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RANDOM SELECTION SYSTEM FOR INDUCTION INTO ARMED FORCES

GOVERNMENT

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HEARING BEFORE THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE NINETY-FIRST CONGRESS

FIRST SESSION

ON

H.R. 14001

AMENDING THE MILITARY SELECTIVE SERVICE ACT OF 1967
TO AUTHORIZE MODIFICATIONS OF THE SYSTEM OF SELECT-
ING PERSONS FOR INDUCTION INTO THE ARMED FORCES
UNDER THIS ACT

NOVEMBER 14, 1969

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RANDOM SELECTION SYSTEM FOR INDUCTION INTO ARMED FORCES

FRIDAY, NOVEMBER 14, 1969

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

The committee met, pursuant to notice, at 10:06 a.m., in room 1114, New Senate Office Building.

Present: Senators Stennis (Chairman), Cannon, Young of Ohio, Inouye, McIntyre, Byrd Jr. of Virginia, and Dominick.

Also present: Senator Kennedy, T. Edward Braswell, Jr., chief of staff.

The CHAIRMAN. We are especially glad to have with us this morning the gentlemen who are going to testify on H.R. 14001. I have a brief opening statement and then we will proceed directly to the testimony, calling on Secretary Laird first.

We will not have outside witnesses. This bill is quite brief and its terms, I think, already understood.

(H.R. 14001 follows:)

[H.R. 14001, 91st Cong., first sess.]

AN ACT To amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Selective Service Amendment Act of 1969."

SEC. 2. Section 5(a)(2) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)(2)) is hereby repealed.

The CHAIRMAN. The committee meets today to consider H.R. 14001, which repeals one sentence of the Military Selective Service Act of 1967. The language to be repealed in effect prohibits the use by the President of a random system of selection for induction.

The committee today will hear three witnesses, Secretary of Defense Laird, Assistant Secretary of Defense Kelley, and Gen. Lewis B. Hershey, Director of the Selective Service System.

I will make the following additional brief observations. As the public knows, the President has already announced that he intends to revise the order of induction from the so-called oldest first method to a youngest first system of prime vulnerability. This bill, however, will permit him to institute within the prime group a random system of selection to determine the order of actual selection. There will be two principal features of this new system:

All registrants who are between 19 and 20 years of age will receive, as I understand, a number based on a national drawing under which

each day of the year will receive a sequential number. The days of the year represent the birthdays of all persons involved. This system will determine the order of induction, beginning with No. 1 and ending with No. 365. Those over 20 years of age and in deferred categories will likewise receive an initial number and at the time their deferment terminates will be subject to induction in accordance with the earlier drawing.

Those who have received a number and are in the prime age group for induction will remain exposed for 1 year after which they will be placed in a lower order of being subject to call.

This will not affect in any way the present Selective Service System relating to registration, classification, or any of the deferment categories.

The Chair would emphasize that the reason that no outside witnesses are being heard today is due to the limited nature of the bill before us. The Chair has already announced, however, that full and complete hearings on all aspects of the Selective Service System will be initiated early next year and we anticipate hearing all those who desire to appear at that time.

The Committee met and considered this bill and every member of the Armed Services Committee has voted for a resolution of the committee saying that they will support it and also that they will oppose any amendment.

We also had a meeting of the leadership of the Senate and all those that would otherwise be offering amendments. I was very much gratified and wish to heartily congratulate the Members of the Senate who were planning to offer amendments for the position that they took, that after all, as a practical matter, the year is nearly gone. There is not time now for extensive hearings that would be so helpful. As I understand them, they may speak on their amendments, present their views, have their ideas fully developed, but they will not offer these amendments. Frankly, the committee would be in a position that if a large number of amendments were made there would have to be a motion to send the bill back to committee since the bill would otherwise become burdened with amendments without the benefit of a hearing. The Members of the Senate who are especially interested in amendment are to be commended for their position.

Mr. Secretary, we are glad to have you here. Please proceed in your own way. You carry the first responsibility in administration of this legislation, and we wanted to give you a chance to say what you wanted to, and especially how you are going to administer this bill if it should become the law. The membership will be very much interested in what you have to say and we will have it for the record. Members can ask any questions that they wish.

Secretary Laird.

STATEMENT OF HON. MELVIN R. LAIRD, SECRETARY OF DEFENSE

Secretary LAIRD. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the committee, I would first like to express the appreciation of the administration for the prompt action you have taken, not only in calling these hearings but in passing the resolution which this committee acted upon on Monday. The legislation which we have asked for is a simple revision of the draft law which

we requested the Congress to pass and which the House of Representatives, by almost a unanimous vote, with only 13 dissenting votes, passed last month.

I realize that the Senate Armed Services Committee this year has had a very heavy workload and we do appreciate your being able to schedule this legislation in this session of the Congress.

We as a government ask a great sacrifice of the young men who are conscripted into military service. We, therefore, have a responsibility to insure that this obligation is shared as fairly as possible and that, consistent with national security needs, we do whatever is possible to reduce the hardships of selective service.

For this reason, the present administration has placed the subject of draft reform very high on the priority list.

President Nixon outlined his draft reform objectives in his message to the Congress on May 13. One major objective is to reduce the period of maximum vulnerability to the draft from as long as 7 years, under current procedures, to a period of only 12 months. Another major objective is to provide for random selection so that all in the prime age group will have an equal chance of selection. A third major objective is to assure a consistent administration of draft rules and procedures by the 4,000 local draft boards throughout the United States.

With respect to the third objective, Mr. Chairman and members of the committee, the President has requested the National Security Council and the Director of Selective Service to conduct a thorough review of the guidelines, standards, and procedures for deferments and exemptions and to recommend any desirable changes in these practices to him. This study is underway and is scheduled to be completed this coming month. We will be ready and prepared to testify at the hearings which you have announced for early in the next session of Congress on this important study that is being conducted by the National Security Council and by the Director of the Selective Service System.

In my capacity as a statutory member of the National Security Council, I wish to assure you that the study is comprehensive in scope and is exploring all those ways in which, by executive action, we can improve the fairness of the draft system. The National Security Council has certain responsibilities, under the existing law, as you know, Mr. Chairman, to provide guidance to the Selective Service System, particularly in such areas as occupational deferments. I believe that this study will lead to improved guidance through clearer and more realistic standards for deferment.

Current law imposes certain limitations upon the scope of executive action in effecting changes in selective service policies in addition to the limitation which is dealt with in H.R. 14001. We recognize that many thoughtful proposals have been made by Members of the Congress and other responsible citizens for changes in this and other provisions of the law. The administration will make a fresh review of all suggested changes and will submit its comments on them when this committee conducts its hearings on these matters early next year.

In my testimony today, Mr. Chairman, I will address my remarks particularly to the first two of the President's objectives, that is, reducing the period of maximum vulnerability of draft-liable men and introducing random selection. As you know, under current regulations a young man begins his time of maximum vulnerability to the draft at

age 19 and, if he does not volunteer for service, remains in that status until he is drafted or reaches his 26th birthday. Those who are not called up earlier thus can remain in this condition of high vulnerability for a period of as long as 7 years.

This age period is most critical in many ways for our young men. It is during these years that most of our young men complete their formal schooling, enter work careers, get married, and begin raising families. Decisions on these matters must be made under conditions of suspense and uncertainty as to whether and when they may be called into service. Just a few years ago, when draft calls were low, the average age of involuntary induction had reached nearly 24 years. Surveys conducted at that time indicated that this extended period of draft vulnerability and uncertainty had seriously handicapped many young men in their search for employment, in their chances for obtaining job training, and in many other aspects of their personal lives.

It is for these reasons, I am convinced, that there is now a broad national consensus that this period of vulnerability must be shortened in the interest of fairness to our young men. In order to initiate this reform, two steps are necessary. The first is to designate a prime age group—that is, the age group which will be placed first in the basic priority order for induction. Under the President's plan, this group will consist, each year, of registrants who, at the beginning of a 12-month period, are in their 20th year of age; that is, who have passed their 19th birthday and have not reached their 20th birthday. Registrants who are temporarily deferred at this age, typically because of school enrollment, would be placed in this prime age group, and considered "constructive" 19-year-olds, in the year their deferment expired.

During the first year that this plan is placed into effect, the prime group will include all qualified and available men, from 19 to 26, so that no men will escape vulnerability during this transitional period.

The present law provides authority for the President to establish such a prime age group. This authority was specifically reaffirmed in the 1967 amendments to the draft law, and the record makes it clear that this was done because of recognition of the desirability of calling younger age groups before calling older men.

However, because the number of eligibles in the 19-year age group will exceed the number needed for military service under present or expected conditions, the President must also have the authority to institute a fair and reasonable method of selection of men within this age group—of determining who will be called first, who will be called next, and who may not be called at all. This procedure of ordering men for selection is particularly critical because it will not only determine when young men are called into service, but will also determine whether they are called for service at all.

After careful study within the executive branch, Mr. Chairman, it is our conclusion that the fairest way of selecting men under these conditions is by a fully random system—one which will assure that among all young men in a prime age group, who have been found qualified and available for service—each man has an equal chance of being selected first, selected second or not selected at all. This conclusion was reached

after the most careful review of the options available to the President under the existing law. Assistant Secretary Kelley and General Hershey will be available to present to this committee and to you, Mr. Chairman, the considerations which led to this conclusion, as well as the specific procedures under the proposed random selection system.

The amendment of the law we are proposing under H.R. 14001 restores to the President the authority to place such a system into effect. It simply removes a constraint, imposed under the 1967 law, requiring adherence to the "oldest first" rule within any age class. I hope you will give this amendment your continued favorable support. As you know, this particular amendment is necessary because of the language which was put into the conference report on the 1967 law. The amendment would not be necessary under the provisions of the bill as it passed the U.S. Senate in 1967. The Senate has already approved this particular method of selection and it was in the conference between the Senate and the House that the language that we wish to have removed today was inserted in the conference agreement. And so this is not a new action as far as the U.S. Senate is concerned. This action is one that was approved at the time the 1967 Selective Service Extension Act was considered by the U.S. Senate.

Mr. Chairman, before concluding my testimony, I would like to emphasize why I consider this reform particularly urgent at the present time. Last September, President Nixon announced that as a result of the plans for withdrawal of additional American troops from Vietnam, we were able to reduce draft calls this year by 50,000 below the level that would otherwise have been needed. In his address to the American people on November 3, President Nixon outlined his program for accomplishing a just peace in Vietnam and for withdrawal of our combat forces, those forces that had been assigned primarily to combat responsibilities in Vietnam.

It is my earnest hope that as we proceed with this program it will be possible to make further significant reductions in the level of draft calls.

However, in the absence of any reform in draft selection procedures, reduced draft calls alone would only extend the period of time of uncertainty of young men as to their draft status rather than enabling them to plan their lives in a sensible way. The age at which men would be selected for the draft would steadily rise, and the shadow of the draft would hang over increasingly large numbers of men in their early twenties.

Mr. Chairman, we can reduce the period of uncertainty from up to 7 years down to a period of 12 months by executive action. But, in implementing this change, we feel that the random selection system will best meet the important tests of fairness and understandability and will best help in reducing uncertainty for young men concerning their draft prospects.

It is for this reason and the other reasons I have outlined today that we feel that action by Congress is essential now, so that we can place these reforms into effect early next year.

Mr. Chairman, when the President in May sent up his draft message, he stated at that time that he planned to institute random selection at the beginning of the third month after the enactment of the legislation. We are now hopeful that after this legislation is signed, the time pe-

riod can be narrowed to perhaps 45 days after passage. We would hope that on January 1 or soon thereafter, depending upon when the legislation is passed, that we could move forward with this new system.

General Hershey and Assistant Secretary Roger Kelley will deal with that in some detail in their presentation to the committee. We feel that we can move more rapidly than anticipated in the President's message, but that is a matter dealing with the Selective Service System and General Hershey can address himself to that question. It does certainly mean that the selective service files will have to be reorganized because they are on a different basis at the present time.

The CHAIRMAN. Mr. Secretary, we certainly thank you for what I think is a good statement. I have very brief questions here for the committee. I first want to express for the Senator from Maine, Mrs. Smith, her special regrets at not being able to be here today. She is on a highly important mission for the Space Committee of which she is the ranking minority member, going to the launching.

One further word about our attendance today. Some necessarily are on other matters but the main reason is we have already had a meeting on this bill at which almost every member was present. Those that could not be there were represented by proxy and the committee unanimously supported the bill at that session. Otherwise, more would have managed to be here but really we have already considered it as long as it is confined to the bill the House passed.

I want to say this, too, for the information of the members. We have had the meeting with the leadership and with Senators interested in amendments, which was discussed at our last committee meeting, and I represented the committee there. I have already mentioned this but others have come in. There was an understanding we would start extensive hearings not later than February 15, 1970, and I was pressed as to what we would do about reporting a bill. I made no effort to represent any member of the committee on that and just said we would not go into it because that was a matter that rests within the discretion of the committee, in the light of circumstances and facts existing at that time, and that everyone would cast a vote according to their responsibilities as they saw them.

I said, though, that my idea was that we would complete those hearings and I would be inclined to want to report a bill unless there were additional facts why it should not be done, and I would use such reasonable effort as will go with my position to try to get a bill reported to the floor of the Senate with such reasonable, ordinary efforts along that line.

Now, Mr. Secretary, I know you have another important mission this morning. You are not going to testify anywhere else on the Selective Service System this morning but you are meeting with some important delegates here.

I have a very few questions that are largely for the record and for the committee. You do hope to get this implemented, assuming early passage, by January 1 or very soon thereafter. That is what you have said, as I understand it.

Secretary LAIRD. Yes, Mr. Chairman. We would hope to do this. As you know, the draft calls for November and December have been canceled and the October call has been stretched out over those 3 months. The sooner we can implement this the better off we are.

The CHAIRMAN. That is what we wanted you to get, an indication.

If you cannot answer this question now you can supply it for the record. Would you give us an indication of the number or percentage of people who next year will come into this prime age group, 19 to 20, but who will not be called after 1 year of exposure because of lack of need. Just make an estimate on how many that will be, the best you can. I would think you would want to make some calculations.

Secretary LAIRD. Mr. Chairman, there will be 850,000 who will be for the purpose of the pool, actual and constructive 19-year-olds during the next calendar year. If we were to maintain our force strength at the end strength currently projected in the proposed 1970 fiscal year budget which has, as you know, not been approved as yet—the tentative end strength figure in that budget based upon the actions on the authorization bill and also what I predict the House Appropriations Committee will approve in their markup of the bill on Thursday, would be approximately 3.2 million in all branches of the service at the end of fiscal year 1970.

Projecting that end strength and using that as the basis for my estimate, we would need to draft through the selective service process a maximum of 250,000. So the actual people selected out of the pool of 850,000 through selective service process would be a maximum of 250,000 based on the projected end strength in the fiscal year 1970 budget.

Now, there may be changes as we get into fiscal 1971, but I am using as the basis of this projection the 1970 budget.

The CHAIRMAN. That is interesting. I am glad you could give us those facts now.

Secretary LAIRD. There will be over 500,000 young men, then, who will be in a position where they will know at the end of that 12-month period whether they will be vulnerable or not vulnerable for military service.

I would like to point out, Mr. Chairman, that of that over 500,000 group, there will be some volunteers and the estimate that I would have on the volunteers would be approximately 190,000 in the regular forces and approximately 100,000 volunteering for the reserve forces. So that there would be some volunteers in this manpower pool and I think that should be pointed out. But as far as the selective service, it would be a maximum of 250,000 out of the 850,000 pool that the selective service process would actually affect.

The CHAIRMAN. Well, 250,000 from 850,000, you said.

Secretary LAIRD. That is correct.

The CHAIRMAN. Of course, that would be 600,000 that will not be called.

Secretary LAIRD. I am not trying to hedge on this question, Mr. Chairman, but I did want to point out that there are certain volunteers in this group and I am sure some of those volunteers are motivated by the Selective Service System to volunteer. There would be a volunteer group there of approximately 190,000 for the regular services and 100,000 for the resources, so that I was minimizing somewhat the total overall figure because of the Selective Service System's effect upon the decisionmaking process of some of these young men as they volunteer.

The CHAIRMAN. I understand you have completed those figures. Now, one other matter. We get a good deal of mail here about what differ-

ence is this bill going to make if it becomes law. I want you to cover this. Most of these areas relating to selective service concern areas over which the President has complete discretionary control. I refer mainly now to matters of deferments. Schoolteachers is an illustration, and other occupations.

Now, as I understand, the National Security Council, of which you are a prime member, is now studying this entire problem. You referred to it. You expect to make the report about when?

Secretary LAIRD. We would hope to have that report completed during the month of December and we will be prepared to go forward with certain actions on the basis of that report by Executive order and also be prepared to fully present the changes that are recommended and the program that is recommended to this committee when you open your hearings in February.

The CHAIRMAN. Did you say you would be prepared to go forward with those changes, if any, by January 1, 1970?

Secretary LAIRD. I would not think that we would perhaps go forward with all of the changes recommended. I think if we do that, it would slow up the implementation of the random selection process. So I would recommend, and this is a decision that does not rest completely with me as the military adviser on the National Security Council, that we move forward immediately on the random selection system. I would like to see this system started right away. We can implement other changes that may be required and can be accomplished by Executive order at a later time.

The CHAIRMAN. So these recommendations, then, will be formalized and conclusions made not later than December by the Security Council.

Secretary LAIRD. The recommendations will be made to the Security Council and the report of the study will be made to the Security Council in December. I would hope that the recommendations could be acted upon by the first of February.

The CHAIRMAN. You mean by the Security Council or by—

Secretary LAIRD. By the Security Council.

The CHAIRMAN. Well, when would they be put into effect? That would vary according to the subject matter, I suppose.

Secretary LAIRD. The President would have the authority to put some of them into effect at that time or shortly thereafter. There may however, be some recommendations as to changes in the selective service law. We are also studying all of the proposed amendments that are here before the Congress and there has been some consideration to the possibility of waiting to see exactly what action the Congress takes on these amendments before we move radically on the whole deferment question. But this is a decision that the President will make and the President can implement recommendations he can effect by Executive action earlier if he so desires.

The CHAIRMAN. I think I understand your problem there. You have not really finalized anything now as to these changes before the Security Council?

Secretary LAIRD. That is correct.

The CHAIRMAN. You have not even gotten the report.

Secretary LAIRD. We have not gotten the study. That study is an ongoing study and will be presented to the Security Council next month.

The CHAIRMAN. One other thing. This committee some 60 days ago notified the Selective Service System that we would hold hearings early in 1970 and to please start preparations, which they have already done, and some of their best men are working on this in selective service, preparing information we will ask for.

Can you assure us now that you will be ready to testify on these matters in our hearings by February 1, say? I am not saying that will be the date we will start but—

Secretary LAIRD. We will be prepared in the Department of Defense to testify and, wearing my other hat as the military adviser on the National Security Council, which has been given certain responsibilities by the Congress, I will be ready to testify in February.

The CHAIRMAN. All right. By February one.

The CHAIRMAN. That is correct, Mr. Chairman.

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

Senator DOMINICK. Mr. Chairman, I just have one question. It may be for the Secretary. It might be for General Hershey. I will put it and see who you want to have answer it.

The CHAIRMAN. The only thing is the Secretary is really under pressure of time.

Senator DOMINICK. How long ahead of time do the quotas have to be made at selective service in order to be filled in an orderly flow? In other words, if the status of our manpower needs should change, how long would it take to either increase or decrease your quota system?

Secretary LAIRD. I would really rather have General Hershey answer that question. As you know, we levy the draft call requirements on selective service. They have been most cooperative. Sometimes we have not given them really as much notice as they should have. I am sure General Hershey realizes that more than anyone else. I think that question really should be answered by General Hershey.

Senator DOMINICK. I will withhold it until then.

The CHAIRMAN. Thank you.

Senator DOMINICK. I thank the Secretary for what I think is extremely valuable testimony.

The CHAIRMAN. Thank you.

Senator Cannon?

Senator CANNON. Thank you, Mr. Chairman.

Mr. Secretary, first I may say that I support this proposal and as you correctly pointed out, the Senate supported it in 1967 and unfortunately, we did accede to the House's position to provide that the random selection system could not be used and that the system previously used would remain in effect.

Now, one of the reasons that the House insisted at that time was because there was a fear that this would have an adverse effect on voluntary enlistments and on the ROTC program.

I would like to ask you whether or not your studies indicate that the random system will not have an adverse effect on voluntary enlistments and the ROTC program.

Secretary LAIRD. Senator Cannon, Roger Kelley will address this particular point in some detail, and I will just state that it will have some effect but it will not be substantial. We feel that the merits of random selection far outweigh the disadvantages that might accrue to the ROTC and the Reserve program.

Now, these are very minimum in nature. I do not want to say that it will not have any effect. I would like Roger Kelley to comment on this because he has been very much involved with it. I have been assured by the three services—I went to the Joint Chiefs, I went to the service Secretaries, and I have discussed this not only with the Joint Chiefs but also with the service Secretaries and I want you to know, Senator Cannon, they support this legislation.

Senator CANNON. Now, in respect to this pool the first year, you have indicated that the total pool available for service during 1970 would be 850,000 and the reason for the large size of that pool is because you would put into that pool the ages 20 to 25 who had not previously been called.

Would it not be fairer to those who were coming on at a later period if you decided that, say, in half, put the first year in, put the 24- and 25-year-olds in, and the second year put the remainder in, because if you put all of the 20 to 25's in the first year, at the end of that year they would have had their maximum of 1 year exposure, so that the second year you would have remaining only in the pool for the maximum of 1 year the new 19-year-olds which at the same rate of 1970 would be 290,000.

Secretary LAIRD. Senator Cannon, when we considered this, we felt it was necessary to put everyone in the pool for the first year during the transition period, that it would be very unfair to those reaching the age of 19 if only they were put in the pool, and if those in the ages of 25 down to 20 were to completely escape all vulnerability. What we have tried to do here is to take those people from 20 to 25 and give them the same opportunity of being subject to selective service for only 12 months. If we divided the 20 to 25 age group up, we would then be subjecting these people to a longer period of vulnerability. They would be subject to vulnerability for a period of 24 months rather than the 12 months we are trying to move to.

Senator CANNON. Well, I do not quite follow you as to how they would be subject to a longer period, but I do say that this is patently unfair to the new 19-year-olds because of the large size of this pool in 1970. You will be using as you pointed out, only 250,000 out of the 850,000 which after volunteer enlistments and reserves leaves a pool of 560,000. So, you would have a 64 percent size of the pool that would not be subject to induction in that year. Yet, if you take the second year with 290,000 19-year-olds coming in, if you assume the same size of the pool, and you assume you had 40,000 voluntary enlistments, you would be taking every one of those 19-year-olds the second year to fill your requirements. In other words—

Secretary LAIRD. Well, Senator, that assumes that you have no constructive 19-year-olds carried forward and are not deferred for college purposes. The pool will still continue to carry all of these young people who decide on their own, under present draft regulations, to stay in school and they will be continued in the pool and will do their service immediately upon finishing college, and they will be considered constructive 19-year-olds at that time.

Now, what has happened here with the pool, as we start out, we have all of these people that have been involved in the deferment program. These people that are presently deferred will carry over into the future pools and will be considered constructive 19-year-olds.

Now, since I have been in this position as Secretary of Defense I have refused to make forecasts and prophecies about where we will be as far as the situation in Southeast Asia is concerned, but I do believe that our manpower requirements will be higher in the next 12 months than they will be in the 12 months following. I believe that in calendar year 1970, the need for a larger pool will be much greater than the need for a large pool in calendar year 1971.

Senator CANNON. Well, I would certainly hope that that would be a correct assessment but I am sure you see the point that I am making.

Secretary LAIRD. I see the point.

Senator CANNON. Assuming your requirements are the same in 1971 as they are in 1970, a boy who turns 19 in 1971 is going to have a higher degree of exposure than the boy in 1970 because the pool of 19-year-olds and constructive 19-year-olds is not going to be as great in 1971 as it is in 1970.

Secretary LAIRD. Yes. Assuming your manpower requirements are the same, that is correct, and assuming—you have to also assume under the program that you outline that your constructive 19-year-old group remains fairly constant in both years, and I do not believe that that necessarily can be assumed.

Senator CANNON. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Young?

Senator YOUNG. Thank you, Mr. Chairman.

Mr. Secretary, while I regretfully consider that the draft is an abomination except in time of grave national emergency, I realize what we are facing at the present time. Very definitely, I approve of the random system proposed by you. I think, however, you should give thought—probably you have—to reducing the tour of duty for draftees. Has any thought been given that our draft should be for a period of 18 months instead of 2 years? Also it occurs to me that since many young men, before they attain the age of 19, want to get service in the Armed Forces behind them—would it help if we provided that enlistments could be for 18 months instead of 2 years?

Secretary LAIRD. You are talking about the period of service under Selective Service, 18 months instead of 2 years.

Senator YOUNG. Yes.

Secretary LAIRD. We do not have a standard enlistment period of 2 years at the present time. The typical enlistment periods at the present time are 3 and 4 years.

Senator YOUNG. I know that, Mr. Secretary.

Secretary LAIRD. We have special 2-year enlistment programs but most of our enlistments are for a 3- or 4-year period.

Senator YOUNG. Would it be advisable to give thought to permitting enlistment of less than 3 years, perhaps a year and a half, and particularly because none of our allies in Europe has a period of draft for more than 18 months. Some have no draft at all.

Secretary LAIRD. Well, Senator, I would be glad to consider that. As you know, at the present time we are letting out many young people after 18 months, after they have served as draftees for 18 months. This is particularly true in the Marine Corps. Although the Marines are being reduced in Vietnam, they are now serving in Okinawa and in other areas in Asia where the period of duty is 12 months. They

have 6 months basic training and they go over for 12 months in their foreign assignment in Asia and we give them an opportunity to get out when they come back. I do not know whether I should use this term but on a cost effectiveness basis it is a fairly good investment for us to allow them to be discharged because the remaining 6-month period does not add too much as far as assigning them to a unit within the United States and keeping up the combat effectiveness of that Marine unit is concerned.

So that we are letting marines who enlist for 2 years or who come into the service through selective service, we let them out in 18 months after 12 months in Vietnam, and this has worked out very well.

Now, the situation as far as some other assignments are concerned works out just the opposite on a cost-effectiveness basis. This is particularly true when we get into the NATO area, the European area. It is also true for our forces here in the United States, our so-called strike forces which we try to keep up at a very high degree of readiness. Those young men who are serving here within the United States or in the NATO area receive 6 months of basic training and serve the remaining 18 months within the unit. This gives us an opportunity to keep these units at a much better combat effectiveness position.

I will be glad to look into the question but I do feel that this matter was debated at some length in the U.S. Senate in past years. As you know, this was discussed in both the House and Senate and it was agreed that as far as enlistments are concerned, it would be all right to take the 18-year-olds. As far as requiring it under selective service, it was the judgment of both the House and the Senate after considerable debate that the youngest age that would be permitted to be taken under selective service would normally be 19 years.

Senator YOUNG. Well, very definitely I agree with the random system. I know that all along the taking of the older ones at 26 has disrupted family life. Forbes Magazine of business was just delivered to my home late yesterday afternoon, and my mind is made up, but it was interesting that in Forbes Magazine, just issued, it says: "To the young"—a very fine short editorial—"To the young and to the older who care for fairplay, this draft revision is a most important administration achievement. Instead of screwing up planning and living for young men from the age of 19 to 26, the draft status of all can be settled during the 12 months of their 19th year. The inequitous stupidity of taking the oldest first has disrupted countless homes and marriages and careers."

I was interested to read that.

Secretary LAIRD. Senator Young, I would like to add one point. As far as the 18-year-olds are concerned, although we cannot take them involuntarily under Selective Service, under this special enlistment program which I mentioned earlier, an 18-year-old cannot come in for 18 months but he can come into the Marine Corps or Army for 2 years, which is the same length of time that he would have to serve if he was taken under the Selective Service System.

So, although we cannot take them involuntarily under the Selective Service System at the age of 18, a young man who wants to come in right after high school can come in for 2 years. There are young men coming into the Army and into the Marine Corps under this program and then they are eligible for the college benefits which the Congress

has voted—and now is considering improvements to—and many of those young people are taking advantage of the benefits now.

Senator YOUNG. Just one final question. So many youngsters graduate from high school and their families, I know, would be glad to have the active service in the Armed Forces behind them so they could then go on to college and so forth or go to work. So I do hope that consideration will be given to permitting them to enlist for a period of 18 months. I believe that it would be better for our Government if we had the draft for not more than 18 months, which is the maximum of any European nation. Then, over and above all that, Mr. Secretary, you should bring some of those 300,000 men of our Armed Forces who are living a good life in Western Europe home or send some of them to Vietnam. I hope that will be considered because I think that will help us meet our manpower needs.

That is all.

The CHAIRMAN. Thank you, Senator. Thank you very much.

Senator INOUE?

Senator INOUE. Thank you very much, Mr. Chairman.

First of all, Mr. Secretary, in this random selection, is the man's residency taken into consideration? What I am trying to say is, would some proportion be made for every State according to its population?

Secretary LAIRD. Yes. The quota system would still be in existence under the random selection procedure.

Senator INOUE. So each State will have a quota and the selection will be made within that quota.

Secretary LAIRD. General Hershey is going to get into that particular subject. Do you want to comment on that?

With all of us here I do not like to get into a field that I do not have the responsibility for and I think General Hershey should address himself to that.

General HERSHEY. The quotas are laid on the basis of the people available in each area and the quota is laid before the random choice is applied. The random choice is applied as a means of getting the people that you are to get from that particular area to the number that they owe because of the ones they have that area available to service. So there will be no difference in the quotas because that depends on the number that are available.

Senator INOUE. Thank you very much, sir.

My second question, Mr. Secretary, recent court decisions have cast some doubt upon the constitutionality of conscientious objector provisions in our draft laws. Will your study make any recommendations as to amendments to that provision?

Secretary LAIRD. The study is looking into those sections of the law that deal with the question of conscientious objectors to selective service and military service. That question is being looked at in the study.

Senator INOUE. Mr. Secretary, secondly, this administration rather early suggested the advisability of instituting a volunteer type of army and I recall the President specifically instructing the Secretary of Defense to look into the feasibility and desirability of such a volunteer army. Will your study make recommendations on that?

Secretary LAIRD. The study that is being made by the National Security Council in cooperation with the Selective Service System will not get into the all-volunteer service question. This question is currently

being looked at by a Presidential Commission which is separate from the Selective Service study. The Chairman of this Commission is a former Secretary of Defense, Thomas Gates. The Commission will be making its report by the first of the year, and it is dealing with the question of an all-volunteer force and the feasibility of an all-volunteer force for the Army, Navy, Air Force, and the Marine Corps.

Senator INOUE. Mr. Secretary, I would presume that your study will touch upon student deferments.

Secretary LAIRD. That is correct.

Senator INOUE. I say this because I have been receiving quite a lot of mail suggesting that student deferments are quite unfair to those who cannot afford to go to college and who may not have been blessed with the sufficient intelligence quotient to qualify and whose parents are not sufficiently affluent, and I think if an army is necessary and if a draft is necessary, we should do everything possible to see that the selection process and the deferment process be as just and equitable as possible, and I hope the Commission will look into student deferments.

Secretary LAIRD. The National Security Council study will look into that matter. As you know, the President, under the present law, can make a change but it must be made on the basis of national security considerations—and no other basis as far as the current law is concerned. The question of college deferments, however, is treated much more fairly under the random selection system than it is under the current system because the young man will know between the 19th and 20th birthday whether he will serve. He will have to make his decision then as to whether he is going to do his service before he goes to college or wait and become a constructive 19-year-old and do his service after he completes his college training. So, I believe that perhaps one of the major inequities will be lessened to a large extent by the random selection procedure.

Senator INOUE. Thank you very much, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator McIntyre is here. We have Mr. Laird, also Secretary Kelley and General Hershey, Senator McIntyre. Mr. Laird is under pressure of time.

Senator McINTYRE. I will defer, Mr. Chairman, to my colleague, the gentleman from Virginia.

The CHAIRMAN. Well, you may ask Secretary Laird now. He is going to ask to be excused.

Senator McINTYRE. He can be excused as far as I am concerned.

The CHAIRMAN. All right.

Secretary LAIRD. Mr. Chairman, I hate to be excused but I have had the Defense Ministers from the various NATO countries in tow. I did not want to hold up this hearing in any way because I felt it was so important.

The CHAIRMAN. No. You are not holding it up.

Secretary LAIRD. This is more important than any meeting I can have because it affects the future of a great many young people in this country, so I will stay here as long as I have to.

The CHAIRMAN. Well, we are not trying to rush any Senator, either. Senator Byrd?

Senator BYRD. Thank you, Mr. Chairman.

I support the legislation recommended by the Secretary of Defense. I think it is very important that we remove this long period of uncertainty which faces our young men today. As a matter of fact, I have never understood why it was not done 2 or 3 years ago. It seems to me there is no logic in keeping all of our young people upset over a long period of time when there is no real need to do that.

And I favor also the system of random selection and in conclusion, I say that I feel that our Nation is fortunate in having as Secretary of Defense the able former Congressman from Wisconsin.

I have no questions, Mr. Chairman.

The CHAIRMAN. All right. Any other questions, gentlemen?

Mr. Secretary, we especially appreciate your preparation to be here with us today and I think you have satisfied all of us with your testimony and the record will be read by all Members of the Senate as well as the country. With the thanks of the committee, then, we excuse you.

We will hear next from Assistant Secretary Kelley and also General Hershey.

Secretary Kelley, you have a good statement here. Do you want to put that in the record and especially touch on such other points as Mr. Laird did not cover and then have questions from the membership?

Mr. KELLEY. Thank you, Mr. Chairman, and gentlemen of the committee. I would be happy to have my statement made a part of the record and thus conserve your time. I might just comment on a couple of points.

The CHAIRMAN. We want you to comment on any points you wish. Thank you very much.

The statement will be put in the record at this point.

STATEMENT BY HON. ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE (M. & R.A.)

Mr. Chairman and Members of the Committee, I appreciate the opportunity to develop further for your consideration the President's plan to minimize the disruptive impact of the draft on our young men.

We believe it is important to accomplish the following two results: First, to limit each young man's period of draft vulnerability to one year; and second, to do so by a system that (a) is fair—it gives all young men an equal chance of being drafted; (b) is simple and understandable; and (c) helps young men know as early as possible whether and when they are likely to be drafted.

We believe these objectives can be achieved best by enactment of the President's proposed change in the draft law as embodied in H.R. 14001, which was recently passed by the House of Representatives, and is now before your Committee.

We have examined the options of accomplishing the first objective—that of limiting draft vulnerability to one year—by Executive action without changing the law. The conclusion is that the options available through Executive action would not produce a system that has the combined virtues of fairness, simplicity, and understandability which is possible by simply repealing one sentence in the existing draft law. Also important, the options available through Executive action would not as clearly help young men know whether and when they are likely to be drafted.

In my discussion, I will outline the President's plan and then discuss the important defects in the options available if a prime age group system were to be initiated by Executive action.

Under the President's plan, announced in his May 13 Message to the Congress on Selective Service, the prime age group each year would include men age 19 and in Class I-A at the beginning of the year, and older men whose draft deferments expire during the year. The prime age group would be fixed for a con-

secutive 12-month period as would selection of draftees from it. This means there would be a new prime age group each year, and it would be made up of the new 19 year olds that year, as well as men coming off deferment during the year. Those not drafted by the end of their "prime" year would be assigned lower priority and would normally not be called except in emergency.

In the first year of the new system, all men ages 20 through 25 and in Class I-A, available and qualified, would be included in the prime age group. Men who are deferred or otherwise temporarily exempted would be included in the prime age group of the year in which their deferment status ended. The final element to ensure fairness is, as Secretary Laird pointed out, provision for random selection within the prime age group, so that all would have an equal chance of being drafted.

The bill before you would remove the present statutory requirement for selection on an oldest-first basis. This would be done by repealing Section 5(a) (2) of the Military Selective Service Act of 1967. It provides that if the President establishes selection by age group—i.e., designates a prime age group or groups as the first to be called—individuals within the prime age group would have to be selected by the method in effect on the date of enactment (June 30, 1967). That method was oldest-first, or in the order of birth date. By repealing Section 5(a) (2), the bill would restore to the President the broad authority he had prior to June 30, 1967, which was to establish an impartial system of selection, including random selection within any designated prime age group.

I will comment only briefly on the random selection procedures which are planned—in the event authority to initiate them is obtained. General Hershey, with the cooperation of our Department, has developed a random selection plan. We are satisfied it will do the job better than any other method we know of. General Hershey will describe it in more detail when he testifies. For the present, I should like to summarize its principal features.

Prior to each calendar year, all dates of that year (365 or 366) would be randomly drawn. This drawing would establish for use by each local board the sequence for inducting members of the prime age group. For example, if August 3 was the first date drawn, then those in the prime age group whose birthdays are August 3 would be most draft susceptible. If November 10 was the last date drawn, then those in the prime age group, whose birthdays are November 10, would be least draft susceptible—and so on in between the first and last dates drawn. At the beginning of the year, the young man has simply to examine where his birth date falls in the list of 365 or 366 dates, and he knows his relative vulnerability to the draft during his prime year.

Once his place in the sequence is determined, his assignment in terms of draft order would never change. If he were granted a deferment or exemption at age 19 or 20, he would reenter the prime age group when his deferment or exemption expired, and would take the same place in the sequence that he was originally assigned.

It is important to point out one thing the random selection system will not do. It will not substitute chance for reason. Draft boards would continue to be responsible for authorizing deferments on the basis of such reasons as hardship or college study. Random selection only establishes an order of inducting those who are classified I-A—that is, those who are qualified and available after deferment periods (if any) have expired. This would take the place of the mandatory oldest-first procedure now used by draft boards in selecting qualified I-A's for induction.

Now, I would like to briefly describe the options we considered for initiating a prime age group system by Executive action, and the defects we found in them. Two systems were reviewed by the Executive Branch. One was a fixed age group system; the other, a moving age group system.

Under the fixed age group system, the prime age group would include men aged 19 at the beginning of the year and older men whose deferments expired during the year. Selection from this group would be in calendar order of month and day of birth, starting with January 1. This procedure would be necessary to comply with existing law which requires that selection from a prime age group must be on an oldest-first basis. If this system had been introduced on January 1, 1969, the prime age group would consist of those who were between 19 and 20 on January 1, 1969 and older men whose deferments expired in 1969; those born in January would always have been drafted and those born in December would have been practically draft exempt. The inequity of that result is obvious, and we do not believe a system which would produce this result each year could be accepted as fair. For this reason, attention was given to the second option—to the moving age group or conveyor system.

Under this system, men would normally enter their prime age group on their 19th birthday. They would remain in this group until their 20th birthday unless they were drafted before then. If they were deferred at age 19, they would enter the prime group on the day they were reclassified as I-A and found qualified for service. Each month draft calls would be filled from those men in this group who then were closest to their 20th birthday (or next birthday for those coming off deferment). Men not reached for induction by such 20th birthday would be placed in a lower priority category. Since the prime age group would be changing each month—and in fact, from day to day—this option would avoid concentrating inductions on men born in particular months, such as January.

The Selective Service System with the assistance of the Department of Defense, has just completed a working test of this possible procedure. This test demonstrated that it would be extremely difficult for local boards to administer such a system because of the constantly changing pool of men to be promptly classified and processed.

In addition, under the moving age group system, the draft registrant would not be able to assess his chances of being drafted during his prime year of exposure. This is because chances of his selection, in any board, would depend upon several variable factors: (1) the continuously changing prime age group in his local board; (2) the size of the monthly draft quota, particularly in the last month before his 20th birth date, when he would be most vulnerable for induction; and (3) the particular day of the month on which the draft list is prepared in that critical last month.

The problem of unequal draft odds each month warrants further comment. Draft calls normally fluctuate from month to month because they represent the manpower needed after allowing for enlistments and re-enlistments. Under the President's plan, individuals would be vulnerable for induction based on the calls for an entire 12-month period. Any monthly ups and downs in draft quotas would therefore not affect their chances of induction. However, under the moving age system, the chances of an individual's induction could mainly depend upon the size of the draft quota in the critical month before this next birthday.

The President's plan is preferable to any plan that can be devised under existing law because it is fair, easy to understand, and enables young men to determine their draft vulnerability within their single year of prime exposure to it. It is for these reasons that we urge enactment of the simple enabling legislation—H.R. 14001—which will permit early implementation of the random selection method.

Mr. Chairman, this concludes my testimony.

Mr. KELLEY. Let me just comment on one or two points before making myself available for your questions.

As you know, Mr. Chairman and gentlemen, the President announced earlier that the best solution for draft procedure was through this simple one sentence repeal of the existing law, a change which is embodied in H.R. 14001. He said, however, that if it was the will of Congress not to change the existing law, we would by Executive action, install certain changes in the present Selective Service procedures.

We have, therefore, in cooperation with General Hershey's office, conducted a working test of the available options under Executive action should we have to go that course. The options available under Executive action do not produce nearly as workable or as understandable a draft system as that which is possible under random selection with this simple repeal of one sentence of the law. And so we are appreciative and heartened by the action already taken by your committee.

With that, Mr. Chairman, I would be happy to respond to any of your questions.

The CHAIRMAN. Thank you very much, Mr. Secretary. If it is agreeable to the membership, I would like for us to have Secretary Kelley now and General Hershey together here for questions by the membership.

General Hershey, I understand you have a prepared statement. I am going to ask you to put it in the record and then be ready for questions.

The prepared statement will be placed in the record at this point.

**STATEMENT OF LT. GEN. LEWIS B. HERSHEY, DIRECTOR OF
SELECTIVE SERVICE**

Mr. Chairman and Members of the Committee, I appreciate this opportunity to offer my views on H.R. 14001.

My statement will be brief. I will be pleased to answer any questions you may have so far as I am able.

I believe that now is the time to institute a random method of selecting registrants for induction. I believe so for these reasons:

It is generally agreed that the period during which registrants are most likely to be selected for service should be reduced from 7 years to 1 year. When we go to such a shortened period, which will, in effect, be selection from a young age group, the simplest and fairest way to select within that group will be by a random sequence.

I conclude from all I can learn of public attitudes, that random selection is desired by most of the people.

A simple random selection system has been developed and tested. I am confident it can be instituted quite soon. If we are, as we hope, soon to experience a reduction in the requirements of armed forces for manpower with a resulting increase in the relative supply, we should at the earliest possible time institute a random selection system to determine as fairly as possible which of those available will serve now, and which will have their service delayed at least until times of greater need.

The CHAIRMAN. General Hershey, I want to say this to you, you have been back here with us and before us in your new capacity. You have heard reference to these hearings that we have talked about. You have been helping us get ready. But in the position you occupied so long, this may be your last appearance with our committee in that capacity. We were very glad indeed the President put that fourth star on your shoulder and we also felt the need of your counsel at the White House and there was a unanimous vote here in our committee for that assignment, and for that star.

I am not given to flattery, I do not think, but I do want to refer to you as a splendid official. Long before I came to the Senate, and I have been here some time, I was reading about your work and you. You choose the hard things to do and I think—my idea is that you have set a high mark here in Washington over a period of years as an official, both as a civilian and military official. Once before, using the term in its very best and highest sense, I said that you were a most outstanding bureaucrat. I use that word again in its very proper sense as complimentary.

We are very glad to have you here and we are glad to have you back and I want to ask both of you this question.

Gentlemen, I know we are up against a big task in holding these hearings early next year. You are up against a big task in getting the facts to us, getting your positions to us. You already are making some preparation for cooperating with us here but we want you to continue and make special preparation and be ready from every angle.

There is nothing partisan about this. I want to mention that, too. In this bill here today, there are no party considerations, no partisanship I know anything about. That is the way it should be. I will ask Senator Dominick, Do you have questions for the Secretary or for the general?

Senator DOMINICK. Yes, I do, Mr. Chairman.

Mr. Secretary, I am not quite sure how this random system is going to actually work. First of all, for the record, I gather that it is going to be done on a calendar year, not a fiscal year; is that correct?

Mr. KELLEY. It can be done on a calendar year basis. It would be confined within the 12-month period and, of course, the determinant there, Senator Dominick, is when following the enactment of the law General Hershey's office will be prepared to implement the new system.

Senator DOMINICK. Well, let us suppose we get the law passed by December. Then, I would presume that your initial 12-month period would be January 1 to December 31, 1970. Is that correct?

Mr. KELLEY. Well, not necessarily. General Hershey will want to comment on this, but there are at least two things that need to be done to make the implementation possible. One is the changing over of the local draft board records to the random system and the other is the physical act of examining those people who would be prospective inductees on the random selection basis, as contrasted to the present oldest first basis.

Senator DOMINICK. I see. So, you are going to take a 12-month period, however, regardless of when the beginning date is and when the ending date is.

Mr. KELLEY. Yes, sir.

Senator DOMINICK. Now, let us for the sake of example, say that this goes into effect on March 1, then, instead of January 1, and it goes from March 1 to the following February 27 or 28 or 29, whatever the date. What do you do at that point?

Mr. KELLEY. Prior to the beginning of the first year of the random selection system, there would be a drawing made of the 365 dates or 366, in the case of leap year, occurring during that year. Now, let us say that November 10 is the first date drawn.

Senator DOMINICK. How many dates do you draw?

Mr. KELLEY. You draw all the dates, all the dates of the year.

Senator DOMINICK. All 365.

Mr. KELLEY. All 365 or 366. If November 10 was the first date drawn, then those born on November 10 would be most draft vulnerable.

Senator DOMINICK. Even if they were to be in a quota for March? In other words, you have got a certain number of people that had to be filled, we will say, in March. You then take the people whose birthdays are November 10 for the March quota?

Mr. KELLEY. Yes, sir.

Senator DOMINICK. I see.

Mr. KELLEY. If March 1 happened to be the last of the 365 or 366 dates drawn, then those whose birthdays were March 1 would be least vulnerable or susceptible to draft call. And so on in between the first and the last dates drawn. But this drawing would be made before the beginning of the year, before the beginning of the draft year. So the individual—

Senator DOMINICK. Would it then be published?

Mr. KELLEY. Oh, yes. And the individual young man would then only have to examine the order his birthday was drawn to know his relative chances of being drafted subject, of course, to the further variable of what our total requirements for draft calls were during that year.

Senator DOMINICK. So, taking your own example of November 10 being the priority date, first priority date, anybody who was born on November 10 can then decide whether they want to enlist or whether they want to go to college in order to get a deferment or whether they just want to go along and be drafted. They know they are going to be eligible, is that correct?

Mr. KELLEY. Yes. The drawing would be made before the beginning of the year and, of course, the November 10 birthdate individual would or could pretty well determine that he would be a prime prospect for the draft and could plan his immediate future life on that basis.

Senator DOMINICK. As a result, then, of this certainty that you can see in advance, there is a likelihood that voluntary enlistments are not going to go down.

Mr. KELLEY. I think in response to that, and an earlier question, the effect the random selection system would have upon voluntary enlistments tends to balance out because, you see, those who are highly draft susceptible according to the order of the drawing of their birthday might if they were so inclined, enlist rather than be drafted. Conversely, those whose birthdates were among the last drawn might consider themselves home free and thus be disinclined to or less inclined to volunteer than might otherwise be the case. And we tend to believe that one effect balances out the other and so on balance, there would be little change in the rate of voluntary enlistments because of random selection.

Senator DOMINICK. Let us take your November 10 date again and let us say that the period that you are choosing is from March to the following March. At what point do you decide whether a person is deferred or exempt for physical reasons?

Mr. KELLEY. I would like General Hershey to respond to that.

General HERSHEY. Well, of course, deferment comes easier when he starts to school or gets a job or teaches school or does something else.

Now, the question of when he finds out about his physical condition, at the present time it will run probably about 3 months before our time that we are going to induct him.

I think that one of the things we are going to be talking to you about is trying to get the thing through that we examine the individual while he is 18 and we do not have that problem. In other words, that is, the great way of getting certainty is finding out he is not passable but somewhere around 90 days is an average time that you have got to begin to have him physically examined because there are some other questions he raises afterward and if you are going to have him available for induction, you have got to be anywhere from 90 to 120 days out ahead of your date of induction.

Senator DOMINICK. Now, Mr. Kelley, let us suppose that a young man decided he is going to go to college and he gets in. That is not always true these days, as we all know. But let us suppose that during that period he gets married. Is this going to have any effect on his constructive draft age of 19 when he graduates?

General HERSHEY. No, because the present law that Congress passed in 1967, when you apply for a deferment to go to school, you waive anything except extreme hardship and getting married, even becoming a father, is not cause for deferment for those individuals who applied for this 2-S as a student because they waived fatherhood and anything except dire necessity.

Mr. KELLEY. I might further add, Senator, that just as soon as his deferment runs out, he would be treated as a constructive 19-year-old and would fit into the system according to the order in which his birthday had been drawn.

Senator DOMINICK. In like manner if he either drops out or is thrown out, he falls back into that same constructive category.

Mr. KELLEY. Yes.

Senator DOMINICK. Now, I asked a question of the Secretary before. Let me ask it again to either of you gentlemen. How long ahead of time do the monthly quotas have to be made and filled in order to keep an orderly flow of manpower? Let us suppose the manpower requirements of Vietnam either go up or go down, either way. We have had some statements made from time to time that there has been no change in the overall number of people despite the announced withdrawal of troops and the answer has always been that it takes time to change the flow.

The change is beginning to be evident now, but how long does this take in the draft system in order to determine how many people need to go regardless of what the situation may be overall?

Mr. KELLEY. I think we should answer you in two parts. How much time we have given General Hershey by our advice to his office, and then how much time he needs. We have provided that information to his office anywhere between 30 and 60 days prior to the month of call. This, we believe, has imposed some administrative hardships on him from time to time.

With that I will defer to the General.

General HERSHEY. I think we, of course, have been able to meet whatever changes are made. I think, though, Senator, that you asked another question that probably is not in my mind and that is the question of when will it begin to be reflected in the draft calls, the reduction of strength.

Senator DOMINICK. Or an increase, yes, either one.

General HERSHEY. That is yours.

Mr. KELLEY. Of course, the people that we call or the people that are in the January inductions are people who reflect requirements for trained manpower in midyear because, of course, they must go through their basic training and then in most every case advanced training beyond their basic training. So if this is responsive to your question, the calls that we give General Hershey in November for draft call requirements in January would in fact, reflect the military requirements for trained manpower in June or July of that year.

Senator DOMINICK. Well, now, I will try to put this, then, clearly. If between the January that you referred to and July when you think that you are needing them you should have an increase in strength of, we will say, another 100,000 men, would this have an effect on the draft quotas in January, February and March?

Mr. KELLEY. If we anticipated a reduction in our requirements projected for July of that year, we would reduce our draft calls in the first quarter of that year correspondingly.

Senator DOMINICK. But you might not know this until January or February.

Mr. KELLEY. We would reduce the draft calls as soon as we did know it and I believe an example, sir, is in the canceling of the November and December calls and spreading the October call over the final 3

months of calendar 1969. This was done because of the judgment of our reducing requirements for forces in Vietnam, partly because of the success of the Vietnamization program.

Senator DOMINICK. I am glad you brought that out because there have been intimations from time to time, that there really has not been much change and I think this is important to bring out. So, I think it is fruitful as far as the record is concerned.

I want to say now, from having talked to a number of young men, including my own son, who found himself about to be drafted after he had served 2 years in the Peace Corps and graduated from college and was in law school and is now serving in Vietnam, that the problem of the present system that we have got is this uncertainty. They do not know what to do or where to go, and this certainty that we will get by provisions that you outline, I think, will be enormously helpful to a great number of young people.

Senator CANNON (now presiding). Mr. Secretary, one further point now with respect to these calls. You pointed out how you make the random selection of the 365 days and then take the boys in that order. Each State has a quota and toward the end of the year you have remaining a pool that have not been called.

What happens there in the event a State has a quota of less than the number of boys in a particular age group that have not been called, particular birthdate group? Perhaps that is for General Hershey.

General HERSHEY. They drop down into the less available—in other words, theoretically, after we have run this random choice for several years you would have several layers of individuals starting with those who came down the year before and then the one 2 years before and they will not be called unless you run out of individuals in a given year and then you will drop down into the first group that are left in the cost sensitive place.

Senator CANNON. That did not answer my question. I am glad you brought that out because I did want to go into that. But my question is simply this. You have a number of boys of the same age and a lesser requirement than that number, whatever it happens to be, from the local draft board. Are they selected then on a random basis by that board or is there some other system?

General HERSHEY. No. The random system has nothing to do with the numbers you need. It is the method by which you pick the ones and, therefore, at any board, the individual whose birthday is the farthest up on this list, that is, the lowest down is the one who is going in at the end of the year, you are going to have some left but the ones that were taken were the ones who were higher on the priority of the random choice than those who did not go.

Senator CANNON. I understand, but we are still not getting the answer to my question. My question is this. Supposing that a board has imposed on it 50 numbers for that particular call and they have 70 boys who are eligible all of the same birthdate. How do they determine those 50 that are to go?

General HERSHEY. In the second drawing, the alphabet drawing.

Senator CANNON. All right. OK.

General HERSHEY. And the alphabet drawing gives you how you arrange those born on the same day among themselves.

Senator CANNON. All right. That is the point I wanted to bring out. So that that drawing will likewise have been made at the beginning of the year.

General HERSHEY. At the same time.

Senator CANNON. So the boys then will know quite precisely, then, where they stand. They will not only know where they stand with respect to their birthdate, whether they are first or whether they are 365th, but they will also know where they stand with respect to other boys bearing the same birthdate. Is that correct?

General HERSHEY. Yes, sir. That is right.

Senator CANNON. Thank you very much.

The CHAIRMAN (now presiding). Thank you, Senator.
Senator Byrd?

Senator BYRD. Thank you, Mr. Chairman.

I have several questions I would like to ask General Hershey. Before doing that I would like to make a brief comment about General Hershey. It has been fashionable recently for General Hershey to be condemned by certain groups. I suppose it results from the unpopularity of the Vietnam war. I might say from the beginning I have felt it was a great error of judgment to become involved in a ground war in Asia and I have said so a hundred times, I guess, both in the Senate and in Virginia. But General Hershey did not make that decision. It was made by other authorities and his job was to obtain the manpower in a fair way and I think he has done this. I have had to take public issue with him on several of his policies but by and large. I think he has done an outstanding job for his country over a long period of time. When you realize that he served by appointment under President Roosevelt, under President Truman, under President Eisenhower, under President Kennedy, under President Johnson, and under President Nixon, I submit that any man who can serve under six Presidents of such varying temperaments and capabilities that he himself must be a man of superior qualifications.

As the chairman indicated a little while ago, perhaps this will be the last time General Hershey will appear as Director of Selective Service. I just want to say that I think he has done an outstanding job for his fellow countrymen over a long period of time. Now, I would like to ask General Hershey if he will refresh my memory on a few figures. Several years ago when you testified, General, in regard to random selection and the change in the procedures as have been recommended today, I am taking this from memory, but I think you mentioned that in 1967 our Government took into the services either by draft or voluntary enlistment roughly 1 million men. Is that approximately correct?

General HERSHEY. I have not the figures with me but in the first place, Senator, I do want to say you rather overwhelmed me. My memory, if I have any, is lost a little because this is more praise than I have heard in quite a long time. But I think that is approximately correct, because the intakes at that time were a little larger than some we have had since.

Senator BYRD. Well, now, if you do not have the figures with you I wonder if you could send to my office at your convenience the figures showing the number of men who have been taken into the armed services, either by voluntary enlistment or by the draft, for the calendar years 1964 through 1969 and if you could include the number you estimate will be taken in during the calendar year 1970.

General HERSHEY. I will be glad to.

Senator BYRD. Thank you.

I have no further questions, Mr. Chairman.

The CHAIRMAN. All right. Thank you, Senator.

Secretary Kelley, do you have any other statements to make?

Mr. KELLEY. No, sir, I do not. Thank you very much.

The CHAIRMAN. General Hershey, do you have anything further, sir?

General HERSHEY. I have nothing to say except that I have always been honored to be in front of this committee a great many times and perhaps I can come back as a visitor.

The CHAIRMAN. Well, I think you will be back up here as an adviser, visitor, and witness, too, before we get a bill finished up. You certainly have the thanks of the committee, all of you, and we appreciate your attendance. We will excuse you now as far as we are concerned. We will be disposing of this matter and it will be on the Senate Calendar, I think, before too long.

Thank you very much, gentlemen.

Senator Moss and Senator Pearson had planned to be present this morning, but because their absence was unavoidable their statements on H.R. 14001 will be inserted in the record at this point.

STATEMENT BY SENATOR FRANK E. MOSS, OF UTAH

Mr. Chairman, I want first to congratulate you, members of the Committee and other members of the Senate for the agreement which has been made which permits us to consider this important matter at this time.

I sincerely believe that draft reform is one of the most important problems now facing the Congress. I was distressed when I thought that, because of the press of other legislative business, the Senate would not have the opportunity to act on draft reform this session.

I am pleased to support H.R. 14001, and I will urge its passage by the entire Senate. I feel that there are other areas of draft reform which are sorely needed, but a random selection system and the President's announced intention to select 19-year-olds first are two important steps in the right direction.

I am cosponsor of S. 1145, which calls for a total of 21 reforms in the present system. I respect the announcement by the Chairman and other members of the Committee that there will be hearings on these other needed reforms next year.

If we can approve of this bill now, and then proceed to take more in depth reform early next year, then I feel we will have fulfilled a commitment to our young people. We will have shown them that the system works, that we in the Congress do listen to their just protests against an outdated selective service system which affects their lives so drastically and so directly.

As I have indicated, this bill does not solve the entire problem. It does not eliminate all the inequities of the present system, but it and the President's action will eliminate uncertainties by letting a young man know during his 19th year whether or not he will be drafted. And the random selection should be a more fair system of determining who must serve.

Of course, an all volunteer military service, plus the provision that young people could complete alternate service in such programs as the Peace Corps, Teacher Corps, Vista, should be our ultimate goal in this area.

I again compliment the Chairman and the Committee for bringing this bill up for hearings, and I look forward to the more extensive hearings next year.

Thank you.

STATEMENT BY SENATOR JAMES B. PEARSON, OF KANSAS

Mr. Chairman, as the Armed Services Committee moves toward a decision on H.R. 14001, which removes from the Selective Service Act of 1967 language that now prevents the President from adopting a system of random selection for the draft, I would like to take this opportunity to express my viewpoint on this question.

The present system of securing military manpower is in need of basic reform. It has served the country in periods of emergency and we must credit it with doing a more than adequate job. But now the military requirements of the United States are changing and it is time to begin to give more flexibility to the President so that he can revise the draft to keep pace with these changes. Furthermore, Mr. Chairman, our society is changing to require more training, more mobility, and more difficult decisions on the part of the young men who are directly affected by the draft.

We are in an age of highly technical strategic weapons and delicate balances of political power, not only between nuclear nations, but also in the developing world. We have watched our weapons systems and military installations brought up to date in the nuclear age, and yet the draft system has yet to be significantly modernized.

I am a co-sponsor of legislation introduced in March of this year to make the Selective Service Act more equitable and to put it in tune with the social and economic demands now faced by our young men. I realize that the press of the legislative business at this late date leaves unlikely the prospect of Senate action on this bill in 1969.

However, Mr. Chairman, the Senate must act on H.R. 14001 if we are to confirm our determination to surmount the problems of basic draft reform. It is my view that the American people, particularly those for whom the draft is a personal burden, are looking to the Senate for a response in this matter. I believe reform is needed and that the manpower area should not be the last, but rather the first, to receive attention when we bring our military systems up to date.

Random selection, which the President wants to institute, would remove one element that now gives an arbitrary quality to the draft system. It would replace the present system of determining the order of induction by means of birthdates alone and it would place all eligible young men in a national pool from which their names would be selected at random. This makes every young man just as liable as his counterpart in another community or another state, and it would certainly produce decisions that are more equitable when considered on a national basis. This, Mr. Chairman, is only a step on the road to draft reform, but it is significant in that it removes a barrier to greater equity in the present system.

Therefore, Mr. Chairman, I take the liberty of urging the Armed Services Committee to report this legislation as soon as full deliberations on its merits have taken place. The Senate in 1967 voted to give the President authority to alter the present order of selection and now the House has concurred in this decision. It makes sense for us to take this opportunity for carrying this decision into law.

(Whereupon, at 11:35 a.m. the hearing proceeded in executive session.)

(Subsequently, in executive session, the committee voted unanimously to report H.R. 14001, without amendment, as covered by Senate Report 91-531. The bill passed the Senate on November 19, 1969, without amendment.)







