us recognize that there is a difference between persuasion and coercion, and between promotion and pressure; the difference lies in the presence or absence of threats, stated or implied * * * the job of the supervisor is to present the case for bonds on its merits, indicating what the employee has to do to join the program. And that is all. Nothing else is required; nothing else is expected; nothing else is wanted; nothing else is legitimate.

My office in turn, on behalf of the Secretary of Defense, has again in the past year unequivocally and in writing instructed the Secretaries of the Military Departments and the Directors of the Defense Agencies, on December 21, 1966, that—

Any practice that involves compulsion, coercion, or reprisal directed to the individual serviceman or civilian employee because of the size of his contribution or his failure to participate has no place in the Federal program.

And on May 1, 1967, in conjunction with the beginning of the 1967 campaign:

I urge your whole-hearted support during this year's campaign by insuring that each civilian and military member of the Department of Defense is informed of the advantages of savings bonds, and given the opportunity to join the payroll savings plan. The responsibility of all personnel involved in this year's campaign is, in the words of Postmaster General O'Brien, "to present the case for bonds on its merits, indicating what the employee has to do in order to join the program. And that is all. Nothing else is required; nothing else is expected; nothing else is wanted; nothing else is legitimate."

The Secretaries of each of the Military Departments have issued numbered directives which specifically address, and unequivocally prohibit, the use of compulsion, coercion, or threats of reprisal in the conduct of Federal campaigns:

Secretary of the Navy notice 5120 reiterates the need for constant vigilance in the conduct of U.S. savings bond campaigns to preserve and assure true voluntary participation.

Army regulation 608-15 states that any practice that involves compulsion, coercion, or reprisal directed toward individual servicemen or civilian employees, has no place in the program.

Air Force manual 211-5 states that compulsion, coercion, or reprisal directed toward individual servicemen or civilian employees, have no place in the program.

These directives and instructions clearly, concisely, and unequivocally record the firm prohibition against compulsion, coercion or reprisal within the Federal service and within the Department, in the conduct of Federal campaigns and fund drives soliciting Federal personnel.

By the same token, I believe the committee will recognize that, however much we would wish it otherwise, in any organization as large as the Federal military and civilian work force, there will occasionally be regrettable excesses of zeal or improper judgments somewhere along the line in the course of our concerted efforts to promote good causes through the voluntary participation of our people. In those cases in which the possibility of such abuses was brought to our attention we have carefully investigated all pertinent circumstances to the extent possible.

Of approximately 50 referrals of this nature which came to the attention of my office or my principal deputies since October 31, 1966, 40 were referred by Members of the Congress.

In 20 out of the total of 50 cases, broad allegations of coercion were stated or implied, but the information essential to onsite investigation was not or could not be provided, and the allegations were not otherwise substantiated by the facts available to us.

Fifteen cases were based on a general news article, radio broadcast, or the like, and lacked specifics.

In another 15 cases, names, dates, and locations were available, and detailed investigations were conducted by the military departments at our request.

Nine of these investigations resulted in findings that the facts did not substantiate the allegations made.

In four of these investigations, it was determined that misinterpretation of procedure by potential contributors-purchasers had resulted in the allegations of coercion. Supervisors and campaign workers were carefully counseled in an effort to avoid recurrence of such incidents.

In two of these investigations, it was determined that individual officers abused command prerogative in a manner smacking of coercive practice, through the issuance of improper instructions contrary to the spirit and intent of governing directives. These instructions were summarily revoked, and the two officers involved were formally reprimanded.

Finally, only seven of the 50 referrals came after the 1967 savings bond campaign. The vast majority—86 percent—came before.

S. 1036 could make criminal acts out of errors of judgment, excesses of zeal, misunderstood communications, or misinterpreted actions or motives. We believe it is precisely these categories of conduct, and no more, which have been involved. The Department of Defense does not consider criminal sanctions as enlightened, effective, or appropriate measures for dealing with such cases. Administrative personnel action is eminently more suitable, and the sharp drop in complaints this year compared to last indicates that administrative action has been effective as well.

The bill seeks to draw a fine line between management persuasion and management coercion of Armed Forces members to buy bonds or make contributions. The bill does no more than reflect existing executive branch policy on this score—but it attaches criminal penalties for breaches of the policy. We are convinced that creating a specific new crime in the context of demonstrably worthy programs—the encouragement of bond purchases and the support of charities—is neither necessary nor desirable. We already possess ample authority under the Uniform Code of Military Justice to prosecute those who violate or fail to obey a lawful regulation or order.

While the Department shares the desire to eliminate any practice which smacks of coercion, compulsion, or the threat of reprisal to induce the participation of Armed Forces personnel in good and important causes, we strongly oppose the imposition of criminal penalties in the manner contemplated in S. 1036. We agree with a similar view expressed by the Chairman, U.S. Civil Service Commission, regarding S. 1035, a companion bill contemplating similar sanctions in the case of civilians. We further believe that the existing legal machinery provided under the Uniform Code of Military Justice, our system of departmental regulations, and our administrative and management system and procedures, already supply all of the authority needed to cope with any problems in the area addressed by S. 1036.

I shall be pleased at this time, Mr. Chairman, to answer any questions the committee may have.

Chairman RUSSELL. I am sure Mr. Secretary, you see the difference in the applications of a provision of this kind and civil service—between civilian employees concerned and those in the military service.

Mr. FITT. Yes, sir.

Chairman RUSSELL. There is a considerable difference in the matter of employee unions and things of that kind in the civilian arm that affords all kinds of protections to civilian employee who can file complaints. I think there is a somewhat different situation as far as the military is concerned. A lance corporal or a buck private somewhere is very slow indeed to bring any kind of formal complaint against a captain or a colonel, and least of all a sergeant who is in command of him.

I don't think you can take too many precautions to avoid his being coerced. I think he should be encouraged by every legitimate means short of coercion as far as providing information. I think it is well to have it. You are dealing largely with people who are in an area where there are mostly youths who have just come into the service, they haven't been there very long. They don't have much money, and they come to a conclusion they haven't any rights before they have served the first year they are there. I don't think you could too strongly emphasize on the military side that as long as this is limited to information it is all right, but when it comes to threats or implied threats, it is wrong. I just don't know how to handle this matter.

I am reluctant to pass legislation of this kind myself, because I am not too sure that will cure the evil that we are seeking to cure. If a sergeant tightened up a little bit he won't say anything more about the bonds but this fellow will find himself on disagreeable duty. It is difficult to get at, unless you let the word come down from above. The sergeant understands that all right, that there shall not be any coercion, and it shall be limited to informing the man as to the advantages of it, and indeed the obligations of citizenship to be considered, but not as a threat.

I am somewhat in a dilemma on legislation of this kind. I know there is a wrong there but it is difficult to find a way to right the wrong. Senator THURMOND.

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Secretary, I am sure that there is great merit in what you said and you presented it quite well. You heard the statement by the Senator from North Carolina, however, you heard excerpts from letters that he received from various members. The present regulations are not curing the thing that he is trying to correct, are they?

Mr. FITT. My impression, Senator, is that there has been a substantial downtrend in the number of complaints. The figures I cited in the statement suggested that of the 50 referrals that we had received in the last year, seven have been received since the 1967 campaign which occurred in the spring of this year. The other 43 occurred or involved episodes occurring before that campaign, and I think mainly growing out of the 1966 campaign.

Senator THURMOND. I don't think there is any question that it has been gotten over to the officers in the armed services that their leadership is going to be judged at least in part by the cooperation they can get from the services in buying Government bonds, and in some cases in joining the United Fund or contributing to the Red Cross or some other charitable organization.

I guess there is a sharp line of demarcation there between coercion and a fine exhibition of leadership. On the other hand, this thing has gone on, I know it has gone on. I have seen some of it myself. I have seen it in the services, and I have had complaints about people in the services. The only thing I am concerned about is whether to make it unlawful for these commissioned officers—I believe it does cover this—or any member of the Armed Forces acting or purporting.

I think this extends higher than the armed services. I think it even goes back to the executive branch of the Government at high levels, and that is the only question in my mind, as to whether this bill should go further back, because the officers in the armed services are merely doing their duty as they see it, and they are trying to carry

out the wishes of their superiors. If they feel that their superiors want these bonds sold, they are going to try to get them sold. It is to their advantage as an officer to do it, in their efficiency reports. It is to their advantage to make an impression of being an outstanding leader who can command cooperation and get results.

I don't see any harm this bill could do, and I think it might do a great deal of good. I certainly don't want to see an imposition imposed on our officers. As I stated, this matter seems to me beyond them. I think it extends to civilians in the Defense Department and probably comes to them from the White House. Whether this bill is going to get the results we want, we don't know. We will just have to try if it is passed and find out. It may be necessary to broaden it to cover not only the officers in the armed services but to cover anyone who uses any coercion on down the line, which in turn will result in coercion on the man in service.

I can see your view, and I am sure you are doing all you can in the matter. On the other hand, there is an evil here that in some way ought to be corrected.

Thank you, Mr. Chairman.

Chairman RUSSELL. Senator Stennis.

Senator STENNIS. Mr. Chairman, I have already given a word of caution here, to by all means avoid giving the impression to the country as a whole that we are discouraging in any way the buying of bonds. Maybe there should be a little competition between units, but if we are going to pass such a bill, I don't think we ought to limit it to the commissioned officer or those under him, because the truth is it is coming from other sources perhaps. That is another problem. I know it is abused some. I don't think they ought to be coerced. I know a lot of boys have told me—I don't know why I have missed all these other reports which I am sure are true about the abuse, but I have been told—one of the best things that happened to them is that they were encouraged to save while they were in the service through these bonds. They had a nestegg when they got home. I don't have any other facts. That is all.

Senator ERVIN. You recognize that most people in the military are afraid to report things? You realize, Mr. Secretary, that a private is not going to complain about demands made upon him by the sergeant, don't you?

Mr. FITT. I think I would say there is some of this feeling, Senator, but I wouldn't say most servicemen are afraid to complain. They have a regular basis for making complaints. By and large I believe that our servicemen are dealt with fairly and properly.

Senator ERVIN. As a matter of fact, about the only kind of complaints that you can investigate are those where the man is willing give his name and take whatever consequences may be visited upon him by his superiors for his protest, isn't that so?

Mr. FITT. No, sir.

I believe that most of the cases that arise involve the content of some mimeographed sheet issued at a base in conjunction with the charitable giving campaign. That sort of material can be sent in without fear on the part of the person who sends it in that he will be in any difficulty.

Senator ERVIN. That can be sent in, but when the statements are oral in nature, they cannot be checked, can they?

Mr. FITT. Well, that is true, sir.

Senator ERVIN. Do you not know, Mr. Secretary, that the average private soldier is not going to make a protest to the Department of the Army or to the Department of Defense about practices imposed upon him in these bond-buying drives and charitable contribution drives?

Mr. FITT. I think the average soldier is not going to do that, sir, and for the reason that he has no basis for doing it. There are mistakes made. There are overzealous superiors and there are demonstrations of bad judgment from time to time. I think we have an obligation to make the policy loud and clear as Senator Russell indicated we should, and we have done that. We have got to be eternally vigilant on this score and keep it up, because there will no doubt continue to be isolated cases of overzealousness on the part of commanders or occasional regrettable mistakes in judgment.

Senator ERVIN. Do you recall getting a letter from me about a retired major that was under the military out in California, a retired major from Asheville, N.C., who gave me permission to use his name. He said that he currently was working under a certain colonel. He told his colonel that because of the situation in his family he was unable to buy the amount of bonds they wanted him to buy. The colonel told him he had better buy the bonds. When he refused, the colonel posted these notices all over the bulletin boards in that area that the bond drive would be a hundred percent success if it has not been for this retired major and certain other persons.

Mr. FITT. Sir, that occurred before I became Assistant Secretary of Defense for Manpower, but I am in general familiar with the case. It was a reprehensible situation and the person who was responsible was reprimanded.

Senator ERVIN. I would like to call your attention to a letter I received on September 4, 1967, from a chaplain in the U.S. Army. This is just this past month.

I was very happy to learn several months ago you were trying to pass a bill which would make it a criminal offense subject to court martial for a military commander to coerce a subordinate into donating money to any cause not prescribed by law. I want to tell you that there is very great need for such a law. I think that the proposed law should also include compulsory membership in private organizations such as association in the U. S. Army Officer and NCO Clubs.

Just today NCOs were telling me that membership in these organizations is a requirement for promotion. The people who need this protection most are the new draftees and young lieutenants. Let no one tell you that the cases offered as proof of this abuse are isolated. Do not let the DOD tell you that it will handle the problem without further legislation. They will not do it. The evil will be reduced for a while, but after congressional concern and clamor dies down, there will be a return to the old custom of making everyone join and everyone donate or buy. Indeed, the higher ranks are the worst offenders.

Let no one tell you that the motive is to teach the soldier to save or to assure him good association. The motive is very clear. The motive is to advance the career of the commanders in the eyes of the senior commanders. Every commander has to have a 100 percent participation and it is difficult for the soldier to get through the pay line without being robbed. Interrogate the next soldier you meet. Visit a company pay line at one of the Washington area posts next pay day. Do not let anyone tell you you are coming. I tell soldiers that under our law they have no obligation to donate, buy, or join, and they have no obligation to explain to any officer of the United States Government their refusal. I think all collectors, vendors and recruiters should be kept far from the pay line.

This abuse is widespread in the Armed Forces. It is pushed by the higher ranks. It is resented by the vast majority of Service men, but very few are in a good position to fight it because they all want to get along with their bosses. They all want promotions and good efficiency reports. So they submit to the injustice. The morale and the career of their bosses is thereby improved.

I have remonstrated about this with my division commander and brigade commander. I do not want you to investigate anyone. I do not want anyone to be punished. I just want you to pass the bill.

I would prefer that you do not write to my military commanders. This wastes too much time, and besides, the ones who are guilty of this have been changed. I want the practice stopped, and passing the bill might do it.

Now, do you not know the complaints have been made that officers are given derogatory efficiency reports on some occasions because they do not participate in these bond drives?

Mr. FITT. I do not know that, sir.

Senator ERVIN. Well, have you not had complaints to that effect?

Mr. FITT. I do not believe that that is proper material for inclusion in an officer's efficiency report.

Senator ERVIN. I agree with you, but have you not had officers complaining to the armed services that they are threatened with derogatory efficiency reports if they do not participate in these drives and get high participation from their men?

Mr. FITT. Senator, may I, bearing in mind that I have been in this position for only 2 months, consult a moment with my staff?

I am advised that to the best of our recollection in none of the approximately 50 cases referred to OSD that I mentioned in my statement, Senator, was that kind of complaint raised.

Senator ERVIN. I have many complaints to that effect. And, of course, the officers are like the chaplain. They do not want me to report to their commanders what they say.

Now, here is a letter I received from a mother about her son:

My son is receiving about \$90 per month before taxes taken out, plus paying for his GI insurance, plus \$10 a month to College Life Insurance Company of Indianapolis, Indiana, which insurance program he has had since the beginning of his senior year in college and felt he had too much invested in it to stop it, plus he pays \$20 a month on his loan to the church plus \$20 a month on his loan to the university—

I will leave out that name—

So, sir, you see by the time they take out the \$6 a month that his sergeant made him sign up for bonds leaves him practically nothing. I certainly would sign my name to this letter if I did not think that in some way it might get into the hands of some military official and could jeopardize my son's career in the Army.

Mr. FITT. Senator, I can understand that sort of letter, but it seems to me it really provides no basis for reaching any conclusion. The boy is the one who has to make the judgment about whether he wishes this deduction made from his pay.

Senator ERVIN. Do you not realize that sometimes the boys will tell the families that but will not make the protest themselves because, like Brigadier General Buck told me, they are sort of scared of the sergeant.

Mr. FITT. I understand that, sir, but it is not clear from the letter you quoted whether it is the mother's judgment or the boy's judgment that is involved.

Senator ERVIN. This letter from the chaplain came in last month, and my committee is still receiving complaints by the score. I am like the chaplain. With all due respect, I have been contacting the Defense Department about these things over a period of several years, and it keeps going on, and I keep getting complaints.

I think as far as leaving this to the Defense Department, it is sort of like the old adage. When the devil was sick the devil a monk would be, but when the devil was well the devil of a monk was he. I think if we leave it to the Defense Department, as one of these letters states, after a little time goes by and the congressional pressure subsides, all these pressures are going to renew. And, of course, you do not have to court-martial a man who violates this law. It is rather a discretionary matter for the commander. I think this bill would be a deterrent. If these men do not get some protection from the hands of Congress, they are not going to get it anywhere.

Mr. FITZ. Senator, we do not oppose continuing congressional pressure on the Department to eliminate coercive practices. We are all opposed to those practices. I think if we need to have congressional pressure on this score, we certainly should continue to receive it. We just do not happen to believe that the bill in question is a necessary or useful device to bring about the end of the kinds of practices that you have described, which you abhor and which all of us do. But I certainly urge that you keep up the pressure, sir.

Senator ERVIN. There is no use keeping up the pressure. I am bringing this to the Congress now. Nobody is going to protect these boys except Congress. I have a letter written by a general. He said that the President wanted 100-percent participation. He was not going to be satisfied with less and neither was the general.

This puts pressure on the top commanders and they put pressure on the lower echelons until we get to a point like this.

Here is another letter. This is from a man who has had many years service:

I saw officers with over 20 years in the service who have been forced to buy bonds themselves and in turn forced to coerce their men to buy. Sometimes you consider what the general thinks is important to the military unit.

And so I just do not think there is any protection just leaving things to the Department of Defense. You cannot call many cases to the Department because these people do not want to be put in jeopardy. That is one place where a man has no protection.

Here is a letter from a lieutenant colonel written on March 5 of this year:

Of course the bond drives are notorious. It does not matter that the men cash in the bonds as fast as they buy them. The big thing is to be able to report 100 percent are buying bonds. My efficiency report for one period of command contains the derogatory statement that I could not get my command up to 90 percent bond buyers. This is the only derogatory statement in many ratings, but it has probably cost me a promotion. The fact is I deliberately refused to push bond sales. My command was in the 60 percent bracket on an entirely voluntary basis, which I thought was pretty good to do what you want. The soldier has always been a soft touch for the money grabbers and they will find ways to get his money every time.

That is all.

The CHAIRMAN. Senator Symington, do you have any questions?

Senator SYMINGTON. Mr. Secretary, in business we found at times that people were prone to take advantage of supervisory positions to suggest that employees put their money in various things they thought were desirable. We would take steps to soften any undue pressure. The independence of a person working in a plant, or in an office is greater than independence in the military.

When a Secretary in the Pentagon, we found the same problem. Whether anything is a good buy or a bad buy, or donation, I personally

do not think we have the right to instruct people how to use their money.

All we allowed was solicitation for the community chest fund which pooled all the various charities. No other drives for funds were allowed.

Having felt that way in private business, I feel even more that way in Government.

There is merit in this bill, and I am surprised at so much objection to it. It seems, reading the bill casually, all the bill does is make a law out of what you believe should be done anyway. I would not vote for the bill unless it included civilians, because coercion comes—

Senator ERVIN. If you will pardon me, the Senate passed S. 1035, 79 to 4. That bill protests civilians. The military is covered in S. 1035 with respect to civilians because in that situation injunctive power can be granted to the courts. Civilian employees can go into court and get an injunction against military supervisors. But there is no way that a buck private can go in the court and get an injunction against his sergeant or company commander. That is why a separate bill is necessary and why a criminal sanction must be provided.

Senator SYMINGTON. If they are covered, based on what the Senator from Mississippi said, I did not know that.

Senator ERVIN. All civilians in the Government are covered in the bill.

Senator SYMINGTON. That being true, I would think it logical, if you are going to cover the civilians in the Pentagon, to cover the officers also. Actually it would be a defense if an officer was being pressured by his superior to make a collection record for a particular cause.

We have had some trouble recently in my State. I do not know who was right or who was wrong, but it got to be quite a situation. I have great respect for you, but do not see what harm would be in this bill. I would think most military would want to be covered themselves.

Thank you, Mr. Chairman.

Senator ERVIN. I might state for the record that S. 1035 has not yet passed the House. It has passed the Senate. Under the bill passed in the Senate, it provides that no civilian employee of the Government can be coerced by any civilian official, and that no civilian employee of the military can be coerced by military officers. Both bills employ virtually the same phraseology.

I do not make violation of S. 1035 a criminal offense because civilians have access to the Federal courts. But the Army, Navy, Air Force, and Marine Corps have no civil remedies. That is the reason I have to make it a criminal offense because that is the only way you can reach them. I do not anticipate that many people will be prosecuted under this, but I think it would be a deterrent against these abuses.

Senator THURMOND. Will the Senator yield?

Senator ERVIN. I might say further that I tried to get one boy to give me authority to use his name and I sent the case to the Defense Department. I tried to be very careful so that the boy wouldn't get into trouble for complaining. Two colonels assured my staff the boy would be protected. His case was investigated and he wrote me back to please not to try to help him any more, that his situation was much worse.

Senator THURMOND. Would the Senator yield?

Senator ERVIN. Yes.

Senator THURMOND. S. 1035, the bill we have passed, probably covers the civilians, except maybe the Secretary of Defense and the President.

Senator ERVIN. I do not know that it would cover the President but I think it would cover any other officer in the executive branch of the Government. I think it would cover the Secretary. S. 1035 applies to any officer of the executive branch of the Government, or any person acting under his authority or purporting to act under his authority.

Senator THURMOND. I had some question as to whether it was broad enough. I wanted to get your interpretation of it, whether it was broad enough to cover the Secretary of Defense. I do not think it covers the President.

Senator ERVIN. It says any officer of any department or agency or any person acting or purporting to act under his authority. I think it covers everybody but the President.

The CHAIRMAN. When was that bill passed? We passed that some time ago.

Senator ERVIN. Yes. We passed it about 2 months ago, September 13th. That was the one that had the provision about the CIA. That was the only controversy.

Senator THURMOND. That was in the Judiciary Committee.

Senator ERVIN. And I might state that between the cosponsors and the Senators who voted for it, the bill had the support of 90 percent of the Senate. The only question was a minor point about the provisions concerning the CIA and NSA.

The CHAIRMAN. Thank you very much, Mr. Secretary.

Mr. FITT. Thank you, sir.

The CHAIRMAN. There will be inserted in the record at this point a letter from the American Civil Liberties Union in support of S. 1036. (The letter follows:)

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., November 9, 1967.

HON. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you to indicate the support of the American Civil Liberties Union for S. 1036, a bill to protect members of the Armed Forces of the United States by prohibiting coercion in the solicitation of charitable contributions and the purchase of Government securities.

We have had a number of cases reported to us of the attempts to coerce servicemen to purchase U.S. Savings Bonds in order to make creditable records for their superiors. Often the pressure is exerted the most when a unit is within reach of a 100% record. Desirable as this goal might be, nevertheless, it has been responsible for cases of harassment, when soldiers have been called in repeatedly by superior officers to be lectured as to why they should sign up for U.S. Savings Bonds to be deducted from their pay.

Complaints to the Military have been unavailing. Generally there is a denial that anything improper occurred. Whether this bill will result in any affirmative corrective measures I am not entirely sure. However, it is to be hoped so. No serviceman should be subject to overbearing pressure in order to make creditable records for his superiors by purchasing U.S. Savings Bonds, or contributing to favorite charities.

Sincerely yours,

LAWRENCE SPEISER,
Director, Washington Office.

(Subsequently, in executive session, the Committee voted to report S. 1036, without amendment, as covered by S. Rept. 796.)

Mr. CHAIRMAN. The next bill is H.R. 12910. That is a bill relating to the Judge Advocate General's Corps in the Navy. The witness on this bill is Adm. Wilfred Hearn. Proceed, Admiral.

STATEMENT OF ADM. WILFRED HEARN, JUDGE ADVOCATE GENERAL OF THE NAVY

Admiral HEARN. Mr. Chairman, I am grateful for the opportunity to appear before this committee to testify in support of H.R. 12910, which would establish a Judge Advocate General's Corps in the Navy. I wish to thank the committee, and especially Senator Ervin, for his interest in this legislation.

Mr. Chairman, I have a prepared statement which, with your permission, I propose to submit for the record. I do desire, however, to speak very briefly to the needs of this legislation.

The CHAIRMAN. Very well.

(The prepared statement of Admiral Hearn follows:)

Mr. Chairman and Members of the Committee, I appreciate the invitation to appear and testify with respect to H.R. 12910 which would establish a Judge Advocate General's Corps in the Navy. Needless to say, I fully support the enactment of this legislation as cleared by the Department of Defense in its report dated August 7, 1967. Briefly stated, the proposal would establish a Staff Corps for Navy lawyers in place of their present status as special duty officers. If enacted, uniformed Navy lawyers will have the same type of internal Navy organization as the other Staff Corps: Supply, Civil Engineer, Medical, Dental, Nurse and Medical Service.

Utilization of uniformed Navy lawyers began in 1864 when a Solicitor was appointed and the following year confirmed by an Act of Congress which designated him as both the Solicitor and the Judge Advocate General of the Navy. Prior to World War II Navy legal business was handled by a small group of uniformed lawyers, most of whom did legal duty on occasion when not performing line duty. It was not until after World War II—in 1946—that the need for full-time legal officers became apparent. In that year the Secretary of the Navy on the basis of a recommendation of a board headed by an eminent civilian jurist, Arthur A. Ballantine, directed the procurement of 300 lawyers who would function as full-time legal officers. In the last twenty years this number has progressively increased to our present strength.

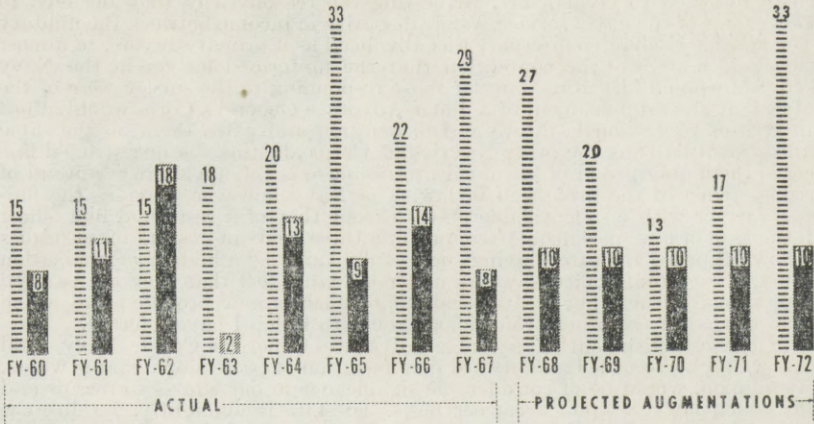
The increased demand for legal officers is attributable to a number of circumstances, one of the chief factors being the enactment of the Uniform Code of Military Justice in May 1950. That law required that officer lawyers be used in all general courts-martial. Concern of this nature for the rights of the individual has found further expression since then both in Congress and in the courts. In both houses of Congress legislation is pending which would require that lawyers be used in the trial of any special court-martial which might impose a bad conduct discharge. In the recent Tempia decision handed down by the U.S. Court of Military Appeals, this right of representation has been extended to those under interrogation.

As you know, in 1962 the Congress enacted the Medical Care Recovery Act which directs us to recover the cost of medical care furnished a serviceman or his dependents who were negligently injured by someone else. The Judge Advocate General is responsible for making and processing the claims under this law and last year we recovered one and one-half million dollars.

In 1966 Congress amended the Federal Tort Claims Act, which amendment requires us to endeavor to settle all tort claims of any amount filed against the Navy. Prior to this amendment we only settled claims up to \$2,500 and those in excess of that amount were handled by the Department of Justice.

Then too, the demands for legal assistance—especially for those serving in Vietnam—have increased several fold. The Retention Task Force which recently studied lawyer manpower requirements in the Navy recognized that legal assistance is a great morale factor. Particularly is this true in the case of personnel who are serving in Vietnam. Being separated from their wives and children, many for the first time, it is reassuring to know that they and those at home have someone to turn to for legal services if the need arises.

CAREER OFFICER INPUT FALLING FAR BEHIND



RETIREES [hatched bar] AUGMENTEES [solid black bar]

CHART - 2

MANNING CAPABILITY DRASTICALLY REDUCED

(As of 30 June 1967)

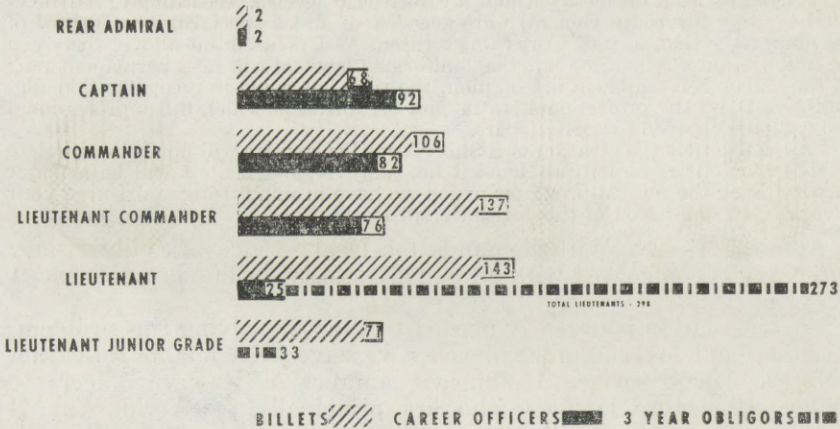


CHART - 3

The day is not far off when our law specialist group will be made up almost exclusively of inexperienced junior officers serving their three year obligated military tour of duty. While we can, at the present time, secure an adequate number of these "obligors", if draft calls are terminated or greatly reduced, in all likelihood we shall be denied these members as well. This is a dismal but accurate picture and I think it fair to say that unless we can change this situation it will not be many years before Navy lawyers will be unable to meet the requirements for legal services set by Congress and by the Navy.

We have several ideas in mind which we hope will be beneficial and among them is the creation of a Judge Advocate General's Corps. Two years ago I made a survey among a number of junior officers who had been on active duty and recently returned to civilian life, requesting the reasons why they declined to make a career of the naval service. While disparity in income between the military lawyer and his civilian counterpart was advanced as a primary reason, of almost equal significance was the contention that the uniformed lawyer in the Navy lacked professional identity. Many of those responding to the survey were of the opinion that the establishment of a Judge Advocate General's Corps would afford them greater professional stature and recognition and place them on the same organizational basis as the other Navy Staff Corps. Just as the unrestricted line officer is justifiably proud of his naval profession so is the naval lawyer proud of his competence in the profession of law. The Navy however provides the uniformed lawyer with no identifiable status except that of a restricted line officer with the title of law specialist. After spending three years in postgraduate studies at his own expense and after having successfully survived a high bar examination attrition, these young officer-lawyers understandably feel that they are entitled to professional recognition greater than that which is now provided and which is equal to that of the other professional groups to which I have referred.

With the establishment of a Judge Advocate General's Corps, Navy legal officers would be accorded an outward manifestation of professional status which, in my opinion, would be of considerable significance in our efforts to recruit and retain young lawyers upon a career basis. To state it differently, I think the creation of a Corps would improve the esprit de corps of the group since they would have a cohesion which is not now in existence and which should develop a pride in their professional organization.

The creation of a Judge Advocate General's Corps is not a new idea. In fact, it was considered at the time the Uniform Code of Military Justice was under consideration by the Congress. At that time the Judge Advocate General of the Navy suggested that the creation of a Corps be postponed until such time as the merits or demerits of the special duty status of Navy lawyers could be tested. I am confident that the creation of a career legal group in the Navy was accomplished with some reservations as to whether or not lawyers on a career basis were actually required. This was a logical reaction since the Navy had for some eighty years transacted its legal business without a career legal service. Accordingly, the views of the Judge Advocate General were acceded to and a special duty category of officers rather than a Staff Corps was created. As I pointed out above, there can be no question at this time but that uniformed lawyers will be a permanent part of the career Navy and, in my opinion, the time has come to recognize that fact and give them the professional status and organization which other professional groups have enjoyed for many years.

I recognize that the creation of a Staff Corps for lawyers will not be a complete panacea for our retention problems. I do, however, feel that it will be a major factor among the several programs which we have in mind using and I urge your favorable consideration of this legislative proposal.

Admiral HEARN. With demands for legal services steadily rising, the Navy is confronted with an equally steady decline in experienced officer lawyers.

This legislation is urgently needed to assist in solving this problem.

Today and for a number of years we have been unable to attract into the career service a sufficient number of Reserve officers to replace procedure lawyers who are principally of World War II vintage. All of this group of senior officers will have retired within the next 5 years.

While we are able to recruit the 3-year reservists, principally because of their draft obligations, we have not been able to interest these young lawyers in making the service a career.

On average, over the past 5 years less than 10 percent have selected a legal career. This has not been sufficient to replace losses, and for the foreseeable future the situation will substantially worsen rather than improve.

For example, as shown on chart No. 1, which is attached to my prepared statement, in 1960 we had on board 332 Regular career officers. At the end of this fiscal year the number will be down to 260, and by 1972 the number will be 217. All this assumes that we will continue to augment with substantially the same measure of success as we have experienced since 1960.

Chart No. 2 attached to my prepared statement reports our experience and projected gains and losses for the period 1960-72.

At the present manning level, we need a bare minimum of 311 career officers to man our captain, commander, and lieutenant commander billets. This does not take into account the necessary beginning base of career lieutenants.

Chart No. 3 attached to the prepared statement reflects this shortage in each of these senior grades.

Approximately a year ago we sent inquiries to all service lawyers who were about to complete their obligated service, and to those who had returned to civilian life within the preceding 18 months, to ascertain why they had not selected the service as a career. Uniformly their responses listed two principal reasons.

First, the inability of the service to offer compensation commensurate to that available in civilian practice; and second, the lack of professional identity as lawyers in the Navy. It was their view that as special duty officers in the restricted line, there was a lack of recognition of their professional status.

This bill is designed to attack the latter problem. It is believed that with the establishment of the corps and affording these young lawyers a professional recognition similar to that enjoyed by doctors, dentists, and engineers, for example, a naval career for lawyers will be more attractive to the young Reserve lawyer upon whom we depend as the source of our career officer lawyers.

I therefore urge you, Mr. Chairman, the favorable consideration of this legislation. And I might add that General Greene telephoned me this morning to say that I could announce to the committee that he wholeheartedly supported the legislation.

Thank you, Mr. Chairman.

The CHAIRMAN. I notice in your prepared statement you refer to Vietnam. You say:

The increased tempo of our operations in that theater has greatly increased the need for uniformed lawyers.

What type of cases are handled in Vietnam by uniformed lawyers?

Admiral HEARN. Court-martial cases.

The CHAIRMAN. That is very evident; but there has been no great increase in them, has there?

Admiral HEARN. Sir?

The CHAIRMAN. There has not been any tremendous increase in court-martial cases?

Admiral HEARN. There has been a rather large increase in court-martial cases. I think servicewide our cases have increased somewhere between 25 and 30 percent, and our general courts-martial for this fiscal year, based on our experiences in the first 3 months, will be one and a half times as large as we experienced last year.

The CHAIRMAN. Has the personnel of the Navy increased in that proportion?

Admiral HEARN. No, sir; I would say not. I think perhaps the percentage of courts-martial per population has increased as a result of conflict in Southeast Asia.

The CHAIRMAN. To what do you attribute that great increase in the violation of military law?

Admiral HEARN. I attribute it to the normal frustrations which develop as a result of situations of this kind, and we are noticing it all over the service without regard to whether it is in Vietnam or whether it is in the continental limits of the United States.

The CHAIRMAN. In its present form the bill provides for four statutory flag general officer billets in the Navy JAG. There are only two flag billets now in the legal department of the uniform services.

My understanding is that the Department of Defense does not support additional flag or general officer billets in the JAG Corps unless this committee will increase the number of flag and general officer positions for which it is willing to recommend confirmation.

Is my understanding of the Department's position correct?

Admiral HEARN. That is correct, sir.

The CHAIRMAN. This bill provides that the Deputy Judge Advocate General is entitled to the same privileges of retirement as provided for chiefs of bureaus. In most instances this means that a retired Deputy Judge Advocate General would receive the retired pay of a rear admiral of the upper half instead of the retired pay of a rear admiral of the lower half.

Can you give some reasons why that change is justified?

Admiral HEARN. The Deputy Judge Advocate General is now receiving pay of the upper half, and that provision would enable him to receive retired pay based on the pay he is receiving while on active duty.

The CHAIRMAN. He does now receive—

Admiral HEARN. Pay in the upper half; yes, sir. Present law says that he shall receive the highest pay of his grade.

The CHAIRMAN. The bill provides the Secretary of the Navy shall establish the authorized strength for officers in the Judge Advocate General's Corps. Of the corps in the Navy, they have their authorized strength provided by law as a percentage of the line strength. Why was there not a comparable provision desirable in this bill?

Admiral HEARN. Because I think it gives our Navy more flexibility. In other words, the Secretary can determine on the first of each January the number of Judge Advocates required to meet the needs of the service, which might vary from year to year.

The CHAIRMAN. Could not the same argument be made for the other bureaus in the Navy?

Admiral HEARN. I think perhaps the same argument could be made; yes, sir.

The CHAIRMAN. If the committee desires to legislate a maximum strength for the JAG Corps similar to that applicable to the other corps, what maximum strength in percentage figures would you think would be the minimum that could be efficiently established?

Admiral HEARN. Mr. Chairman, I would like to submit that to the committee after some thought. I do not believe I could roughly give you an estimate which would be reliable without giving some thought to it.

The CHAIRMAN. I can see that that would be difficult.

Under this bill persons receiving original appointments in the JAG of the Navy would have to be credited with not less than 3 years of service for determining grades and eligibility for promotion. The comparable position applicable to Marine Corps officers, is that for the same purpose that that man can be credited with more than 3 years?

Admiral HEARN. I think it says not more than 3 years.

The CHAIRMAN. Yes, not more than 3 years.

Why is this recommendation on constructive service for Navy officers different from those in the Marine Corps?

Admiral HEARN. The difference between the two provisions conforms with the desires of the Marine Corps with respect to constructive service for Marine Corps officers. The provision with respect to Navy Judge Advocates conforms to the law.

The CHAIRMAN. My understanding is that if this bill becomes law, all officers in the JAG of the Navy would then be promoted to the grades of lieutenant or lieutenant commander if at the appropriate time they are found fit for promotion.

I wish you would tell us for the record how this practice would differ from your current promotion procedures.

Admiral HEARN. As far as actual practice is concerned, there would be no difference whatsoever because our promotion opportunity for lieutenant junior grade to lieutenant and lieutenant to lieutenant commander has been 100 percent. We have been in practice conforming with that portion of the law.

The CHAIRMAN. This just makes your present practice statutory?

Admiral HEARN. Yes, sir.

The CHAIRMAN. Senator Smith?

Senator SMITH. Mr. Chairman.

Admiral, the last sentence of section 8(b) of this bill provides that:

All provisions of Title 10, United States Code, not inconsistent with this Act relating to officers of the Medical Corps of the Navy shall apply to officers of the Judge Advocate General's Corps of the Navy.

To avoid perhaps unintended consequences that might later arise when the law related to the Medical Corps of the Navy were changed, and to avoid possible controversy about whether the provisions were inconsistent with this bill, would you have any objection to substituting for that sentence a specific reference to the specific laws applicable to the Medical Corps that you wish to apply to the JAG Corps?

Admiral HEARN. No, Senator, I would not.

Senator SMITH. That is all, Mr. Chairman.

Thank you.

The CHAIRMAN. Senator Ervin?

Senator ERVIN. Admiral, as I understand the situation, the need for law officers in the Navy is increasing.

Admiral HEARN. Very much so: yes, sir.

Senator ERVIN. And due to the failure to have a separate status for law specialists in the Navy, it is more attractive for the law specialists to leave the Navy and go into private practice?

Admiral HEARN. Yes, sir. We find that among our junior officers they sense severely the absence of professional status in the service,

and it is in response to that questionnaire that I mentioned that we sent out to all of our young lawyers that they feel they need professional status, and we certainly are in a very bad situation currently with respect to recruiting that we not only need to build but we need to have that as an inducement for career service just as soon as we can.

Senator ERVIN. It appears on pages 3 and 4 of the House report that the number of law specialists in the Navy has increased from 471 in 1960 to 555 at the present time, but the number of the career officers in the same period of time has decreased from 332 to 217.

Admiral HEARN. Yes, sir; and the charge referred to in that report is attached to my prepared statement.

I might just say that it has been an additional recognition of need beginning with fiscal year 1969, our authorization has been increased by a total of 35. So you see that the great growth in legal requirements is requiring additional people which we need to recruit.

Senator ERVIN. And is that not attributed to in part by the fact that the Navy is now and for the future so far as we now anticipate operating in units dispersed all around the earth?

Admiral HEARN. Yes, sir; very much so.

Senator ERVIN. That is all.

The CHAIRMAN. Senator Thurmond?

Senator THURMOND. Thank you, Mr. Chairman.

Admiral, what is asked here in this legislation, as I understand it is to just place the Navy on the same basis as the Army and Air Force are at present?

Admiral HEARN. That is correct, sir.

Senator THURMOND. In other words, you are just asking that the Judge Advocate General's Corps be established in the Navy as you now have in the other services?

Admiral HEARN. That is correct, and to give us staff status as is enjoyed by the other professional groups in the Navy.

Senator THURMOND. You are not asking anything superior to that. You are not asking any favoritism, but just for the Navy to be on an equality with the other services so far as the lawyers are concerned?

Admiral HEARN. That is correct, sir.

Senator THURMOND. In other words, you want to give the lawyers in the Navy a standing and a prestige that is now enjoyed by the lawyers in the Army and the Air Force?

Admiral HEARN. That is correct, sir.

Senator THURMOND. And you feel that this bill improves the quality of legal work, because it would be more attractive to lawyers than to go into the service on a career basis or to encourage those who are in service to participate to a greater extent, because they are doing legal work. They are being recognized for doing legal work rather than just being assigned now to do legal work but really not being a part of the legal corps?

Admiral HEARN. Of course, our lawyers today perform legal work exclusively. We are called law specialists, which makes us a part of a restricted line. But it will give them a greater professional prestige. It will give them a feeling of strength within their own organization, within their group, and by reason of that professional status, we feel that we can recruit into the regular service more lawyers. We can have a more experienced group, and as a consequence give to the Navy a higher professional performance.

Senator THURMOND. In other words, they are assigned now to legal work?

Admiral HEARN. Yes, sir.

Senator THURMOND. But they are not assigned to a corps like you would have in the Army or the Air Force?

Admiral HEARN. That is correct, sir.

Senator THURMOND. And so it is hardly recognized as the high caliber legal work that the Army and Air Force give to the situation?

Admiral HEARN. Well, I must say I think we do a pretty good job.

Senator THURMOND. I am not criticizing your work. I say it is not recognized though among the lawyers as a legal corps, as you have in the Army or the Air Force?

Admiral HEARN. That is correct, sir.

Senator THURMOND. Otherwise you would not be asking for this bill now, would you?

Admiral HEARN. That is correct; yes, sir.

Senator THURMOND. It seems to me it is completely justified. I thought I had introduced a bill on this several years ago. I am not sure. But at any rate, it is something to me that should have been rectified years ago, and I am very pleased to support the bill.

Admiral HEARN. Thank you, Senator.

The CHAIRMAN. If there are no further questions, we thank you.

Admiral HEARN. Thank you.

The CHAIRMAN. The committee will now go into executive session.

(Whereupon, at 11:55 a.m., the committee proceeded to executive session.)

(Subsequently, in executive session, the committee voted to report H.R. 12910, with amendments, as covered by S. Rept. 748.)



