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# REINSTITUTION OF PROCEDURES FOR REGISTRATION UNDER THE MILITARY SELECTIVE SERVICE ACT

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## HEARING

BEFORE THE

SUBCOMMITTEE ON  
MANPOWER AND PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES  
UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

S. 109—TO REQUIRE THE REINSTITUTION OF PROCEDURES  
FOR THE REGISTRATION OF CERTAIN PERSONS UNDER THE  
MILITARY SELECTIVE SERVICE ACT, AND FOR OTHER  
PURPOSES

S. 226—TO PROVIDE FOR MILITARY REGISTRATION AND MO-  
BILIZATION ASSESSMENT, AND FOR OTHER PURPOSES

MARCH 13, MAY 21, JULY 10, 1979

Printed for the use of the Committee on Armed Services



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# REINSTITUTION OF PROCEDURES FOR REGISTRATION UNDER THE MILITARY SELECTIVE SERVICE ACT

TUESDAY, MARCH 13, 1979

U.S. SENATE,  
SUBCOMMITTEE ON MANPOWER AND PERSONNEL  
OF THE COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 1114, Dirksen Senate Office Building, Hon. Sam Nunn, chairman, presiding.

Present: Senators Nunn, Stennis, Byrd, Morgan, Exon, Jepsen, Warner, and Cohen.

Staff present: Francis J. Sullivan, staff director; John T. Ticer, chief clerk; Phyllis A. Bacon, assistant chief clerk; John C. Roberts, general counsel; Charles J. Conneely, Louise R. Hoppe, Ronald L. Lehman, professional staff members; Christine E. Cowart, research assistant; Judith I. Landesman, clerical assistant.

Also present: Frank Gaffney, assistant to Senator Jackson; Quentin Crommelin, assistant to Senator Byrd; Jeffrey Record, assistant to Senator Nunn; Gerald Stacy, assistant to Senator Culver; John Stirk, assistant to Senator Morgan; Greg Pallas, assistant to Senator Exon; Christopher Lehman, assistant to Senator Warner; Michael Hastings, assistant to Senator Cohen; Tom Wasinger, assistant to Senator Jepsen; Arnold Punaro, assistant to Senator Nunn.

## OPENING STATEMENT BY SAM NUNN, CHAIRMAN

Senator NUNN. The Subcommittee on Manpower and Personnel meets today to receive testimony on the reinstatement of procedures for registration under the Military Selective Service Act.

There are two bills pending before the subcommittee, as well as other bills introduced in the House of Representatives, which would reinstate registration for military service. These bills provide the mechanism for debate and consideration of the steps necessary to address the serious problems with the current status and the future of the All-Volunteer Force.

Recent studies and mobilization exercises conducted by the Department of Defense suggest that, if the armed services were ordered on short notice to mobilize, deploy, and sustain a major portion of the U.S. General Purposes Forces, the services would have difficulty meeting their manpower needs in the critical first few months of military operations. Current trends in recruiting for the Active Forces and the Reserve components indicate that all of the services, for the first

time since the transition to the Volunteer Force, are having some difficulty meeting their peacetime manpower requirements. We are also concerned as to the ever-increasing cost projections of the All-Volunteer Force.

These observations and trends have prompted several members of the House and Senate to introduce legislation designed to aid the Department of Defense in overcoming these difficulties. Of particular concern to this committee today is the question of whether a return to some form of peacetime registration under the Selective Service Act would be beneficial. The committee would also like to explore the broader aspects of overall manpower requirements and readiness, for only within the larger context can one safely judge the utility of a step like a return to registration.

I believe it is important to note that the Senate Armed Services Committee has carefully monitored the All-Volunteer Force since its inception. As previous testimony shows, the committee has not hastily arrived at the decision to reconsider the entire All-Volunteer Force concept and seek ways to correct its inadequacies.

While our military leaders and Congress have the ultimate responsibility for insuring that our manpower requirements are met, this is a matter which affects all Americans, both in their personal commitment to serve their country and in the context of our overall national security.

[The bills S. 109 and S. 226 follow:]

[S. 109, 96th Cong., 1st Sess.]

A BILL To require the reinstatement of procedures for the registration of certain persons under the Military Selective Service Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 3 of the Military Selective Service Act (50 App. U.S.C. 453) is amended by inserting "(a)" before "Except at the beginning of such section and by adding at the end of such section a new subsection as follows:

"(b) The President, within one hundred and twenty days after the date of enactment of this subsection, shall institute procedures for the registration of citizens and other persons in accordance with the provisions of this title. After registration procedures have been instituted under this subsection, the President may thereafter suspend the registration of persons under this title only for the purpose of revising existing registration procedures or instituting new registration procedures, but in no event may the President suspend or otherwise discontinue the registration of persons required to be registered under this title for a period of more than ninety consecutive days, and in no event may the President suspend or otherwise discontinue registration under this title more than once in any one-year period."

[S. 226, 96th Cong., 1st Sess.]

A BILL To provide for military registration and mobilization assessment, and for other purposes

*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 "Military Registration and Mobilization Assessment Act of 1979".

Sec. 2. The President shall—

(a) Commence registration not later than October 1, 1979, under the provisions of section 3 of the Military Selective Service Act of 1967 (50 App. U.S.C. 453).

(b) Report to the Congress not later than June 30, 1979, on the plans for a modern and efficient system of registration. Such report shall include recom-

mendations for any changes needed in the Military Selective Service Act of 1967 to improve the fairness and efficiency of the Selective Service System.

SEC. 3. The Military Selective Service Act of 1967 (50 App. U.S.C. 453) is amended as follows:

Section 3 is amended by inserting at the end of that section: "Notwithstanding any other provision of law, regulations may provide for access by the Selective Service System to age and address information in the records of any school, any agency of the United States, or any agency or political subdivision of any State, for the purposes of conducting registration, but for no other purposes."

SEC. 4. Title 10, United States Code, is amended as follows:

(a) Section 135(b) is amended by inserting at the end of the first sentence: "The Undersecretary of Defense for Policy shall supervise manpower mobilization planning in the Department of Defense."

(b) Section 138(c)(3) is amended by adding the following at the end thereof: "The annual report of manpower requirements shall be extended to include an assessment of the Nation's capabilities to mobilize such additional manpower as may be needed to meet national security requirements under emergency situations. This assessment shall discuss the capability of mobilizing the active forces, selected reserve forces, other reserve personnel, personnel in a retired status, and other persons not currently in the armed forces."

Senator NUNN. The Subcommittee is pleased to welcome today as witnesses our top military leaders: Gen. Bernard W. Rogers, Chief of Staff; U.S. Army; Adm. Thomas B. Hayward, Chief of Naval Operations; Gen. Lew Allen, Jr., Chief of Staff, U.S. Air Force; and Gen. Louis H. Wilson, Commandant, U.S. Marine Corps. These gentlemen, who are the chiefs of their respective services and members of the Joint Chiefs of Staff, are here to share their personal views as senior experienced military officers on this most critical issue.

Are there any other opening statements this afternoon before we go to our witnesses?

Senator WARNER. Mr. Chairman, Senator Jepsen will have a statement and he will be joining us very shortly.

Senator NUNN. Mr. Chairman, do you have an opening statement that you wish to make at this time?

The CHAIRMAN. Thank you, but I don't have a statement to make right now. I am vitally interested in this hearing, however. While I have no statement, I may have some questions in a little while.

Senator NUNN. Senator Warner, do you have a statement?

Senator WARNER. Thank you, Mr. Chairman.

I would like to comment that somewhere between 52 percent and 56 percent of the costs to the American taxpayer for running the U.S. military establishment is tied up in manpower. We are addressing today one of the more critical features of that very high cost and what we are getting in return for those dollars.

Senator NUNN. Senator Morgan?

Senator MORGAN. Mr. Chairman, I am very much interested in this subject matter. Though I am not a member of the subcommittee and will not be able to stay because of prior commitments, I have had an interest in this subject and for that reason would like to make a brief statement.

As you know, last year I introduced an amendment to the appropriations bill to provide funds for selective service registration. At that time, of course, only a few colleagues supported me. But I was realistic and did not hold any hope for success at that time. But I did want to start the ball rolling and draw attention to what my investigations

throughout all of last year had shown me was a serious potential problem. This is, if we ever had to mobilize for a true national emergency, we would not have enough manpower available in a timely fashion to use in a conflict.

Since I introduced the measure last year, I have traveled around North Carolina and other parts of the United States. I heard a great number of people say that they were in favor of selective service registration for an emergency. Many Members of the Congress and Government officials are now saying that they support the idea.

I have again taken the legislative initiative and have this time introduced direct legislation, S. 226, to require or mandate the administration to resume Selective Service Registration. I received very few expressions of opposition to my bill. The opposition I do receive is usually because someone misunderstands and thinks that I am proposing a peacetime draft. I am certainly not proposing at this time a peacetime draft because I have not yet lost faith with the concept that people can be induced to serve their country voluntarily in time of peace.

There are troubles with the All-Volunteer Force and we must all share some of the blame. Here in the Congress we have participated for several years in what can be described as a real or a perceived erosion in the benefits and support that we give our military people. As an example, we have taken away GI bill education benefits and now threaten the retirement system.

I would like to hear specific comments this afternoon, or at least read them in the record, with regard to the proposal on registration.

Thank you, Mr. Chairman.

Senator NUNN. Thank you very much, Senator Morgan, for your statement and your leadership in this regard. We are glad to have you here today.

Senator Cohen, did you have any comments?

Senator COHEN. Thank you, Mr. Chairman. I have a brief comment.

I want to commend you, Senator Nunn, for setting up these hearings because I know of no individual in the committee who has developed more expertise in the field of our manpower needs.

I would like to say, as we enter this debate on this critical issue, that I think it is important to weigh some of the questions, which a return to a draft or any other alternative might pose. A nation that has conscripted its young men into military service for only 30 of its 200-plus year history should not lightly undertake this effort again.

I think we have to start addressing ourselves to what effect a draft or alternative type of conscription would have. Will it improve mobilization speed, for example? A recent Defense Department study indicated that a draft is not necessary in peacetime, but recommended an improved standby capability for the Selective Service System. Congress has not been particularly responsive in that regard, as I recall. You requested something like \$2.5 million last year, which Congress turned down, as far as increasing our mobilization capability.

Will the draft save money? The Army estimated last year it saved \$81 million for the Active Army in fiscal 1978, compared to the man-

ning of the same units under the 2-year draft system. For the total Army, I am told the saving will be about \$3 million total.

Would the draft be more equitable? Would it provide a more representative force? Unless we require all of the young people to perform some kind of service, it cannot be more equitable under the circumstances.

What about the education levels? It seems, from the materials that I have been reading, that neither the quality nor the representativeness will be improved by a return of the draft. I will go into that a little more during the hearings.

Is there overrepresentation by some ethnic groups? Dr. Richard Cooper, who is the Director of the Defense Manpower Studies at the Rand Corp. indicates that the increase in black population is largely unrelated to the volunteer force per se.

Finally, my most basic question is, is 1 month's shortfall in almost 6 years of experience a cause for panic on our part?

Senator NUNN, I look forward to the questioning that you will develop and the testimony of our distinguished group of witnesses today, who will start directing themselves to some of these issues.

Thank you.

Senator NUNN. Thank you very much, Senator Cohen, for some very good questions.

I would like to add that if there were only a 1-month shortfall in the services, I would not be sitting here today. There are a lot of problems that go very far beyond that. In fact, these basic hearings were in my mind long before we had the recent statistics on the 1-month shortfall.

Senator Jepsen?

Senator JEPSEN. Thank you, Mr. Chairman.

Today we will be receiving testimony from these members of the Joint Chiefs of Staff considering the advantages and the disadvantages of certain procedures for the registration of individuals under the Military Selective Service Act.

We have before this subcommittee two bills, introduced by members of the Senate Armed Services Committee—S. 109, sponsored by Senator Byrd and our distinguished chairman of this subcommittee, Senator Nunn, and S. 226, sponsored by Senator Morgan—which deal with military registration.

The purpose of this legislation is to insure that in time of war, our Armed Forces will be able to mobilize sufficient manpower to meet combat needs on a timely basis.

It is my hope that each of our witnesses will be candid, as I am sure they will be in their evaluations of these proposals and other alternatives that we may consider.

A reinstatement of Selective Service registration is not the same thing as reestablishing the military draft, which will provide manpower during peacetime. The peacetime registration of individuals to meet wartime military manpower needs is not inconsistent with the concept of an All-Volunteer Force. It was never the intent of Congress that an all volunteer military will fight a major war alone, without the mobilization of needed manpower from the civilian sector.

In authorizing the establishment of an All-Volunteer Force, the Congress anticipated that our Nation's ability to mobilize would be re-

tained through registration and through maintenance of an effective Selective Service System.

Now, 6 years after the end of the draft, we find that the Individual Ready Reserve, the manpower pool most urgently needed in the early days of a large war, has sunk to one-third its 1964 level. From a peak of nearly 1 million men during the Vietnam war, the number of Army enlisted personnel in the Individual Ready Reserve has dropped to 126,000. This is far below the level needed to meet wartime needs.

During the same 6 years, we have seen the Selective Service System, our other major source of mobilization of manpower, reduced to a mere planning staff. Its budget has decreased from \$100 million to \$7 million and its staff has been reduced from 2,500 employees to about 100.

Nevertheless, the Selective Service System is now being asked to prepare to deliver in time of war its first inductees three times as fast as thought originally necessary last year, and to be able to deliver 100,000 men in 60 days, twice as fast as last year's wartime requirement.

I do not believe that this can be accomplished by the present Selective Service System at the present level of funding and under present practices.

It is my opinion that this committee must act to reestablish peacetime registration for Selective Service so that we can meet our wartime mobilization needs. However, we must insure that the system of draft registration established is both efficient and just. We will have to deal with the question of registering women. We will have to deal with the question of compliance. We will have to insure that our system of manpower mobilization is maintained in a state of readiness.

In short, we must reinstitute draft registration in such a way that it can be used effectively in the hope that it will never have to be used.

In the process, it is my belief that the young people of today will be reminded of their obligations to defend this great Nation of ours.

Thank you, Mr. Chairman.

Senator NUNN. Thank you very much.

Senator Byrd, do you have a statement?

Senator BYRD. Thank you.

I think I will reserve comment at the present time.

Senator NUNN. Senator Exxon, do you have any comments?

Senator EXON. No comments at this time, Mr. Chairman.

Senator NUNN. I have not asked our witnesses to have prepared statements this afternoon because we have a lot of questions. But if anyone has anything he would like to say or any comments, we would be glad to receive those now before we get into our questions.

**TESTIMONY OF GEN. BERNARD W. ROGERS, CHIEF OF STAFF, U.S. ARMY; ADM. THOMAS B. HAYWARD, CHIEF OF NAVAL OPERATIONS; GEN. LEW ALLEN, JR., CHIEF OF STAFF, U.S. AIR FORCE; AND GEN. LOUIS H. WILSON, COMMANDANT, U.S. MARINE CORPS**

General ROGERS. I have no statement, Mr. Chairman. Thank you.

#### ARMY MANPOWER REQUIREMENTS

Senator NUNN. If there are no statements, we will go directly to our questions. We will rotate asking questions and ask the staff to let each

of us know when our 10 minutes are up. We have a very good attendance this afternoon and I want to be sure that everyone has an opportunity to ask questions.

General Rogers, the Active Army among the four services requires the largest number of personnel in peacetime and will also expand under most mobilization conditions. By way of background, what are the basic manpower requirements that the Army foresees in a major mobilization and deployment? Use, for instance, the example under the NATO scenario.

General ROGERS. For a peacetime basis, with an Active Force of about 780,000, we would want a mobilization base of about 420,000 in the National Guard, about 260,000 in the U.S. Army Reserve, and an Individual Ready Reserve pool of 500,000 as a minimum.

Mr. Chairman, that could build up to a considerable amount, as we did during World War II, up to 7 or 8 million, depending upon the needs. But that is the minimum base that we must start with at mobilization.

#### MOBILIZATION PROBLEMS INDICATED BY NIFTY NUGGET

Senator NUNN. General, the recent Nifty Nugget mobilization exercises indicated serious mobilization problems would exist if we had a national emergency. I know that part of this is classified. I would hope that at some point as much of it as possible could be declassified.

Could you tell us, to the extent that you can in an open hearing, what these problems were?

General ROGERS. Mr. Chairman, first I think we found that there had to be somebody in charge of mobilization. I say that very candidly because the Army Forces Command in 1975 had run its own mobilization exercise, and in November 1976, we ran an Army-wide mobilization. We found during those exercises that because we had not paid attention to mobilization, we tended to have let our capability lapse, and also the designation of those responsible lapse.

We found the same thing in Nifty Nugget, in my opinion, from the highest level on down to the lower level.

The area of sustainability was probably that area which reflected the greatest deficiencies. I am speaking of the deficiencies in the manpower base for mobilization; the deficiencies within our prepositioned war reserves stocks; the inability at this juncture for the industrial base of this country to gear up on a timely basis and produce, as required, those replacements for the tanks and the artillery and the armored personnel carriers, and so on, lost on the battlefield.

Under sustainability also we found a deficiency in the capability of our medical activity to provide the kind of support that would be necessary under a major wartime contingency.

Another shortfall that we found—which probably comes as no surprise to this committee—was in the area of strategic lift, to provide us the capability to deploy the forces—once ready to deploy—to the theater of operations. A deficiency in the ratio of support forces in the Army to combat forces was also found.

Mr. Chairman, we found, in fact, a shortfall in the number of combat service support units necessary to support the combat forces under the contingency conditions which were played in Nifty Nugget, the mobilization of 1978. Such a shortfall means, as far as the Army is

concerned, dependence upon host nation support and dependence upon Reserve Component units which contain 67 percent of our Army support forces. The adequacy of those Reserve Forces is not at the level where it should be in order to provide us with that support.

There were other areas of deficiency which were noted, Mr. Chairman, but in my opinion those were the key ones as far as the Army is concerned.

Senator NUNN. Overall, General, would it be fair to say that this exercise indicated that we are not now capable of meeting our national emergency requirements in terms of manpower, or is that an overstatement?

General ROGERS. I do not believe that is an overstatement, Mr. Chairman, as far as the Army is concerned. The major challenge that we face today in the Army in the volunteer environment is the low strength that we have in the Individual Ready Reserve, the IRR, which, as Senator Jepsen pointed out is in fact the manpower base for mobilization.

Nifty Nugget showed us, in my opinion, that we need to take some major steps in this country to bring ourselves to a point where we are confident that we have the mobilization manpower base that is necessary, insofar as the Army is concerned.

#### NECESSITY OF REGISTRATION

Senator NUNN. General, I will ask you just one other question briefly, and then I would like to get comments on that last question from each of the other service chiefs.

Do you believe that it is necessary now to go to registration of young people?

General ROGERS. Mr. Chairman, as a minimum, we should go to registration just as soon as we can.

Senator NUNN. General Allen, I will also ask you that question. Do you believe it is necessary to go to registration? I will ask you from two points of view: One is as Chief of the Air Force and the other is as a member of the Joint Chiefs.

General ALLEN. Yes, sir.

Senator NUNN, as you know, the Air Force has a different set of personnel problems and does not have the same shortfall characteristics of the mobilization exercise because we depend less upon a major inflow of mobilization personnel. Therefore, from the Air Force point of view entirely we would conclude that we can continue to acquire personnel under the All-Volunteer Force concept. However, that is clearly becoming more difficult for us, and the act of registration, while not needed for us in the same way that it is for the Army, would doubtless benefit our ability to recruit. Therefore I support the registration and limited classification in accordance with the law both points of view.

Senator NUNN. Admiral Hayward?

Admiral HAYWARD. Senator Nunn, the Navy's manpower problems are not the same as the Air Force, but the impact of registration, as seen by the service chief from the Navy's point of view, is quite identical to that which has been explained by General Allen.

As a member of the Joint Chiefs of Staff, from what I have gained over the last 8 months in watching and discussing our problems with these gentlemen and watching the execution of Nifty Nugget, I am convinced that registration is a logical and sensible thing to do.

Senator NUNN. General Wilson?

General WILSON. Mr. Chairman, I believe that registration is absolutely necessary.

From the Marine Corps point of view, we are seeing a definite downward trend in our Regular and Reserve recruiting from last year to this year. I think it is going to continue. I believe that registration is mandatory in order to get an inventory of our assets. Any good business does this. I think it is necessary for us to do it at the earliest possible time.

Senator NUNN. General Wilson, do you believe that Nifty Nugget revealed that we cannot now meet our emergency requirements for mobilization?

General WILSON. Yes, sir, it certainly did from my point of view.

Senator NUNN. Admiral Hayward, what do you think?

Admiral HAYWARD. Yes, sir. I concur with that.

Senator NUNN. General Allen?

General ALLEN. I only have reservations in the sense that a defined set of requirements was selected against which Nifty Nugget then provided a test. It is true that we did not meet that test in that particular exercise. Again, in the case of the Air Force, where we saw our shortcomings most clearly was in the inability to provide sufficient strategic airlift to move the cargo required by the Army during the early weeks of the war, as it was played.

The only reservation I had is that this was a singular scenario. It is not necessarily the only scenario that can be played in a NATO-Warsaw Pact engagement. It is probably unwise to describe the difference between meeting it and not meeting it as one of total disaster and total success.

Senator NUNN. Under that scenario we did not meet it, wouldn't you say?

General ALLEN. Yes, sir, I would.

Senator NUNN. Are you saying that under other scenarios of lesser intensity we would be able to meet our mobilization requirements?

General ALLEN. And under less demanding conditions of mobilization, yes, sir.

Senator NUNN. What type of situation would you envision where we could meet our requirement?

General ALLEN. Well, clearly, from the terms of strategic airlift, if there were simply more time available, if the war did not proceed according to the rapid scenario that we project—which is as well as we know how to project it—but if it did not proceed that way, if there were more opportunity to move equipment into the theater, then the shortfalls in cargo lift would not be so painful to the Army.

Senator NUNN. Thank you very much. My time has expired.

Senator Jepsen?

Senator JEPSEN. Thank you, Mr. Chairman.

#### REINSTITUTION OF REGISTRATION BY EXECUTIVE ORDER

As I understand it, the peacetime registration of individuals for Selective Service ended in April 1975 and that was done by Executive order by the President, not by act of Congress.

Is that your understanding?

General ROGERS. Yes, sir.

Senator JEPSEN. Following that along, then, it is my understanding that under the current law, the President could reinstitute peacetime registration. Is that correct?

General ROGERS. I understand that he can, by Executive order. However, he would need the Congress to provide the funding for support.

Senator JEPSEN. I would like to ask this blanket question. You may just nod your heads if you wish.

As Joint Chiefs of Staff, have you ever recently recommended that the peacetime registration be instituted by the President?

Senator NUNN. In addition to nodding your heads, let's say something for the record. [General laughter.]

General ROGERS. We have recommended to the Secretary of Defense that registration should be reinstated.

General WILSON. [Nods affirmatively.]

General ALLEN. [Nods affirmatively.]

Senator NUNN. May I just clarify this please. When you say "we," do you mean by that the Joint Chiefs of Staff?

General ROGERS. The Joint Chiefs as a corporate body.

Senator JEPSEN. What was the time and the date that you recommended this to the Secretary of Defense?

General ROGERS. I would have to provide that for the record, sir.

Senator JEPSEN. Approximately.

General ROGERS. Has it been since you have been on board, Lew?

General ALLEN. Yes; I think so.

Admiral HAYWARD. I think it would be about in December or January.

General ROGERS. Within the time frame since these gentlemen joined the Chiefs last summer.

Senator JEPSEN. So, it is sometime since last summer that you recommended to the Secretary of Defense that we reinstate peacetime registration?

General ROGERS. Yes, sir. I will supply the exact date.

[The information follows:]

#### DATE OF JCS RECOMMENDATION TO SECDEF

General ROGERS. The Joint Chiefs of Staff recommended to the SECDEF by Joint Chiefs of Staff Memorandum of December 13, 1978 that registration be reinstated.

#### REGISTRATION OF WOMEN

Senator JEPSEN. The last question that I have for this round is this. The All-Volunteer Force, for various reasons, has become somewhat dependent upon the enlistment of women for its success. At the same time, women are not permitted to serve in some positions, especially those related to combat. If registration is reinstated, should women be required to register?

General ROGERS. First, Senator, may I just say that I really don't agree with your premise that women are being used to fulfill the shortfall by men. Second, answering your question specifically, women should be required to register for the reason that General Wilson mentioned, which is in order for us to have an inventory of what the available strength is within the military qualified pool in this country. That is my opinion.

Senator JEPSEN. That is a big question. Would you all mind addressing yourselves to that. May I have your personal views?

General ALLEN. My personal opinion is yes, sir. I think that the importance, with regard to the inventory, is not nearly the same for women as it is for men. Therefore, I would not believe that registration for women was essential.

However, if there were feelings of equal treatment that would make the act of registration more acceptable, if it were done the same for men and women, then I would have no objection to the registration of women.

Senator JEPSEN. Admiral Hayward?

Admiral HAYWARD. Senator Jepsen, I concur almost exactly with what General Allen has said. In my judgment, the requirement for large numbers of women for mobilization purposes, hence registration, is not there. If it were intended to accelerate our ability to mobilize, I could not support a requirement for registration of women nearly to the degree that I could male registration. It seems to me the issue really is a political decision more than a military requirement decision.

Senator JEPSEN. What about the Marines?

General WILSON. Yes, sir, I believe they should be registered. I think from a pure equitable point of view, women in the Marine Corps are doing very well. We are very pleased with them and they meet many of our manpower requirements.

#### DRAFTING WOMEN

Senator JEPSEN. I have one last question. If they are required to register, and General Rogers, would you address this, should they be called randomly as individual names are picked, whether they be male or female, or should there be a quota requirement for women which should be filled?

General ROGERS. Are you asking, Senator, should they be drafted after they have been registered?

Senator JEPSEN. Well, if we are going to register them, I suspect that is what we are planning.

General ROGERS. I am not prepared to say that women should be drafted at this time. There are certain skills which women, in my opinion, should not fill in the Army, and I am speaking of the combat skills of an infantryman, a tanker, field artillery men, and some others, which are currently excluded and I feel should remain excluded from service by women. But there are, however, other skills that women can fill and do extremely well in. It really depends upon the requirements for those type of skills.

I am not prepared at this junction to say that women should be drafted, although I do believe we should register them.

Senator JEPSEN. Does anyone else care to comment on this noncontroversial issue?

[General laughter.]

[No response.]

Senator JEPSEN. I have no further questions, Mr. Chairman, at this time.

Senator NUNN. Thank you.  
 Senator Byrd?

SERVICE CHIEF POSITIONS ON REGISTRATION

Senator BYRD. Thank you, Mr. Chairman.

I think this is a highly significant meeting today. The basic question, to my way of thinking, has already been answered. But I want to state the situation as I see it. If I misstate it, I hope that any of you will correct me.

As I understand the position of the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps, is that each of you feels this Congress should enact legislation to require registration for Selective Service.

Is my understanding correct?

General ROGERS. Yes, sir.

General WILSON. Yes, sir.

Admiral HAYWARD. Yes, sir.

General ALLEN. [Nods affirmatively.]

Senator BYRD. And, you say that the Joint Chiefs of Staff, as a body, recommended to the President, through the Secretary of Defense, that the Executive order which the President can, if he wishes, be issued in regard to registration. That was the action taken by the Joint Chiefs of Staff, as I understand it.

General ROGERS. It was not quite that way, Senator Byrd.

We recommended to the Secretary of Defense that action be taken to implement registration again. Whether or not that recommendation was presented by the Secretary of Defense to the President, I do not know.

Senator BYRD. Fine. That is a proper chain of command, as I understand it, for you to recommend to the Secretary of Defense.

So, it is the unanimous view of our four top military officials, leaving out only the Chairman of the Joint Chiefs of Staff, who is not here today and so he cannot speak for himself—unless one of you can speak for him—it is the unanimous view of the four top-ranking military officers of the U.S. Government—excluding the Chairman of the Joint Chiefs of Staff—that this Congress require registration for Selective Service at the earliest opportunity.

General ROGERS. Yes, sir.

General ALLEN. Yes, sir.

Admiral HAYWARD. Yes, sir.

General WILSON. Yes, sir.

Senator BYRD. Thank you.

I will reserve the rest of my time.

Senator NUNN. Thank you, Senator Byrd.

I believe that the Chairman of the Joint Chiefs, General Jones, is already on record in favor of registration; is that correct?

General ALLEN. That is correct.

General ROGERS. He signed the paper that went forward.

Senator NUNN. So, it is fair to say that all of the Chiefs, including the Chairman of the Joint Chiefs, have recommended and are recommending that we pass the registration bill?

General ROGERS. Yes, sir.

General ALLEN. Yes, sir.  
 General WILSON. Yes, sir.  
 Admiral HAYWARD. Yes, sir.  
 Senator NUNN. Senator Warner?

#### RECRUITING SHORTFALL IN LAST 90 DAYS

Senator WARNER. Thank you, Mr. Chairman.

I think it would be helpful for the record if we had exactly how far each branch of the Services has fallen short in the last 90 days with respect to its recruiting expectations.

General Rogers, would you lead off?

General ROGERS. Senator Warner, with respect to the Active Army, as of the 9th of this month, against an objective of about 48,000, we are 3,300 short for this fiscal year to date. In the Reserve components, however, we are about 130,000 short of total strength when you lump both the Guard and the Reserves together, against the peacetime strength that we would like for them to have. I do not have the figures for their recruiting results for this fiscal year.

With respect to the Individual Ready Reserve, where our greatest challenge lies, against a current requirement of 700,000, we are 500,000 short in that pool.

Senator WARNER. General Allen?

General ALLEN. The Air Force, against an annual recruiting enlisted goal of 68,000, fell approximately 700 short in December and 130 short in January. Then we met our goal in February. We anticipate difficulties until May, and by then we will be perhaps several thousand short of our end-of-year goal. We still have expectation that we can correct that during the summer, which is the good recruiting period. But we will have difficulty doing so.

Senator WARNER. Admiral Hayward?

Admiral HAYWARD. Senator Warner, I don't have it for 60 days.

Senator WARNER. I had said 90 days but you can give it for the fiscal year, if you wish.

Admiral HAYWARD. For the fiscal year to date, starting on the first of October 1978, our active duty goal for recruitment was 35,763. We have met 89 percent of that goal to date, for an attainment of 31,852.

Last year we met 94 percent of our goal. So this shows a declining trend in recruiting for active duty.

I do not have figures here for our Reserve. The issue is not as critical in the Reserve Force.

Senator WARNER. General Wilson?

General WILSON. For the Marine Corps, sir, we are 2,000 short for the first 5 months of this fiscal year. This represents about a 15-percent shortfall for the regulars. We are also running about 5 percent short in the reserves. Marine Corps recruiters recruit both reserves and regulars at the same time. We are not short in the IRR. We are averaging about 5 percent short each month.

#### DRAFTING WOMEN FOR CERTAIN SKILLS

Senator WARNER. I would like to return to a discussion of women as a component of the armed services. This is a question which I have been following very closely.

During my tenure as Secretary of Navy, we took major steps—and I wish to compliment the Chief of Naval Operations, and Secretary Claytor, for continuing that momentum. From all reports, it has been a very satisfactory experiment.

Let's go back to the question that I think the American public wants answered right now.

If it is the judgment that legislation be put in place which would enable a compulsory draft situation—and let's set aside for the moment the question of whether women would ever be put into combat roles and just look at them in terms of the vital contribution they are making today to each of the Services—would you be in favor of women being drafted for the purposes for which they are being used today?

General ROGERS?

General ROGERS. I am not prepared to agree that they should be drafted as of today, even for those skills for which they are today being utilized.

But if they are to be drafted, they should only be drafted for those skills for which they are being utilized today.

Senator WARNER. Well, now, assuming that they are performing satisfactory service today to the extent that you have given them job opportunities in the Army, why do you have a reservation to come forward with assistance to the committee? I think this question is implicit in this whole discussion right now.

General ROGERS. Because of the difficulty we are having at the moment in two areas with respect to women. One is filling our objective for this fiscal year. We are running about 75 percent fill.

The second reason is the propensity for those women who sign up to serve in a nontraditional skill to migrate back into the traditional skills, such as clerical, medical, those types of skills which have traditionally been filled by women.

Senator WARNER. By their own free choice.

General ROGERS. By their own free choice—migrating out of the nontraditional into the traditional.

The implication of that is that in the traditional skills which women fill, we also have males such as medics, who also like to have the opportunity to serve not just in a medical battalion of a division, but to serve as a wardman in a hospital.

We do not wish to close out all of those skills to males by having them filled with females. We also wish to retain the proper upward mobility for both males and females.

This is a change, Senator Warner, because prior to this year, we had no difficulty in filling our recruiting objectives for female soldiers. So this is a change.

I need to have further study made as to whether or not I would be prepared to draft women, because I really would need to know more about what I am doing.

Senator WARNER. General Allen?

General ALLEN. Sir, the Air Force now is able to meet its recruiting objectives for women with well qualified women. We would anticipate that in a period of a draft, the Air Force would continue to meet its objectives in both men and women through volunteers. Therefore,

we would not need a draft in order to meet the objectives that we have for both men and women.

As far as the Air Force is concerned, the argument as to whether women should or should not be included in the draft is a deferral to the Army, which has a different kind of problem—or is a question of equity, on which I am really not prepared to voice an opinion.

Senator WARNER. Well, the question, of course, would affect each of the services differently. But I think your own personal viewpoints would be helpful to this committee with respect to any impact on your service as a consequence of a draft, which would be based on a total provision of equality between male and female.

General ALLEN. It would not have any unfavorable effect on the Air Force. We would have no objection to such a draft.

Senator WARNER. Admiral Hayward?

Admiral HAYWARD. From a military requirement point of view, there is no need for drafting women into the U.S. Navy. We are able to access all that are required, and as we grow our force, which is presently about 22,000 enlisted women and 4,220 officer women, to a force of about 50,000, we do not anticipate any difficulty in achieving those goals through volunteers. So, from a requirements point of view, there is no pressure on my part to suggest that we must draft women. From the standpoint of equity, it seems to me as though that really is a political decision rather than a military decision.

If the country were to draft men and women into the Army, it is clear to me that the pressure of that draft would do precisely what it used to do for the Navy, and that is that we would have adequate volunteers, male and female, to meet our requirements.

To sum up, there would not be a requirement for women to be drafted at all to meet our wartime needs, in my judgment. I think the volunteers would take care of it. From the standpoint of the males, it might well be necessary.

Senator WARNER. General Wilson?

General WILSON. We plan to have women comprise 5 percent of the Marine Corps by 1985.

I am sure that we can get volunteers as mentioned by the other Services. However, from a combat point of view, the use of women is now against the law. But combat is a relative thing. I have defined combat in such a way that women will not be assigned closer to the front than the division or wing headquarters.

I believe that we can meet our goal satisfactorily.

From an equitable point of view, or perhaps as a result of the inevitable court contest which will come up if, in fact, men and not women are drafted, we would be perfectly happy to have women drafted. That is up to the 5 percent goal which I believe we can handle in the Marine Corps.

Senator WARNER. Mr. Chairman, my time is up. May I say that my question in no way reflects my personal disposition one way or another on this issue. I would like to leave the record open to each of the witnesses the option to supply any additional viewpoints that they may have on this issue, after having the opportunity to take it up within their respective Services.

Thank you, Mr. Chairman.

[The information follows:]

## DRAFTING WOMEN

General ALLEN. The most pressing need is to strengthen the Selective Service System capability and improve our mobilization posture. Therefore, the registration of men as provided by current law is necessary and appropriate now. As to registering and drafting women, we recognize there are a number of concerns that must first be resolved. Any decision regarding women should proceed only after thorough national debate. If such debate mandates the inclusion of women, we believe that would provide the basis for providing women who could be called upon to fill civilian requirements in critical war related industries, or in support skills within the military structure. However, regardless of the outcome of the debate, as long as the military Services are permitted to continue to take volunteers after a declared M-day, no man or woman would be denied the opportunity to serve their country.

General ROGERS. Mr. Chairman, may I add a footnote to my comment to Senator Warner?

Senator NUNN. Yes, General.

General ROGERS. One thing which is often lost sight of, Senator, is that in an emergency during war, the Army has often had to reach back into the support base, into the supporting elements in the operating base, and pull forward soldiers to fill the ranks in an emergency; that is, to hand them a rifle or give them a tank suit and put them in the front ranks.

Senator WARNER. General Patton did that at one time, I believe at the Battle of the Bulge.

General ROGERS. Absolutely.

Now, if that support base and that operating base to the rear consist in large measure of women, then we don't have that opportunity to reach back and pull them forward, because women should not be placed in a forward fighting position or in a tank, in my opinion. So that, too, enters the equation when one considers the subject of the utility of women under contingency conditions.

Senator WARNER. Thank you, Mr. Chairman.

Senator NUNN. Thank you. Senator Stennis?

Senator STENNIS. Thank you, Senator.

Let me pass for the moment. I will have some questions, but for the time being, I would like to pass.

Senator NUNN. Senator Exon?

## REINSTITUTION OF DRAFT BY CURRENT SESSION OF CONGRESS

Senator EXON. Thank you, Mr. Chairman.

Gentlemen, I will ask several questions to try to get at something that has been bothering me a great deal. Those of us who are here, when we consider voting on things, have to rely at least to a considerable extent on what you, our experts in the field, have told us.

Laying aside the peacetime registration for the moment, I would like to go down the line to each of you, and I will begin with General Wilson, and have you respond to these questions.

Are you in favor of this session of Congress reinstating the draft?

General WILSON. I believe the draft is necessary. I believe it will be necessary in the decade of the 1980's.

Senator Exon, at the moment, I believe registration should come first.

Senator EXON. Thank you.

Admiral HAYWARD?

Admiral HAYWARD. Senator EXON, I am not in favor of this session of the Congress reinstating the draft.

Senator EXON. General Allen?

General ALLEN. I am not in favor of this session of Congress re-instituting the draft.

Senator EXON. General Rogers?

General ROGERS. If this session of Congress could reinstitute the draft, I would be in favor of it.

Senator EXON. Aha.

General ROGERS. Let me explain my reason, Senator.

I believe that we already are behind the timetable that I would like to have seen to reinstitute registration.

Registration, and the the follow-on classification, will have a salutary impact, in my opinion, recruiting the strength of Reserve Component companies, batteries, battalions and brigades, and assisting in the recruiting for the active component. But they will not solve the problem of the Individual Ready Reserves, in my opinion. That is our major deficiency. That is the base for our mobilization of manpower.

I personally believe, after having watched the declining strength of the Reserve Components and the IRR since 1972 in various assignments—all associated with this subject—that there is nothing that we have underway now or anything on the horizon which will solve the problem of the Individual Ready Reserve, except resort to the draft for the IRR. The Individual Ready Reserve does lend itself—and I am speaking primarily of infantrymen, armor, artillery, medics—to the draft, whereas drafting for Reserve Component units is really almost impossible, because of, as you well know from your previous experience, the geographic locus of the individual units of the Guard and the Reserve.

That is a long answer to your question, sir.

I would say yes, draft for the Individual Ready Reserve. But we do not need to draft for the active component and, we do not need to draft for the Reserve Component units because by drafting for the Individual Ready Reserve, this country will be able to fill the Reserve Component units and Active Component units on a volunteer basis.

#### PURCHASING INFORMATION

Senator EXON. Thank you very much, gentlemen.

Let me now go to my next question, which is a followup.

We keep talking about the possibility of reinstating peacetime registration. Everybody says that this is the thing we should do. I suspect possibly that it would be a first step toward the draft. Maybe it is a soft sell on the American public about going to go through registration and not race through to the draft.

Some information has come to my attention and I would like to have from each of you your opinion on whether or not this information is accurate. I have information that indicates that there are private sources today through which we could purchase the information on how many 17 or 18 year olds we have available at this particular time.

We keep hearing about how we are going to have peacetime registration because that would give us an inventory of how many men or how many women we will have in certain areas.

I am trying to unmask that. Do you believe we could purchase, without going through peacetime registration that information on the number of 16, 17, 18, or 19-year-old men or women that we have, rather than this session of Congress reinstituting some kind of registration? Have you considered that possibility?

I will start again with General Wilson.

General WILSON. No, sir, I don't. As a matter of fact, I would like to know where we could get that information.

We cannot get it from all high schools because of the Privacy Act. We are confronted with that problem now and have been for the last 4 years, while I have been commandant.

We are gradually getting more schools to let us have lists of high school graduates that we can contact. We only want high school graduates. We want all high school students to stay in school. But often we can't get the lists. I might also add that we are having problems getting information on whether or not a youngster has been convicted. That is, a youngster with a police record.

I know of no such lists that are available. I know there have been suggestions to go through Internal Revenue, but I believe that, too, is constrained by the Privacy Act.

Senator EXON. Thank you.

Admiral HAYWARD?

Admiral HAYWARD. Senator EXON, my recommendation in favor of registration is driven largely by my conviction that we need to shorten up the time in which to mobilize if the requirement were ever put upon us. The present Selective Service System badly needs resurrection. So, to go to a system, if it were available, as you suggested, through some other means, would not in any way improve the Selective Service mechanism which needs modernizing.

Senator EXON. So, Admiral, what you are saying is that if we go through a peacetime registration process, we should face the fact that this is the first step toward the reinstitution of the draft, if and when we think it is necessary?

Admiral HAYWARD. I am saying that our Armed Forces are here to deter war. If we cannot deter it, we are supposed to be prepared to react now, and we are going to need to have a better mobilization capability than the country presently possesses.

Senator EXON. Thank you.

General ALLEN, do you have anything to add?

General ALLEN. Very little, except to reinforce what Admiral Hayward said. Our opinions on this became solidified and joined as we examined the results of this major exercise of mobilization.

When we examined those results, we found that the mechanisms of the Selective Service organization and the lack of a registration base were among the key factors which prevented the country from meeting its mobilization requirements, as we saw the exercise.

Senator EXON. Do you mean the Reserves, the Guard, the whole picture?

General ALLEN. No; it was also that ability to draw upon inductees during the period of a national crisis for subsequent fill into the services. Among the various steps which we felt were essential, one of the first and most straightforward was making the Selective Service mechanism more effective and reinstating registration and some limited form of classification as part of that process.

Senator EXON. General Rogers, do you have anything to add?

General ROGERS. I associate myself with the remarks of the Chief of Naval Operations with respect to bringing the Selective Service mechanism up to date and making it operational. If registration is required, an individual should have to step up and register and not have someone be registering for him, based upon whatever information could be made available. To me that is completely transparent and is not appropriate.

#### SUCCESS OF VOLUNTEER SERVICE

Senator EXON. I have one last question, Mr. Chairman, and then I will yield.

During my years as Governor, we had great difficulty, as most of you know, with the Guard and Reserve Forces keeping up to strength.

When I was observing Guard exercises, wherever I went, I would always talk with top level generals in most of your services. I inquired on numerous occasions whether or not they thought the All-Volunteer Army was a success. Without exception, that I can remember, they came back with a statement that, "Yes; the Volunteer Service has been very successful."

I suggest that the testimony you have given here and elsewhere is that if their statements were accurate at the time I was Governor, there has been a change in recent days.

Am I stating it accurately?

General ROGERS. You would have to ask them a second question, I think, Senator EXON. You would have to ask them if they were speaking only of the Active Forces or speaking of the Reserve components as well, insofar as the Army is concerned. This is because when one looks at the Active Force, that is not where our challenge lies in the volunteer environment. The Active Force soldier today is as fine a soldier as I have been associated with. It is on the Reserve component side where you identify the difficulties, where there is low strength in units and in the Individual Ready Reserve. There is where the challenge really lies with respect to your question.

Senator EXON. Thank you.

General ROGERS. Let me also just say that this is not a recent phenomenon.

Senator EXON. Ever since we started with the All-Volunteer Army?

General ROGERS. Well, the challenge started when we went to the Volunteer Force and as we lost strength in the Reserve components. We were not able to replace the losses because there was not the incentive of having a draft on the books which would cause certain ones to choose the Reserve components as the place in which they wished to serve.

Senator EXON. Does anyone else wish to speak to that?

General WILSON. I would say that I believe the trend is unmistakably down insofar as recruiting is concerned. I also think we are

facing the prospects of a declining birth rate in the 1980's and 1990's. This would have a great effect on availability if we are to recruit the 1,000 personnel a day we need for the Armed Forces. We must recruit 365,000 men and women a year in order to maintain the 2.1 million man strength that we have today.

Admiral HAYWARD. Senator, I would like to make some comments if I might with respect to your question.

I agree with the Commandant about the trends of the last 3 or 4 years being in the direction that suggests the All-Volunteer Force is getting shaky, at least as I see it impacting on the U.S. Navy. Our principal problem today is in retention of career personnel. But, as I have expressed to you before, if we are successful in having our Navy grow by 40 or 50 ships as a consequence of authorizations by prior Congresses, our Navy is going to be needing about 20,000 more trained petty officers over the next 4 years. This means we are going to place greater demands upon the recruiting field as well as a much greater demand upon retention. If we can solve our retention problems—and I am determined that we shall—then we shall ease the recruiting load. If we do not solve our retention problems, then we are going to add to our recruiting load.

The future looks to me as though the All-Volunteer Force is going to be difficult to sustain.

Senator EXON. Thank you very much.

Thank you, Mr. Chairman.

Senator NUNN. Senator Exon, thank you very much for your excellent questions.

Let me see where we stand now.

I think that we have gotten everybody, every member of the Joint Chiefs, to say that they are in favor of registration. Is that correct?

General ROGERS. Yes, sir.

General WILSON. Yes, sir.

General ALLEN. Yes, sir.

Admiral HAYWARD. Yes, sir.

#### SERVICE CHIEF POSITIONS ON DRAFT

Senator NUNN. At this point in time we have had one member, General Rogers, say that he is in favor of going into a draft this session, if Congress can do it. The draft would be for the IRR and not in the Active Forces.

General ROGERS. Just a draft for the IRR, that is correct.

Senator NUNN. We have had General Wilson say basically that he thinks the draft is inevitable, but he is not advocating it this session.

You would like for registration to precede it, is that correct?

General WILSON. Yes, sir.

I think registration preceding the draft is important. Regarding the mechanics of registration, I believe it would take 2 years to begin processing the 2 million men and 2 million women a year who became 18. For this reason I believe the mechanics should be accomplished on a step-by-step basis, with examination and classification coming later.

Senator NUNN. Admiral Hayward and General Allen both stated that they are in favor of registration, but they would not advocate going to a draft this session of Congress. Is that correct?

Admiral HAYWARD. At the time I answered the question, I was reflecting upon my views with respect to drafting for the Active Forces. I recognize the problems that the Army has with the IRR. There might be a bill that would solve the Army's problems and solve my concern as to what impact that might have on the Navy's recruiting of active duty personnel.

So, I am conditional as to whether I think one ought to draft the IRR.

#### LIKELIHOOD OF DRAFT IN FUTURE

Senator NUNN. Let me ask you this question, General Allen and Admiral Hayward, so we will see where everyone is on this.

Given the current trends—and I think everybody agrees that the trends are adverse—do you see that the draft is inevitable at some point in the future and in some form? I ask you this not as the Chief of the Staff of the Air Force and Navy, respectively, but rather as a member of the Joint Chiefs concerned with the overall security of the United States.

General ALLEN. As a member of the Joint Chiefs and in consideration of the problem faced by the Army, I do believe that a draft into the IRR is very likely to be required and is a matter to which Congress should give very careful consideration as soon as it can be attended to in an orderly fashion.

The Air Force does not need a draft into the IRR.

Senator NUNN. Admiral Hayward?

Admiral HAYWARD. To say that it is inevitable is stronger than I would like to say at the present time. My personal judgment is that it is likely, but I would condition the degree to which I would say it is inevitable.

Senator NUNN. Thank you. Senator Stennis?

#### COMMENTS OF SENATOR STENNIS

Senator STENNIS. Thank you, Mr. Chairman, I would like to touch on some of the legislative problems relating to this matter. But first, I want to highly commend these gentlemen for their frankness and their candor.

I sat here at this table not too long ago and said that I thought we would have to reinstitute registration, followed by induction. But we never had the facts until the military just came out and told us exactly what they were finding conditions to be.

As I recall, I said then that under our system, we should not expect them to just volunteer. They felt restraint, and I think I can fully understand their restraint.

In spite of those things, it is very impressive and valuable testimony that you have given here today.

I have not overlooked the problems that will come with this legislation. I want to say that to my colleagues. There are problems that go with this.

I have been on the Armed Services Committee for a long time. For the last 2 years I have handled both the Defense Authorization bill and the Appropriations bill, too. In doing so I really go into the details of what things are and where the problems are.

As you know in our committee, we discuss missiles, submarines, the kind of Navy we should have, tanks, and so forth. We discuss many important factors.

This is a problem. I have already said that the military is going to help us solve these problems. I am convinced of that. And they should do that.

When the law was repealed, I was opposed to letting it die. We had a real legislative battle going. I remember that we had lots of rollcall votes and it was closer than you would imagine. I was pulling for a 4-year renewal. That is what we had been having.

What finally resulted was a 2-year renewal. But then the Army jumped in and said, in effect, that it did not need the Selective Service. But I told them that I was making some headway with my colleagues and maybe with a columnist once in a while, and felt we could get them to go the other way. But when the Army said it didn't need it, that was the end of the battle. I knew it was so right there. It did go that way, too.

But I then decided that it was my duty to support the Volunteer Force and that is what I have done.

I went out to the induction centers. I especially remember going to one in South Carolina. I had a private interview with many recruits. I talked to them on an individual basis. I talked with groups of 10 and 12, and I talked with many of them personally, on a 1-to-1 basis. I kept that up for several years.

I believe that I got the feel of the All-Volunteer Force. It was in the Reserve and the National Guard that a change came about. That is where the trouble is the most acute right now.

We are getting into this matter now and are finding what you men found were deficiencies in the picture. We have a lot of new Members coming in here, and if they go along, I think we will make some headway and get this thing back on the track.

I turned in the Defense Appropriation bill that the House submitted last year at the end of the session for \$117.3 billion. There was a big argument about what would be in it. It didn't say much about personnel. But I thought I knew where the weak point was—right there in personnel, which we had not done anything about. I didn't think there was anything we could do at that time, except go back to some kind of selective service.

Now what are we going back to? I am not speaking in terms of going back to the old Selective Service System. I am talking instead about a selective service system which really puts the lid on things. That is what we need to have. We have to have some scientific men in our services, and some doctors coming along, too. We have to make some kind of regulations about that. I do not favor any kind of selective service, just one that is effective and one that makes no exemptions—though maybe permits some deferments for education and so forth. Education is very, very important.

That is what I am talking about.

I think, too, if I may comment on this, that we are getting all the money now fairly easily that the military really needs anyway. I think that the time will come when we might have a hard time getting the money for the military unless something is done about the personnel

situation. More and more evidence is getting to the people. The other day, one fellow told me that one member of his family refused to reenlist in the Guard. He was surprised that 26 other men followed him. They would not sign up again for the Guard. This is how it has evaporated.

Something has to be done before it is too late. If we make a start this year, why that will be a good beginning. I hope we can make a start.

I have taken up a little time today without getting down to the real hard facts of the day. But I am not controlled here by trying to save some money. Of course, I want to save all the money that I can and wherever I can, but that is not what prompts me here. I will vote for the same amount of money on fewer men if we can get more of a better type of person. When I say "better type," that is not personal. I mean that we have to have more talent. We have to have more common sense, we have to have more capabilities in technology fields and other areas. We have to have more discipline, as I see it. The military people have not been derelict. They have done the best job they could. Of that I am very satisfied.

But we have to have more discipline. Young men tell me that they are not reenlisting because there is not enough discipline. There is no penalty on them, they just see that there has to be more. I think we have a lot of units that do have discipline, in spite of these things. They have made a hard effort and have made themselves felt.

But we have to have discipline and we have to make service more profitable than it is now, too. I think that, too, can be done.

For my part, I will meet anyone, anywhere, on any kind of adjustment to these matters that will take us in the right direction. As I see it, things are not getting together a whole lot better in the troubled areas of the world, but things are not lost either.

It is time we got this whole manpower matter straightened up.

Mr. Chairman, I hope I have not taken up too much of the subcommittee's time. Do get back to me later. I do want to say a little more about the Reserves later on.

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

Senator Cohen?

#### ACCELERATED MOBILIZATION WITHOUT REGISTRATION

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

I would not in anyway want to contradict what Chairman Stennis has just said. But I was interested in reading a statement by a former colleague of mine. He went on a tour of some of the military facilities and he talked with Army personnel personally. He had a number of observations.

The volunteers repeatedly said that the recruiters had misled them as to job opportunities and assignments. Dependents stated that medical care was difficult to obtain and when given it was delivered in a callous and impersonal manner. Experienced commanders stated that discipline had never been worse. The rate of court martials, article 15's, and absences were at all time highs. The units were often unable to train due to absence of key personnel. Personnel at all levels complained that crimes of violence had seriously eroded the quality of life on posts, and at one installation I was warned to avoid numerous areas on post after dark because they were dominated by the criminal element.

I could go on with these observations, Mr. Chairman. They were made by Congressman Steiger, who is now deceased. He made that tour not in 1978, but in 1971. That was well prior to the Volunteer Force.

So, then, we could point to those problems and say that we should not attribute them to the Volunteer Force but rather to something that is intractable, perhaps inherent in a large bureaucratic institution, such as the military.

General ROGERS, I believe last year the Assistant Defense Secretary, Dr. White, and the Acting Director of Selective Service said that the Service could meet an accelerated mobilization schedule without registration. At that time, Congress refused to appropriate the \$2.5 million which was requested by the administration.

I guess I would like to ask you whether or not Dr. White was correct in saying that the accelerated mobilization could be accomplished without registration for under \$10 million, and do you think that positive action by Congress then would have at least dealt with the problem that you describe today?

General ROGERS, I would not agree with Dr. White's position that the Selective Service System can provide us with the required numbers of personnel in the timeframe that we need them. We need 100,000 by M-day plus 60. Our best calculation would show us that it will take 110 days under the current conditions to get the first draftee into the training command. We would then train him for 100 days. It would be 7 months before we get the first draftee out of the training command and headed overseas as a replacement for combat casualties, which is what the IRR is supposed to provide.

Senator COHEN. Is this correct? I am told that the present studies indicate that registration would save 15 days in mobilization. Is that correct?

General ROGERS, I believe that with registration we can have the first draftee headed toward the training command in 15 days.

Senator COHEN. Is that from the date of mobilization or the date of training?

General ROGERS. That is the time from when the first draftee is called, until he heads for the training command. This would be 15 days.

#### SUPPORT PERSONNEL IN ARMY RECRUITING COMMAND

Senator COHEN. OK. That would be up front.

The "Army Times" of last week reported that an agency, I think it was the Army Audit Agency, did a study of recruiting, stating that it was top heavy with support personnel and that fewer people were coming into contact with recruits. I am wondering if that is a pervasive problem, and if so, what other improvements would you recommend as far as the operation of the recruiting system, other than reverting to the draft?

General ROGERS. My reason for reverting to the draft has nothing to do with the Active component or the Reserve component units. The U.S. Army Recruiting Command is recruiting for the Active component and will be taking over the recruiting for the Army Reserve, not for the National Guard, which is State oriented and should remain so.

So, when you say "revert to the draft," I am talking about reverting to the draft for the IRR.

## DRAFT FOR IRR

Senator COHEN. As I understand it, the Department of Defense study indicates that there will be some serious practical difficulties in reverting to a draft for the IRR. Could you tell me what those practical difficulties are and what you can do to overcome them?

General ROGERS. The major difficulty in my opinion would be getting the legislation passed. [General laughter.]

General ROGERS. On the other side, I do not foresee any major problems in drafting for the IRR.

Senator COHEN. How would it operate? We have a Selective Service System. We have roughly 4 million people who become 18 every year. Out of that 4 million people, how would you operate the system of targeting if it is solely for the IRR?

General ROGERS. Senator Cohen, first, my figures show that currently about 2.1 million come through that 18-year-old window each year.

Senator COHEN. Male?

General ROGERS. Male.

Senator COHEN. I am talking about male and female.

General ROGERS. Oh, I'm sorry.

The way I visualize it working is as follows.

Registration would have to be instituted. Classification would then have to be instituted. Seventeen categories of classification are required, and 16 can be done just from registration, if you have the local boards operative, which they should be.

The 17th category is the physical and mental examination. We should move to that examination. Then, to start drafting for the IRR, we would need somewhere between 75,000 and 100,000 per year, in my opinion, to be drafted, and in 6 years we would fill our requirements for the IRR.

Senator COHEN. How would you do that? In view of what Senator Stennis just said, he wants to put a lid on things—and I agree with him completely that there should be no exemptions—how does that fit into coming up with 100,000?

General ROGERS. There would be a nationwide, random numbered sequence lottery again, as we had in 1971 and 1972. Then there were very few exemptions. Indeed, 95 percent had no chance of exemption under those rules of engagement. They were put at risk for only 1 year. Depending upon requirements, they would be called up according to the random numbered sequence in which they fell.

Frankly, by 1971, we had a draft system which was much more equitable than we had had prior to that time.

I wish something like that again if we draft.

Now, what would we have to do to get 75,000 to 100,000? Probably we would have to go for somewhere between 250,000 and 300,000 of those who had registered. Of that group, about 200,000 would be eligible for examination. Fifty percent of them would not qualify, for mental or physical reasons for the draft. So, we would have to adjust the numbers according to our experience.

#### ABSORBING INFLUX OF MILITARY PERSONNEL

Senator COHEN. Do we have the ability to absorb a large influx of military personnel right now? I am talking in terms of additional training facilities. If we had to mobilize, talking now about that 15-day period, would we have the uniforms, weapons, training personnel, manuals? If we don't have the prerequisites for military training do we have the capability of accepting a large number of these draftees?

General ROGERS. We have the capability to accept the numbers I am speaking of, Senator Cohen. Without opening any training bases we know for sure somewhere between 65,000 and 75,000 additional trainees can be absorbed if we draft for the IRR.

If we go with 75,000 plus the payoff of the initiatives I mentioned, we will get 400,000 into the IRR by 1985. Then we would have a steady State intake of somewhere around 75,000 per year. That is going to cost some money; but we do have the capability to do that.

#### REENLISTMENT INCENTIVES FOR RESERVES

Senator COHEN. Last year you said the Government should extend the same benefits to be successful in getting men into the Active service to attract Reserve volunteers. The Army specifically, I guess, uses the same benefits to encourage re-enlistment in the Reserves.

I want to know if you feel we have failed to provide those kinds of incentives and what we should do about it?

General ROGERS. What I said specifically, Senator Cohen, was addressed toward incentives, innovations and initiatives that have been instituted with respect to the active component to make it a viable force in the volunteer environment. We did those things at the outset for the Active Army. We did not do the same for Reserve components. When I say "we," I speak of the executive branch. In my opinion, we did not do those kinds of things for the Reserve components we did for the Active. We have now started to do the same for Reserve components. We have enlistment and re-enlistment bonuses, education assistance for Reserve component personnel. Those incentives are addressed to soldiers going into units of the Reserve components and not addressed to the major problem of how you overcome the deficiency in the IRR.

The two initiatives that will give us some payoff with respect to that IRR pool are, one, the 2-year enlistment, which was initiated in January of this year in which the soldier serves for 2 years in the Active component and then has a 4-year obligation in the IRR.

The other is taking those soldiers who have been released with an honorable discharge in the trainee discharge program or our expeditious discharge program and determining if they are of the type that we should put in the Reserve. Between now and 1985 we will get a payoff from both of those. They are addressing the problem of the IRR.

#### REGISTRATION—FIRST STEP TOWARD DRAFT FOR IRR

Senator COHEN. My time is up. I simply say, General Rogers, it is fair at least to me to conclude that you don't feel that registration would be enough to make up the difference in the shortfall we are now experiencing with the projected trend, and you fully believe this is the first step to go into the draft for the IRR? Is that fair?

General ROGERS. That is correct. Senator Cohen, it will have some advantages, just through registration and classification, in assisting us in recruiting for the Reserve Component units and Active Components. There will be a payoff from registration and classification. That payoff will not, however, impact on the Individual Ready Reserve.

Therefore, I think the next step would have to be to go to the draft for the IRR.

Senator COHEN. Thank you.

#### SERVICE CHIEF POSITIONS ON CLASSIFICATION

Senator NUNN. Let me ask each one of you, quickly, the question about classification. General Rogers said he is in favor of classification also.

Would the other Chiefs answer that?

General Wilson, we will start at your end.

General WILSON. Yes, sir, I think classification is a follow-on to registration, and should also include examination. I think examination should probably come first—medical examination, and full classification in that order. Registration, examination, and classification in that order, depending again on the administrative difficulties involved. It is going to be difficult to start up again.

Senator NUNN. Admiral Hayward?

Admiral HAYWARD. Senator, I believe that if your legislation were to call for registration that the time required to get the mechanism moving and to be effective in registering would allow us more time in determining whether the next step ought to be medical and classification. There is a cost to that and one ought to do it, in my opinion, in conjunction with a decision to go to the draft for the IRR. If a decision is not to go in that direction, then I am not so sure that I can say now that we ought to make that investment in classification.

Senator NUNN. Thank you.

General Allen?

General ALLEN. As General Rogers explained, there are certain steps of classification that can be done with very little cost or administrative difficulty associated with registration. The first big charge, as I understand it, comes up with respect to physical examination. I believe that limited classification should certainly be done as part of registration. And I am, frankly, unsure in the matter of weighing expense against benefit as we get into the physical examination question.

#### COSTS OF ALTERNATIVES TO AVF

Senator NUNN. General Rogers, we have talked rather thoroughly and candidly about what you have in mind as probably being advisable in the future. Have you costed this out? Have you any estimates that we could consider in terms of what you feel it would cost compared to the present system?

General ROGERS. Yes, sir. If you understand that these figures need to be scrubbed, I can give you a feel for what I am talking about.

Senator NUNN. Let me back up a minute and ask you this question first. About a year ago, the Congressional Budget Office estimated that maintaining the All-Volunteer Force, if we continued the present pro-

cedures, will cost \$8 billion more a year by the mid-1980's without considering inflation. Now, this was an estimate; I make that point. In other words, if we continue going like we are they estimate it will cost us about \$8 billion more.

My first question before we get into the cost of this is, do you agree with that or do you have any figures of your own? Are we going to use money to try to cure the problems we now have both in the Active and in the Reserve?

General ROGERS. There are some things about the report with which I did not agree. I can list them here or I can submit them for the record because they are very lengthy.

Senator NUNN. If you could submit those for the record.

[This question is answered by the Army in questions submitted for the record, p. 70.]

Senator NUNN. Did you in the course of examining that report come up with any figures of your own as to what it was going to cost?

General ROGERS. No, sir, we did not because the assumptions that they made are not what I thought were valid.

Senator NUNN. You did not agree with the assumptions?

General ROGERS. Some of them I did not agree with.

Senator NUNN. You don't have any figures of what it would cost to maintain the volunteer force plus the Reserves as a contingency program?

General ROGERS. The Reserve Component Revitalization Act which the Army submitted to the Department of Defense in 1977 called for an additional \$750 million, if we were going to pull ourselves out of the situation which we were in then. That included such things as bonuses for the Individual Ready Reserve. It included giving Reserve Component personnel a \$1,500 tax exemption, for example, and a series of things which we never forwarded to Congress for further perusal.

We do have that study as a basis of what we believed at that time would be required.

#### COST AVOIDANCE

Senator NUNN. What I am trying to get is whether we have a foundation for saying what the cost of the bonus would be in going to a program like you envision. I don't know whether we have that foundation or not.

General ROGERS. Not yet. Cost avoidance would be in the area of how much could we reduce the recruiting cost for the Active Component and the Reserve Component units if we got this payoff that I believe we would get from drafting for the IRR.

The reason I believe we will get that payoff is that the IRR is that pool of soldiers that are going to have to be used as replacements for combat casualties on the battlefield in the first 6 months of the war as well as to bring our units up to mobilization and war-time strength. Today's young people are no different from what they have ever been. They will want to choose the time they wish to serve, in what kind of unit they wish to serve, and what kind of skill in which to serve.

It is for that reason, that I am convinced that drafting for the IRR will give us that kind of payoff. How that will come out in terms of dollars avoided or cost avoided, I don't know yet. But those figures have not been included in the figures which you asked me of what we think it might cost. If we were to go from 75,000—

Senator NUNN. Just a minute. Senator Cohen has a question.

Senator COHEN. I have some figures in front of me submitted by the Department of Defense that made an analysis of what the initial costs were going to be. To provide, for example, the registration system, \$10 million; the aptitude testing, \$22 million; reinstating classification, \$30 million; physical examination of 300,000 young people, \$60 million plus; \$475 million for physical aptitude, classification. They have this all listed.

Senator NUNN. Can we put this in the record now? Is that recent?

Senator COHEN. December 31 last year.

General ROGERS. We come out pretty much the same as the figures in the overall volunteer report. With respect to the 75,000 being drafted for the IRR per year, the cost for the Selective Service is about \$46 million, the cost for additional training is \$420 million, for a total of \$470 million.

Now, if the legislation is written so that an individual is drafted in the IRR for 6 years, he should have some refresher training, so that there would be a cost associated with that. If we gave him two 2-week periods of refresher training during the 6 years, it would cost approximately \$120 million more.

There is one bill before the other House which would also provide educational assistance, \$500 per year, a total maximum of \$2,000 with the draft for the IRR. I personally do not believe that we should have or need the educational assistance portion of that proposal. But if it were in there at that rate that would come to a total of \$56 million more. That is a grand total, with training and educational assistance, of \$646 million.

Senator NUNN. If you eliminated the educational assistance portion what would that be?

General ROGERS. That would be \$590 million. If we knocked out the refresher training, that is, if the length of service as determined by the legislation were, say, less than 6 years, and we knocked out refresher training that would knock out another \$120 million and bring it down to \$470 million.

The Army can handle that kind of load without further major actions such as opening training centers. The pacing item is training for tankers. We want to train about 30,000 tankers per year. That is a pacing item. If we were to go to 200,000 per year drafted for the IRR—as has been proposed in some legislation—we would have to open some training centers and the cost associated with that at our first cut is about \$1½ billion.

Senator NUNN. You do not think that is necessary?

General ROGERS. We do not need that. In order to bring the strength up in 6 years and have a steady flow into the IRR, both out of and into the IRR, if the draft is for 6 years, the 75,000 per year would be adequate.

Senator NUNN. In other words, your total figure then for what you believe is adequate would be \$490 million?

General ROGERS. It would be \$590 million with refresher training.

Senator NUNN. You believe refresher training is necessary?

General ROGERS. It would be under the 6-year period.

Senator NUNN. What would be the current cost of your 2-year-old incentive package if it is updated for inflation? What would that cost now, \$750 million? Would it have gone up since then?

General ROGERS. You would have to add inflation. I would have to provide that for the record.

Senator NUNN. Will you provide that for the record?

General ROGERS. Yes, sir.

[The information follows:]

#### COST OF RESERVE INCENTIVE PACKAGE

In 1977, the Army submitted a "Reserve Revitalization Act" to the Office of the Secretary of Defense which contained incentives estimated to cost \$774 million at steady state ten years after enactment, but commonly referred to as the \$750 million solution to the problem. The \$774 million in 1980 dollars is estimated at \$886 million.

Senator NUNN. This package you propose here today would be at least \$160 million cheaper than the incentive package would have been if we looked strictly at cost?

General ROGERS. Yes, sir, or, at least \$660 million cheaper when you consider the training costs in addition to the incentive package. You must understand, Mr. Chairman, that I am betting on the come of the Reserve Component unit strength being enhanced because we have the draft for the IRR. I personally believe that is the way it will work out; also for the Active Component units.

Then there would be some additional cost avoidance cranked into this as well.

#### REDUCED ATTRITION

Senator NUNN. Would you be able to eliminate a lot of the attrition taking place in the Active Forces now? If you drive up the volunteers, therefore, would it drive up quality?

General ROGERS. If we were able to maintain the percentage of high school diploma graduates that we recruit at about 70 to 75 percent, we would reduce attrition considerably. The diploma graduate's chances of finishing the first term are two-to-one over an individual who does not have a diploma.

So that with that pre-enlistment indicator of a quality performance, namely, the high school diploma, I believe we could retain more; there is also a greater propensity for a diploma graduate to reenlist.

Senator NUNN. Do you have any idea what ball-park figure we would be talking about in cost avoidance, assuming those two or three "ifs"?

General ROGERS. I do not have it and it would be dangerous for me to give it at this time.

Senator NUNN. We would like to have it.

[The information follows:]

There is no empirical data in this area from which to make a firm assessment. The following chart shows the percentage of NPS personnel in the Reserve components who opted to go into the active components upon completion of initial training during fiscal years 1977, 1978 and the first quarter fiscal year 1979.

Fiscal year :	Percent
1977 -----	2.8
1978 -----	2.9
1979 -----	1.9

Were these percentages to remain fairly constant in a 75K draft environment for the IRR trainees, the active component gain would be between 2,000 and

2,300 a year. It must be stressed that since fiscal year 1978 and into this fiscal year, the Army has been shortfailing in active Army recruiting objectives. The difficulty is becoming more pronounced. Until the Army is able to meet its recruiting objective, there will be no cost avoidance.

In order to reduce recruiting costs the number of transfers from Reserve to active duty would have to be substantially higher than our related experience indicates.

#### RESERVE COMPONENT PACKAGE—ALTERNATIVE TO DRAFT

Senator NUNN. What about the Reserve component package? Do you believe that would be an alternative that would cure these problems you have identified and other chiefs have identified here today?

General ROGERS. I personally do not believe that the other alternatives will provide us the capability to overcome that challenge in the IRR.

Senator NUNN. General Wilson, do you want to comment on any of this that we have talked about in terms of cost and cost avoidance? Do you have any comments on that?

General WILSON. No, sir, I don't. General Rogers has stated his comments. I certainly agree with him. Furthermore, I would like to agree with what he said about quality. That is exactly the experience that we have had—three out of every four high school graduates. Our crime rates and desertion rates have gone down dramatically as a result of this quality. We have a two-to-one better chance of a high school graduate finishing his enlistment and being recommended for re-enlistment than a non-high-school graduate.

Senator NUNN. Admiral Hayward?

Admiral HAYWARD. I don't have anything to add.

General ALLEN. The Air Force would not draft into the Air Force IRR. It does not use the IRR in the same way, but I support General Rogers' comments on this matter.

With regard to the effect that the scheme which I discussed would have on the Air Force, there are matters of detail which are of concern to us. That is how long the training period is, how long the commitment is, because those kinds of things will tend to determine whether it is a positive effect and how much of a positive effect on your ability to continue to obtain volunteers.

So, whereas I support General Rogers and his needs in this area, the Air Force does wish to have the opportunity to comment on any details of such an arrangement because it does matter to our recruiting.

Senator NUNN. I assume that is the same for the Navy?

Admiral HAYWARD. Yes, sir, it would be.

Senator NUNN. To have a structure that is compatible with your problems, too?

Admiral HAYWARD. Yes, sir, it would be necessary to do that.

#### LOWERING INTELLIGENCE STANDARDS

Senator NUNN. Let me ask a question of you because this has been posed seriously by serious people. The suggestion has been made that perhaps the Services should consider lowering their intelligence stand-

ards for recruits if one needs an increase in accession. What is your reaction to that?

General ROGERS. I do not believe that would be appropriate.

General WILSON. I am absolutely opposed, sir.

Senator NUNN. We went down that course once.

General WILSON. Yes, sir, I have had that experience.

Admiral HAYWARD. The record will show that the decisions by all of us to go for higher quality has produced better soldiers, sailors, airmen, and marines. I think it is the right policy to adhere to.

General ALLEN. Yes, sir. The Air Force now is at an 85-15 mix of high school and nonhigh school. If we could raise that to 90-10, we estimate that we would save \$7.5 million annually and reduce our accession by 1,300 because of lower attrition. So, every test and every measure we know how to do says that quality pays.

#### MORE COMPLICATED EQUIPMENT

Senator NUNN. General Rogers, is it true that the Army is going to get more complicated and need more skills and higher educational levels in the enlisted ranks in the future as the weapons become more complex?

General ROGERS. The weaponry will become more sophisticated but not to the point where we cannot man it and maintain the weapons systems with the kinds of soldiers that we are getting today, in my opinion.

Senator NUNN. Senator Jepsen?

#### DRAFT EVASION

Senator JEPSSEN. Thank you, Mr. Chairman.

I want to say at the outset here before I ask a couple of brief questions that I am thankful for and I commend you for your straight-from-the-shoulder answers, all of you. If those of us from our legislative seats and halls can extract that from some of the civilian counterparts and some civilians give us the same type of straight talk, I think you will have helped everybody.

I mentioned in my opening statement on draft legislation that the system must be efficient, just, and so on. We talked a little bit about the question of registering women. We are also going to have to deal with the question of compliance though.

Just to assist and get some input on this, under a peacetime registration program what do you recommend to keep draft registration evasion to a minimum? Following that up immediately, what remedies, including legal action, will be necessary to enforce compliance with registration requirements? Before I pose those two questions, they really get related to the heart of things that Senator Stennis has continually alluded to since I have been on this committee from the first time I was assigned to it. And I agree with him a thousand percent.

It grieves me that we here talk about need for \$1,500 tax exemptions, \$2,000 and \$3,000 bonuses. I wonder again about this admirable and very real feeling of duty, honor, and country; what happened? It is all related to this. We are going to have some need for everybody to lock arms and do something about it.

How are we going to assure that evasion is kept to a minimum and what will we do to enforce compliance? Does anybody have any recommendations?

General WILSON. I don't have any experience with that.

Admiral HAYWARD. General Rogers should answer that.

General ROGERS. Senator, there must be the will of this Nation to take action against those who evade the draft. I cannot provide you with a prescription of just how we reach the point where draft evasion is not excused and is not commended, as has happened in the past.

Now, I recognize that that occurred at a time when there was great discontent in this country because of our commitment in Southeast Asia, and perhaps now that that has been overcome we will not face such evasion again in the future. But it has to be the will of this country to take legal action against those who evade service to their country when called upon to so serve.

That means, in my opinion, that there must be great assistance from the Congress in leading the country down that path where legal inhibitions are placed against those who would evade.

Senator JEPSEN. Thank you, General Rogers. We have, I believe, coming out of our Vietnam syndrome those who felt it was immoral or there was some immorality about it. My feeling on that immorality is that we should never send American soldiers anywhere to fight a war that we don't intend to win. We find we lose our sense of purpose and direction when that is so. I hope we never go through that again.

Thank you, Mr. Chairman.

Senator NUNN. Senator Stennis, we are back to you.

Senator STENNIS. I agree with General Rogers. I highly commend and thank these gentlemen again for their frankness and candor based on their experience. It has certainly paid off in trying to get to the problem; and it is a problem. It will take time to work it out without spending a great deal of money.

Senator NUNN. Senator Warner?

#### HIGHER QUALITY—REDUCED ATTRITION

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

I would like to refer to a report of the Comptroller General to the Congress of the United States dated February 16, 1979. My distinguished colleague from Virginia prompted this report. The Comptroller says that during the fiscal years 1974 through 1977 over 444,000 persons who entered the armed services were separated before completing their initial enlistments. The cost for this attrition was \$5.2 billion. That included benefits available to the servicemen after discharge. Almost half of this group is eligible for lifetime veterans' benefits which is estimated at \$2.7 billion.

If we go to some form of legislation which has been the subject of this hearing, and I ask each of you, will that type of legislation help turn back that serious situation of attrition and will it in your judgment produce a higher quality person, male or female, for the armed services?

General WILSON. The Marine Corps has contributed to this alarming statistic. Senator Warner, in a rather disproportionate amount for the reported years you mentioned. We do have a high non-EAS attrition

trate. We are, however, on our way down. Again, I think quality is the answer. Anything that we do to insure a quality force drives these statistics down.

If we define quality as being an individual who finishes his enlistment and is recommended for reenlistment, then he would not contribute to these statistics.

I think quality is the answer. If it drives toward quality, and I think we are trying to do that here—

Senator WARNER. You think this legislation, whatever we come up with on this general subject, will drive toward quality?

General WILSON. I do.

Senator WARNER. Admiral Hayward?

Admiral HAYWARD. I think the statistics which you enumerated, Senator, are an illustration of the cost of an All-Volunteer Force in that the first 3-years attrition has definitely been higher for the last 5 years for all of the services, certainly for the Navy, than it was prior to that time. But it has always been higher than you or I would guess it would be. It has always been up around 25 percent.

Last year I think it was in the neighborhood of 40 to 45 percent for the Navy. Without question, we have turned a corner in the last year so that we had 10,000 fewer people who attrited out in the first 3 years than we had expected to have happen, using the projections of what is normal. The first 4 months of this fiscal year show a continuation of the reduction. These reductions are the result of actions we have taken in the way we are running the Navy and doing our job. They are a clear indication of the improved quality that we have experienced for about a year and a half.

So, in my judgment, the high attrition rate of the All-Volunteer Force was the result of the lower quality people that we recruited in 1974 and 1975. We are clearly turning down in attrition. If we went to a system that caused us to take lesser quality, in my judgment, the cost would go back up.

Senator WARNER. The question is, Would this type of legislation that we have under consideration drive toward more quality in your judgment?

Admiral HAYWARD. I can't make that judgment. It depends on what kind of legislation it is. It has a possibility of giving us a better recruiting environment and that is my major interest. It could be written in a way that would make it harder for us. If that happens, we will have to lower our quality standards. I am not prepared to say which way we would go now. That is what General Allen and I were saying. We need to be able to see what the draft legislation is. What I am talking about is not the registration.

Senator NUNN. I think you are talking about the registration.

Senator WARNER. Yes.

Admiral HAYWARD. I have no way of estimating that. Clearly it would give our recruiters a better opportunity to evaluate the market and do a better job of recruiting.

Senator WARNER. Would anyone else care to provide an answer to this question?

General ALLEN. Yes, sir.

No. 1, the Air Force's record with regard to that first-term attrition is steadily improving. For example, we have the actual data

on the group that entered in 1975. That is 31 percent as contrasted to what it was earlier—the 1974 number was around 33 percent—who do not complete the full 4 years.

In the case of the Air Force it is a 4-year enlistment. A fair fraction of those, more than a third and a little bit less than half as I recall, leave early so that their unsuitability arises early in the tour which means there isn't as much cost incurred.

We are driving that down. Our predictions for the years in which we are now acquiring people is that we will lose around a quarter of those over the 4-year period. Once you subtract the early losses and look at the remaining losses over the 4 years, you are talking about a 4- or 5-percent loss per year which is really pretty low.

Senator WARNER. I am talking prospectively under this legislation; would it help?

Admiral HAYWARD. It will be a step in the right direction, but I would like, if I may, to make a comment about something which has been said several times here which I think is a dangerous line of reasoning. It is that if one takes this action one will not have to do anything with regard to the Active Forces.

When I say "Active" I mean both Active Forces and the Reserve and Guard component forces. In those cases where this legislation we are discussing is not of great assistance we will continue to have trouble recruiting and retaining. Those troubles are due to a set of things in which congressional action can help in support of the programs which we have in the 1980 budget.

Our people, do in fact, see things which worry them a great deal. They see a retirement program under challenge. They see a GI bill which has been terminated. They see CHAMPUS, which is inadequate by anybody's standards, and medical benefits which are untrustworthy. They see pay caps, imposed as part of the Nation's determination to control inflation, as being an unusual pain to them.

I don't believe they see adequate congressional support, or national support, let us say, for the honor and pride of serving in the military service. I think it is necessary for all of us to recognize that we must continue to work those aspects of career benefits and pride in service as they affect our active units, or we will not succeed.

Senator WARNER. I am quite sympathetic to those viewpoints.

General Rogers, would this type of legislation, in your judgment, improve quality which, in effect, would cut down this attrition?

General ROGERS. Just that associated with registration? I think it would be a tossup.

#### DUTIES TO BE PERFORMED BY DRAFTEES

Senator WARNER. One other question. I would like to direct this to Admiral Hayward.

It seems to me that if we go to some sort of legislation which is taking away part of the element of free will for a young person to go into the armed services, if he or she does go in, particularly under registration or, to the extreme, a draft, then they should receive a duty assignment which is commensurate with what I call traditional service and not perform some type of civilian activity.

Now, you and I are aware of one program in the Navy because it has been discussed here in committee several times this year, about the SLEP program for aircraft carriers, particularly the *Saratoga*—the first one.

It is my understanding that your testimony is that at least 1,000, perhaps as high as 1,200, sailors would be required, if this contract goes to Philadelphia, to perform work comparable to civilian shipyard workers. Is that correct?

Admiral HAYWARD. Yes, sir, that is accurate.

Senator WARNER. If that should occur, it would work as a detriment to reenlistment and retention of those people in uniform; is that correct?

Admiral HAYWARD. In my judgment, that is exactly correct.

Senator WARNER. It would seem to me, Mr. Chairman, that as a part of this legislation we should make it ever so clear that we certainly cannot draft young people to perform duties in uniform commensurate with civilian responsibility, particularly at a time that we would put civilians out of work, which is what would happen if the *Saratoga* goes to Philadelphia instead of the Newport News Yard. Am I correct on that?

Admiral HAYWARD. The latter part of your statement is accurate. One has to appreciate that sailors have been doing work in shipyards for a long, long time. And I would be highly reluctant to suggest that those whom we draft, if we ever drafted any, should have certain jobs picked out that they would not perform when other sailors who are on active duty would have to perform that job.

Senator WARNER. If we are to go to the American public and state the case that we need more young men and women for the Armed Forces, then I think we must guard against using those individuals to displace bona fide jobs in the civilian economy. Would you agree with that?

Admiral HAYWARD. Yes, sir, I would.

Senator WARNER. Thank you.

Senator NUNN. Gentlemen, that brings us to Senator Byrd.

Senator BYRD. Thank you, Senator Stennis.

It seems to me this has been a highly significant meeting today. It has been that way because of the frankness of the four of you. I want to express my appreciation for the very fine way in which you have answered the questions put to you by the committee.

May I say, General Rogers, that we shall miss you in Washington but NATO is gaining an outstanding officer. I know that your presence there will mean a great deal to that organization. I hope to come and visit you one of these days.

General ROGERS. Thank you, Senator. I look forward to having you.

#### UNISEX PHYSICAL TRAINING

Senator BYRD. Let me ask one question prompted by an article in the *Washington Star* a day or so ago. It says in an attempt, General Rogers, to develop a unisex physical training program that does not discriminate against women, the Army, on an experimental basis has lowered the physical training test requirements for men in the basic training. Could you comment on that?

General ROGERS. That is fairly accurate, Senator. What we have done is take a look at the physical requirements for specific skills, trying to work out a base level of physical conditioning for male and female which all must meet. Then, if the young man is an infantryman, when he goes to advanced individual training, he has to meet higher standards to be an infantryman. The same with tankers, and so on.

What we are trying to do is to relate physical conditioning requirements to the various skills that we have in the Army. The test that is now underway is one being conducted in basic training, not advanced individual training but basic training, using a particular level that we have determined is necessary for everybody and making them meet that particular level. It has meant that there has been a reduction in the level that a male soldier has had to meet in the past and an increase in the level over that which the female soldier has had to meet in the past.

Now, it also means though that we are going to have soldiers out there as infantrymen and tankers and artillery men who will meet very rigid, stringent physical conditioning standards as contrasted with somebody who is a clerk.

Senator BYRD. Thank you.

General ROGERS. May I add with respect to the latter, Senator Byrd, we have not yet got to the point where we are prepared to test these other physical standards against the various skills that I mentioned, but we will start testing them this year.

Senator NUNN. Senator Cohen?

Senator COHEN. Thank you, Mr. Chairman.

I might make an observation, for myself at least. I would join in commending the gentlemen who appear before us for their directness in answering our questions. I think part of the problem has been in the past, from what I have been hearing that many times it is difficult to get direct answers out of witnesses who come before the committee, because they are under some sort of prohibition through the administration of saying exactly what is on their minds. That apparently has not been the case here today. So, I join all my colleagues in commending you.

Senator Stennis indicated earlier that we had concerns before and tried to express them. With the Army's support perhaps we would not have had the predicament that we have now.

I also suggest to my colleague, Senator Jepsen, who raises a fundamental question, I don't think myself that it is only the Vietnam war that changed the attitude on the part of the country. It is tied closely to other things as well, including foreign policy which is so filled with nuances and inconsistencies that it has become incomprehensible to most people and has led to a great deal of confusion as to exactly what our interests are, who our allies are and who our adversaries are at a given time.

Many people have been misled by the process of détente into thinking perhaps that if we could lower our guard that the Soviet Union would become more benign in their behavior. All of those are contributing factors.

Now, I ask these questions because I don't simply want to allow a change in attitude from the thinking of a year or two ago to suddenly

come before us without looking at it critically. That is the reason I posed the questions I did and continue to do so. I want to be satisfied that this is the correct position to be taken, the direction we ought to go, and one that won't have to be reversed next year or the year after.

DOD REPORT—"SUMMARY OF ALTERNATIVES"

First, Mr. Chairman, I would like to have this item from the DOD report, "Summary of Alternatives" which contains the list of the expenses that would be involved in going to these alternatives, included as part of the record. I would like to have General Rogers or any of the others who are testifying—specifically General Rogers—to supply that information of estimated cost to the committee so that we would include answers to questions like those Senator Jepsen or Senator Warner asked. Compliance cost and enforcement cost would have to be characterized as well if we go to this registration system.

Senator NUNN. Without objection, we will put that in the record. [The information follows:]

The OSD report, "America's Volunteers, A Report on the All-Volunteer Armed Forces," identified three types of alternatives to the AVF given the current posture of the Selective Service System (SSS): (1) a more responsive SSS to better meet mobilization manpower requirements; (2) a return to the draft, either for the active forces or the Reserves; and (3) some form of national service program extending beyond military service. The following table contains fourteen specific options, together with a capsule description of their effects and an estimate of their costs.

SUMMARY OF ALTERNATIVES

Alternatives	Effects	Annual costs (millions)
<b>Selective Service System alternatives:</b>		
1. Eliminate SSS.....	Eliminates an agency. Seriously reduces capability to mobilize for eventual conflict.	-\$7
2. Continue today's system.....	Does not meet DOD's wartime plans, but does provide mobilization capability for long war.	0
3. Improve standby SSS (without registration).	Reduces processing time to better meet DOD requirements.	+2
4. Reinstate peacetime registration.....	Assures registered pool will be met but may have draft resistance. Reduces lead time to 15 days for draft call up.	+10
5. Institute universal aptitude testing plus alternative 4.	Provides test to all youth; may help recruiting effort; may be resisted by large section of society.	+22
6. Reinstate SSS classification plus alternative 5.	Provides capability to draft youth on or before mobilization day.	+30
7. Give physical examination to 300,000 youth plus alternative 6.	Greatly increases cost; increases potential for resistance..	+60
8. Provide universal physical, aptitude testing and SSS classification.	Provides full evaluation of all youth; goes far beyond any previous SSS program; may strain U.S. civilian medical community.	+470
9. Institute IRR draft for 100,000 per year plus alternative 7.	Would rebuild IRR to 1960 levels; could rekindle anti-draft movement.	+510
10. Institute selected Reserve draft of 100,000 per year plus alternative 7.	Fill all Reserve units; very difficult to administer because of local nature of Reserve programs. Communities may seek reduction in size or complete removal of Reserve and National Guard units.	+275
11. Return to active force draft of 100,000 per year plus alternative 8.	Would reduce quality of Army and stimulate antidraft sentiment. Saves money.	-250
<b>National service programs:</b>		
12. Move to small targeted national service.	Consolidate youth programs; improve opportunities of deprived youth; not much effect on DOD.	+2,200
13. Move to broad based voluntary national service.	Explain alternatives to all youth; severely handicap AVF; very expensive.	+12,000
14. Move to broad based mandatory national service.	New youth training program; 10 times more people than DOD needs or can use; difficult to find meaningful work for all; most expensive.	+23,000

## EDUCATIONAL LEVEL OF RECRUITS

Senator COHEN. Also, I would like you to answer some questions for me.

I am somewhat confused about enhancing the quality of the people who are coming into the service today. From what I have been reading, according to the Department of Defense, the quality of those serving in active duty measured by educational level and average test scores of new recruits has not declined as popularly believed; it has actually increased. Is that correct?

General ROGERS. Senator Cohen, if you will permit me, I would like to speak in terms of preenlistment indicators of quality performance rather than quality. The reason I say that is that one cannot judge whether or not a soldier is going to provide a quality performance until that soldier is in his unit serving under his officers and noncommissioned officers in the skill in which he has been trained. Otherwise we would not have the attrition rate we do have in the first 60 to 90 days in the training command where we eliminate, on the average, 11 percent whom we find, despite the preenlistment indicators of a quality performance, do not make it.

Senator COHEN. Don't we have a higher group of enlistees with high school education than ever before?

General ROGERS. As far as the Army is concerned, last year we recruited over 70 percent who had a diploma. That is as high as we have ever done in the volunteer environment.

## MENTAL CATEGORIES OF RECRUITS

Senator COHEN. And the mental test category IV?

General ROGERS. In category IV we put a cap on it 3 years ago, so that we would recruit no more than 10 percent category IV. At the peak of the draft in 1969, 28 percent of all the draftees were in mental category IV. Obviously that has improved. The high school diploma, as I mentioned, measures stick-to-itiveness, meaning retention. The mental category, for the Army at least, measures trainability. The fewer you have in mental category IV the better trainable they are. Don't let me mislead you, Senator Cohen. What has occurred in the past several years in the volunteer environment for the Army is that there has been some reduction in mental categories I and II, from 31 percent in 1974 down to about 25 percent. There has also been a reduction in category IV. That means there have been more that have been in mental category III. We had a reduction in the top and reduction in the bottom. The cluster has been among category III.

Senator NUNN. That statistic goes from 49 percent in 1972 to 63 percent in 1978 in category III?

General ROGERS. That is right. Forty-nine percent in 1972 in category III, to 63 percent in 1978. Whereas at the same time we have gone from 32 percent categories I and II in 1972 to 25 percent in 1978 and a reduction from 19 percent down to 10.5 percent in category IV at the same time. That is why I mentioned the cluster is around the average, category III. The cut line between III-A and III-B is the average cut line for scores.

## QUALITY OF ACTIVE FORCES

Senator COHEN. I just want to be satisfied. I guess for several years now witnesses have been coming to this committee and saying the Volunteer Force has been working well. It has not been stated directly here but the implication is sort of the reverse today, that it has not been working all that well. While we have had an increase as far as the level of competence and ability from the lower level up to the middle, we have also had a compression from the top down to the middle. This appears to give it a gray uniformity of mediocrity any way you want to spell it. That has not been coming forth to this committee, in the past at least.

General ROGERS. Senator Cohen, let me comment with respect to what we are finding in the Active Force in the volunteer environment. It is very encouraging.

We are finding we are exceeding our reenlistment objectives, both career and first termers. We are finding that between 1974 and 1978 AWOL's have gone down 68 percent; desertions are down over 60 percent, crimes of violence—I am going back to what Congressman Steiger said—crimes of violence during that period down 29 percent; crimes against property down 19 percent; courts-martial, article 15, all trending down. The trend is in the proper direction.

As a consequence, the losses that we have for adverse reasons are trending downward. That means that the numbers we have to recruit are fewer. Therefore, we can put our emphasis more on high school diploma graduates. The more of them we recruit, the greater our retention, and thus the fewer recruits needed. Another example that success breeds success.

Again, Senator, I want to put that in perspective. Last year we did bring in over 70 percent high school diploma graduates. But last year we also only needed 106,000 non-prior-service males. That is the lowest we have ever required. We started out with a requirement for 132,000 males but after the losses went down and retention went up, we ended up with only 106,000 required. So we had 70 percent, you see, of the lowest number we had recruited. That must be put in perspective.

## COSTS OF RETURNING TO DRAFT

Senator COHEN. One other question. Senator Nunn, I know, is one who is concerned about the status of our forces, certainly in NATO and particularly in Germany. One of the questions he asked involved costs. If we go back to a draft, even for a limited purpose for the IRR, you certainly would not recommend that the junior enlisted personnel or drafted personnel should go to a lower level or standard of living, such as we had in the draft in the past; would you?

General ROGERS. No, sir.

Senator COHEN. In terms of the actual costs involved, we are not going to be saving any money in trying to reduce the level of money that we are paying for support for the military itself.

General ROGERS. That is correct. Let me talk about the cost, though, with respect to drafting for the IRR. The costs are associated with bringing selective service to the point where we can draft for the IRR and the cost of training those drafted. Once trained, we would send

that man back home, put a string on him, know where he is, and be able to pull him in very quickly come a contingency of major proportions that requires mobilization.

There is no cost associated with that except when we bring him back for a 2-weeks refresher training periodically during the time that he is still vulnerable for service.

Senator COHEN. That is all, Mr. Chairman.

#### ATTRITION TRENDS

Senator NUNN. General, one other point with respect to the lowering statistics which are headed in the right direction—I think that is very good. I think also you have to balance off the period of time where the AWOL's and so forth have been going down and the Army attrition rate has been going up.

General ROGERS. No, that is not correct, Senator. The attrition rate for the Army in the cohort group of 1974 was 39 percent. The attrition rate for the cohort group of 1975 was 38 percent. Factoring out the losses of certain cohort groups at certain times in their service, we are trending down toward 30-percent attrition rate overall. That includes, Mr. Chairman, those that are separated with an honorable discharge under the trainee discharge program where they are brought in, scrutinized very carefully, and if they don't have the proper attitude, aptitude, motivation or self-discipline, and we can't make good soldiers out of them, we give them an honorable discharge and send them home and thank them for trying the Army. That amounts to about 11 percent of all those recruited.

As I said earlier, you don't know what you have until you put an individual in uniform in a regimented system and expose him to what the Army is about. Just as the other services have indicated, our attrition has been trending downward during that period.

#### SPEAKING ENGLISH ON DUTY

Senator NUNN. Let me ask you something a little bit off course, but it is something we asked the other day. I would like to get your views on it. I will start with General Wilson.

Do you believe a commander of a unit has the right to require that his people in the unit speak English?

General WILSON. We do in the Marine Corps. There is a requirement for English comprehension and the spoken word in English.

Senator NUNN. Is that a requirement in the Marine Corps?

General WILSON. Yes.

Senator NUNN. Do you have any plan to change that requirement?

General WILSON. No, sir.

Senator NUNN. Could you effectively have a combat unit where several people spoke other than the English language?

General WILSON. I don't see how you could.

Senator NUNN. Unless everybody spoke more than one language?

General WILSON. Yes.

Senator NUNN. Admiral Hayward, what about the Navy?

Admiral HAYWARD. The Navy requires you to speak English. In our boot camp those who have a great deal of difficulty go through

special training to get them up to an appropriate level.

Senator NUNN. You do have a requirement they speak English on duty?

Admiral HAYWARD. Yes, sir.

Senator NUNN. General Allen?

General ALLEN. Yes, sir, English is the language the Air Force uses.

Senator NUNN. General Rogers, what about the U.S. Army? I understand it is bilingual.

General ROGERS. Not at all. We require soldiers to speak English when they are in duty position, on duty, and performing their duty. There is no other way you can operate unless they are able to comprehend and speak the language. Now, that does not mean that in a chow line or at a rest break or sometime else a soldier may not converse with some of his buddies who may speak a different language. He may speak that language. But when he is on the job and performing on the job he must speak English. As the Navy, if we find those do not have the linguistic ability we believe is necessary, we in our basic skill education program in the training command bring them up to the proper level before they go to a unit.

Senator NUNN. There was a recent news article, and perhaps it is erroneous, that a unit commander in Germany had posted a notice that everyone would have to be able to speak English or at least speak English on duty. That was overruled at the Army level. I don't know whether it was at the Secretary's level or where. Is that an erroneous report?

General ROGERS. It was not overruled at the Department of the Army level. I gather that the young battalion commander made the change, himself. I do not know what the wording of his directive was. If his directive was that that soldier would be required to speak English when he was performing his duty, then that battalion commander was right. If his directive was that that soldier had to speak English 24 hours a day or all day long during the duty day, whether he was performing his duty or not, then that is not correct.

Senator NUNN. Is there any way we can clarify this?

General ROGERS. Yes, sir.

Senator NUNN. What is the assessment?

General ROGERS. I haven't looked into it, but I can provide you with the information.

Senator NUNN. As far as you know, there has been no change in the Army rule that you have to be able to speak English on duty?

General ROGERS. There is no change and there will be no change between now and June 30.

Senator NUNN. I am relieved to hear that. I would like you to furnish this for the record. Do you know anything about the Secretary of the Army having issued any kind of directive on this subject?

General ROGERS. He has not issued a directive on this subject, Mr. Chairman.

Senator NUNN. Has there been any kind of a speech? Where did the news story come from? I know occasionally our friends of the media are wrong.

General ROGERS. The news story may be accurate. I am not sure of the language of the directive that the young battalion commander is supposed to have posted on the bulletin board. I also read in the paper where the battalion commander, himself, had withdrawn his directive.

Now, he did not get any guidance from the Secretary of the Army to do that, nor did his commander or his commander's commander, nor did I.

Senator NUNN. You made that clear. If you will furnish, for the record, any further information on this in response to that story, the details of it, if you could.

General ROGERS. Yes, sir.

[The information follows:]

I have no further information on the news article. I would like to again clarify that Army policy does not restrict soldiers to the use of the English language when communicating with each other. They must have sufficient skills in the English language to perform their military duties. Our policy recognizes that members of the Army must be able to communicate with their superiors, subordinates and fellow soldiers. It also acknowledges that the very nature of our equipment and procedures dictates the need for all soldiers to have sufficient skill in the English language to be completely functional, even if English is their second language.

#### MENTAL CATEGORY III-B

Senator NUNN. General, talking about the mental categories I to IV, the information I have basically is that in fiscal 1977 the Army had about 45 percent of recruits in mental category III-B while the normal military eligibility population has only about 32 percent in that group. Is that correct? Do you have those figures?

General ROGERS. I would have to confirm those figures, Mr. Chairman.

Senator NUNN. For the record, if you could.

General ROGERS. Yes, sir.

[The information follows:]

The mental group category of new accessions are shown below for fiscal year 1977 against normal distributions of the mobilization population.

[In percent]

	Mobilization population	Normal military eligible <sup>1</sup>	NPS accessions (fiscal year 1977)
Nonprior service (NPS) mental group categories:			
I-----	8	9.3	4.0
II-----	28	32.6	21.1
IIIA-----	14	16.3	20.6
IIIB-----	20	23.3	45.2
IVA-IVB-----	16	18.6	9.1
IVC-----	5	0	0
IV-----	9	0	0
Total-----	100	<sup>2</sup> 100.1	100.0

<sup>1</sup> Based on mental group categories now accessed into the Army.

<sup>2</sup> Does not add to 100 percent due to rounding.

#### DECLINING NUMBER OF 18-YEAR-OLDS

Senator NUNN. I would like to ask each one of you this question. Projections are that the population of 18-year-old males has peaked and will decline about 20 percent in the next few years. It is likely that

this decline of 18-year-old males will result in a decline of the absolute number of male high school graduates available for the services?

The Secretary of Defense stated that he believes "The services can perform their mission with a somewhat lower proportion of high school graduates but it may result in somewhat increased attrition and training cost."

My question is, How do you propose to compensate for the anticipation of decline in the mental attitude of high school graduates in the general population; that is, assuming there is no change in the law, in terms of no registration?

General ROGERS. One thing the Army is doing is to increase the career content from 45 percent up to 49 percent. Then it behooves us also to be very active in the reenlistment area in order to retain our best soldiers. With respect to the numbers that will be brought in I think that the Secretary's comment is an accurate one, that there will be greater attrition because of a lower number of high school diploma graduates we might be able to attract during that period.

Senator NUNN. General Wilson?

General WILSON. I think, sir, that our recruiters are going to have to work harder. Indeed, they are working hard now—12 to 13 hours a day. I think our commanders are going to have to understand that they too, are recruiters for reenlistment purposes. I think we will have to spend more money to have more recruiters in the field. However, you soon reach a point of diminishing returns. I think we have reached that point now in the approximately \$80 million a year that it costs us to recruit. This includes the pay for recruiters.

Senator NUNN. Is that just Marine Corps?

General WILSON. Yes. This includes the pay of roughly 3,000 recruiter personnel, our advertising, the "A" signs, the cost of gasoline for the vehicles, and everything.

Senator NUNN. Do you have some of your best Marines in the recruiting stations?

General WILSON. Yes, sir, and the most responsible ones because they represent the Marine Corps in the communities in which they live. We also have some of our best people in our schools because that is where you get good students—from good instructors. You get good recruits from people who recognize the potential of good recruits.

This will increase but there is a point of diminishing returns, of course, where we cannot go any further. This would further result in depleting the operating forces of our good NCO's.

For this reason I believe the draft is inevitable. We will have to go to the draft. Those are the steps—registration, examination, classification and eventually the draft—we are going to need to compensate for this because we are in a time when the 18-year-old group is diminishing due to the lowered birth rate.

Senator NUNN. Admiral Hayward?

#### NAVY RETENTION

Admiral HAYWARD. The most significant challenge facing the Navy in the next half dozen years is retaining more people.

Senator NUNN. Rather than recruiting?

Admiral HAYWARD. Rather than recruiting. If we can up our midgrade careerist retention we can solve many of our recruiting difficulties. Now, I am not positive that we can reach those goals. We are going to strive as hard as we can with policies that can influence the way we operate the Navy, but we all see more commitments being put on the Navy, not less. So, it is going to be more and more difficult to meet the needs of our people and still meet the needs of the country in a way that suggests to young men and women that they want to stay in the Navy for a full career. That is the best way to improve on the retention issue.

We cannot absorb more women any faster than we are absorbing them and still do justice to both the women and the men. So, I don't see there is immediate relief by accelerating a large number of women into the Navy. The next step you would be forced to look to is reducing the quality of the input in order to recruit. We have all said repeatedly we do not wish to do this. I concur with the Secretary of Defense. If we do it, the attrition levels are going to go up. The costs are going to go up. More and more turbulence will result. That is what we would like to avoid. I believe there are a number of steps that the Congress might consider looking at to help retention, recognizing there is a high payoff from that. If we retain one individual at the second term point that is the equivalent of at least three recruits. I think that is worth our trying to achieve for the Navy particularly—a higher retention level.

Senator NUNN. Will you furnish for the record any recommendations you have along that line addressed to the Navy problem?

Admiral HAYWARD. Yes, sir.

[The information follows:]

There are several areas in which your support would be most beneficial in helping us to solve the retention problem. These include:

—Relief from the 1989 termination of authority to utilize G.I. Bill entitlements. A legislative proposal is being prepared providing for a period of five years from discharge/release/retirement in which to use educational benefits. Passage of this proposal would provide a highly effective incentive for retention.

—Provide a cost-of-living allowance (COLA) for unaccompanied members assigned to government quarters overseas and ships homeported overseas at a rate equal to 47% of the "without dependents" COLA rate. The FY-80 DoD budget includes funds that would enable us to provide compensation to our unmarried personnel who are stationed in areas where living costs are so high that these people have difficulty contending with the local economy.

—Support proposals to provide quarters or a quarters allowance for all personnel. There are two separate proposals addressing this issue. The first of these would authorize payment of a quarters allowance to enlisted personnel when their shipboard quarters are uninhabitable. An example of this situation is the condition that exists when a ship is in overhaul. We are now authorized to pay this allowance to officers only. If we could provide this allowance to our enlisted personnel we would be able to substantially improve their quality of life and hopefully retain them in the Navy. The second proposal also concerns unmarried personnel assigned to sea duty. The day when we can treat shipboard berthing as adequate housing for the bachelor is a thing of the past. We should provide bachelors with suitable accommodations ashore, in home port, or the quarters allowance to obtain them. We do this for our married people and should do no less for our bachelors, enlisted and officer alike.

—Support our proposal to accelerate career sea payments immediately instead of over a three-year transition period. This action would serve to enhance the morale and motivation of career petty officers who endure the hardship of repetitive assignments to sea duty.

—A fair resolution to the proposed modifications to the retirement system, consistent with the overall military compensation package and the demands

placed upon service members. Any new system must be at least as attractive to service personnel as the present system.

—Increase the payment of Family Separation Allowance from the level of \$30 a month authorized in 1963 to \$65 a month. Estimated cost is \$21.1 million. The increase in this allowance would help compensate for the large rise in the cost of living since 1963. A proposal to effect this readjustment will be submitted.

—Support a proposal to increase Aviation Career Incentive Pay (ACIP) by fifty percent and to authorize bonus awards in the aviation field. Pilot retention is a critical problem, and increased compensation for our pilots would help to ease the exodus of pilots from the Navy.

#### ALTERNATIVES TO AVT—SERVICE PREFERENCES

Senator COHEN. The Department of Defense study listed 14 alternatives that were before our military officials. It would be helpful if each one could list for his own Department what his preference would be out of those 14 because obviously the needs of the Navy are different from the Army.

Senator NUNN. On the question of retention?

Senator COHEN. Yes.

Senator NUNN. That would be helpful. Whatever each of you can submit on the question of retention will be helpful.

[The information follows:]

#### DOD STUDY—SERVICE PREFERENCE OF 14 ALTERNATIVES

General ROGERS. The Army position is that there is an immediate need for reinstitution of mandatory peacetime registration—that is alternative four. In my personal view, alternatives six and nine (reinstitution of classification and a draft for the IRR respectively) should follow in turn. First, registration; then classification; and third, drafting for the IRR. The salutary effects of this sequence of actions would be, I believe, to cause young men and women to volunteer for Active and Reserve Component units and, of course, would increase our inventory of pretrained manpower.

Admiral HAYWARD. Of the 14 alternatives listed in the study, my preference would be to reinstate peacetime registration and classification. The Gates Commission recommended that concomitant with the all-volunteer force legislation be enacted to provide:

1. A register of all males who might be conscripted when essential for national security.
2. A system for selection of inductees.
3. Specific procedures for the notification, examination and induction of those to be conscripted.
4. An organization to maintain the register and administer the procedures for induction.
5. That a standby draft system can be invoked only by resolution of Congress at the request of the President.

These were prudent and cost-effective recommendations in 1970 and remain so today.

The alternatives enumerated by the Department of Defense are concerned, primarily, with methods for procuring manpower. With respect to retention, it is generally recognized that the Navy offers the most arduous peacetime duty of all the Services. However, recruiting and retention of all the Services have suffered to a greater or lesser extent over the past twelve to eighteen months. For the diagnoses of this general decline, I refer again to the Gates Commission report (p. 121):

“The viability of an all-volunteer force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain (1) competitive levels of military compensation, (2) reasonable qualification standards, and (3) attractive conditions of military service.”

In light of recent shortfalls, both in retention and recruiting, the Navy is redoubling its efforts to provide attractive conditions of military service, and

has begun a reexamination of quality standards. The most visible change, however, in the past few years has been a decline in the levels of military compensation relative to the civilian sector. This decline is having a particularly deleterious effect on retention.

The Department of the Navy's contribution to Appendix O of the OSD All-Volunteer Force Study, "America's Volunteers," outlines some of the actions which could improve both retention and recruiting in the AVF.

General ALLEN. The 14 alternative courses of action in the Department of Defense study are alternatives to the All-Volunteer Force. These alternatives cover a full range of policy options from complete termination of the Selective Service System (SSS) to compulsory national service for nearly all youth. Alternative 4, which recommends the reinstatement of peacetime registration, most closely represents the Air Force view. Although the Air Force proposes to meet new accession requirements from volunteers, we endorse the need to strengthen the SSS. We support peacetime registration and initial classification, as currently provided by law, although recognizing this may be achieved in incremental steps. However, if there is a draft, voluntary enlistments must also be allowed to continue.

General WILSON. The alternatives are divided into three categories: Selective Service System alternatives, reintroduction of conscription, and National service programs. The fourteen alternatives represent increasing levels of manpower availability, monetary costs, and political considerations. As a result of the 1978 Nifty Nugget joint service mobilization exercise, the Marine Corps supports alternative #6-peacetime registration and classification. Although I am pleased to report that the Marine Corps is maintaining adequate force levels in the Selected Reserve and Individual Ready Reserve (IRR), Nifty Nugget forces and IRR are at insufficient levels to support a protracted war. In addition, the Selective Service System, as a result of its "deep standby" status, cannot provide manpower to a combat theater earlier than seven months from M-Day. In order to be fully prepared for any wartime eventuality, this country must have an inventory of its youth, so that unnecessary delays in identifying, training and providing manpower for our armed forces can be avoided. Furthermore, the decades of the 80's and 90's provide a declining population base from which to recruit. Should the country find it necessary to reinstate an active draft, the experience gained from the reinstatement of peacetime registration and classification will ensure a more orderly draft. Finally, peacetime registration and classification may increase the propensity of American youth to enlist and thereby ease recruiting burdens.

#### AIR FORCE RECRUITING AND RETENTION

General ALLEN. The decrease in population of 18-year-olds from which to recruit is inevitable. There are certainly some other factors in the future which are not so easily predicted. One of those is the depth and duration of a recession which would presumably make recruiting somewhat easier.

Senator NUNN. You mean if we have a recession?

General ALLEN. If we have a recession it would make it much easier. There are unpredictable factors, at least unpredictable by me, in the future that can affect our ability to meet our recruiting goals. We are having difficulty meeting those goals now. The main reflection of our difficulty is a decrease in quality. We were discussing these trends in the Air Force, which started with a very high quality. We are seeing quality decrease. While at one time, 90 percent of airman prior service accessions were high school graduates, we are now substantially less than that. We are down to about 81 percent high school graduates.

An increase in quality, however, whatever factors cause that to occur, will result in an increase in retention and will result in our ability to meet the force objectives which we have established.

I have already mentioned those things which I believe are important to consider in regard to the attractiveness of a career in the Active Force and Reserve component units where it is necessary that we obtain volunteers and that it is necessary that the career be sufficiently attractive to motivate reenlistment.

Now, there are a large number of things I won't go through, but will be glad to submit for the record, that we are doing to try to improve our own ability to recruit. There are many of these. One that might be of some interest is that we are increasing the number of women in the Air Force in a significant and steady way.

In contrast with the male 18-year-old in the recruiting market, there is predicted to be an increase in the number of women entering into the labor force. So, for that reason, we anticipate success with regard to that fraction of the enlisted force which will be women.

[The information follows:]

#### IMPROVING ABILITY TO RECRUIT

Some other initiatives are to:

Develop promotion incentives for those who enlist for 6 years, are graduates of Junior Reserve Officer Training/Civil Air Patrol Programs, or enlist in hard-to-fill skills.

Expand base-of-choice enlistment options.

Build up the Delayed Enlistment Program.

Emphasize Recruiter Helper and Recruiter Assistance Programs.

Revalidate engineer requirements.

Substitute engineer technologists for certain duties.

Cross-flow a limited number of officers to engineering.

Use physician extenders to permit reductions in physician authorizations.

The fiscal year 1980 Budget contains resources to address the difficult medical and engineer officer recruiting task. Engineer or physician candidates may be offered a career field, initial base-of-choice, and a trip, with travel expenses paid, to a duty location for job familiarization as an incentive.

Senator NUNN. Thank you.

Senator Jepsen.

#### LEADERSHIP AND DISCIPLINE

Senator JEPSEN. Along the same vein, granting that in this day and age we have some adults running around the Government trying to find ways children can sue their parents and things like that, my next question is very important.

In the Armed Forces in the area of leadership do we have an attitude or climate or any politicalization or redtape or regulations that hamper or prevent noncommissioned or commissioned officers from really leading?

General ROGERS. There has been a shift I believe from what you might remember, Senator Jepsen, not from the standpoint of their being able to lead but from the standpoint of the actions which they might be able to take with respect to their soldiers in the area of discipline. It is as simple as that. There once was a day that the First Sergeant pulled a pass for a young soldier. We don't have the pass system any more.

I would really like to expand my answer to a question you didn't ask which impacts on this whole area. And that is that there has been a trend, in my opinion, in the area of military justice in which the desire to protect the rights of the accused—and it is very important to protect

those rights—has become so overwhelming that the protection of the responsibilities and authority of the leaders of our soldiers has tended to be degraded.

Part of that, in my opinion—perhaps most—is the result of the Court of Military Appeals and the decisions that that court has made that have eroded the capability in some areas of commanders and other supervisors to do the things that should be done in order to maintain the discipline and good order of the unit. That has been very disappointing to me. That is a sort of an answer to a question you didn't ask but it does impact at that lower level as well.

Senator JEPSEN. That is a very direct answer. Do you have any problems in the Navy along that line?

Admiral HAYWARD. I wholeheartedly endorse the comments made by General Rogers with respect to the erosion of the authority of commanding officers, that the judicial system has eroded the authority of commanding officers and of unit commanders in a way that is detrimental to our best interest of exercising discipline within the commands.

There has been a very gradual evolution which is a reflection of many other factors within our social structure. But it has specifically been reflected, in my judgment, in the findings of the Court of Military Appeals, the precedential nature of those findings, and the ultimate erosion of command authority, such that many of our commanders today question their authority when in fact they have it but they are afraid to use it.

General WILSON. I was going to say that I certainly agree. While the opportunities for leadership are still numerous in the Service, nevertheless, it has been eroded. As an example, we lost between 800 and 900 Marines in the last 3 years that were discharged because of a ruling by the Court of Military Appeals. If a man could prove that he was fraudulently or erroneously enlisted, then he was no longer liable under military law. Therefore, the onus was on the Government to prove that he was not, in fact, fraudulently or erroneously enlisted. With the nonavailability of recruiters to testify and the expense we would incur to send for the recruiter, it was easier and more beneficial for us to discharge him. This is just an example.

#### VETERANS' BENEFITS

Senator JEPSEN. I have heard that there are a considerable number of people in uniform who after staying a certain number of months to qualify for certain things suddenly developed all kinds of things to get out of the Service and partly because of the climate that you say exists, have pushed this, and it does have a very negative effect on everybody who stays in.

General WILSON. I might say in defense of recruiters, that these 700 or 800 people are charged against the non-EAS attrition which we have talked about. If they have been in over 6 months, they get their veterans benefit rights.

Further, by virtue of the fact that we have not charged the individual for fraudulent or erroneous enlistment, some people use it as evidence of that recruiter's malfeasance. This is not the case.

For instance, a common practice now is for a man to say he smoked marihuana before he got into the Marine Corps, and alleged that his recruiter told him not to put it down so that he could enlist. That would be a fraudulent enlistment and, thus, he is not liable under military law.

#### SCREENING AND TESTING

Senator JEPSEN. Paralleling this, and this will be my last question, Mr. Chairman, I have heard in several instances this afternoon from various members that you can hardly tell until you get a person in uniform whether they are going to make it or not for sure. Assuming that is partially correct, in the area of classification and screening, with all the modern know-how that we have, tests and measurements and everything from IQ to physical dexterity, emotional and nervous stability and this type of thing, should we be putting more emphasis and more money into these things when we get into this registration?

There must be some way with all the knowledge we have to run some basic tests to at least screen a goodly percentage of people out who for one reason or another would break down or would not fit or would not work. Have we put enough emphasis on that?

General ROGERS. We have learned since the voluntary environment began through the empirical data that we have gathered of the various categories of individuals who are more prone to be losers than others, sometimes associated with age, sometimes associated with other things. We have developed and will put into effect—as a matter of fact, we will have the briefing tomorrow on this—a tool which over the last 3 years has been tested which is based upon data provided by the individual. Was he a member of a team in high school? Was he in an extracurricular activity? If so, what? A whole series of items against which we check that individual. Our experience has shown with the testing of about 4,000 soldiers that we will be able to predict, based on the scores that come from this analysis, which ones are the ones that we should bet on to stay with us once they get in. This tool is called the Military Applicant Profile.

So we have learned over the past several years and we will be implementing that sort of screening. I think it is reasonable to expect that in the future we should continue to do that because, Senator, you and I both remember that when we had the draft all we had to do was push the button and the right numbers in the right skills came out at the end. When he came to us as a draftee, because we had upset the individual's life, we recycled him and recycled him and recycled him in the training command to insure that he finally got out to the unit.

In the units we, captains and first sergeants, spent 90 percent of our time on 10 percent of our soldiers. Most of them left the service with a discharge that was less than honorable which was not fair to him or to society. Today we are screening many out with a trainee discharge program, about 11 percent, while they are in the training command, to determine whether or not they have the four attributes I mentioned earlier.

If they don't have these, then we give them the honorable discharge and send them home. That is why we have much fewer losses once they get out in the unit than we used to have.

If you go back to a total draft for the entire force, Active and Reserve component units, the philosophy may change back again to try to get that individual through training and into a unit. That would not apply, in my opinion, to drafting for the IRR.

Senator JEPSEN. You have to be able to move and to shoot; that is what they tell me.

General ROGERS. Yes. You have to have an aptitude to be a soldier. Not everybody can be. You have to find out when you get him. He has to have some self-discipline. He has to be motivated to serve properly and his attitude has to be right. Personally, until we put in this new screening we did not have a tool to screen those out until we got them into uniform in the training command.

Senator JEPSEN. Thank you.

#### COURT DECISIONS—IMPACT ON READINESS AND DISCIPLINE

Senator NUNN. Senator Jepsen raised a very good point on some of the decisions of the Court of Military Appeals when I was not here. Did all of you give your views on some of those decisions and what impact they have had?

General ALLEN. I don't believe I did. This was a question as to whether recent actions had impaired leadership?

Senator NUNN. Yes.

General ALLEN. The other three I think testified that the decisions of the Court of Military Appeals were of concern to them. My only comment would be that the Air Force does not have that same degree of concern.

Senator NUNN. Would you furnish for the record, from your legal department, recent decisions of the Court of Military Appeals or any other court for that matter that has had an adverse impact on readiness or discipline in the military service? If you could furnish that for the record.

General ALLEN. Yes, sir.

[The information follows:]

General ROGERS. Beginning in 1975 the United States Court of Military Appeals has significantly altered the military criminal law system and has substantially impeded the ability of commanders and noncommissioned officers to maintain discipline. The United States Supreme Court has recognized in a number of cases (see, for example, the *Councilman* and *Levy* cases) that the military community is quite different from civilian society and military necessity dictates that criminal law problems be treated differently in a military context. In some of its decisions, the United States Court of Military Appeals either does not embrace this concept or chooses to ignore it. Moreover, some of the changes made by the Court of Military Appeals can fairly be labeled as judicial legislation. The Chief Judge of the Court of Military Appeals has, on a number of occasions, publicly stated that the Court cannot wait for the Congress to act and so changes must be made by judicial action, if considered necessary by him.

The Court of Military Appeals has severely restricted court-martial jurisdiction. In the *Russo* case, the Court found that the services lacked jurisdiction to try a service member who enlisted fraudulently with the assistance of a recruiter. In reaching its decision, the Court apparently rejected the well-settled Supreme Court doctrine set out in the *Grimley* case over 80 years earlier. In *Grimley*, the Supreme Court held that persons who enlist in the Army are subject to court-martial jurisdiction regardless of such disqualifying defects concerning the enlistment. In reaching the decision in *Russo*, the Court of Military Appeals also ignored or rejected the long-standing concept of constructive enlistment. Additionally, the Court of Military Appeals has unnecessarily

restricted court-martial jurisdiction over service members who commit offenses off-post in the United States. In the *O'Callahan* and *Relford* cases, the United States Supreme Court held that there is court-martial jurisdiction over offenses committed off-post in the United States if there is a "service connection." Before 1976, it was accepted law that an offense committed by one service member upon another service member and drug offenses by service members off-post were service connected. However, in the *Hedlund* and *McCarthy* cases, the Court of Military Appeals construed the Supreme Court test set out in *O'Callahan* and *Relford* in an unrealistic and unnecessarily narrow manner and overruled earlier Court of Military Appeals opinions. The result in most cases is that even when one service member assaults or kidnaps another service member off-post in the United States, there is no court-martial jurisdiction. Similarly, Court of Military Appeals opinions have made it virtually impossible to punish service members who commit drug offenses off-post in the United States. In the *Klink* case, the Court of Military Appeals even held that an offense occurring only 10 yards outside an installation, in an area completely surrounded by the installation, was not an offense subject to court-martial jurisdiction.

Other decisions of the Court of Military Appeals have departed from traditional military law in the area of search and seizure. This has seriously restricted the efforts of commissioned and noncommissioned officers to control drug use by service members. In the *Unrue* case decided in 1973, the Court of Military Appeals held that drug use by service members is fundamentally incompatible with the existence of an effective military fighting force. On this basis, commanders were able to inspect troops in their barracks areas to insure that drugs were not being possessed and used. Drugs found as a result of such an inspection could be seized and used against a service member in a trial by court-martial. However, in 1976, the Court of Military Appeals, in the *Roberts* and *Thomas* cases, rejected prior law and severely restricted, if not completely eliminated the possibility of commanders making inspections for drugs as they were previously able to do. One of the judges stated that inspections for drugs are a "dragnet-type search which, even in its military context, is constitutionally intolerable." These Court of Military Appeals opinions differ sharply from Federal court opinions which recognize that military personnel have a diminished expectation of privacy in barracks areas.

Of additional concern is the fact that the Court of Military Appeals appears to be contemplating taking further steps to change the law in the area of search and seizure. It has granted numerous petitions for review in cases challenging the ability of a commander to serve as a neutral and detached magistrate for the purpose of authorizing searches. It has granted petitions also in cases which question the lack of a requirement that statements involving a request for an authorization to search be submitted on oath or affirmation. These procedures are not required by any Congressional enactment relating to the military services and yet the Court of Military Appeals appears to be considering changing another long-standing custom in military law by judicial decision. If this is done, commanders' ability to enforce discipline will be further restricted.

In the *Schmerber* case, the United States Supreme Court held that the Fifth Amendment privileges against self-incrimination does not apply to the involuntary taking of body fluids. Despite the clear language of *Schmerber*, the Court of Military Appeals, in the *Ruiz* case, held that a soldier's statutory right against self-incrimination does prohibit the involuntary taking of urine samples if the test results thereof are to be used against the soldier. This decision by the Court of Military Appeals has also severely impeded the ability of commanders to field an effective drug-free fighting force.

In the *Courtney* case, the Court of Military Appeals imposed a revolutionary new requirement in the area of pretrial confinement, again departing from long-standing, Congressionally-recognized, military practice. In that case the Court of Military Appeals held that a soldier cannot be placed in pretrial confinement unless a neutral and detached magistrate first decides whether probable cause existed to believe the soldier committed the offense and whether the soldier should be confined. This opinion effectively removed from military commanders the power to confine. In the *Heard* case, decided several months later, the Court of Military Appeals added a requirement that pretrial confinement may be imposed only "when lesser forms of restrictions or conditions of release have been tried and found wanting." Such a rule is far more severe than used by the Federal courts or state courts. It should be noted that Article 9 of the Uniform Code of Military Justice specifically provides that any commissioned officer can order any enlisted member to be confined.

The Court of Military Appeals also has displayed an unreasonably rigid approach to the "speedy trial" issue. In the *Burton* and *Driver* cases, the Court established a judicial speedy trial rule that requires dismissal of charges if an accused is in confinement for more than 90 days (after subtracting defense delays) except in "unusual circumstances." The rule itself does not appear to be an unreasonable one. However, the application of the rule has been unreasonable. For example, in the *Henderson* case a murderer-for-hire, tried and convicted in Okinawa, was set free and charges against him dismissed because 132 days elapsed between the date of his confinement and the date of his trial. This case was a complicated one requiring testimony of many witnesses located in various places other than the trial site and the record of trial was over 2500 pages long.

The Court of Military Appeals also has judicially fashioned a similar rule for post-trial processing in the *Dunlap* case. Noncompliance with this Dunlap rule requires the dismissal of a case in which there was no legal error at the trial.

Both the *Burton* and *Dunlap* rules appear to be applied by rote, even though the accused cannot demonstrate any error which materially prejudiced his substantial rights. This is in direct conflict with the Congressional-mandated treatment of error as set out in Article 59 of the Uniform Code of Military Justice.

A further distressing element in the Court's approach to military justice is its delay in disposing of cases. For example, on 23 December 1975, the Court agreed to hear an appeal in the *Ezell* case, which alleged, among other matters, that military commanders cannot act as neutral and detached magistrates for search purposes. Since that time, the Court has agreed to hear over 50 similar cases, but has not as yet rendered a single opinion on the issue. There are a large number of other cases involving different issues similarly mired. In recent years, the Court has procrastinated deciding cases in the areas of speedy trial, search and seizure, plea agreements, and admission in evidence of past non-judicial punishment many of which have been pending for years. In addition to the 1975 case mentioned above, there are 39 cases undecided from grants of review issued in 1976, 134 cases undecided from grants of review issued in 1977, and 206 cases undecided from grants of review issued in 1978. Although the legal issues may differ in these cases, almost every one of them involves the use of drugs. The consequences of these inordinate delays are manifold. Convicted persons are left in limbo for years not knowing if their convictions will be reversed or affirmed. In the interim, many remain on duty often causing significant discipline problems by their actions. When cases are reversed and rehearings authorized, rehearings are frequently impossible due to the loss of witnesses and other evidence over the years. This problem is not of limited scope. The Court's approach to the disposition of cases before it demonstrates a lack of concern for the consequences that flow from long delays. The unsettled nature of the law in various areas for long periods of time is a particularly vexing problem.

In summary the Court of Military Appeals has both rendered and failed to render decisions in a wide variety of areas which have impacted adversely on the administration of military justice and, consequently, lessened military discipline. The Court's attitude and actions have been criticized by many commentators. Remarks by two such commentators follow:

(The information is retained in the Committee files.)

#### IMPACT OF COURT DECISIONS

GENERAL WILSON. The Judge Advocate General of the Navy, with full participation of my Judge Advocate Division, prepared Admiral Hayward's response on this question. I fully support that response.

#### IRR DRAFT—TRAINING AND RETENTION

Senator NUNN. I think we should know fully what the services' problems are now. We may or may not agree that they can be changed, but I think we at least ought to know.

Senator STENNIS. Mr. Chairman, I was going to say that it would be well to have the book and page. We need it for the files, whether it is for the record or not. It is a very good contribution you have made, too.

Mr. Chairman, I want to mention a particular matter. I had to leave this hearing for a few minutes and I might have missed part of General Rogers' testimony here.

You testified that a man would be in for a short time and then go over to the Reserves. Is that one you had in mind, 6 months in actual direct training in the Army, and then "X" years in Reserve?

General ROGERS. That is correct.

Senator STENNIS. Is that what you had in mind? Will you go over that again?

General ROGERS. It would be to bring in a man and train him for a minimum of 3 months because the law requires 12 weeks of training before a person can be deployed. I am not sure that 3 months would be sufficient. It might be 4 months; it might be 6 months. We should determine that. Then once the individual is finished training he would be sent back home. As I mentioned, we would keep a string on him, so that if we needed within the period for which drafted—and I think 6 years would probably be optimal—we could reach out and pull him back in for a contingency, either put him in a unit to bring it up to strength or send him overseas to be a replacement for a combat casualty.

If he is in for 6 years, he should be brought back in for some refresher training, probably on two occasions, the 3d year and 5th year.

Now, those who would be drafted could, after they have completed their training, go to Active component units or go to a Reserve component unit. If they went to a Reserve component unit it would reduce the numbers that we need in the IRR pool because from that pool has to come those who are going to fill the Reserve component units up to strength and fill our mobilization TDA units that have come into being only on mobilization. He would not be discouraged from joining a unit once he had finished his training.

Senator STENNIS. I was thinking about the impact of this whole plan on society. If we have something that you could offer them, it seems to me, to serve 3 or 6 months in Active Army training and then take the rest of that time in Reserve duty, that would be a very acceptable type of service to many people.

General ROGERS. Our projection, Mr. Chairman, would be that about 10 percent of those who underwent that training would ask to join a Reserve component unit once they had finished.

#### REDUCED SIZE OF THE ACTIVE FORCES

Senator STENNIS. One thing I want to mention now, and I know you gentlemen like to keep the numbers you have, but it seems to me that we have, in round numbers, about 2 million people in the active service. If we could provide the same amount of money for fewer people, it seems to me that as a practical matter that would be a great strengthening step. I don't know. It might not be. I don't like the idea of paying a bonus, the way most of them spend it. True, it just has a meaning to be spent. But if we could reduce the number and increase the pay to those who were making a real record in the service, it seems to me that would be a motivation there that would be a very wholesome improvement. I don't expect you to approve that, but I wish all of you would

think about it. Point out what the trouble is with it if you wish. What do you say to that, General Rogers?

General ROGERS. My reaction to it, Chairman Stennis, is that we cannot lose sight of the perception that the world has of the strength of the United States, the military strength as measured by the numbers of combat units that it has in its force structure. What you are advocating is that perhaps we should not have 16 divisions in the Army but rather have a lesser number of divisions. I do not wish to go that route because of the signal that it would send on the international scene.

Senator STENNIS. You think the structure is actually worth a great deal?

General ROGERS. Chairman Stennis, those of us who have the privilege to serve as chief of the service look at questions like this on a continuing basis. When one looks at the structure and one looks at the manning of that structure and the equipping of that structure, the question also has to cross your mind, would it be better to have less structure and have a better organization than we have currently? Each time I have looked at that I have had to come out, keep the 16 divisions, continue to modernize the best you can, continue to recruit the best you can and keep it in as ready a condition as you possibly can.

Senator STENNIS. I won't pursue that now.

Senator NUNN. Senator Warner?

#### MEDICAL SERVICES

Senator WARNER. Just one quick question, Mr. Chairman. I think at the same time I will ask the chief to supply and answer for the record.

What is the impact of legislation that we are discussing today on the medical profession? Will it help? Will it help to the degree that you need help in obtaining adequate medical services for your respective personnel?

Thank you, Mr. Chairman.

Senator NUNN. Do you want that for the record?

Senator WARNER. Yes; to save time.

[The information follows:]

#### IMPACT OF PROPOSED LEGISLATION ON MEDICAL SERVICES

General ROGERS. In general, reinstatement of the draft as it existed prior to 1973 would give us the assets needed to restore a desirable degree of peacetime health care and ultimately bring the Reserve up to strength. Registration and classification, of course, would not accomplish that but might act as a catalyst to enhance Reserve procurement. An IRR draft could alleviate the Reserve shortage, at least in total numbers, and might enhance active duty procurement if the IRR obligation could be satisfied through a relatively short period of active duty. In regard to physicians, dentists, and other professions which involve extensive education and training beyond the baccalaureate level, there would be a problem in that the so called "doctor draft" expired in 1973. Therefore, the Selective Service Act as it now stands would not permit conscription of individuals in the proper age groups and would not permit selection by profession. To resolve that problem I would suggest that Congress consider amending the Selective Service Act to include on a permanent basis provisions similar to the old "doctor draft." Standby "doctor draft" legislation maintained by the Director of the Selective Service System could be used as the basis for such amendment.

General ALLEN. If we return to the universal draft environment, a combination active duty reserve duty program would prove beneficial in reducing our physician shortages. However, individuals just out of medical school, still in intern-

ship training, would be of little help to the Air Force. A similar situation exists for those in civilian residency training programs. We would have to limit the six months active duty training to either those who have completed internships and do not immediately enter residency training or to those who have completed their residency and are fully qualified. While we do not favor a health care professional draft only, we recommend inclusion of physicians if a generalized draft is instituted.

General WILSON. Since the Navy provides our medical support, I will defer to Admiral Hayward's judgement in this matter.

Admiral HAYWARD. I am not aware of any current legislation regarding the reinstatement of military registration that also addresses the doctor shortage. For this reason, I don't think the reinstatement of procedures for the registration of certain persons under the Military Selective Service Act will have any appreciable impact on obtaining health care professionals. It must be remembered that after four years of undergraduate training and four years of medical school, most eligible men and women are at least 26 years of age. Unless legislation specifically addresses health care professionals in the age group corresponding to Medical School graduates, I don't foresee any positive impact resulting.

#### GROUND RULES FOR FUTURE DRAFT

Senator COHEN. If registration is reinstated it is going to be because we need to draft people in time of war, perhaps even in time of peace when we have manpower needs. Do you think we should establish the ground rules for any future draft at the same time we reinstate the registration process?

General ROGERS. I sort of thought that was given in the equation. I guess it wasn't or you would not have asked the question.

Senator COHEN. Don't you think we should?

General ROGERS. I would think so. I think very serious consideration must be given to what kind of draft you are going to have, to include exemptions, deferments, and all of that.

Senator COHEN. Senator Exon was suggesting, and I am not familiar with this—I am one of the new members on this committee—a difference between active and passive registration systems, for example. I believe the Commandant was just referring to that. I am not sure what the view is of the panel here. What are the advantages of a passive registration system as opposed to an active one? What are the disadvantages?

General ROGERS. I came up on the net on that that I think it should be an active registration.

Senator COHEN. I am not sure it was shared across the board, though.

General ROGERS. I am not sure either.

General ALLEN. Yes, sir.

Admiral HAYWARD. I have no problem.

General WILSON. I think so.

Senator COHEN. Do we have constitutional questions about the Government selecting those out, those who are registered, without participation by the potential inductee? You would favor combing him out of the registration system?

General WILSON. By all means; yes, sir.

General ALLEN. For the other Services, the Navy and Air Force in particular, that has an additional important purpose. Our support for this, of course, is partly our responsibility to support the Army's needs. It is also because those fallout benefits that we will get of encouraging

young people to volunteer into the Air Force and Navy would only be obtained if it is active.

Senator COHEN. There is a general consensus if we go to a registration system that this Congress ought to be prepared to at least outline in some detail what the future process of the draft should be. We should not consider them "ad seriatim" or step by step, but let everybody know exactly what the ground rules will be before we go into it. Is that the general consensus? I think the answer is yes. I would hope that you gentlemen, to the extent you can, can supply some information to this committee to construct such a program as you think is necessary. That is all I have, Mr. Chairman.

#### EXTENDED TOURS FOR VOLUNTEERS

Senator NUNN. I have many other questions I want to furnish for the record. I know you gentlemen have plenty to do, too. General Rogers, there has been a suggestion made in a couple of forums where I have been that one way we can address the IRR problem without going to the draft in the IRR would be to have either retroactively or prospectively—and I happen to believe retroactively would be very unlikely politically—extending the length of time for people who volunteer, once they get through that initial training, in terms of their contingent obligation in the IRR.

It is 6 years now. The suggestion has been that it be extended to 10 years so that in that additional 4 years we would be able to add enough people in the IRR over a certain time frame to avoid having to go back to the draft.

What is your reaction to that?

General ROGERS. I know it has been considered to extend it to 9 years without an incentive for an individual to either (1) extend voluntarily or (2) by legislation having it extended. I do not believe that that will provide us with the skills that we need in the IRR which are 80 percent combat arms. That point has not been made and it is my fault for not making it today. In the IRR pool 80 percent of them need to be in the combat arms.

Senator NUNN. Is that where you are going to have your replacements?

General ROGERS. That is right. I would like to bring the point you made out more thoroughly than I have up to now, Mr. Chairman, I do not believe it would provide us with the capability we need in the IRR.

Senator NUNN. Could you answer that question for the record when you have time, both as to prospective so that new people who join will have that obligation up front and as to the possibility of doing it retroactively for those who are already in?

General ROGERS. It should not be one retroactively in any event, in my opinion.

[The information follows:]

#### EXTENDED IRR—RETROACTIVE AND PROSPECTIVE

I do not believe that the military service obligation (MSO) should be involuntarily extended in either case (retroactively or prospectively). The Army is pres-

ently staffing draft legislation to test voluntary extension of the MSO from six to nine years. This legislation would provide a small bonus for non-prior service enlistees who voluntarily extend their MSO to nine years; personnel released from active duty who voluntarily accept a nine year MSO; and IRR personnel completing their six year MSO who voluntarily accept an additional three year obligation. The test would have two purposes: one, to determine whether the rate of extension could be improved by a small bonus, and two, to determine if a longer obligation would cause any adverse impact on accessions. It would be our intent that such a bonus system would be utilized to extend personnel with those skills required to the IRR (primarily combat arms skills), since more than 80 percent of the IRR skill requirements are in combat arms specialties.

#### EMERGENCY SOURCES OF MANPOWER

Senator NUNN. If we had a war tomorrow morning, would we have any choice but to basically call back those who have already been trained for the IRR?

General ROGERS. If we had a war tomorrow morning there would be certain sources available to us as replacements. Most of them would be in the later deploying units. We would pull those individuals forward and make them into the Individual Ready Reserve. We only have sufficient in there for a very small percentage of combat arms requirements. They would only last for "X" days, a number which I do not wish to give in open testimony. But "X" is not a very large number of days.

Now, in addition to that, we would obviously take those who still had an obligation who were in the Standby Reserve and pull them in. We don't have them all in the Standby Reserve.

The only other source, if the terms of reference are tomorrow, the only other source immediately available is to recall veterans.

Senator NUNN. That is what I am speaking of. That would be the only source we have, wouldn't it?

General ROGERS. I personally am opposed to the recall of veterans if that is the only source of involuntary obligation that we have.

Senator NUNN. The other choice is to lose the war, isn't it?

General ROGERS. That is correct. I am hopeful we can arrange the conditions so that we don't have to recall the veterans. Now, we also are looking very carefully at our retirees who are subject to recall, and they know that. We anticipate we will be able to use about 40,000 retirees in base operations assignments here in the States, come mobilization. As I said before to the full committee, we have soldiers who are filling civilian assignments in the base operations area and those soldiers will be recalled to their units, come mobilization, and leave. We will want the installation to remain open so that it can receive other units from the Reserve Components to be mobilized and trained. We will call upon our retired community to fill those base operations assignments and we will earmark various ones for it.

#### RECALL OF VETERANS

Senator NUNN. If we had a war tomorrow morning and we went through all those steps you have in 60 to 90 days from now, we would have a critical shortage of people at that stage. Would we not have to go to a recall of veterans? If we don't have the registration, or don't have the selective service, which means we take 110 days to even get

the first person in boot camp, it seems to me we would have two choices at that stage as to what the present situation is. We either have to say we give up, we lose, or we would have to go to a recall of veterans.

General ROGERS. There is no other source, Mr. Chairman.

Senator NUNN. I think this is important because when people talk about the inequities of the draft what would you think of a situation where you are recalling veterans to go in and did not have the mechanism to go into a draft so that the people who never served their country were not compelled to go in but those who had served their country were compelled to come back? What would be the equity of that situation?

General ROGERS. That is real inequity.

Senator NUNN. Would any of the other Chiefs like to comment on that?

General WILSON. I agree with that, very much so.

Senator NUNN. Isn't that where we are now really when you get down to it?

General WILSON. I think so. The fact is that, if it came to winning a war or losing a war, obviously we would take the most capable people. That means we should take the ones who had gotten out last because their skills have been eroded the least.

Senator NUNN. Admiral Hayward?

Admiral HAYWARD. I don't have anything to add to that. You have addressed the issue correctly. I think we would face a very significant problem. That does not apply specifically to the Navy, however, because our ability to use additional personnel is limited by the number of ships and aircraft that we have.

Senator NUNN. Would you like a few more ships?

Admiral HAYWARD. Yes, sir.

Senator NUNN. General Allen?

General ALLEN. I have nothing to add.

#### CLOSING COMMENTS OF SENATOR NUNN

Senator NUNN. Gentlemen, I want to thank all of you for what I think has been one of the most productive hearings in terms of frankness and candor since I have participated in the Senate. I don't know what the repercussions may be, but I think you have done your services and the Nation a real service here by laying the cards out as you see them in a frank and candid way. I personally am indebted to you for being frank with us. You have been of immeasurable help to the subcommittee.

General ROGERS. Thank you.

Senator WARNER. I would like to associate myself with your comments, Mr. Chairman.

[Questions for the record with answers supplied follow:]

#### QUESTIONS SUBMITTED BY SENATOR SAM NUNN

##### MAINTAINING QUALITY

Senator NUNN. Projections are that the population of 18-year-old males has peaked and will decline by about 20 percent in the next few years. It is likely that this decline in 18-year-old males will result in a decline in the absolute number

of male high school graduates available to the Services. The Secretary of Defense has stated that he believes "the Services can perform their mission with a somewhat lower proportion of high school graduates, but it may result in somewhat increased attrition and training costs".

My question to each of you is, how do you propose to compensate for the anticipated decline in the male high school graduate pool in the general population?

General ROGERS. The Army Staff is studying this question in detail now. Pre-enlistment screening devices are being developed to reduce attrition and increasing the career force size are alternatives being actively considered. Several other alternatives, however undesirable, are being examined. It remains to be seen which of these can be implemented and produce an effective Army.

Admiral HAYWARD. To compensate for the anticipated decline in the male high school graduate pool, Navy is executing several management initiatives which will decrease the demands for male accessions by reducing attrition and by increasing retention. Those management initiatives include increased command level emphasis on reducing attrition, improving overall leadership through an intensive Leadership and Management Education and Training (LMET) Program, increased funding of the Selective Reenlistment Bonus (SRB) for those personnel with six to ten years of service, reinstatement of lump sum SRB payment, Career Sea Pay, and an expanded Guaranteed Assignment Option Program which will permit senior careerists to exercise this assignment option through the 24th year of service. Further, Navy is making increased use of enlisted females.

General ALLEN. While there will be a decline in high school graduates, there are a number of factors which may dampen the impact of this decline. As the current 18 year old population ages into the 1980s, we expect to see a 20% increase in the numbers of 21-25 year olds competing for jobs. The number of women entering the labor force is increasing, and, given the increase in the minimum wage, employers may look toward an older employee market source in an effort to extract an added measure of experience for the increased wage. All of these factors may impact on the employability of youths, making them more amenable to at least one tour of duty with the Armed Forces.

In addition, the Air Force has a number of recruiting incentives, including a base of choice enlistment option, the awarding of the grade of E-3 to select categories, and our Delayed Entry Program, to attract a broader scope of young people to the Air Force, including older, already-employed youths. Further, we plan to continue our efforts to expand the role of women in the military.

The Air Force is continuing its efforts to lower first-term attrition in order to reduce non-prior service accessions. However, there is a limit to the attrition reduction possible and we are about at that level. Continued emphasis on recruiting high quality people is the best method to achieve and maintain a low first-term attrition rate.

General WILSON. Our current objective is to achieve 75 percent high school graduates in Fiscal Years 1979 and 1980. The Marine Corps was successful in Fiscal Years 1977 and 1978 with the attainment of 75.5 percent and 76.8 percent high school graduates, respectively.

The declining population will require intensification of our recruiting effort. We are currently analyzing the recruiting structure to determine the geographical and demographical coverage necessary to cover the market with an effective number of supervisory personnel. Preliminary results, indicate a possible necessity to increase the number of production recruiters in order to maintain the high school graduate accession level. The Marine Corps is steadily increasing the number of women Marines and will carefully evaluate the results of the two year enlistment option test program to help offset the declining male population.

Senator NUNN. Can you get by with less quality?

General ROGERS. The Army desires the highest quality soldier possible in all components, active and Reserve. However, quality levels of soldiers in the Army are very difficult to determine. In our accession programs we concern ourselves with the retainability and trainability of recruits as well as assuring that we enlist sufficient number of soldiers with the potential to become effective NCOs. To assure retainability we attempt to recruit the highest percentage of high school diploma graduates possible. To assure trainability we restrict enlistment to those who meet the minimum aptitude area scores and attempt to recruit as many soldiers possible from the upper mental group categories. The Army has established goals and controls in the recruiting program to maximize the retainability and trainability of our new soldiers and is failing achievement of these

goals at this point in FY 79. Currently, the Army is determining if we should change our enlistment criteria for the active component to make up projected numerical shortfalls. While the Reserve Components are not meeting high school diploma objectives, they are below the mental category IV ceiling set by the Secretary. Some adjustments can be made after the force is recruited; however, these adjustments are difficult and may be more costly than had the resources initially been spent on recruiting the force we desire. The trainee discharge program provides an excellent tool to screen out poor quality soldiers and the Army's leadership certainly will make the best of those soldiers who remain. The quality of soldiers in the Individual Ready Reserve (IRR) is a direct corollary to that of the active Army and Reserve Components as it is made up of personnel who have completed their active obligation and are then transferred to the IRR. In my opinion, the Army can continue to maintain the weapons systems with the kinds of soldiers we are getting today.

Admiral HAYWARD. In the face of increasing technology and new, more sophisticated ships and weapons, Navy cannot get by with less quality. For example, by FY 83 Navy will require a minimum of 83% "A" School qualified (Mental Group I-IIIa) accessions to man a projected fleet consisting of 29% missile and 30% nuclear ships. To meet these future requirements Navy is pursuing a balanced program of increasing retention, reducing attrition, increased female accessions and improvements in the recruiting force to ensure Navy reaches its fair share of the recruiting market.

General ALLEN. The Air Force believes quality levels must be sustained. The quality levels of the Air Force enlistees continue to pay handsome dividends in terms of productivity, retention, discipline, and manpower and training costs.

The Air Force will strive to continue its high level of performance. While this task will be difficult due to current and projected recruiting outlooks, the Air Force is confident that, by combining available resources with management initiatives, we can meet the manpower requirements of an All-Volunteer Force.

General WILSON. While we agree that a high school education is not required to qualify for all enlisted skills in the Marine Corps, valid reasons exist for our goal of enlisting 75 percent high school graduates. First, the objective of our combat force organization is to integrate infantry, tank, artillery, reconnaissance, and combat service support capabilities to provide, along with air support, an amphibious force of combined arms. As a result, only 22 percent of the enlisted skill requirements of our force structure reside in the infantry field. Of the remaining occupational areas, over 90 percent require formal school training in order to qualify for the skill.

Secondly, we are acutely aware that reducing quality goals can be costly. During the initial years of the All-Volunteer Force, when we enlisted a larger percentage of non-high school graduates, we experienced the highest absenteeism and disciplinary rates in our 200 year history. Since fiscal year 1975, we have emphasized the enlistment of quality personnel. Our ability to attract the high school graduate has been a major factor in the recent dramatic reduction in those absenteeism and disciplinary rates. This, in turn, has contributed to the enhanced state of readiness and morale in the Marine Corps today.

Finally, our goals do provide opportunity for those individuals who have not finished high school. Twenty-five of each one hundred recruits are taken from this category. Once enlisted, each Marine is classified and assigned on the basis of individual aptitude and skills. It should be noted that there are no absolutes. Not all high school graduates qualify for high skill assignments. At the same time, some nongraduates do qualify for such assignments. Our present goals, however, reflect the fact that we seek those intangible characteristics—perseverance, goal orientation, dedication, willingness to participate, among others—which enables an individual to get his high school diploma. Because of those characteristics, the high school graduate is twice as likely to complete his enlistment successfully, regardless of assignment, than is the non-graduate. We will continue to pursue the development of other indicators of successful service. However, at this time, the best available predictor is whether or not the individual has been able to complete his high school education.

#### ATTRITION AND QUALITY

Senator NUNN. DoD has provided statistics which indicate that recruits who enter any of the Services with a high school diploma have one-half the attrition rate of those who do not. The current DoD attrition goal is an attrition rate

of 23 percent for high school graduates and 44 percent for non-high school graduates. With the anticipated decline in the 18-year old male high school graduate pool in the next 5-10 years, isn't it likely that you will have to recruit more non-high school graduates and therefore have greater difficulty in meeting the stated goals for reduced attrition?

General ROGERS. The Army's success in recruiting high school graduates during FY 78 allowed us to deny enlistment to the more attrition prone categories within the non-graduate population. If we are forced to accept more non-graduates, our degree of selectivity may be reduced, making it more difficult to stay within the DoD goal of 44 percent for non-graduates. The Army is developing a Military Applicant Profile (MAP), a screening tool which, if implemented, may assist us in identifying the non-graduates who are the greatest arbitration risks. Through selective application of this screening tool, we may be able to stay within the OSD attrition objective for non-graduates.

Admiral HAYWARD. We must retain our quality while simultaneously decreasing our demand for annual accessions, both for High School Diploma Graduates (HSDGs) and Non High School Diploma Graduates (NHSDGs). Current projections for HSDGs indicate that they are more likely to meet their attrition goal than are NHSDGs. Initiatives to reduce the accession requirements of male HSDGs and to compensate for the decline in their availability include the increased recruitment of female HSDGs. In addition, the Navy Counter Attrition Program will reduce overall attrition, but has particular emphasis on the non skilled general detail community where most NHSDGs are employed. The most effective solution to the problem is to increase retention. However, if these efforts are less than effective, we will have greater difficulty in meeting the OSD attrition goal.

General ALLEN. It is true that if we recruit a greater proportion of non-high school graduates, total attrition and its associated costs will probably rise. However, since the OSD attrition goals are established for the individual high school graduate/nongraduate categories, this will have no effect on our ability to meet the OSD goals.

General WILSON. Yes, it is possible that we will have to recruit more male non-high school graduates in the next 5 to 10 years. However, we do not see an immediate need to lower our established goal of 75 percent high school graduates. Should such a change become necessary in the future, it will not affect our ability to meet stated attrition goals since those goals reflect the unique attrition behavior displayed by the graduate and non-graduate populations.

#### RECRUITING MALPRACTICE

Senator NUNN. Given the present projections of the declining male population and the realization that competition from outside industry will increase, doesn't this heighten the possibility of recruiting malpractice?

General ROGERS. When a task becomes more difficult, there is an increased chance of people taking "shortcuts" to accomplish that task. We are, however, taking positive actions to reduce the likelihood of our recruiters reverting to malpractice.

Admiral HAYWARD. We have implemented several programs to reduce this possibility.

General ALLEN. The Air Force system of checks and balances has reduced recruiting malpractice experience to a very low level. No reduction in standards or changes in procedures is anticipated due to the tighter recruiting market. Our efforts will be channeled to increase recruiting initiatives.

The Air Force recruiters are never released solely as a result of not meeting their recruiting goals. If recruiters are unable to meet assigned goals, an evaluation is made of both the recruiter and recruiting sources. If the evaluation shows the problem to be recruiter-oriented, the recruiter receives intensified training. If after such training the recruiter still cannot accomplish goals, the recruiter is returned to his or her primary career field without prejudice. On the other hand, if the problem is market-oriented, we investigate the possibility of relocating the recruiter's zone to make it more productive.

General WILSON. The increased competition for a declining market does carry with it the potential for deviation from established recruiting practices; however, with the added emphasis on a quality control reporting system, a system of management information, and an extensive continuing training program, the possibility of recruiting malpractice will be minimized.

Senator NUNN. What action is being taken to avoid any future recruiting malpractice?

General ROGERS. The following are positive actions taken to avoid future recruiting malpractice:

1. Rigorous selection criteria for recruiters to include a personal interview and records check.
2. All applicants are interviewed at several stages of processing to determine either concealment/falsification of enlistment information and/or misunderstanding of enlistment option:
  - a. Interviewed and processed at the recruiting station.
  - b. Collective warning by an Armed Forces Examining and Entrance Station (AFEES) official prior to AFEES processing.
  - c. Personal interview and processing by Army guidance counselor at the AFEES.
  - d. Personal interview and processing by an AFEES official.
  - e. Collective warning by an AFEES officer prior to the swearing-in ceremony.
3. Large signs depicting penalties for concealing disqualifying information are located in recruiting stations and throughout the AFEES.
4. The enlistment contract was recently revised by using larger print and simplified language to inform the applicant that only those enlistment promises listed in the contract will be honored. The revised contract, also, warns the applicant regarding concealment/falsification of enlistment information.
5. All allegations of malpractice are thoroughly investigated by a disinterested officer from the U.S. Army Recruiting Command.
6. Recruiters found guilty of malpractice are immediately relieved from recruiting duty, reassigned from the Recruiting Command and their recruiter military Occupation Specialty (MOS) is withdrawn. Judicial or non-judicial punishment may be administered as appropriate.
7. The Army Recruiter Course, which all recruiters must attend, is currently teaching a course in ethics.
8. The Inspector General is tasked annually to investigate USAREC's compliance with proper recruiting practices.

Admiral HAYWARD. The following actions have been taken:

- A detailed quality assurance system has been implemented which is designed to screen out the "not qualified" individuals.
- Training for recruiters/canvassers and processing personnel has been expanded.
- Organization and management systems have been standardized.
- Greater emphasis is being placed on recruiter productivity and market studies to optimize the recruiter/canvassers individual effort, i.e., improved management of leads at the local level.
- Pressure for male recruits has been reduced by increasing the numbers of female accessions.
- A post-enlistment quality assurance system has been implemented.

General ALLEN. The Air Force continually strives to ensure complete honesty and integrity throughout the recruiting process. The first step involves close screening of those who volunteer for recruiting duty, wherein only 45% of those volunteers complete a rigorous screening and school—a school which emphasizes the importance of integrity.

Recruiters do not "sell jobs", they look for applicants, tentatively qualify the applicants, commit them to an Air Force enlistment, and schedule them for further processing. The prime consideration is quality, with qualifications determined by other agencies. The actual enlistment functions—mental testing, physical testing, commitment to a vocational area, and enlistment—are performed by the Armed Forces Examining and Entrance Station which is separated from recruiter control. The Air Force Military Personnel Center, the Inspector General functions of the Air Force and Air Training Command, a liaison function at Basic Training, and a computerized feedback system which tracks an enlistee through the first tour of enlistment, all continue to keep the integrity of the system. Further, recruiters are not reassigned simply because they cannot meet goals and credit is given only when an applicant actually enters active duty.

General WILSON. The Marine Corps has intensified efforts in the area of quality control as a means to minimize recruiting malpractice. To this end, management actions within the Recruiting Service have been taken to identify personnel at all levels who analyze, evaluate, and monitor quality control measures. This is accomplished through a management report that has been de-

veloped for each stage of the recruiting process to ensure data accuracy. Additionally, the recruit depots conduct random verifications of education, mental, and moral qualifications. In conjunction with these actions, the Marine Corps has an intensified training program for all recruiting service personnel.

#### PHILOSOPHICAL VIEW OF AVF

Senator NUNN. Gentlemen, as you know, one could oppose the All-Volunteer Force solely because one believes it is not working. Philosophically, however, one could also oppose the All-Volunteer Force even if it were working perfectly, which it is not, because, for example, an All-Volunteer Force does not draw from a representative cross section of American youth or because it might lead to the alienation of the military from American society at large, and so forth.

Would each of you comment, I might say in a philosophical vein, concerning the concept of an All-Volunteer Force, leaving aside, for the moment, whether it is working or not?

Also, could you comment on the concept of national youth service in general? General ROGERS. The all volunteer concept of meeting military manpower requirements is preferable to conscription provided sufficient self-motivated, qualified volunteers are available to fill the ranks in our active component units, Selected Reserve units and the Individual Ready Reserve (IRR). In the Active Army we have been successful in attracting and retaining sufficient volunteers. Each year at the Army Commander's Conference I ask my commanders whether they prefer today's volunteer soldier or the draft soldier of a few years ago. They tell me today's volunteer soldier is superior. However, the volunteer environment has created problems in the Reserves. We have not achieved our strength objectives in the Selected Reserves and the strength of the IRR is dangerously low. It is for this reason that, in my opinion, it is necessary to institute a draft for the IRR.

On the issue of a national youth service program, I do believe such a program should not be based solely on military manpower needs, but rather on the needs of our nation and the cost of such a program relative to other national objectives. However, if a decision is made to implement a national service program, the manpower requirements of the armed forces will have to be considered in designing and implementing such a program.

Admiral HAYWARD. Philosophically, the All-Volunteer Force is a sound concept. The essence of a democratic republic is freedom of choice, and a free society should be able to man a peacetime force without compelling a small segment of its citizens to serve against their will. The AVF preserves the idea of freedom of choice while providing an efficient vehicle for meeting defense manpower requirements.

A temporary suspension of individual freedom may be justified when national survival is at stake. However, no free society should suspend individual freedom without analyzing the impact. While the individual has an obligation to contribute to the defense of his country, this obligation extends to all the citizens, not simply male youth. Therefore, all the citizens of the nation have a moral obligation to provide the resources, financial as well as the required hardware, necessary to defend the country.

Practically speaking, my job is the defense of the country. When the resources necessary for providing an adequate defense through the vehicle of the AVF are no longer forthcoming, I would have a moral obligation to request that they be provided by other means.

Philosophically, I would view compulsory national service in much the same manner. I am not in favor of a massive voluntary national service program. Frankly, I do not believe that large numbers of our youth could be productively employed in the public sector and I would much prefer that they learned early a healthy appreciation of the competitive discipline found in the private sector.

General ALLEN. The "All-Volunteer" force concept is not new to the armed services. The United States has relied throughout its history on a voluntary armed force except during major wars (and between 1948 and 1972). Even with the draft law, military recruitment policy has traditionally been directed toward filling as much of the manpower requirement as possible with volunteers, depending on the draft only to supplement the numbers needed—albeit recognizing that many volunteers were actually draft motivated.

In an all-volunteer force concept, we must not lose sight of the importance of making our youth realize that their freedom is a result of those before them who have fought in wars and were willing to die for their country. The youth

must grow up with pride and devotion to their country as well as be prepared to defend their country's freedom and preserve our form of government. That pride and devotion must be nurtured by positive public attitudes toward national defense and toward military service. I believe that the military and Congress must work hard toward fostering that positive attitude.

In regard to national service, there are some segments in our society which believe that the young men and women of America owe to their country or to their fellowman or to themselves, some period of service in the public interest, such as the Peace Corps, Vista, the National Teachers Corps, and the branches of the Armed Forces.

An argument for national service is that all eligible citizens would be compelled to serve the country in some way. Those not needed by the military would be directed to other service programs with no one escaping service, thus achieving true equity in the view of some.

While there are plausible arguments for National Service, no form will be as readily accepted by the American people as the all-volunteer force concept. There is no fair way to equate non-military service with military service.

One of the biggest arguments against compulsory service of some type for all our youth is the prohibitive cost. Current estimates show a cost of \$24 billion to implement such a program. Another argument against mandatory service programs is that all types of National Service are not equally desirable. However, the biggest argument against a mandatory service for all is that it does not replace the draft, it merely extends it to a larger segment of the population.

General WILSON. From a philosophical point of view the All-Volunteer Force is a sound viable concept. It provides a system whereby the youth of our country, at their option, may join the service without external coercion from any source. There is no basis to believe that the All-Volunteer Force does not draw a representative cross section of American youth or that it leads to the alienation of the military from the American society at large. Furthermore, the AVF allows the services to select higher quality manpower, which leads to reduced disciplinary and associated personnel problems.

I am opposed to the concept of national youth service. It is a tremendously expensive proposition, which would be enormously difficult to manage. It could not possibly utilize all the youth of this country equitably. In all probability it would only serve to engage a large proportion of our youth in nonproductive effort. Moreover, it could alienate our youth, and further weaken our governmental institution.

#### CHANGES TO SELECTIVE SERVICE SYSTEM

Senator NUNN. Gentlemen, could you each comment on what you believe were the shortcomings in terms of inequities and unfairness of the old Selective Service System?

General ROGERS. It is generally recognized that there was some inequity and unfairness in the draft in earlier years. Most of the justified complaints were based on the following: 1) the deferment system which authorized deferments for paternity, education and specified occupations; 2) the levy system on the states did not provide a random selection method of determining which individuals would be called for induction, and 3) the long period of time, until age 26, of vulnerability to induction which made it very difficult for young men to make life and career plans. However, these problems were all eliminated by 1972. Paternity, occupational and school deferments were eliminated; a lottery system was adopted to establish a registrant's random sequence number for selection and induction within his year of birth group; a Uniform National Call system was developed which determined nation-wide inductions based on the random sequence numbers, and a registrant's prime vulnerability for induction was limited to the year in which he reached 20 years of age. Thus, in the last years of the draft, the lottery system combined with the single year of prime vulnerability established a fair and equitable procedure that permitted registrants to determine their chances of induction and make life and career plans accordingly.

Admiral HAYWARD. Under the old Selective Service System a significant portion of the burden for national defense manpower was shifted from the general taxpaying public to the young male population. Under the system of deferments, conscription was inequitable in that the poor and disadvantaged not only served in greater numbers than their more affluent and college-bound contemporaries, but they were forced to serve at low wages.

Under the lottery system, while the relatively advantaged and disadvantaged serve with equal probability, conscription remains inequitable in that the college-bound future doctor or engineer suffers a greater disruption to his life than the conscriptee who would have entered the unskilled labor market.

The "All-Volunteer Force" solves the problem of inequity in that those who serve are paid a wage which compensates them for their services, while those who choose not to serve are also bearing a portion of their obligation in the form of higher taxes.

General ALLEN. Perhaps the greatest unfairness in the old Selective Service System was the uneven application of a series of deferments to induction. The deferments were to the advantage of those more affluent. The consequence was that a much greater proportion of those less economically well off or less influential were required to serve their country in an arduous and often times dangerous fashion.

General WILSON. The primary problems lay in the area of exemptions and deferments that were not available to everyone. For example, college students were given deferments and were seldom called to duty after graduation. On the other hand, young men who could not afford to attend a university or were not interested in post high school education, were much more likely to receive a draft notice. This was an inequity that led to increasing discontent with the old Selective Service System prior to the last draft call of 29 December 1972. Should the draft be reinstated, every effort must be made to ensure it is fair and that the same opportunities for service are available to all.

Senator NUNN. What changes would you recommend in any revamping of the Selective Service System to make it a fair and equitable system?

General ROGERS. The changes made in 1971 and 1972, as described in the answer to the previous question will insure that the draft will be administered as equitably as possible. However, if the Selective Service System is directed to return to peacetime registration, which we believe is essential, classification of registrants should also take place. Far greater equity can be assured registrants if their availability or non-availability can be determined in advance of a national emergency. Only in this way can each registrant's claim for deferment or exemption be examined and resolved before mobilization. In addition, the problem of large numbers of registrants delaying their entry into service through the filing of frivolous and unfounded claims will be eliminated by peacetime classification.

Admiral HAYWARD. There is no change to the Selective Service System that would make it fair and equitable in an absolute sense. The essence of conscription is that some individuals are forced to serve at wages less than those for which they would voluntarily choose to serve. A peacetime draft shifts some of the burden of national defense from the general tax-paying public to the population of young males, and within the young male population, from those who are not called to those who are called. There is no involuntary system that I know of that can remove this fundamental inequity.

Given conscription, however, we can decrease the burden of those who are forced to serve by allowing, within reason, the inductee's discretion in the timing of his induction by insuring that those inducted do not suffer undue financial hardships while serving their country, and by granting appropriate veteran's benefits. Further, it must be recognized that the burden to some individuals will be greater than others. College deferments, while perhaps objectionable upon strict egalitarian grounds, do recognize that the adverse effect of conscription on the career of the potential engineer is greater than that for the individual who will seek employment in an unskilled sector of the economy upon leaving or completing high school.

It is in this aspect that the equity and fairness of the All-Volunteer system is apparent. No one serves against his will, and those who do serve are compensated adequately by the rest of society for their services voluntarily supplied.

General ALLEN. Two changes seem prudent in devising a more fair and equitable system. First, all must be equally eligible (vulnerable) to serve; second, short of conscripting everyone, those chosen must be selected through a strictly random procedure. These changes do not address the merits of implementing or not implementing conscription.

General WILSON. I believe that both men and women should register. Prior to the resumption of an active draft all allowable deferments and exemptions should be closely evaluated. Equal opportunity should be the underlying theme of Selective Service without regard to family background, financial position or sex. Those individuals, who are called and subsequently receive a deferment, should be required to serve after completion of their deferment.

## MILITARY RETIREES AS MOBILIZATION ASSETS

Senator NUNN. A recent study indicated that there are some 250,000 regular enlisted retirees who could be available in the event of a major mobilization.

Do these retirees represent a potentially significant mobilization resource?

General ROGERS. Yes; regular Army enlisted and officer retirees are a potentially significant mobilization asset. Under 10 USC 3504 the President may order them to active duty and assign them to such duties as he considers necessary in the interests of national defense. This is a highly trained and experienced group of people that could be of great value in the defense of the country in a future emergency. Let me hasten to add that the majority of our requirement for pre-trained people are for the young soldiers in the combat arms—infantry, armor and artillery. We simply cannot use retirees—to fill that void.

Admiral HAYWARD. There are at present 163,000 enlisted retirees and 77,500 enlisted in the Fleet Reserve. These retirees most definitely represent a significant mobilization resource. From these two categories the Navy expects to recall over 24,000 in a war or national emergency declared by Congress.

General ALLEN. Yes; the retired regular officer represents a potentially significant mobilization resource also.

General WILSON. Yes; we consider our regular enlisted retiree population to be a significant mobilization resource. For the Marine Corps, the retiree population is composed of two distinct sub-groups—the Fleet Marine Corps Reserve and the Regular Retired List.

The Fleet Marine Corps Reserve, though not formally retirees, are in a status similar to retirees. Enlisted members with at least 20 years service may request transfer to the Fleet Marine Corps Reserve. While in that status, they receive retainer pay and may be ordered to active duty in time of war or national emergency. When active service and Fleet Marine Corps Reserve time equals 30 years, the member is transferred to the Regular Retired List. Accordingly, the 15,560 Fleet Marine Corps Reservists currently on board provide a large pool of experienced and relatively young staff non-commissioned officers. A recent analysis indicated that the average Fleet Marine Corps Reservist was 48.4 years old and had been in a retired status for less than four years. More than half of the population is made up of personnel who are younger than 45 years of age.

Although, the personnel on the Regular Retired List are older, we estimate that more than 4,000 of them could be selectively recalled during mobilization for service in the CONUS sustaining base.

Senator NUNN. Are there any current plans to utilize them as a mobilization asset?

General ROGERS. The Army has recently published a new regulation, Army Regulation 601-10, Mobilization of Retired Members of the Army, which will go into effect April 15 of this year. This regulation establishes policies and procedures for mobilization of retired members of the Regular Army and members of the Retired Reserve. In addition, the Army is currently developing a computerized data base of the minimum essential information on recent retirees that would be required to issue mobilization orders to them. By this summer we will have that information on approximately 100,000 persons who have retired in the last five years. Simultaneously, positions in installations and agencies in the continental United States are being examined to determine which could be manned by retirees if they were needed in a future emergency. By matching the retiree assets file against the requirements data base we will gain the information necessary to establish detailed policy for the rapid recall and assignment of retirees. If desirable and feasible mobilization orders will be issued in peacetime that would be activated by media announcement of M-day.

Admiral HAYWARD. The present plan is to recall the Fleet Reserve and retirees to billets that would be required between mobilization plus 30 days and mobilization plus 90 days.

General ALLEN. The USAF has an effort underway to include both retired regular officers and airmen in our mobilization planning process and to advertise this action to all regular retirees.

General WILSON. Marine Corps mobilization plans call for the selected mobilization of the Fleet Marine Corps Reserve and retired personnel. Currently, all retired personnel are included in data files which interface with the Reserve Automated Mobilization Process (RAMP). RAMP has the capability to select retirees by rank and military occupational specialty to fill specific mobilization

requirements and to print orders on those individuals mobilized. Depending on age, retirees will be assigned to fill selected requirements in both our active and reserve structures.

Senator NUNN. I am aware that the Army is already compiling pertinent information on their retirees. Is the Navy, Marine Corps, and Air Force undertaking similar data collection?

Admiral HAYWARD. The Navy has for several years maintained data on its retired and Fleet Reserve personnel.

General ALLEN. The Air Force has always maintained information on our retired members. We are currently refining our information system to include more detail, in order to increase our confidence in the expected responsiveness during mobilization.

General WILSON. The Marine Corps currently maintains data files on all categories of retirees. All data files are capable of interfacing with the Reserve Automated Mobilization Process (RAMP), thus permitting the selected mobilization of retired personnel to fill specific rank and skill requirements in the active and reserve wartime structure.

#### LOWER QUALITY AT HIGHER COST

Senator NUNN. Secretary Brown says in his posture statement:

We have, therefore, adopted a recruiting strategy aimed at maintenance of our current share of the male high school graduate market. Maintenance of a constant share of declining market means the Services must expect to recruit fewer male high school graduates in the coming decade. We believe we can, if necessary, perform our mission with a somewhat lower proportion of high school graduates but it must result in somewhat increased attrition and training costs. The increased recruiting difficulties will, however, make the task more difficult.

In testimony before this Committee on January 25, Secretary Brown indicated that we are headed into a situation where we are to have lower quality personnel at higher costs unless management capabilities can be improved.

What management changes are you going to make to see that the quality does not go down and the cost does not go up?

General ROGERS. On 1 January 1979 the Army, at the request of the Congress, initiated a test of a two year option, with and without a veterans educational assistance program (VEAP) kicker directed at high school diploma graduates from the upper mental group categories for enlistment in the combat arms and other selected skills. The program was designed as an effort to increase the enlistment of these categories of personnel for Europe. While it is expected that this program will cause increased costs in PCS and increased strength levels required for larger transient and trainee accounts, it will also make a higher population available for increasing the active career force, the Individual Ready Reserve, and the Selected Reserve.

In 1974, Secretary of the Army directed that research and development effort be placed into producing a pre-enlistment screen to identify a profile of individuals who were most likely to separate from the Service before their obligation to the Army was satisfied. As a result of the Secretary of the Army's direction, the Military Applicant Profile (MAP) has been developed and is being tested. The MAP is a 60 item questionnaire which is scored like a test. Items concern home, school, work experiences, attitudes and interests. The Army is considering the use of MAP to screen high attrition risk personnel from enlistment in the future.

Other management actions under consideration include reduced attrition through other management actions and an increased career force size.

Admiral HAYWARD. Increased attrition, if it is not countered by management initiatives to reduce it, will increase overall Navy costs. However, as stated previously, Navy intends to counter the effects of the decreasing pool of HSDGs through a balanced program of reducing attrition, increasing retention and increasing the number of females. A significant part of our counter attrition effort is directed towards NHSDGs. We intend to make every effort to ensure that quality does not go down, and thus far have been able to hold the line successfully on this issue.

General ALLEN. The Air Force, recognizing the need to expand the recruiting pool, is engaged in research projects designed to increase the enlistment source. These projects range from developing alternative standards to increase the

eligible applicant pool while decreasing involuntary attrition, to a refined "person-to-job" match procedure to create increased job satisfaction and subsequently reduce attrition.

Our emphasis on quality, positive management actions to reduce attrition, and increased recruiting objectives for women, have greatly lessened the demand for male high school graduates without significantly affecting the quality of the force.

We have also requested modest FY 80 resource levels to implement new initiatives which will help to attract greater numbers of eligible youths. These initiatives will help offset some of the difficulties, but it is our belief that recruiting will continue to grow progressively more difficult. Therefore, we believe there are a number of areas wherein Congress can further assist the Services achieve their manpower requirements in the All Volunteer Force.

The most important initiative deals with public attitudes toward the military and the opportunities the military can offer our young people. Therefore, the Air Force solicits statements of support from the Congress which positively encourage youth toward service in the military. Additionally, it is essential that our people have a stable pay and benefits package commensurate with the unique demands and sacrifices associated with military life.

General WILSON. Marine Corps management actions to preserve quality are ongoing and have resulted in attaining established quality goals. To maintain the quality personnel level, the career recruiting force will be staffed to the allowable level, quality control measures implemented, and production recruiter strength closely monitored to ensure adequate staffing to maximize prospecting potential. Additionally, systematic recruiting with an associated comprehensive education program and continuous refresher training provide recruiting service personnel with the foundation to develop their maximum production capability. Adherence to the system's guidelines minimizes nonproductive time and allows our recruiting force to operate at their most productive level. Currently, these actions are designed to avoid increased costs.

#### SELECTED RESERVE ATTRITION

Senator NUNN. The DOD study on the AVF indicated that over one-half of the non-prior service accessions who entered the Selected Reserve during the first quarter of FY 74 had left the service by the end of FY 77, even though the typical initial commitment in the Reserves is six years. About one-third of those remained mobilization assets as members of the Individual Ready Reserve or Standby Reserve.

What initiatives are each of you taking to reduce non-prior service Selected Reserve attrition?

General ROGERS. Increased emphasis has been placed on improved training in units. We now have OCONUS training for selected units. Training NCO's have been added to assist commanders in making the training at drills more interesting and productive.

Indications are that those who participate in unit drills prior to IADT have a lower attrition propensity. We now are able to pay non-high school graduates for up to 90 days prior to the start of IADT.

The enlistment incentive package we now have is also designed to reduce attrition of non-prior service personnel. Enlistment incentives are paid in installments to encourage non-prior service personnel to stay with us. Also, in those high priority units where reenlistment bonuses are offered, the availability of the re-up bonus serves as an incentive for soldiers to stay with us.

IADT losses constitute a substantial portion of non-prior service attrition. Liaison NCO's at each training center are working to reduce this by counseling trainees, and coordinating appropriate recycling and other required assistance.

Admiral HAYWARD. Navy enlists an average of 2,000 non-prior service (NPS) personnel each Fiscal Year directly into the Naval Reserve to fill specific unit vacancies. The current NPS onboard strength in the Naval Reserve as of the end of February 1979 was 5,978. Of this total, 5,600 are serving in the Selected Reserve and 378 are in the Standby Reserve. The following initiatives have been introduced to reduce attrition, enhance retention and increase the utilization of NPS personnel.

a. All NPS personnel are counseled at various intervals during their initial enlistment on the opportunities and tangible benefits available to them through continued affiliation with the Selected Reserve, i.e., advancement, drill pay, use of exchange and other facilities, additional training available and the satisfaction of service to Country and Community.

b. All NPS personnel who border on unsatisfactory participation are immediately identified and additional counseling is provided.

c. NPS personnel in their initial enlistment have priority on unit and pay assignments upon returning from initial active duty for training or upon the deactivation of a unit and reassignment.

d. NPS personnel requesting transfer to the Standby Reserve or discharge, for any reason, prior to the completion of their initial six year obligation must have their request reviewed by the Chief of Naval Personnel to ensure the request is valid and all information is substantiated.

General ALLEN. First term attrition in the Air Reserve Forces does not begin to approach the level indicated in the All Volunteer Force Study. We are continuing our efforts in the Air Force Reserve Program to provide meaningful work and training during unit training assemblies. We have increased emphasis on newcomer orientation and sponsorship. We recently revised our enlisted promotion system to permit promotion to E-5 during the first enlistment at the five-year point rather than at six years. The Air Force has supported the establishment of an incentive program to encourage retention in shortage skills for the Air Force Reserve Forces. In addition, the Air Force does recall nonparticipants to active duty.

The following initiatives are a few of the actions implemented by the ANG to further reduce the current attrition rates:

- Changed promotion phase points to provide an increased incentive to remain at critical decision points in one's military career.
- Stabilized the military manning documents to reduce the turbulence associated with force modernization.
- Established an office of training with increased visibility and responsibility to channel ANG efforts toward the improvement of training, a key element in the voluntary retention of Selected Reserve members.

General WILSON. The first quarter of fiscal year 1974 was the initial recruiting period in the AVF under the Marine Corps' Total Force concept. Our experience with fiscal year 1974 as a whole was that only 36 percent of the Selected Marine Corps Reserve (SMCR) non-prior service (NPS) obligors who joined were high school graduates. Consequently, the attrition experience was not satisfactory.

In fiscal year 1975 I directed that the active force goal of 75 percent high school graduate input for NPS accessions be applied to the SMCR. Since fiscal year 1976 the annual Reserve NPS input has exceeded 70 percent high school graduates.

Also with this quality input initiative, we have participated in the Reserve Optional Enlistment Program (ROEP) which specifies 4 years in the SMCR and 2 years in the Individual Ready Reserve. With the idea that a ROEP contract is an attractive enlistment incentive and that it is conducive to high retention rates, we continue to look at and request a proper balance of ROEP contracts and the traditional 6 year obligation relative to the increased accession and training costs associated with a shorter term of service.

Current data shows that non-EAS attrition rates are down. With quality accessions and prudent management of the ROEP program linked with challenging unit and individual training, we feel that this trend will continue.

#### COST OF MAINTAINING THE AVF

Senator NUNN. Gentlemen, the Congressional Budget Office has estimated that maintaining the All-Volunteer Force will cost \$8 billion more a year by the mid-1980's, without considering inflation. Do you agree with that estimate?

General ROGERS. We do not agree with all of the assumptions the CBO made in arriving at that figure. Specifically, CBO assumed that recruiting shortages would be made up by increased pay above normal cost of living increments and additional recruiters. Neither condition exists. The CBO also made some recommendations to reduce their derived costs. Some of these recommendations we agree with, and, for the most part had already implemented, either partially or wholly, at the time the report was issued. Some of the other recommendations, after modifications, are being implemented. Finally, there were other recommendations that we totally disagree with because they would be counterproductive.

To place my comments in perspective, I will address only those areas of the report with which we disagree. In the recruiting area, CBO estimated that by lowering the mental and physical enlistment eligibility criteria, by increasing the number of women in uniform, and by converting still more military positions

to civilian incumbency, substantial costs could be avoided. With respect to the proposal to lower enlistment criteria, to the extent that we can maintain high criteria and still get needed accessions, we have found that the initial higher cost of adhering to high criteria is more than offset by later cost avoidances (e.g., costs associated with attrition, recruiting, training, and PCS moves) and by improved unit readiness. With respect to the recommendation to increase the number of women in uniform, the Army is doing that but at a lower rate than suggested by CBO. With respect to the suggestion of converting additional military positions to civilian incumbency, we have done this before only to find that after we lost the military strength we subsequently lost an even greater amount of civilian strength without a reduction in workload. These continual, and essentially double, cuts impact adversely upon our base operations, our wholesale logistics system, support for our soldiers, our ability to support mobilization, unit readiness, and upon the morale and effectiveness of our dedicated work force.

In the training area, the point of disagreement with CBO was their attempt to show that the Army's student-to-staff ratio—when compared with the other Services—was substantially higher and that by lowering the ratio and, by implication, reducing personnel, the Army could reduce its costs. In the Army, the people who do the training are also the people who develop doctrine and training materials, and who do operational testing of weapons systems, etc. . . . the point being our training organizations have significant duties in addition to purely training duties. Comparison with other Services which do not include the same functions in their training organizations as does the Army, is not realistic.

In the turnover area, the CBO proposed establishing a ceiling on first term attrition. We are opposed to artificial constraints on first-term attrition as proposed by CBO. While their proposal would reduce near term losses, and thus recruiting and training costs, there would be more costs later in dollars, discipline, and readiness. Incidentally, the Army's attrition losses have been trending downward over several years.

There were two other proposals in that report with which we disagree—retirement reform and converting to a salary system. Both proposals are defective pay cuts and would be counterproductive to recruitment and retention.

Analytically speaking, there is another major assumption in the report that is bothersome. CBO estimated that the use of an increased mix of women in the force, civilianization of military spaces, increased length of service, and other initiatives would be sufficient to offset the inflating effect of a reduced supply of eligible young people for entrance into the Armed Forces. Thus, the extra increment of recruitment bonuses and wages specifically attributable to increased competition for the dwindling manpower pool is assumed to be avoidable. To dispel the uncertainty of that assumption would require a careful study which, given the time, we could address.

In summary, we do not indorse the estimate of an \$8 billion increase in Defense manpower costs by 1985. We disagree completely with some assumptions and find others to be of doubtful validity.

Admiral HAYWARD. The GAO estimate that the AVF would cost \$8 billion more a year in the 1980s assumed that additional volunteers would be attracted only by raising the general pay scale. I do not agree with the GAO analysis. Through the use of selective reenlistment bonuses to gain additional retention thereby reducing Navy's demand for accessions, the AVF could be sustained for significantly less than \$8 billion. Further, the GAO study did not consider the costs of enforcing a draft.

The real issue is how much money can be saved by a return to conscription. I remain firmly convinced that the savings would not be significant unless wages were reduced.

General ALLEN. The cost of the All-Volunteer Force (AVF) varies substantially according to what assumptions are made. I would tend to agree with the OSD study on the All-Volunteer Armed Forces, submitted to this committee in December 1978, that states the annual AVF cost is about \$250 million. It presents the case that the 1971 junior pay raise and other increases in junior benefits were inevitable, and that junior pay and benefit levels should and would not be reduced significantly if a draft were reactivated. The studies that reflect much higher costs for the AVF, on the order of billions of dollars per year, assume pay and benefit levels for a draft acquired force would be lowered to the relative levels of the 1960s. From a cost standpoint, it is unrealistic to simply compare manpower costs today with what they were under the draft. Instead, today's costs must be compared with what they would cur-

rently be had the draft remained. In that regard, \$250 million cited in the OSD study seems a much closer annual estimate of the cost than \$8 billion.

General WILSON. I am not familiar with that precise figure nor what it consists of, but it is recognized that the costs of maintaining the All-Volunteer Force will continue to increase. Clearly, it will become more difficult and expensive to compete for manpower in a period of declining availability. The Marine Corps defers to the Department of Defense for an evaluation of the costs estimated by the Congressional Budget Office.

#### MOBILIZATION REQUIREMENTS

Senator NUNN. Current Selective Service System delivery rates for inductees are: M+110 for the first inductee, M+150 for 100,000 inductees and 6 months for 390,000 inductees. The Secretary of Defense's annual report indicated the need for an improved inductee delivery rate: M+30 for the first inductee, M+60 for 100,000 inductees and 6 months for 650,000 inductees.

Would each of you comment specifically on the potential impact on national security of the Selective Service System's current mobilization capability?

General ROGERS. Under the current Selective Service System capabilities, providing the first inductees at M+110 days to start training, newly trained soldiers would not be available to fill and sustain deployed Army units until 7 months after mobilization. In view of the Army's current pretrained manpower shortfall of approximately 500,000 to meet the requirements for the defense of NATO in a major war that starts with little warning, this is a very dangerous situation. Although improving the Selective Service System capability to deliver inductees sooner by establishing peacetime registration will not eliminate the Army's total mobilization manpower deficit or even influence the manpower shortfall in the first 90 days, it will shorten the time of availability to the deployed units of the first newly trained inductees from M+210 to M+110 days.

Admiral HAYWARD. The national strategy for a conventional conflict is heavily dependent on mobilization and deployment rates. [Deleted.]

Timeliness of mobilization and deployment, and our ability to sustain the flow of manpower and material to the theater of conflict, are factors critical to the success of the strategy.

Any inability of the Selective Service System to ensure the timely flow of forces to the war places the outcome of our strategy in serious question, and our national security in jeopardy. On the other hand, improvements to the Selective Service System would present a clear signal, to potential aggressors, of our capability to execute our strategy. Consequently our deterrent posture would be improved and our national security would be significantly strengthened.

General ALLEN. The recent Nifty Nugget exercise highlighted concern about the responsiveness of the Selective Service System to meet mobilization manpower requirements. Further, the Joint Chiefs of Staff, the Congressional Budget Office, the GAO, the President's Reorganization Project, and the Selective Service System (SSS) have all verified the most demanding DOD mobilization manpower delivery schedules cannot be met by the SSS.

The United States needs to have, in being, a system which will provide a continuous inventory of potential inductees for mobilization. That capability does not now exist. The national security risk associated with a weak Selective Service System is significant.

General WILSON. I do not believe that the current Selective Service System capability is sufficient to support mobilization requirements. As indicated, the first inductee would not be available until M+110 days. Since the minimum required training time is approximately 84 days, it would take nearly seven months after mobilization for that inductee to reach the combat theater. In essence, therefore, we would have to rely on a volunteer force to support requirements during the initial period of mobilization. Accordingly, I believe that the United States should have in being a system which will provide an immediate and continuous inventory of potential inductees should mobilization be required. The current status of the Selective Service System acknowledges, and the Nifty Nugget exercise confirmed, that this capability does not now exist.

Senator NUNN. Concerning the improved inductee delivery rates described in the Secretary's report, that is, the first inductee by M+30, 100,000 inductees by M+60 and 650,000 inductees in 6 months, would each of you comment on how realistic these requirements would be? In how many and what type scenarios would these requirements be realistic? Would it be reasonable to require a

tighter inductee delivery schedule? Do the Services have any analyses indicating a need for a tighter schedule?

General ROGERS. The improved Selective Service System delivery rates of the first inductees by M+30, 100,000 by M+60 and 650,000 by M+180 days contained in the annual report of the Secretary of Defense were developed in 1977 on the basis of the then-current ability of the military training establishments to accept new trainees. The Army would be expected to receive about 60% of the inductees. However, recent analysis of the Army training establishment indicates that under future emergency conditions the Army alone could be able to accept at least 184,000 new trainees by M+60 and 568,000 by M+180. This indicates that the required delivery rates of the Selective Service System need to be reexamined and adjusted to meet the training capacities of all the Services.

It is necessary to plan to keep the military training establishments filled to capacity in any situation requiring full mobilization. Although there can be many hypothetical scenarios leading to situations requiring full mobilization, they boil down to the two basic cases of U.S. commitment to a major war in either Europe or Asia.

Admiral HAYWARD. The Navy requirements for skilled personnel represents one of the most urgent needs upon mobilization. Recent Navy studies (Sustainability Study and Wartime Manpower Program) have indicated trained manpower shortfall upon mobilization. The draft will not eliminate the pretrained manpower shortfall during the early stages of mobilization, but will significantly decrease the total shortfall. The Navy's share of these inductees would greatly reduce the shortfall, but not until M+90 to 100 days. If Navy receives inductees sooner than M+30, it would still require 6 to 14 weeks to adequately train them. However, the shortfall would be resolved much sooner.

The scenario used to determine the Navy's mobilization shortfall was a full mobilization, 180 day NATO scenario.

A tighter inductee delivery schedule giving the Navy more inductees sooner would be reasonable and would reduce the Navy shortfall.

Ongoing analyses have indicated the need for additional trained manpower at the earliest date following mobilization. The Sustainability Study, Wartime Manpower Program, and an ongoing Chief of Naval Education and Training study have indicated a physical capacity to accelerate training for inductees, thus reducing the Navy's shortfall earlier.

General ALLEN. In the Air Force's view, the requirement for improved inductee delivery rates seems realistic only when applied to a worldwide conflict with the USSR, to include a major conventional land war centered in Europe. Based on current threat assessments, such a conflict would peak very rapidly to an intense level.

The Air Force does not have analyses on the need for an improved inductee delivery schedule because we do not now intend to employ inductees. For Air Force purposes, a tighter inductee delivery schedule would be beneficial only because of the increase draft-induced volunteers. It would also improve Army capabilities on which we are dependent (e.g., civil engineering and base defense support).

Our unfilled manpower requirements peak early in the scenario and are generally eliminated by M+120. This early manpower demand can only be satisfied by pretrained resources. We are working on improving the planned use of individuals who have training. Our management efforts are aimed at improving the delivery schedule of these individuals to bring them to bear earlier in the scenario. This, of course, assumes a continual flow of fully-qualified volunteers into the training pipeline.

General WILSON. I believe that the improved inductee delivery rates are a realistic assessment of requirements. The rates would provide sufficient personnel to maintain Service training centers at their planned capacity throughout the first 180-day mobilization period, thus providing the maximum output of trained personnel. For the Marine Corps, the new rates would provide sufficient personnel to meet the requirements of the most demanding scenario. Since training capacity is the binding constraint, a tighter delivery schedule is not required by the Marine Corps.

#### RECRUITING RESULTS

Senator NUNN. Gentlemen, the October-December 1978 recruiting results show that the Services enlisted only 90 percent of their total recruiting objective. In contrast, during the same quarter in 1977, the Services achieved 97 percent

of their objective. This was the first quarter since the draft ended that all four Services failed to meet their recruiting objective. I would like for each of you to comment on the significance of these results.

General ROGERS. The Army is very concerned about difficulties in FY 79 recruiting. The reasons for these difficulties are not entirely clear. However, it is known that unemployment rates are at their lowest point during the all volunteer Army era. It has been shown that some categories of recruiting production correlate very closely with unemployment rates. It may be that we are under-resourced. In spite of current difficulties, we are taking some new initiatives to overcome our initial shortfalls and achieve our annual objectives.

Admiral HAYWARD. As you know, Navy has failed to make its monthly recruiting goals in 27 of the past 31 months. Projections for the remainder of Fiscal Year 1979 and the outlook for Fiscal Year 1980 are not encouraging. I believe that this inability to meet recruiting goals is in part attributable to the decline in the perception of the Navy as a viable career option. Navy initially entered the All Volunteer Force era with adequate resources, an economic climate which facilitated recruiting success, and a competitive enlistment package. That package consisted of wages which were comparable with the private sector, a retirement program which enhanced the appeal of a military career, and a strong educational incentive in the GI Bill. Over the past four years, this enlistment package has failed to keep pace with the civilian sector in terms of wage increases; the military compensation system is receiving high visibility because of the recommendations of the President's Commission on Military Compensation; and the Veterans Education Assistance Program (VEAP) educational incentive is not as attractive as the former GI Bill. Additionally, Navy faces peculiar problems during peacetime which do not impact on other Services. Navy personnel continue to be subjected to long family separations while on deployment and to arduous working hours, both at sea and in port, to maintain fleet readiness. As a result of the above factors, recruiting and retention have become extremely difficult. We need to reverse both these trends. A stable pay and benefits package commensurate with the unique demands and sacrifices associated with military life are badly needed to make the Navy an attractive profession.

General ALLEN. The major significance is that it represents a culmination of factors that have been gathering momentum for some time. It signals the continued decline in the perception of the military as a viable career option. We initially entered the All-Volunteer Force (AVF) with adequate resources, an economic climate which facilitated recruiting success, and a competitive enlistment package. That package consisted of wages which were comparable with the private sector, a retirement program which enhanced the appeal of a military career, and a strong educational incentive in the GI Bill. Over the past four years, this enlistment package has failed to keep pace with the civilian sector in terms of wage increases; the military compensation system is receiving high visibility and is a matter of uncertainty to our people because of the recommendations of the President's Commission on Military Compensation and follow-on consideration by the Administration; and the Veterans Education Assistance Program educational incentive is not as attractive as the former GI Bill.

General WILSON. There are definite indications that recruiting is becoming more difficult. Our attainment for the first quarter of fiscal year 1979 is approximately 85% of quota. This decline in recruiting points out the fact that the Services must remain competitive in the market place to attract quality applicants. The apparent decrease in the propensity of young Americans to enlist and the decline in the population of qualified military availables is intensifying the competition from other services and the civilian sector. The perception of benefits, training, advancement, and job satisfaction must be portrayed as comparable to civilian industry. If this cannot be accomplished, then we will be unsuccessful in meeting the demands for service manpower in peacetime.

Senator NUNN. For the same quarter, the Marine Corps was the only Service that increased both its proportion and number of male and female high school diploma graduates compared to the same quarter in 1977. The Army, Navy and Air Force had declines in their high school graduate proportions and numbers. How do you view these quarterly results and do you think these numbers will increase in the remaining three quarters of FY 79 so that you can match the DoD FY 78 percentage of 77 percent high school graduate enlisted accessions?

General ROGERS. The Army is concerned with its inability to recruit the soldiers it requires in FY 79. In FY 78 the Army recruited 73.7% of its new accessions as high school diploma graduates; however, the 91,000 recruited represents the

lowest number in AVF history and is 9,000 fewer than achieved in FY 77. Year to date (thru 12 March 1979) 60.3% of new accessions are high school diploma graduates. Under the current program, if the Army achieves its combined FY 79 new accession objective (male and female), it is unlikely that we will match our FY 78 high school diploma graduate percentage. However, if we continue to fall short of our total new accession objectives, we may match our FY 78 high school diploma graduate percentage. This would occur if a majority of the shortfall occurred in the non high school graduate portion of our recruiting objective. Under this circumstance, however, the absolute number of HSDG recruited would be the lowest of the all volunteer era.

Admiral HAYWARD. For FY 1979, Navy instituted a variable monthly high school diploma graduates (HSDG) approach that reduces the percentage goal in winter months and increases it in summer months to coincide with the market, i.e., availability of the high school diploma graduate. This approach has led to the percentage decline in high school diploma graduates at this time of year. Through 31 January 1979, our FY 1979 plan called for 72.5% to be male high school diploma graduates. We have achieved 68.5%. However, Navy expects to be able to meet the FY 1979 goal of 76 percent male high school diploma graduate enlisted accessions, but will do so by maintaining quality standards at the expense of shortfalling to the numerical goal, if necessary.

General ALLEN. There are several reasons for the decline in high school diploma graduate accessions. First, there is increased competition from college campuses. Second, the OSD Spring 1978 Youth Survey indicates that the inclination of youth to enlist has bottomed out at a level 50 percent below the FY 75 level—less than 4.5 percent of today's youth state positively they will, or probably will, enlist. Finally, the survey also indicates a 10 percent increase in youth obtaining permanent employment. The net result is a marked drop in quality youth availability. Concomitant with this is the decline in the perception of the military as a viable career option having a pay and benefits package commensurate with the unique demands and sacrifices associated with military life.

The Air Force has implemented a series of initiatives to expand the field and attract greater numbers of eligible youths. We have also requested FY 80 resource levels to implement still other recruiting initiatives. These initiatives will help offset some of the recruiting difficulties, but we expect that recruiting will continue to grow more difficult. Attaining last year's 84.8 percent high school diploma graduate rate will be a most difficult challenge. However, we believe with continued Congressional support and Air Force management initiatives we can continue to attract sufficient quality and quantity of youth under an All-Volunteer environment.

General WILSON. The Marine Corps recruited approximately 66 percent male and female high school diploma graduates, including 2 percent who earned their diplomas through general education development (GED) equivalency tests, during the first quarter of fiscal year 1979. However, with the availability of high school graduates increasing during the remainder of this fiscal year and a current high school diplomat graduate pool strength of 97 percent, we are on track to attain our objective of 75 percent high school diploma graduate accessions.

#### INCREASED PAY FOR JUNIOR ENLISTED PERSONNEL

Senator NUNN. In February 1978, the General Accounting Office presented to the Congress its report on the additional cost of the All-Volunteer Force. The GAO estimated that the All-Volunteer Force cost \$17 billion in then year dollars or \$12 billion in constant FY 70 dollars for the five fiscal years FY 73 through FY 77. The report indicated that almost 75 percent of this increased cost resulted from additional compensation paid to junior enlisted personnel as a result of the pay raise under the Selective Service Act of 1971. As you know, this Act increased the basic pay rates of junior enlisted personnel with less than two years of service by more than 100 percent. Faster promotions and increased pay and benefits for junior enlisted personnel have tended to "frontload" more money for junior personnel and make it relatively less attractive economically for more senior personnel to remain in service.

Has there been any effect in terms of morale and retention on middle and senior grade enlisted personnel when they see junior personnel receiving increased pay and benefits?

General ROGERS. Over the last five years career reenlistment rates, expressed as a percent of eligibles, ranged from 62.4 percent to 72.8 percent. The rates do not indicate any ill effect on careerists' morale or retention due to the apparent

"frontload" of benefits to junior enlisted personnel. The chain of command, of which the careerist is a member, has always been in favor of helping the welfare of the junior enlisted member. Further, while junior enlisted personnel pay increased the most, the rest of the Army also benefited.

Admiral HAYWARD. It would be wrong to ascribe the poor retention in mid-grade petty officers directly to the substantial pay raise and benefits given the more junior enlisted over the past 7 years. However, it is clear that the general compensation given our mid-grade leaders has been as significantly eroded by the impact of inflation, and is no longer competitive with the majority of comparable civilian positions. This problem must be addressed soon if we are to turn around the very poor second term reenlistment rate now being experienced.

General ALLEN. The Air Force has numerous ways of obtaining feedback regarding morale and career irritants. Some of these feedback channels are quite systematic (e.g., surveys, staff assistance visits), and some are less formal (e.g., letters, phone calls). We have no evidence from any of these channels that increasing pay and benefits for junior personnel has a negative effect on the morale and retention of middle and senior grade enlisted personnel.

On the contrary, the overall impact appears to be a positive one. Our more senior personnel are mature and believe that the increases in pay and benefits to younger personnel are not at their expense. They have experienced the difficulties associated with junior personnel pay and they believe that the increases are warranted. As supervisors, they know that increased benefits are essential to attract quality personnel. This allows them to spend more of their time managing work related issues and less in financial counseling for young airmen.

General WILSON. The additional compensation paid to junior enlisted personnel has had an adverse impact on our middle and senior grade enlisted personnel. These personnel have not enjoyed the same proportionate increases in pay and allowances as have the junior enlistees during the same period of time. In addition, many benefits enjoyed by our senior personnel have been eroded and our senior enlistees perceive that pay and allowances for juniors have been increased at the expense of their benefits. The impact is evident in our retention results. Despite recent improvements, career retention continues to be our most critical area of concern, particularly in the population group with 6-10 years active service where we are not meeting our retention goals.

#### CONCLUSION IN AVF STUDY

Senator NUNN. I would like to ask each of you if you agree with the conclusion of the DoD study on the AVF that with the initiatives being taken to reduce attrition and increase the use of women, the Services should be able to achieve both the quantity and quality of accessions at least through the 1980's.

General ROGERS. I do not agree with that conclusion. I have directed the Deputy Chief of Staff for Personnel, Army to study recruiting in the 1980's and preliminary results of this study suggest that recruiting will become very difficult for high school diploma graduates and for individuals for the upper mental group categories in an environment of an improving or vigorous economy. Initiatives being taken to reduce attrition, of course, will have the favorable effect of keeping combined recruiting requirements down. However, a number of challenges are surfacing from the increased numbers of women accessed into the Army. These challenges include the impacts of pregnancy, increased attrition, physical capabilities, utilization, readiness/deployment, and lost or nonproductive time. The Army is further concerned that increased female (high school diploma graduate) enlistments may be decreasing high school diploma male accessions since evidence indicates that high school diploma graduates compete for the female traditional and less traditional skills.

Admiral HAYWARD. Certainly, no one can disagree that reduced attrition and increased utilization of women will reduce Navy's demand for high quality male accessions in the 1980s. However, there are limits to the extent which these efforts can reduce demand. Navy cannot solve our accession requirements through the increased utilization of females alone. Currently, we are building to a 45,000 enlisted female force by FY 1985 in comparison with about 21,000 today. The key to successful continuation of the AVF for Navy then is improved retention of the enlisted force currently on board. In this regard, it is imperative that military pay regain the competitive levels experienced briefly at the advent of the AVF, that more liberal reenlistment bonuses be forthcoming, and that the integrity of the military retirement system be preserved.

General ALLEN. We believe the referenced initiatives will help the Air Force achieve both the quantity and quality of accessions in the near future. However, these initiatives alone will not enable us to overcome current and projected recruiting difficulties. We believe we have reduced attrition as far as we can without adversely affecting productivity.

We also believe, that by continuing to appeal to the patriotism of American youth, by implementing internal management initiatives—and with your support—the Air Force will continue to be successful in the AVF environment. Toward this end, we solicit strong statements of support from Congress which positively encourage youth toward service in the military. Additionally, we believe it is essential that the Congress ensure the maintenance of a pay and benefits package commensurate with the unique demands and sacrifices associated with military life. Most important, we must build confidence among our people in the stability of that system.

General WILSON. Several initiatives have been undertaken to reduce career and recruit attrition and to increase the utilization of women Marines. However, the Marine Corps is approaching a point of diminishing returns. Many of our finest staff NCOs are presently on recruiting duty. A further depletion of our Fleet Marine Forces to recruit from a declining population base is not cost effective and does not enhance morale. By fiscal year 1987 the Marine Corps will consist of approximately 5 percent women Marines; a higher figure is not consistent with the Marine Corps' combat mission nor the will of the American people regarding the role of women in combat. Consequently, I firmly believe that the reduction of attrition and the increased use of women will not, by themselves, allow the Marine Corps to achieve the necessary quantity and quality of accessions through the 1980s.

#### DELAYED ENTRY PROGRAM

Senator NUNN. The Delayed Entry Program (DEP) is designed to allow a recruit to enlist but delay entering active duty until some future time. When someone enlists under DEP he is immediately placed into the IRR as an untrained individual and the time spent there counts as part of the individual's six year military obligation. While the DEP has proven to be an effective enlistment incentive, it also has had the effect of overstating numbers of trained men in the IRR.

Would you be specific as to the magnitude of this problem and what should be done to correct it?

General ROGERS. While the Army's Delayed Entry Program (DEP) are members of the Ready Reserve, the DEP is a separate category (Control Group—Delayed Entry) and is under the control of US Army Recruiting Command (USAREC). Members of the DEP, by regulation, are not members of the IRR. Since the DEP is not counted in the reported number of trained personnel of the IRR, the reported strength of the IRR is not overstated by the strength of the DEP. You are correct in stating that an individual's military service obligation begins when he enters the DEP.

Admiral HAYWARD. Of all the enlistment programs available to regular and reserve personnel in which DEP is used, the only Navy program where individuals are assigned as an interim to the IRR is the Ready Mariner Program (six months active duty for training (ACDUTRA) and 5½ years in the Selected Reserve). Navy enlistments in this program average 2,000 NPS personnel each fiscal year. Of this number, an average of 160 personnel are in DEP at any one time with an assignment to the IRR. These NPS personnel can be readily identified since they are assigned a specific Training Category code in the manpower information system (NPS are assigned a Training Category code of "L" which identifies them as members of the IRR). Considering the current total of the IRR which is just in excess of 90,000, the 160 personnel assigned to the IRR is not a problem for Navy. Therefore, no corrective action is deemed necessary.

General ALLEN. This is not a problem in the Air Force. The personnel in the Delayed Entry Program are not placed in the IRR. These personnel are accounted for in a Projected Accession File which is not listed as an IRR resource.

General WILSON. While there may be overstating in the number of trained personnel in the IRR due to the Delayed Entry Program (DEP), this is outweighed by the management advantages associated with the DEP in areas of recruiting and assignment to training.

## MOST SERIOUS MANPOWER SHORTAGES

Senator NUNN. Gentlemen, what are the most serious manpower shortages in your respective Services today? What initiatives are being taken to alleviate these shortages and how optimistic are you that you can correct the shortage in the current AVF environment?

General ROGERS. The most serious manpower shortages in the Army today are in our Reserve Component and civilian forces. Both the Selected Reserve and the Individual Ready Reserve (IRR) have a grave manpower situation. The Selected Reserve is 130,000 short of the needed peacetime level. Our current overall pretrained military manpower shortfall is estimated at 500,000. We feel that we are about 60,000 civilians short of what is needed for proper support and management of our active military and Reserve Components. However, we do not suggest that amount should be added to our FY 80 request in view of the realization of limited dollars and both Congressional and Administrative manpower constraints. On the other hand, an additional 2400 civilians and associated program funding are absolutely necessary to executing a more balanced program. That value will increase slightly in subsequent years.

The situation in the Selected Reserve offers more hope because of new programs. Expanding the level of resources for enlistment bonuses appears to be productive in stopping the declining strength trends of critical Reserve Component units. Charging the U.S. Army Recruiting Command with the mission of recruiting for the U.S. Army Reserve (USAR) in concert with the unit commanders, should improve recruiting management and production to some degree. The full time USAR and Army National Guard recruiting force has been expanded. A major initiative in FY 80 to improve training and thus enhance retention is the full time military manning concept involving uniformed reservists and active component personnel. We have adjusted enlistment options with respect to obligated time of service in the Selected Reserve and IRR, hopefully providing more attractive options; and we are offering a split training option allowing the non-prior service enlistee to take basic training and wait up to 12 months before entering into advanced individual or skill training.

Initiatives to improve the IRR posture involve terminating automatic transfer from the IRR to the Standby Reserve in the sixth year of the individual's Military Service Obligation (MSO) effective April 1978, Congress passed legislation eliminating the transfer option for all people enlisting after 20 October 1978. Additionally, we will commence screening attrition losses for possible transfer to the IRR in FY 80; we have initiated a program to voluntarily reenlist IRR personnel who are approaching their last year of MSO; and we are testing direct enlistment into the IRR commencing 1 April of this year. We are preparing legislation to test voluntary extension of the MSO from 6 to 9 years with a small bonus incentive. Finally, the active component two year enlistment option test, requested by the Congress, will produce some growth in the IRR downstream. It may also result in some individuals continuing their service in the Selected Reserve.

Also, we are identifying retirees who can be recalled to fill CONUS mobilization base manpower requirements.

Initiatives that we are taking on the civilian front involve identification of additional missions and functions for elimination or reduction, closing installations although we face heavy opposition, expanding our efforts to contract out both mission and support functions, conversion of reserve technician manpower to full-time military reservists, and seeking more host nation support in civilian intensive repair, maintenance, supply and transportation functions in Europe.

On the question of eliminating the military manpower shortfall in the AVF environment, I have grave reservations. I do not believe all the IRR initiatives will produce enough growth to substantially reduce the shortfall. I have previously stated my personal belief that it is time to seriously consider a draft for the IRR. That should have several impacts: it attacks the IRR shortfall and its very existence may well motivate enlistment into the Selected Reserve and the active Army. In the active Army, recruiting for the volunteer force is facing its most severe test to date and the pool of military eligibles has commenced its long and steady decline. We will continue to be challenged in the future in meeting active manpower needs.

Admiral HAYWARD. The most serious manpower shortages in the Navy are in the Engineering, Clerical, Mess Specialist, Electronic Technician, Operations Specialist, and Medical ratings.

The initiatives which have been implemented or are under consideration are directed to reduce attrition, increase retention and reduce our annual accession goals. Some of these initiatives include Enlistment Bonuses and Selective Reenlistment Bonuses, Improved Training, Improvements to Sea Pay, the development of a more flexible bonus system, protecting the real value and ratio to basic pay of special pays and allowances from erosion by inflation and increases in basic pay, the extension of travel entitlements, emergency leave travel from overseas and the restoration of Veterans Educational Benefits. Overall, this is a comprehensive package and I am cautiously optimistic that with these measures we can correct the shortages within the AVF environment.

General ALLEN. The most serious shortages are in potential overall enlisted recruitment, engineering recruitment and overall physician manning. Air Force initiatives include:

- Promotion incentives for those who enlist for six years, are graduates of Junior Reserve Officer Training/Civil Air Patrol Programs, or enlist in hard-to-fill skills
- Continued expansion of the number and utilization of women
- Expanded base-of-choice enlistment options
- Build up of the Delayed Enlistment Program
- Emphasis on Recruiter Helper and Recruiter Assistance Programs
- Revalidation of Engineer requirements
- Substitution of engineer technologists for certain duties
- Cross-flow of a limited number officers to engineering
- Physician extenders which permit reductions in physician authorizations

The FY 80 budget contains resources to address the difficult medical and engineering recruiting task. Job fairs, conventions, accredited schools, administrators/professors, and students are canvassed to find engineer or physician applicants. Follow-up teams interview each candidate and each team is authorized to offer a career field, initial base-of-choice, and a trip, with travel expenses paid, to a duty location for job familiarization as an incentive.

We also require continued Congressional support in a number of areas:

- The military pay and benefits package must be commensurate with the unique demands and sacrifices associated with military life
- More comprehensive and permanent physician pay and incentives
- Improvements in the CHAMPUS Program
- Approval of a 6500 ROTC scholarship authorization level

Another area of serious concern is pilot retention. The Air Force is projecting a 13% increase over previously programmed pilot losses between now and FY 84. Actual pilot losses in FY 78 were 19% higher than predicted. An extensive pilot retention effort has been underway for nearly a year. We are minimizing non-flying related additional duties, decentralizing decision-making, reducing excessive duty periods, and expanding our information programs.

Congressional support in the entitlements/benefits area will relieve the growing sense of insecurity shared by pilots. Also, we are staffing—with other Services—a proposal to increase aviation career incentive pay and provide the Service Secretaries with authority to apply continuation bonuses similar to the type used by the Navy to retain nuclear engineers.

A number of policy and program changes were also made to sustain pilot force levels. The FY 80 budget requests increased undergraduate pilot training production to partially offset the current higher pilot losses. We have increased augmentation rates into the regular Air Force as retention of regular officers tends to be better than reserve officers. Promotion to captain is now on a fully qualified basis. And, because we have sufficient volunteers for flight training, we have increased initial active duty service commitment for pilots from five to six years.

General WILSON. This question should be considered in terms of both officer and enlisted personnel. Most critical in the management of our enlisted force is the inability to retain the desired numbers of noncommissioned officers (NCOs) at the second reenlistment point. Since 1972 we have experienced a shortage of mature, more experienced NCOs, which has been compounded by a more recent shortfall in career reenlistment goals. In addition, there is a large segment of the staff sergeant population leaving the Marine Corps after 8-12 years of service. This situation is exacerbated by the large numbers of technically skilled personnel in this category.

We have undertaken several initiatives to reverse this trend. A lateral movement program has been developed, which focuses on the identification and reassignment of qualified personnel to undermanned occupational fields. Improved

training plans have been instituted for both entry level and career level training, which concentrate on matching available quality with skill requirements. We are also continuing to place emphasis on an aggressive, information career planning program oriented to encourage increased numbers of career reenlistments.

On the officer side there has been increased attrition of company grade pilots and a continuing failure to meet the annual pilot training rate (PTR). A recent analysis of this increased attrition trend has attributed the separations to airline hiring as well as dissatisfaction with military service, i.e., perceived loss of benefits, loss of proficiency flying, medical benefits, retirement, pay, and family separations. Normally, naval aviator attrition would be compensated for by the annual pilot training rate. The failure to achieve the annual PTR over the last several years has resulted in a short-fall of 600 designated naval aviators. This shortfall, in conjunction with an increased attrition rate for captains and continued failure to meet the PTR, will result in the reduction of naval aviator strength to approximately 800 aviators below the designated naval aviator requirement for fiscal year 1979.

We have undertaken several initiatives to retain naval aviators to meet requirements. Efforts have been taken to solicit the retention/return to active duty of certain Reserve aviators. In addition, the implementation of unit deployment will reduce the amount of family separations at any given time for most naval aviators. We also support a new monetary package that will significantly increase the benefits paid to pilots. The major provisions are a 50 percent increase in Aviation Career Incentive Pay and an annual bonus paid through the 18th year of service. Although these measures are not meant to compete financially with commercial aviation pay structures, the enactment of this proposed legislation would serve to bring monetary compensation more in line with an aviator's marketability. Finally, there has been implementation of an aviation career assignment track. This ensures that an aviator will stay in the cockpit the maximum amount of time.

Senator NUNN. General Rogers, Secretary Alexander has been quoted as saying, "We may not be able to insure adequate medical support of a major conflict in Europe." I understand the recent mobilization exercise did reveal major problems in the accessibility of surgeons, nurses, and other needed medical personnel.

What can and is being done to correct this problem?

General ROGERS. The Army Surgeon General has been the Executive Agent for the Secretary of Defense for the administration of special draft calls (doctor draft). The previously used induction process with subsequent appointment and call to active duty is slow and cumbersome. A rapid accession process by utilization of the AMEDD Personnel Counselor Network was exercised administratively during MOBEX 78 and proved feasible. The concepts currently being pursued as a result of MOBEX 78 are:

- a. Formulation of the delegation of appointment authority to Commander, US Army Medical Department Personnel Support Agency as exercised during "Nifty Nugget."
- b. Creation of an abbreviated field appointment and selection process based on verification of credentials coupled with preparation and publication of an LOI for use in the field.
- c. Identification of AMEDD officers to serve as the AMEDD representative at specific Armed Forces Examining and Entrance Station and preparation of detailed instructions and M-Day orders.
- d. Development of pre-packaged assignment instructions for inductees in the event of national communication failures.
- e. Development and dissemination of initial training and utilization policies for inductees.

The Surgeon General has initiated and will continue to maintain liaison with Selective Service in developing a more responsive plan for call to active duty of AMEDD officers. Executive agency definition and responsibilities are being pursued with OSD (HA).

Senator NUNN. Gentlemen, could you please comment on how the shortage of medical personnel impacts on your Service's mobilization capability?

General ROGERS. Current Active Army and Reserve Component physicians and ancillary staff resources are sufficient in gross numbers to support all our overseas requirements, but only a portion of our CONUS requirements during mobilization. There are serious shortages in some specialties within our overseas re-

quirements. Specialty substitution will alleviate some problems, but not in the critical areas of thoracic, orthopedic, and neurosurgeons. The shortage in CONUS is a serious problem which must be addressed. We have begun planning to meet the balance of our CONUS requirements through the use of hospitals from: the other Military Departments, the Veterans Administration, the Public Health Service, and civilian hospitals. We feel this is a prudent plan, and we need the help and support of the Defense Department to coordinate the planning of the three Military Departments in this endeavor.

Admiral HAYWARD. Medical support for the initial deployment of the operation fleet and Marine Corps can be met with the use of active duty medical personnel from Navy Hospitals. However, casualty predictions resulting from a high intensity war in Europe would require more medical personnel than are available in the active and selected reserve force. The concurrent involvement of Navy and Marine Corps focus in high intensity combat in other theaters would only aggravate the shortfall.

General ALLEN. The shortage of medical personnel will have little effect on the mobilization process. However, once deployment begins, CONUS medical facilities will lose most of their personnel to deploying medical units. After taking these actions, the theater of operations will still be about 30 percent understaffed while CONUS medical capability to treat returning casualties will be practically nonexistent.

General WILSON. The Navy Medical Department has sufficient personnel assets in its various corps and specialty disciplines to fill all the organic FMF medical mobilization requirements. However, the supporting Navy health care system necessary for sustaining Marines in combat, to support a reasonable evacuation policy, and to provide CONUS treatment of evacuation casualties is inadequate both in number and in specialty discipline mix.

#### USE OF VETERANS TO MEET MOBILIZATION SHORTFALLS

Senator NUNN. General Rogers, the recommendation has been made that one short term solution to pretrained manpower shortages would be to recall veterans who recently left the Service, and who have no Service commitment remaining. A recent study indicates that about 150,000 Army combat trained veterans could be used as fillers early in a major war. This would reverse the order used in previous Selective Service operations. In the past, such individuals would be the last to be called. This recommendation would make them first.

Do you agree with this proposal?

General ROGERS. I am basically opposed to the concept of using the so-called "Emergency Reserve" of qualified, military trained persons with no remaining commitment to military service. Such a program is inequitable. As part of the All Volunteer Army an enlistee risks combat duty as a consequence; to then be placed first on the priority list for induction, ahead of those who have not served, is basically unfair.

There is no question that in the event of war or emergency which threatens national survival, it is rational policy to induct into the active forces first those expected to be of greatest value in the defense of the country and that those individuals may be veterans under the age of 30. Further, it should be understood by all citizens that, when national survival is at stake, all may be required to serve regardless of circumstances. Notwithstanding the practicality of inducting former service members with identifiable military skills, there is a decided inequity in placing an induction priority on a former service member over citizens who have not served.

I believe we must look to other solutions for the long run in any event because, during the next 3-5 years, the pool of veterans under 30 years of age will be greatly diminished. The Army reluctantly provided legislation to OSD to support the use of these veterans in emergency, however, our legislation contained a "Sunset clause" which would cause the legislation to expire 5 years after enactment. We must find a long range solution which is equitable and does not place the brunt of the National security on the shoulders of a few patriotic veterans.

Senator NUNN. I would like to hear from the other Services on this proposal.

Admiral HAYWARD. Induction, on a first priority basis, of individuals who have completed their military obligation is patently unfair to those individuals. An enlistee risks combat as a volunteer; to then be placed first on the priority list for induction, ahead of those who have not served, is not only unfair, but also will be a substantial deterrent to successful recruiting for the All Volunteer Force. Many

young people obviously will be reluctant to enlist knowing that they are incurring a primary draft liability until age 36. Enactment of such legislation would result in the inequitable situation whereby an individual choosing never to enlist in the armed services would have minimal, or secondary, draft liability, while conversely, anyone enlisting would be subject to primary draft liability until age 36.

General ALLEN. We strongly disagree with recalling veterans during the early days of mobilization. Legislation permitting early recall would be counterproductive to our recruiting efforts. In effect, you would be creating a lengthy military service obligation for those who join—and not for others. This service would penalize those willing to volunteer to serve their country.

General WILSON. The proposal to recall veterans who have no remaining contractual obligation as an initial source of mobilization manpower has not, to my knowledge, been fully studied. I believe, however, that it has some serious disadvantages. First, it would require a rapid recall mechanism that does not now exist. Second, it would, in essence, create an open-ended enlistment contract, since every service member would be subject to recall in time of war. The impact of such an unlimited military obligation on recruiting future volunteers is likely to be dramatic. Finally, military skills are perishable and weapons systems and technology are changing rapidly. Thus, it appears likely that most veterans would require substantial refresher training prior to deployment. For those veterans whose skills have been made obsolete, retraining would be required.

#### ARMY SELECTED RESERVE TURNOVER RATES

Senator NUNN. General Rogers, in FY 1973, the Army National Guard and Reserve had a turnover rate of 19 percent. Since that time, this rate has risen each year and in FY 1977 the turnover rate was 33 percent.

What do you believe is the biggest reason for this rise in turnover? What can be done to correct it?

General ROGERS. To fully understand the increase in turnover from FY-73 to FY-78, you need only to examine the recruiting environment in FY-73 to FY-78. Prior to and in FY-73, we were in the Vietnam War environment and the Selected Reserve was able to recruit all of the non-prior service personnel we wanted. These personnel were enlisted for six year terms and thus contributed greatly to the stability of the force.

In FY-78, the environment was considerably different. Unable to recruit non-prior service personnel in the numbers desired, the Selected Reserve has had to increasingly rely on the enlistment of prior service personnel to maintain end strength. Because these personnel are able to enlist for periods of less than six years, typically they enlist for one year terms, a significant increase in turnover occurs.

We are attempting to reduce turnover in two ways. First, we are attempting to increase the number of non-prior service personnel we recruit. To accomplish this, we have put together an incentive package designed to generate new non-prior service enlistments. Second, to increase retention, and thus reduce turnover, we are paying reenlistment bonuses on a selected basis. It is still too early to assess the impact of these programs, but if they work as designed, we should note a reduction of turnover in the Selected Reserves.

#### ARMY SELECTED RESERVE TURNOVER RATES

Senator NUNN. For the record, please provide the strength, accessions, and turnover rate for FY 1978.

General ROGERS. The information follows:	<i>(Data in thousands)</i>
End fiscal year selected reserve strength-----	526.7
Total fiscal year enlisted accessions-----	141.5
Turnover rate-----	34%

#### ARMY SELECTED RESERVE INITIATIVE PACKAGE

Senator NUNN. General Rogers, I understand that the Army has programmed an increase in its Reserve Component early deploying M+30 force so that by FY 1984 this force will be more than five times its FY 1978 size. To accomplish this increase, the Army will have to undertake such initiatives as enlistment and

reenlistment bonuses, educational incentives, additional full-time manning to aid in training and improve readiness, and increase the funds for recruiting and advertising.

What is the total estimated cost of this program?

General ROGERS. You are really referring to the effect of two different actions. The fundamental reason for the increase in the M+30 force is that as we gain more capability to move forces early, we adjust the force accordingly. So the main cause for that increase is that, each year we are shifting units from the later deploying categories into the early deploying force. This change will occur independently of the initiatives you mentioned.

Those initiatives, however, are related to the M+30 force, because in general, that is where we are applying them. Our plan is to bring all units in the M+30 force up to strength as quickly as possible. As a general rule, once a unit enters the M+30 "package" it will become eligible for at least some, and perhaps all of the initiatives you mentioned. In this way we hope to progressively improve Selected Reserve strength in exactly those units where being at full strength is most critical. The currently estimated costs are as shown below for FY 79-80. We are now developing the FY 81 to FY 85 Army program, which of course is reviewed and adjusted by the Secretary of Defense. However, it is reasonable to assume costs will rise somewhat from the \$148 million in FY 80.

ARMY SELECTED RESERVE INITIATIVE PACKAGE

COST

[Dollar amounts in millions]

	Fiscal year—		
	1978	1979	1980
<b>Army National Guard:</b>			
Full-time manning:			
Spaces.....			
Cost.....	<sup>1</sup> (144)	<sup>1</sup> (146)	(1,108)
Cost.....	\$1.8	\$2.0	\$14.6
Incentives:			
Enlistment.....	0	<sup>2</sup> 8.0	12.4
Reenlistment.....	1.0	<sup>2</sup> 3.8	5.2
Recruiting: <sup>3</sup>			
Military pay.....	25.3	33.2	33.2
Civilian pay.....	1.5	1.6	1.6
Recruiting support.....	2.4	3.0	3.2
Advertising.....	5.0	4.8	5.0
<b>Army Reserve:</b>			
Full-time manning:			
Spaces.....	(88)	(167)	(1,060)
Cost.....	1.0	1.8	8.3
Incentives:			
Enlistment.....	0	<sup>2</sup> 1.4	4.3
Reenlistment.....	.6	<sup>2</sup> 4.4	5.4
Recruiting: <sup>3</sup>			
Military pay.....	25.2	25.0	25.8
Civilian pay.....	6.2	7.1	7.2
Recruiting support.....	7.5	9.4	9.7
Advertising.....	10.1	11.1	11.8

<sup>1</sup> Carried as operational readiness/training NCO's in fiscal year 1978 and fiscal year 1979, absorbed into full-time manning in fiscal year 1980.

<sup>2</sup> Includes reprogramming request presently working with OSD, HAC, and SAC.

<sup>3</sup> Applies to entire force. Costs for early-deploying force cannot be separated.

ARMY SELECTED RESERVE INITIATIVE PACKAGE

Senator NUNN. In your personal opinion, do you think incentives for the Reserve Components will work or that a draft will be necessary?

General ROGERS. The incentives for enlisting and reenlisting in the Selected Reserve units will undoubtedly help to improve the manpower picture in early deploying and other critical units. However, in my opinion they will neither improve overall strength in the Selected Reserve nor the pretrained inventory in the IRR. We should resume peacetime registration at once, proceed to classification, as soon as we can, and then start inductions for the Individual Ready Reserve. Such a draft for the IRR would solve our IRR shortfall problem and would, I believe, cause young men and women to volunteer for the active Army and for Reserve Component units.

Senator NUNN. Are the problems unveiled by the recent mobilization exercise serious enough to justify a draft for the Individual Ready Reserve right now?

General ROGERS. Among other things, the recent NIFTY NUGGET exercise highlighted the current mobilization manpower shortfall about which the Army has been concerned for some time. This manpower problem is serious and steps must be taken to solve it. As I noted before, I believe we should resume peacetime Selective Service registration at once, proceed to classification as soon as we can, and then start inductions for training and service in the Individual Ready Reserve.

#### AIR FORCE ENLISTMENT INCENTIVES

Senator NUNN. General Allen, I understand that Air Force has implemented a number of enlistment incentives to address the current recruiting climate.

Briefly, what are these incentives and have they attracted new quality recruits or are you just spending more money on the youth who would have enlisted anyway?

General ALLEN. On 1 Jan 1979, the Air Force did implement a series of new incentives, including a base of choice enlistment option, the awarding of the grade of E-3 to select categories, and our Delayed Entry Program, to address the difficult recruiting climate. Initial data indicate that we are attracting high quality recruits to the Air Force. For example, in the first two months, 1200 youths have selected these new options, with 800 of that group entering under the six year enlistment option. Ninety percent of the 1200 youths have a high school degree versus 80% for the Air Force as a whole. The Mental Category scores of this new group are also somewhat higher than the average Air Force enlistee.

If the trend continues, the impact will be quite favorable. Based on historical experience, this group will have a lower attrition rate. Also, increased six year enlistments translate to fewer requirements for non-prior service enlistees and reduced training costs in future years.

#### AIR FORCE RECRUITING SHORTFALLS

Senator NUNN. General Allen, in December 1978 the Air Force experienced its first recruiting shortfall since the AVF came into being and these shortfalls are projected to continue through May of this year. What caused this recruiting shortfall? Do you believe this new problem area can be overcome?

General ALLEN. There are many reasons for our shortfall. There is increased competition from college campuses to attract quality youth. The OSD Spring 1978 Youth Survey indicates that the inclination of youth to enlist has bottomed out at a level 50 percent below the FY 75 level—less than 4.5 percent of today's youth state positively they will, or probably will, enlist. The survey also indicates a 10 percent increase in youth obtaining permanent employment. The net result is a marked drop in youth availability. Concomitant with this is the decline in the perception of the Air Force as a viable career option. The Air Force initially entered the All-Volunteer Force (AVF) with adequate resources, an economic climate which facilitated recruiting success, and a competitive enlistment package. The package consisted of wages which were comparable with the private sector, a retirement program which enhanced the appeal of a military career, and a strong educational incentive in the GI Bill. Over the past four years, this enlistment package has failed to keep pace with the civilian sector in terms of wage increases; the military compensation system is receiving high visibility because of the recommendations of the President's Commission on Military Compensation and follow-on consideration by the Administration; and the Veterans Education Assistance Program educational incentive is not as attractive as the former GI Bill. As a result of the above factors, recruiting has become extremely difficult.

Regarding the second question, we have implemented a series of initiatives to expand the field and attract more youth to the Air Force. We have also requested FY 80 resource levels to implement further initiatives to help attract more youths to the Air Force. These initiatives will help offset some of the difficulties, but it appears that recruiting will continue to grow more difficult. We do believe there are a number of areas where Congress can further assist the Services to achieve their manpower requirements under an all-volunteer force.

The most important initiative deals with public attitudes toward the military. The Air Force solicits a statement of support from the Congress which positively encourages youth toward service in the military. Additionally, it is essential that our people have a stable pay and benefits package commensurate with the unique demands and sacrifices associated with military life.

We believe that with continued Congressional support and Air Force management initiatives, we can continue to attract youth to the Air Force under an All-Volunteer environment.

Senator NUNN. If the Air Force standards were lower, could you have achieved your recruiting goals? Why not enlist more Mental Category IV?

General ALLEN. Air Force standards are designed to ensure that enlistees are capable of fulfilling their enlistment obligation. These standards are continually reviewed in light of changing requirements and changing enlistment sources. We are actively engaged in various research efforts designed to evaluate alternative enlistment standards and manpower sources.

We realize these standards limit recruiting. But standards represent a sound investment. Since establishing our current standards at the start of the All-Volunteer Force, attrition rates from Basic Military Training and Technical Training have stabilized at lower rates; discipline trends are favorable; and we have found that enlistees who can meet our requirements usually possess the cognitive skills necessary to complete training and are a more trainable resource. These facts indicate our standards are worthwhile, and we expect to see these trends continue. Further, our emphasis on standards reduces attrition and therefore reduces the need for non-prior service males.

Regarding the second question, our 1967-1972 experience with the lower mental category personnel shows them to be an extremely poor risk. Their attrition rate from basic training was seven times as high and from technical training—more than twice as high as other categories of enlistees—despite costly recycling and additional training times. Both their disciplinary and discharge rates were significantly higher than those of other personnel. Finally, studies show that fewer upgraded to required skill levels and these personnel received lower performance evaluations. With the Air Force becoming even more technically oriented, it is reasonable to expect even worse performance from Mental Category IV personnel.

Senator NUNN. Is the Air Force "over-procuring" quality?

General ALLEN. The Air Force is procuring sufficient but not excess quality. The Air Force has determined the minimum aptitude required for each job speciality. We need some people who exceed that minimum, can develop sufficiently to advance to the higher skill levels in each speciality, and have the potential to assume future supervisory and leadership roles.

Senator NUNN. As the male population pool declines, what initiatives will the Air Force have to undertake?

General ALLEN. The Air Force is pursuing a series of alternative manpower sources. The key aspect in developing such sources is that they achieve the greatest productivity and readiness for the least possible cost.

First, we have greatly expanded the role of women in the Air Force. During the FY 80 to FY 84 time period, women will comprise 20 percent of our recruiting objective.

Secondly, the Air Force has a series of research projects underway to increase the recruiting pool in both absolute and relative terms. These range from developing alternative enlistment standards (to actually increase the eligible applicant pool) to using a refined "person to job" match procedure (to create increased job satisfaction/challenge and subsequently reduce attrition). Included is a series of specialized psychomotor tests for females in flying, mechanical, and electronic skills designed to determine the utility of such tests in the assignment of women to those skills—vice current paper and pencil tests.

Finally, the Air Force's efforts to lower first-term attrition rates represent another initiative which lessens the demand for non-prior-service male recruits.

#### AIR FORCE ENGINEER REQUIREMENTS

Senator NUNN. What initiatives has the Air Force undertaken to meet engineer requirements?

General ALLEN. Initiatives to meet engineer requirements include: revalidating the present engineer billets, transferring officers with viable engineering degrees/

skills from non-engineering specialties to engineering billets, selectively continuing on active duty some engineers who would otherwise be separated/retired, offering voluntary return to active duty to Reserve officers, slowing the withdrawal to rated duty of rated officers with engineering degrees, increasing the Airman Education and Commissioning Program engineering degree quotas, recruiting some engineering technologists in lieu of engineers, and placing increased emphasis on engineer recruiting teams visiting college campuses and participating in job fairs.

The 25% increase in accessions projected in the next year will be across the spectrum of specialties. A large proportion (1,100+) are to meet the most critical engineer requirements. The FY 80 OTS engineering recruiting requirement of approximately 700 is similar to the FY 79 goal. We have requested 55 additional recruiters and approximately \$2M in O&M funds to support our officer recruiting effort and increases in AFOTC scholarships and Airmen Education and Commissioning Program quotas to alleviate the projected engineer shortages.

#### AIR FORCE MEDICAL REQUIREMENTS

Senator NUNN. How is the Air Force addressing the problem of doctor shortages?

General ALLEN. Physician shortfalls are expected to continue at least until 1984, with severe specialty shortfalls continuing into the last half of the 1980s. This will reduce services available to such traditionally eligible recipients as retirees and dependents.

Our attempts to cope with our shortfalls center around efforts to recruit fully qualified volunteers and applicants in the Health Professions Scholarship Program as well as retain those physicians onboard. Regardless of our internal efforts, we can expect retention problems to continue until such major problems as inequities in the Variable Incentive Pay (VIP) program are resolved.

Air Force experience indicate that physician extenders serve a vital function in our health care delivery services. While some of the physician shortage problems can be offset by extenders, utilization cannot be to the extent that primary health care and contingency requirements would be compromised.

Gross disparity between civilian and military pay is one of the greatest factors discouraging a career in military medicine. Supplemental pays mitigate this problem to some degree but the temporary nature of special pays legislation is causing severe morale problems and impacts significantly on recruitment and retention. Although these special pay incentives have been helpful over the years, inflation and sharp increases in civilian practice income have made the Services less competitive. We need sufficient incentives of a more stable, permanent nature to recruit and retain health professional to support the military mission and provide leadership for our military medical services in the future. In this regard, we need Congressional support for improved legislation which will assure a stable and equitable health professions special pay program.

#### AIR FORCE ENGINEER AND MEDICAL REQUIREMENTS

Senator NUNN. Would you consider using paramedics and nurses to help alleviate the shortage?

General ALLEN. Our experiences demonstrate that physician extenders serve a vital function in our health care delivery services. A portion of the physician shortage problem can be offset by those extenders. Medical Service personnel of any corps may serve in administrative positions. Several administrative jobs are filled by Medical Service, Biomedical Sciences, Nurse Dentists, and Veterinary Corps personnel, thus releasing physicians for primary medical duties.

Air Force command requirements vest final authority and responsibility in a single individual. Certain positions, therefore, are necessarily both clinical and administrative in function. These positions must be filled by physicians.

Senator NUNN. Do you believe we should draft physicians?

General ALLEN. We do not support a physician draft in the absence of a generalized draft. Instead, we believe increased, stable medical pay and incentives packages will facilitate medical recruiting and retention. If, on the other hand, a generalized draft is instituted, we recommend inclusion of physicians.

## NAVY RETENTION

Senator NUNN. Admiral Hayward, I want to commend you for the attention you are giving toward improving Navy retention.

Could you outline the actions you have taken to improve retention?

Admiral HAYWARD. The Navy has undertaken several new initiatives in the area of both officer and enlisted retention.

The improvement of the overall quality of leadership is a priority objective and we have established a Leadership and Management Education and Training Program (LMET) designed to teach specific leadership skills. This 2-week course is planned to become mandatory training for all leading petty officers, department heads, prospective XO's and prospective CO's reporting to fleet units, beginning late FY 79. The program is being expanded rapidly and is already reaching a large percentage of officer and enlisted personnel enroute to sea duty.

Other programs affecting officer retention are as follows:

- In the area of officer retention, primary initiatives involve increasing the personnel recognition accorded to junior officers, improving communication between the junior officer and his commanding officer through the issuance of an Unrestricted Line Officer Guidebook and a Commanding Officers Addenda to that book, and modification of augmentation policies to allow automatic screening of those officers with records of sufficiently high quality.
- In addition, significant changes have been made in the detailing process which have involved a revised detailer training program, a reduction in the detailer/constituant ratio to 1:500 and a plan to implement automated order writing to reduce the delay in the receipt of orders.
- Of particular note are the initiatives designed to improve the retention of Naval Aviators, probably the most significant officer problem facing the Navy today. These include an Aviation Attitudinal Survey which will help determine the career perceptions of Aviator Junior officers, and what the Navy can do to enhance the desirability of the Navy as a career, and the submission of an aviation compensation package that calls for a bonus as well as a 50 percent increase in ACIP for aviators.

In the area of enlisted retention, several significant new proposals have been put forward and are outlined as follows:

- Guard III—guaranteed assignment for career members (more than 10 years of service) in return for a 4-year reenlistment. Implemented 1 Oct. 78.
- Command Advancement Program—which permits a limited number of Navy men and women on sea duty in paygrades E-3, 4 and 5 to be advanced to the next higher paygrade by their CO without approval from higher authority. These personnel must meet all eligibility criteria for advancement except the advancement examination.
- The eligibility criteria for the Selective Conversion and Reenlistment Program (SCORE) was greatly expanded as of 5 Dec 78. Personnel in most of the undermanned ratings are now eligible to convert to a rating which is more undermanned, in return for a 6-year reenlistment. Previous policy restricted this program to personnel only in overmanned ratings.
- Navy Achievement Medal (NAM)—SECNAV approved on 13 Feb 79 a policy change to delegate awarding authority of the NAM to individual commanding officers, with the intent of increasing the number of awards for outstanding performance of duty. Former policy restricted awarding authority to 3-star flag officers.
- Lump Sum SRB—Beginning 1 May 79 all personnel reenlisting for Selective Reenlistment Bonus (SRB) will have the option of receiving it in a lump sum, as opposed to the current practice of annual installments.
- Expanded Zone B (second term) SRB Payments—An increase of 789 in the authorized number of Zone B SRB payments FY 78 and FY 79.
- Career Sea Pay—Effective 1 Oct 78. A revised sea pay plan increased payments to careerists based upon their cumulative sea duty. Navy draft legislation will accelerate increase in sea pay rates now scheduled for full implementation in FY 82.

Senator NUNN. How confident are you that you can succeed in improving Navy retention?

Admiral HAYWARD. As I have stated previously, retention is my number one objective. Whether or not retention can be improved depends of many factors, internal and external to the Navy. Those areas external to Navy control include the state of the economy and perceptions and attitudes that society holds toward the military.

However, there are many factors that affect retention of our officer and enlisted personnel that are well within the area of Navy influence. Dynamic initiatives in the areas of monetary compensation, personal recognition, and revised assignment procedures are being implemented. In addition, the Navy is reviewing all of the factors affecting the quality of life of the Navy individual, as well as their families.

At this point, with the support of the Congress, I am cautiously optimistic that the programs under consideration will improve the retention problem.

[Whereupon, at 5 p.m., the subcommittee adjourned, subject to the call of the Chair.]

# REINSTITUTION OF PROCEDURES FOR REGISTRATION UNDER THE MILITARY SELECTIVE SERVICE ACT

MONDAY, MAY 21, 1979

U.S. SENATE,  
SUBCOMMITTEE ON MANPOWER AND PERSONNEL  
OF THE COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The subcommittee met at 10:15 a.m., pursuant to notice, in room 6226, Dirksen Senate Office Building, Hon. Sam Nunn, chairman, presiding.

Present: Senators Nunn, Byrd, Warner, and Cohen.

Staff present: John T. Ticer, chief clerk; Phyllis A. Bacon, assistant chief clerk; George F. Travers, professional staff member; Ronald F. Lehman, professional staff member; Christine E. Cowart, research assistant; and Mary A. Shields, clerical assistant.

Also present: Gerald Stacy, assistant to Senator Culver; John Stirk, assistant to Senator Morgan; Greg Pallas, assistant to Senator Exon; Christopher Lehman, assistant to Senator Warner; Jim Dykstra, assistant to Senator Cohen, and Arnold Punaro, assistant to Senator Nunn.

## OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. The Subcommittee on Manpower and Personnel meets today to receive testimony on the reinstatement of procedures for registration under the Military Selective Service Act.

Recent studies and mobilization exercises conducted by the Department of Defense suggest that if the Armed Services were ordered on short notice to mobilize, deploy, and sustain a major portion of U.S. General Purpose Forces, the services would have difficulty meeting their manpower needs in the critical first few months of military operations.

Current trends in recruiting for the Active Forces and the Reserve components indicate that all of the services, for the first time since the transition to the Volunteer Force, are having difficulty meeting their peacetime manpower requirements.

Also of concern is the ever-increasing cost of the All-Volunteer Force, not simply in the terms of what it is costing today but what the projections are it will cost in the future if the current trends continue.

These observations and trends have prompted several members of both Houses of Congress to introduce legislation designed to aid the Department of Defense in overcoming these difficulties. There are two bills pending before the subcommittee which would reinstate registration for military services.

In addition, the House Armed Services Committee has recommended a provision in the fiscal year 1980 Department of Defense authorization bill to reinstitute registration in January of 1981.

The Senate Armed Services Committee has carefully monitored the All-Volunteer Force since its inception. As previous testimony shows, the committee has not hastily arrived at the decision to reconsider the entire All-Volunteer Force concept and seek ways to correct its inadequacies.

On March 13 of this year, we heard from the military chiefs of each service. We have reviewed the efforts of a return to some form of peacetime registration under the Selective Service Act, as well as the broader aspects of overall manpower requirements and readiness in our subcommittee hearings on the Department of Defense fiscal year 1980 manpower request. We have had virtually every person who has testified from the Department of Defense at every level comment on the registration bills that have been introduced.

I will insert in the record following my opening remarks a summary reference listing the witnesses who have testified before our subcommittee this year on registration.

While our military leaders and Congress have the ultimate responsibility for insuring that our manpower requirements are met, this is a matter that affects all Americans, both in their personal commitment to serve their country and in the context of our overall national security.

With this in mind, I am very pleased that we will have a number of public witnesses who have asked to be heard on this matter before the subcommittee today, and I want to express my appreciation now for all of you being here on such relatively short notice.

It is clear that this matter will be an issue in the consideration of the fiscal year 1980 Department of Defense authorization bill, which is now pending before the full committee. As I have already said, the House version of the fiscal year 1980 Department of Defense authorization bill includes a provision providing for the reinstatement of registration. This means whether or not we take up the registration bill in our markup that is taking place now or whether or not it comes up on the floor of the Senate, if the House passes the bill as their committee has recommended, we will face the registration issue in the conference. For that reason, I felt it was imperative that those who wanted to be heard on this subject, whether pro or con, who have not been able to be heard so far, be given an opportunity to be heard before our committee takes up the matter either on the Senate floor, in the committee, or in conference.

At this stage, it is not clear whether we will have an amendment in our markup which will deal with registration.

I have introduced a bill along with Senator Byrd on this. It was my intention to take this bill up as a separate matter but now that the House has already included it in the main bill, I think we need to at least afford the witnesses a chance to be heard because it could come up either this week in markup in the committee or it could come up on the floor in the form of a floor amendment. It certainly will come up in the conference if it passes the House as recommended by the committee.

The purpose of this hearing this morning is to give those who have strong views on this subject the right to be heard before we undertake to vote on it in the Senate.

I will now insert into the record the list of witnesses we have heard on this subject.

[The document follows:]

SUMMARY REFERENCE LISTING OF WITNESSES TESTIFYING ON SELECTIVE SERVICE REGISTRATION AND CLASSIFICATION DURING MANPOWER AND PERSONNEL SUBCOMMITTEE HEARINGS, 1979

Date	Hearing subject	Witnesses
Feb. 22	NATO	Gen. Alexander M. Haig, Jr., Supreme Allied Commander, Europe, Commander-in-Chief, U.S. European Command; Adm. Harry D. Train, Commander-in-Chief, Atlantic.
Mar. 13	Registration procedures	Gen. Bernard Rogers, Chief of Staff, USA; Gen. Lew Allen, Chief of Staff, USAF; Adm. Thomas B. Hayward, CNO; Gen. Louis Wilson, Commandant USMC.
Mar. 20	Medical programs	Lt. Gen. C. C. Pixley, Army Surgeon General; Lt. Gen. Paul W. Myers, Air Force Surgeon General; Vice Adm. Willard P. Arentzen, Navy Surgeon General.
Mar. 27	Manpower programs	Lt. Gen. R. G. Yerks, Army Deputy Chief of Staff for Personnel; Lt. Gen. Kenneth McLennan, Marine Corps Deputy Chief of Staff for Manpower; Lt. Gen. B. L. Davis, Air Force Deputy Chief of Staff for Manpower and Personnel; Vice Adm. Robert B. Baldwin, Navy Deputy Chief of Staff of Naval Operations for Manpower.
Apr. 4	Civilian manpower	Robert L. Nelson, Assistant Secretary of the Army (Manpower and Reserve Affairs).
Apr. 6	Nomination of Robert B. Pirie.	Robert B. Pirie, nominee to be Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics.
Apr. 9	Reserve associations	Maj. Gen. J. Milnor Roberts, USA, (retired), executive director, Reserve Officers' Association; Capt. Fred D. Carl, USNR (retired), president of Naval Reserve Association; Mr. C. A. McKinney, director of governmental affairs, Non-Commissioned Officers Association of the United States; Maj. Gen. Francis S. Greenleaf, USA (retired), executive vice president, National Guard Association of the United States.
Apr. 10	Mobilization requirements.	Mr. Richard Danzig, Acting Principal Deputy Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics; Mr. John Brinkerhoff, Special Assistant to the Deputy Assistant Secretary of Defense for Reserve Affairs.

Senator NUNN. Senator Warner, do you have any comments?

Senator WARNER. Thank you, Mr. Chairman.

I would like to ask the witnesses in the course of their testimony if they would address the issue, if in fact it is the will of the Congress that such legislation pass, of women.

During the course of the testimony of the representatives from the Department of Defense, a very interesting pattern has evolved during the experience with the All-Volunteer Force—namely that the services are pleased to learn that women in sufficient numbers and of the highest quality are seeking to join the branches of the service today.

You might take this supposition and assume that if we got into a nationwide situation where we had to enforce legislation, be it registration or the ultimate, some form of draft, it would not necessarily have to include women for the reason that they again would come forward in sufficient numbers to meet the requirements of the armed services.

There is really a twofold issue here. One is the legal one, should women be included and, Mr. Chairman, the patriotic one that they are applying now in numbers sufficient to meet all the requirements of the Armed Forces.

Thank you.

Senator NUNN. Thank you, Senator Warner.

Our first witnesses today are Mr. David Landau, staff counsel, American Civil Liberties Union, and Mr. Barry Lynn, legislative counsel, Office for Church in Society, United Church of Christ.

Mr. Lynn is chairman of the Committee Against Registration and the Draft card and Mr. Landau is vice chairman.

I believe your request was to appear together and that privilege has been afforded to you. We will be pleased to have either or both of you make a statement now.

**STATEMENT OF DAVID LANDAU, STAFF COUNSEL, AMERICAN CIVIL LIBERTIES UNION; ACCOMPANIED BY BARRY LYNN, LEGISLATIVE COUNSEL, UNITED CHURCH OF CHRIST**

Mr. LANDAU. Thank you, Mr. Chairman.

We appreciate the opportunity to appear before the subcommittee. The American Civil Liberties Union is a nationwide organization of over 200,000 members dedicated to the preservation and enhancement of the Bill of Rights. Throughout its history, the union has played an active role in the debate over the Selective Service System. Indeed, the ACLU traces its origin to the National Civil Liberties Bureau which was founded in 1917 to assist conscientious objectors during World War I.

Since that time, it has consistently opposed the inequities of the Selective Service System in judicial, legislative and other public forums and today continues to oppose peacetime military conscription and an active selective service system as a severe infringement on individual liberties.

The issues before the subcommittee today reach far beyond the mobilization capabilities of the Selective Service System. The Selective Service System is the cornerstone of a system of compulsory military service. Its sole function is to provide inductees into the Armed Forces. The shift from the Service's current standby status to an active mode signals a return to a system of conscription.

We strongly object to the reactivation of the draft system until Congress and the Nation have had an opportunity to evaluate our military personnel requirements and to fully debate the drastic consequences of the various proposals for an active Selective Service System.

In our view, no such debate has yet occurred. In the House of Representatives, the Committee on Armed Services after just 2 days of hearings and 20 minutes of debate, adopted an amendment to the Military Procurement Act which directs the President to begin registration on January 1, 1981.

In the Senate, today is the first opportunity and as we understand it, it may be the last since the House is moving the amendment to the Military Procurement Act, that public witnesses will have to voice their opinions on this most crucial issue.

This is hardly a broad national debate. We call on the Congress to halt the march toward conscription and to hold a broad national debate on this issue.

I would now like to turn to the Reverend Barry Lynn of the United Church of Christ to make the first portion of our presentation.

Mr. LYNN. Thank you.

I am an ordained minister in the United Church of Christ and a member of the District of Columbia Bar. I do serve as chair of the Committee Against Registration and the Draft, a coalition of 30 national organizations opposing any steps toward peacetime conscription.

Registration proposals give occasion for inquiring into the Pentagon's assumptions and procedures in estimating the Nation's needs for defense. For me the conscription question is not a proxy issue useful in promoting any of the several varieties of pacifism.

I believe that we need military power but I also believe every American has a stake in deciding how much, how it is created, and how it is used.

I do maintain that trying to prove that the United States now needs draft registration is like building a house of cards. The slightest examination of the foundation makes the whole arrangement crumble. There is no legitimate excuse today for reinstituting draft registration.

We are all really here today because the Senate Armed Services Committee is considering amending the Selective Service Act during its remaining markup of the defense authorization bill. Such an action is absolutely unprecedented. Historically the Senate has amended or extended the draft laws through separate legislation after full and robust public debate and never as an afterthought to a defense authorization proposal.

I ask the Senate to debate draft law changes on their own merits because draft registration has enormous financial and personal implications. It is an issue inseparable from the draft itself since it forms the cornerstone of Selective Service.

The way some people discuss registration one would get the idea that we are contemplating registering people for a Government-sponsored ping-pong tournament. We are not. We are considering registering them for compulsory military service.

There are several vital reasons why congressionally mandated registration is unnecessary.

First, the President already has full authority under section 3 of the Military Selective Service Act to begin registration through a Presidential proclamation at any time he feels it is appropriate. Past Congresses have committed this critical decision to the President as Commander in Chief. I believe that decision should remain in his hands.

Second, there is no evidence that registration will materially improve military readiness.

Senator NUNN. May I ask you one question? You say the law we now have on the books that gives the President the authority to institute registration is the appropriate way to leave it. That is, the Commander in Chief at any time can institute registration?

Mr. LYNN. That is my position.

Senator NUNN. Rather than having Congress get involved in it?

Mr. LYNN. Yes.

Senator NUNN. Has that consistently been the position of the ACLU, that the Commander in Chief should, at any time, have the right to register young people without having an act of Congress or further act of Congress?

Mr. LANDAU. I think it has. Under current law, the President has the authority and by Executive order has decided not to register people. We believe the President should have the authority in time of national emergency to institute draft registration.

Senator NUNN. Thank you.

Mr. LYNN. The timetable for Selective Service is to provide the first inductees 30 days after mobilization.

Acting Selective Service Director Robert Shuck has stated in a letter to Senator Cohen that these requirements can be met by the budget proposed by the administration, \$1.7 million in supplemental 1979 funding and \$9.8 million in 1980.

That conclusion was drawn after conducting a computer test of mobilization capacity. Mr. Shuck noted, "We could input 1 year of birth group, approximately 2 million male registrants, in 5 days utilizing computer processing." That is virtually the same conclusion reached by the Congressional Budget Office last November.

A major finding of their study was that inductions could begin a mere 13 days sooner with registration than without it. That report concluded that with \$2 million worth of improvements in automatic data processing equipment, merger of existing computerized lists from social security and Internal Revenue could produce a current address list of up to 85 percent of all 20-year-old males within 5 days in an emergency.

This would permit inductions to begin 25 days after mobilization and actually earlier than the Defense Department requires.

If registration were reinstated, inductions could still not begin until 12 days after mobilization and the difference between the two approaches, 13 days, has not been held by the Defense Department to be of military significance.

To my knowledge, the conclusions of the CBO study and the recent Selective Service test have never been challenged. I think I have shown with those studies that we do not need to preregister everyone in order to be militarily prepared.

It strikes me that drafting a few more dollars for upgrading computers is infinitely preferable to starting the draft registration of all 16 million 18- to 26-year-old men.

Registration as contemplated under S. 109, is ill advised for a number of reasons.

First, there are serious social costs. Many young people may refuse compliance with a registration requirement. I must say that the recent actions of the House Armed Services Committee has enraged many high school students. That committee, as part of their defense authorization, wants the President to begin registering only those persons who turn 18 on or after January 1, 1981. It will, therefore, not affect any individual who will be old enough to vote in the 1980 congressional elections.

This raises a serious question for me of fundamental fairness since the only persons subject to the onerous registration requirement are those persons who are quite literally politically powerless. This approach will exacerbate nonregistration problems.

At least S. 109 does not take such a cowardly approach to the issue. It would require the registration of all persons between the age of 18 and 26. Should that bill pass, at least those 16 million persons affected will have a method to express their sentiments on the matter in November of 1980.

S. 109 as drafted actually may accomplish far more than registration. Section 4(a) of the Military Selective Service Act provides that as soon as practicable following his registration, an individual shall be classified and examined, both physically and mentally. Thus if S. 109 is passed and registration begun, the Selective Service System is under a preexisting statutory mandate to classify and test registrants as soon as that is feasible.

Finally, the final implication of this is that a sizable budgetary increase for Selective Service would be required. The Defense Department has estimated the cost of simple registration to be \$10 million over the present \$7 million budget and if classification, testing, and examinations would be required under section 4(a) of the act, the cost is \$69 million.

In response to Senator Warner's comment, I would like to say this about S. 109 and S. 226. They apparently contemplate registration only of males. I think it would be unlikely to survive a 14th amendment challenge on equal protection grounds under developing case law in this area.

Senator NUNN. Have we ever had such a challenge in the past? Has it ever been ruled on one way or the other?

Mr. LYNN. It has been ruled on both ways at the district court level. At the circuit court level, it has always survived equal protection challenges but this was prior to two very important cases, *Frontiero v. Richardson*, a case concerning benefits in the Air Force, and second, the very recent *Orr v. Orr* decision in the Supreme Court last month which makes it very clear that you cannot merely have a rational reason for subjecting a person of one sex but not the other to a burdensome requirement but that you must have clear demonstrable reasons for making that difference by sex.

I think with the exemplary service done by women in the All-Volunteer Force, in the 80 percent of the jobs that are not combat related, it would be very difficult to justify eliminating women from a registration requirement.

I must say I do not want to register my daughter, and I would not want to register my son if I had one either. I think as a matter of constitutional principle, we have to do both.

I would like to say that we have talked just about registration but my prepared statement discusses my views on three other Defense planning areas, only one of which I think I have time left to discuss in any detail.

I do believe we grossly overestimate our actual personnel requirements by relying for planning purposes on a scenario envisioning a lengthy conventional war in Europe. This worse case scenario in my judgment is not a realistic possibility in 1979.

Second, the All-Volunteer Force in my judgment is working well. The nearly slanderous allegations of poor quality recruits do not provide a justification for reinstatement of the draft.

Third, the alleged shortfall in the Reserves is another largely mythical reason for contemplating returning to the draft and I would like a few moments to discuss this Reserve question because I think it is key here.

If I could turn first to the Army Selected Reserve and Guard whose ideal strength is apparently over 600,000. In October of 1975, the General Accounting Office completed a study of the Reserves and recommended the elimination of certain nonessential units in such obtuse areas as military governance for occupied war zones, military history, public education and others.

It recommended that the men, money, and material of eliminated units could be redistributed to high priority early deploying combat units to improve their readiness. As far as I can determine nothing has been done in those years about those unnecessary units.

Just last month, the General Accounting Office issued another study

of the Reserves with even more shocking conclusions. First, they found that nearly 25 percent of the Reserves' deployable units had no assigned missions at all within the first 6 months of mobilization. They found that there were 345 units in the Sixth Army alone which are unsupportable in the Reserve environment.

This leads me to believe that the American public is being sold a double bill of goods. First, as taxpayers we are paying for useless units with perhaps 150,000 persons which contribute little if anything to national security.

Second, inept management and deployment scheduling is being used as an excuse to take steps toward resuming conscription so that the Government can waste the lives of our children just as they waste our tax dollars.

One comment about the Individual Ready Reserve, the second functioning group in the Reserves. The critical Army Individual Ready Reserve figure is classified. Members of both Houses consistently claim it to be 700,000. In a Washington Post story on April 10, 1979, civilian officials in the Pentagon are cited as indicating that the Army IRR could not use more than 350,000 people.

I suspect they are right but at the very least I think it is incumbent upon this committee to find out why there is a 100-percent difference in opinion about the needed size of the Individual Ready Reserve.

That does not strike me as too much for the public to ask from the Congress before it uses Individual Ready Reserve shortfalls or alleged shortfalls as an excuse for the draft.

I promise I will conclude this way. I am always shocked when I think that this country cannot find it possible to register a simple thing like handguns but finds it so terribly simple to register young people and make their lives subject to scrutiny so rigid that they cannot take a vacation abroad, change their address, or change their job without reporting that to the Federal Government.

There is no greater level of intrusiveness into one's life that can be found in a free society.

I am disturbed that a Nation conceived by people like Thomas Jefferson who believed that conscription should be eradicated as the "last of all oppressions" can turn its back so quickly on the concept of a volunteer military force.

I submit that if those who spend so much time attacking the quality and integrity of the volunteers who ably defend this country spent half as much energy working to improve the management of the military machine, the equity of the military justice system, and the humaneness of military life, we would not need to be talking about reinstating the draft or draft registration today.

I frankly believe that if we reinstate draft registration this year it will be no time before we begin drafting people again. What worries me more than that is we are quite likely to find some foreign land in which to use those draftees.

With a huge manpower pool of potential conscripts, it would just be easier for us to slip into some military adventure in Africa or Latin America or in the Persian Gulf.

I would propose that kind of intervention is not necessary and that type of intervention is impossible without the large manpower pool the draft provides.

Thank you.

Senator NUNN. Let me ask you this. Doesn't that last point contra-

dict everything you have said about not needing to go to registration? As I understand it, you are saying it makes it impossible to intervene if we do not go to some form of registration.

Is that not an admission that we are not prepared to wage war now if we found it necessary to defend our national security?

Mr. LYNN. We have two comments about that. We have 2.1 million on active duty. We have another 1.1 million reservists. We certainly have enough people to defend anything that is considered to be in the legitimate national interest.

You have had Dr. Charles Moskos before this committee from the University of Pittsburgh. Some of his studies indicated the present All-Volunteer Force has a large percentage and I believe it is 30 percent, of enlisted people who said they would not fight in a war abroad that did not have popular support at home.

I like that idea. I like the fact that we do have in the All-Volunteer Force reluctant citizen soldiers. I was a strong opponent of the war in Vietnam. I think that war as interventionist wars in the future could not be fought without the benefit of Selective Service.

I would prefer to have us not reengender the possibility of that type of intervention.

Senator NUNN. The only thing I am saying is that you can have it one way or the other. You can say logically that registration leads to more preparedness and more preparedness leads to the temptation to intervene.

I understand that point although I do not agree with it. On the other hand, most of your statement dealt with the fact that we already are prepared and we have plenty of people and, therefore, we do not need registration.

I am saying those two are logically inconsistent.

Mr. LYNN. I am saying what we have now is a force that is capable of meeting legitimate defense needs of the United States, of Europe, of Japan, of Israel but it may not provide us an opportunity to do both that and intervene in the Third World. I think that is possible. I will concede that.

I am saying from my way of thinking we should not be preparing or developing a capability to intervene in those places.

Senator NUNN. You would exclude the Middle East and the Third World from being a matter of interest to the United States to the extent that we ever might have to use force there?

You feel our present posture would prevent us from using force there?

Mr. LYNN. We happen to have enough people to actually divert people from say the defense of Europe or Japan to intervene in the Middle East. I would prefer us not to do that. I cannot envision a scenario that I would find morally acceptable where we would go to the Middle East to defend oil interests. I do not want to see American men and women dying in the Middle East in order to defend the way we use energy in the United States. I find that is impossible ethically for me to support.

Senator NUNN. Your major premise is we should not have a military force capable of intervening in the Middle East and, therefore, we should not have registration?

Mr. LYNN. No; that is not the major premise. The major premise is that we have forces now sufficiently capable to meet the legitimate defense needs. We could divert these people that are in Europe today

to the Middle East. We could send many divisions to Latin America. I am just saying I do not want us to have an even larger manpower pool to fool around with.

Mr. NUNN. If we can already do it, how does it increase the prospects that we will do it by having registration?

Mr. LYNN. I think if one has the possibility of having literally millions of people on the backburners capable of being sent anywhere with the penalty of 5 years in prison if they do not go or self-imposed exile if they do not go and they do not go to prison, without that kind of a compulsory system, it is less likely in my judgment that we would in fact intervene unnecessarily in the Third World. That is just my view. I think the Vietnam war and the Vietnam draft tend to support my view although I recognize there are people who see it differently.

My main point is not that. We are not here to debate foreign policy per se. Registration is unnecessary in order to permit this country to be prepared militarily. We have sufficient capabilities with computerization now to meet any selected service requirement, any Defense Department requirement, by simply giving a few million dollars to the Selective Service System. That is preferable to beginning the enormous intrusion into the lives of young people that the draft law would permit.

That is my main point.

Senator NUNN. Thank you very much. You referred to the November 1978 CBO Selective Service study. I believe one of your statements came down in favor of option one, which is on page 39 of this study, which basically says, "Maintains standby posture, revise post M day registration."

That is where you have the same number of people virtually at M plus 25 days that you have at M plus 12 days under option three which is basically what we are talking about here, which is to reinstate peacetime registration and classification.

I will insert into the record a copy of this table from the CBO study.

[The information follows:]

TABLE 6.—SUMMARY OF SELECTIVE SERVICE CURRENT MOBILIZATION INDUCTION CAPABILITY AND POLICY OPTIONS FOR IMPROVEMENT

	Estimates of induction capability <sup>1</sup>			Annual peacetime cost (In millions of dollars)
	First inductions <sup>2</sup>	M+60 days	M+180 days	
Base case: (Current standby posture—No registration or classification, and present ADP capability).....	M+65 days	-----	375,000	\$7
Option I: <sup>3</sup> (Maintain standby posture; revise post-M-day registration).....	M+25 days	100,000	650,000	\$9
Option II: <sup>3</sup> (Reinstate peacetime registration).....	M+12 days	100,000	650,000	\$11
Option III: <sup>3</sup> (Reinstate peacetime registration and classification).....	M+12 days	100,000	650,000	\$20

<sup>1</sup> DOD requirements for a full mobilization are: first inductee by M+30 days, 100,000 by M+60 days, and 650,000 by M+180 days. These cannot be exceeded because of capacity limits at training facilities.

<sup>2</sup> This is the day on which the first inductees arrive at DOD training centers, assuming no post-induction leave is granted by DOD. Arrivals prior to M+30 days may be delayed until training facilities are expanded to handle the induction flow.

<sup>3</sup> Each option is assumed to include upgraded ADP support and a field structure better suited to registrant needs and more compatible with upgraded ADP support. A fully capable ADP system will take at least a year of development and testing.

<sup>4</sup> Cost includes \$2,000,000 annual expense for upgraded ADP support.

<sup>5</sup> Does not include examination during peacetime, estimated at \$16,000,000 annually for each year-of-birth group. Also, the 50 percent reduction in the reserve officer force generates a savings to Selective Service of about \$1,500,000 annually, but this would not constitute a net reduction in the Federal budget if these personnel were transferred back to DOD.

Note.—"M" refers to the first day of mobilization. Thus, M+60 means 60 days after the start of mobilization.

Am I correct in assuming that by using that 13 days difference that you are basically in favor of option one which is maintain the standby posture and revise the post M day registration?

Mr. LYNN. That is what I am saying, that we need an improvement in the computer facilities of the Selective Service. I think that is prudent and I think that is justifiable. Considering the alternatives, I think it is the best way to go.

Mr. LANDAU. I think we have to clarify that point a little. Option one of the CBO study does talk about use of an exemption for the Privacy Act and the CBO does lean in favor of actually gathering the names and addresses of individuals in peacetime through the use of computers and data matching.

I think we are very opposed to the actual collection of names. We believe the Selective Service should be granted the funds to go out and get the computers to write the programs and to train the individuals to collect the names in case of a national emergency but they should stop short of actually requiring registration whether it is faceless registration through a Privacy Act exemption or face to face registration.

Senator NUNN. What I am really getting at is option one on page 27. Let me read what option one is.

Option one assumes post mobilization registration using existing computerized data files, primarily Internal Revenue Service and Social Security, all facilities of another Federal agency with an adequate field structure already in place. Postal Service or other agency handles continuous registration during mobilization. Planned field structure size to fit registration needs or registrate needs and compatible with upgraded ADP support.

I am really asking if you are endorsing the computerization and use of Internal Revenue Service and Social Security names in order to avoid going to a registration?

Mr. LANDAU. Only in case of a national emergency. We believe the difference between peace and war is civil liberties may give way in time of a declared war to a certain extent and in World War II we had many instances in which that happened, in which emergency measures were taken.

If we are in an emergency, if we were in a declared war situation like World War II, we would not object to the use of data matching IRS and Social Security files. We do object to the use of it in peacetime. We think that would be a gross abuse of personal privacy.

Senator NUNN. You are not endorsing an exemption of the Privacy Act so as to use Internal Revenue Service and Social Security computer lists before emergencies, are you?

Mr. LANDAU. That is right. We are not endorsing that. We would favor giving the President the authority should a declared war be made to have an exemption from the Privacy Act and to use those files.

Senator NUNN. The problem is the 13-day example you gave is postulated on the use of those Internal Revenue Service and Social Security numbers and if you do not use those, you do not have a good case. The option that you are playing off against our bill is not a viable option under the restrictions you have set forth.

Mr. LYNN. I do not read the study as indicating the processing and the matching is done prior to mobilization. They are calling for a congressional waiver of the Privacy Act under some kind of emergency or giving some kind of emergency power to do this but not to start it tomorrow.

Mr. LANDAU. The recent Selective Service computer exercise demon-

strated they could get the names within 5 days. The CBO reports numerous instances where the Selective Service has not adequately planned for emergencies in terms of the use of computers and training individuals. I believe some of the options that need to be explored that are described in the CBO report such as use of State election facilities or the post office and things like that, that could facilitate rapid registration, if those studies were undertaken, we could even further decrease the amount of time that a computer registration could take place and the number of individuals who would be registered under such a registration in time of an emergency.

I think this area needs to be explored.

Mr. LYNN. On page 43 of this report indicating the use of existing computerized lists, at the top of page 43, it suggests that current law would have to be amended to permit IRS to furnish taxpayer information to Selective Service during a mobilization.

My understanding is the law would need to be changed to give an emergency power so during mobilization and not before, these computer lists could be matched.

Senator NUNN. You mean if we had an emergency you would rather for us to go through the Internal Revenue and the Social Security files of everybody rather than having a specific age group that would be subject to call to go down and register? You think that is less of an invasion of liberties than having a registration?

It seems to me when you turn the Federal Government loose on the entire IRS files and all the Social Security files even in emergencies, you have gone much further from the principles that I thought ACLU stood for than you would with registration of young people.

Mr. LANDAU. I think there can be no doubt that there is an intrusion there, but we are not talking about the use of the entire IRS and Social Security file. We are talking about the name and address of individuals, and to take those names and addresses so notices could be sent to them. That is all we are talking about in this type of registration.

If we had an emergency and a draft was set up, we would have to have draft board systems set up which would have to classify and examine people.

Senator NUNN. We will have to look at this some more and perhaps you should, too. I think the caveats you have attached to option 1 render it unworkable in the sense that it would not be able to have the tradeoff you are talking about in the 13 days.

The question is, What do you suggest in lieu of the present system?

Mr. LANDAU. I think we just disagree on the conclusion of the CBO study. We think that in any event further study should be undertaken on the use of computers and some of the other options CBO suggests such as use of State election facilities, the post office, and other ways of registering people other than the outdated inefficient draft board system which would be mandated by the Military Selective Service Act.

Mr. LYNN. I think the conclusion of the CBO study is essentially the same conclusion Mr. Shuck reached in his letter to Senator Cohen which was reprinted last week in the Congressional Record saying in 5 days we can do the inputting required and we can therefore provide the first inductees 30 days after mobilization, which is the only requirement that the Defense Department has placed on the Selective Service System. That is the most stringent in history.

Senator NUNN. We may just have a different reading of that CBO study. On page 41 of the study I have, it says in explaining this option 1: "Updated registration data on at least 2 years of birth groups must be maintained to avoid mass registration during mobilization."

I just do not see how you can do that if you wait until the emergency comes up. I understand they are talking about taking steps pre-mobilization in order to have those names on computers. I really do not understand how you go through tax returns. Most people in this age group would probably not file tax returns.

Mr. LANDAU. The CBO says that 85 percent of the names of the age groups could be gotten between matching Social Security and IRS data.

Senator NUNN. You would have to go through adult returns in order to get the names of young people.

Mr. LYNN. Twenty-year-olds are the first group that would be used in the callup under the present Defense Department plan. That is why they are so sure that you can get 85 percent of the people through the tax or Social Security lists.

Senator NUNN. What about the ones in college?

I do not see how you get the names off of Internal Revenue Service forms without going through all the adult forms which basically intrudes into the privacy of everybody in order to pick out the dependents.

Mr. LYNN. Very minimally, and it is spread out throughout the whole country in a sense. You are not just asking very young people to go through a registration process and have their personal liberties abused in peacetime and wartime. This is very narrow. We do extreme things in this country during wartime. I think this is another example.

Senator NUNN. The thing that comes to my mind if you use Internal Revenue Service files for this is you would tend to have the names of people who were not able or did not choose to go to college and who are out working to sustain themselves. You would tend to exclude the names of those people who did go to college. If you had to go to an emergency procedure, you would be going right back to where we were in Vietnam with the college exemptions, which was terribly inequitable and became, in effect, economic discrimination.

Mr. LANDAU. I think I would disagree with that conclusion because I know when I was in college I had to file an IRS tax return because I had a summer job. Most people who are in college do at some time have part-time jobs which they would have to file at least some kind of form with the Internal Revenue Service.

The ACLU does not want to minimize the kind of intrusion that the collection of names and addresses would entail.

Senator NUNN. I would suspect if we had proposed this, ACLU would be up here testifying against it.

Mr. LANDAU. We would not be opposed to it in wartime. The possibility or potential for abuse from advanced computer technology cannot be minimized, particularly if you are going to talk about expanding it beyond IRS and Social Security to college entrance lists or high school graduation lists or whatever.

A recent Harris poll survey of privacy attitudes in the United States, and it was a comprehensive survey done in conjunction with Columbia University, found that three out of four Americans believe that the right to privacy should be akin to the rights of life, liberty, and the pursuit of happiness; and one in three Americans believe that this

country is very close or already like the kind of society described in George Orwell's 1984.

I think if you permitted a Privacy Act exemption in peacetime, this would only further increase the alienation of American people toward their Big Brother Government.

I think you have to look at the other kind of option for peacetime registration which would be reconstituting the Selective Service System.

As Mr. Lynn mentioned, it is not just getting names and addresses and filing a registration card. When you take a vacation, if you leave the country, if you change your job, you have to notify the Selective Service Board. There are a number of constitutional rights involved there, particularly the right to travel which would be abridged by having to notify the Federal Government of your whereabouts at all times.

Senator NUNN. That has already been tested by the courts. You are saying registration is not a violation of the Constitution unless the Supreme Court is going to basically overturn their 1919 decision?

Mr. LANDAU. I would say we believe the whole Selective Service Act is unconstitutional in peacetime, and an active selective service would be unconstitutional in peacetime. The draft system, whether it is the selective service classification examination system or the induction system, can only be justified by an overwhelming national necessity or an imminent threat. Any kind of reinstatement of the draft in peacetime would be declared unconstitutional by the Supreme Court.

It is an open question. The Supreme Court has never considered the constitutionality of the draft when the United States was not engaged in major hostilities. The draft was upheld in World War I. It was never challenged in World War II although other emergency measures which were just as onerous were challenged and upheld. During the Vietnam war, the Supreme Court refused to consider the issue because we were engaged in a major war, whether it was declared or undeclared.

We are now not engaged in any hostilities anywhere in the world. I think should the Congress decide to reinstate the Selective Service System, there is a very good chance the Supreme Court would take a very hard look at that and declare it unconstitutional.

Senator NUNN. Let me ask one other question, and I will defer to Senator Warner.

What was the ACLU position in 1940 when the draft was reinstated by one or two votes before we got into World War II?

Mr. LANDAU. I was not around then, but I believe the ACLU did not have a position on the constitutionality of the draft during World War II. Our draft position came down in 1968 during the Vietnam conflict. It was the first time we had a comprehensive policy on the Selective Service. That policy states that the draft during World War II would have been constitutional. We did not adopt that policy until after the fact but that is our policy.

Senator NUNN. This was before the war and there was a hot debate. It was before we got into hostilities. America was not in war. Historically looking back on it, would you have opposed that draft at that stage the same as you do today because we were not at war?

Mr. LANDAU. I really cannot answer that question. I think the nature of the world at that time was very different than today. There were hostilities and it was apparent we were going to end up in those hos-

ilities in 1940 and 1941. Today I personally cannot see anything on the horizon of a kind of major hostility of a world war III which would be the kind of comparison you would have to make to the situation in 1940 and 1941.

Senator NUNN. Obviously the majority of Americans did not think we were about to get into a war at that stage, either.

Mr. LANDAU. I do not know that.

Senator NUNN. Are you saying that even if we were at peace that there are circumstances under which peacetime registration would be acceptable if there were hostilities in other parts of the world?

Mr. LANDAU. If the United States itself were under an eminent threat of attack or there was a national emergency of some kind, I think that is the time when we would consider debating the possibility of bringing back a draft registration. We are so far removed from that today that we do not see how it is justified.

I would like to raise an historical point about the draft in World War I and II. There was no draft during the Revolutionary War. The Founding Fathers in their statements and writings had a distinct hostility toward the concept of a nationally conscripted army. In 1812, when this country was invaded and the capital was razed, Congress rejected the draft.

People like Daniel Webster condemned the draft as the grossest violation of personal liberty, against everything this country stood for.

It was not until after World War II during the cold war, that we actually had a peacetime draft. In the last 6 years, we have returned to what I consider to be our historical tradition against this onerous institution.

Senator NUNN. Mr. Lynn, would you have opposed going to the draft at that stage in 1940?

Mr. LYNN. The official policy of the United Church of Christ on this area is adopted by our general synod, our representative body, that conscription is appropriate only and I am quoting, "in an emergency that requires the exceptional mobilization of the Nation's resources and manpower."

It is very difficult to go back in history and try to figure this out. I see nothing as Mr. Landau has indicated, nothing on the horizon today that would justify peacetime registration or conscription at this time. I see nothing that looks like a likely national emergency.

Senator NUNN. Thank you very much.

Senator Warner?

Senator WARNER. Thank you, Mr. Chairman.

I think we should commend the witnesses for being well prepared and articulate and obviously having studied the subject in considerable length.

I want to make sure I understand your position on the women. The 14th amendment in your judgment would require the Congress to have any legislation or the type now under consideration cover equally, without any difference whatsoever men and women?

Mr. LYNN. For a registration requirement, yes. I think it may be possible to find the justification that would withstand constitutional scrutiny if you were talking about induction into a combat position. We are saying that 80 percent of the positions, roughly, are logistical, clerical, administrative, and medical. They are not combat positions. It strikes me that there is no justification for excluding women from a registration requirement for an undetermined future position within the military.

Mr. LANDAU. ACLU would echo that opinion that the fifth amendment, equal protection, would prohibit the registration of just men. I think you would find if it were enacted as the House Armed Services Committee has done, insert the word "male persons" into the Military Selective Services Act, you would find many males actually making the challenge that it was unconstitutional and not necessarily the women.

Women do perform an active role in the military. Just this week the Army under pressure from an ACLU lawsuit has now equalized its recruiting requirements for women so you will have many more women now able to enter the Armed Forces instead of having higher standards for women as we had in the past.

I think everything that we have seen in the last few years with courts permitting women to be on ships and the *Frontiera* case, that it would be declared unconstitutional.

Senator WARNER. Would both of you comment on what the impact would be should the ERA amendment be adopted on this issue?

Mr. LANDAU. I think clearly if the ERA was adopted that women would have to be registered, but I think it really does not matter. The constitutional issue is still there whether or not ERA is adopted, under the 5th amendment, equal protection.

As Senator Nunn correctly pointed out, that challenge has been made in the past and we have lost. In the last 10 years, I would like to stress that sex discrimination laws have reached a much higher level of sophistication than ever before. Many lawsuits have been brought. The Supreme Court has what they call the newer equal protection test when they judge these statutes. That is a development that has really only happened since the end of the draft itself.

We have to reevaluate the challenge of women not being drafted in light of these recent cases.

Mr. LYNN. I agree with that. I think the Equal Rights Amendment really has little if any bearing on this specific point. I think with or without it registration has to be both of men and women.

To do it male only seems to be to run afoul of the Supreme Court warning in this recent *Orr v. Orr* decision last month. It said that legislative classifications which distribute benefits and burdens on the basis of gender carry the inherent risk of reinforcing the stereotypes about the proper place of women and their need for special protection.

I think to exclude them from registration would run afoul precisely of this language in this case.

Senator WARNER. What was the factual basis of that case?

Mr. LYNN. It was a state equalization of alimony case. It is important because it continues this developing of a high standard of proof of good reasons why you would treat men and women differently.

Senator WARNER. Would you gentlemen be willing to answer questions if we submitted them to you to supplement this record today?

Mr. LANDAU. Absolutely.

Mr. LYNN. Yes, sir.

Senator WARNER. I want to say that I hope you appreciate the responsibility on this side. The Constitution instructs the President and the Congress to raise an Army and maintain a Navy. We have a responsibility. It brings no joy to my heart to have to address this subject particularly when I have three teenagers myself that will be subject to this legislation.

I am concerned about the criteria, for example, that should be used

for determining exemptions on the basis of conscientious objection. Would you care to give your views on that?

Mr. LYNN. The United Church of Christ is not a pacifist church but we certainly have a great number of persons who are conscientious objectors who come out of the traditions that make up the United Church of Christ.

I am very concerned about making sure we have a fairer conscientious objection standard than we have had in the past. For a long time in service conscientious objectors during the Vietnam war had their conscientious objection claims rejected 80 to 85 percent of the time. I would personally like to see a provision for what has been called selective conscientious objection which would recognize a principle that some persons see some wars as just and others as unjust. That in the *Gillette* case before the Supreme Court was determined to be not a viable attack on the Selective Service System.

I think congressionally there is no problem with amending the draft laws to protect the selective conscientious objector.

There is another question. As I have indicated, I think if you begin registration, there is a mandate within the statute to begin classification and to begin examination. I suspect you might ask some of the later witnesses whether some of the peace church organizations would find it possible merely to register if they could not have the option of registering as a conscientious objector.

My suspicion and my sense of history is they would have great difficulty registering unless they could register as conscientious objector.

Senator WARNER. If we are going to registration, you think we should go to classification also including conscientious objection?

Mr. LANDAU. That is what the statute says.

Senator NUNN. You would agree with that?

Mr. LANDAU. We would not like to see that. I think that is what the statute says. I think that is what the statutory obligation of the Selective Service would be.

Senator NUNN. You have to do that to accommodate conscientious objectors, would you not?

Mr. LYNN. That is a question best addressed to the people who come from the historic peace churches. My understanding is they would want to at least have a possibility of registering their conscientious objection at the time they register and I think that is very critical.

Senator NUNN. That does mean that we would have to go to classification?

Mr. LYNN. At least for conscientious objector classification. It is not unheard of to do one classification and not others.

Mr. LANDAU. In response to Senator Warner's question, I think one of the reasons we so strongly object to the form of the legislation in both the House and the Senate is it does not address all the problems of the Military Selective Service Act.

The ACLU was involved in thousands of cases in the last 20 years on Selective Service and the inequities of that system. Registrants were denied due process of law.

Senator WARNER. Did you mean equities or inequities?

Mr. LANDAU. Inequities of the system. Registrants were denied due process of law. There was no right to counsel, benefit of a de novo review in a court of law prior to induction. There were many problems. There were dozens of Law Review articles written on the subject

about due process rights of Selective Service registrants. None of those problems are addressed at all.

One of the reasons for the dislocation and disenchantment of youth during the Vietnam war period was there was no effective method of giving them their rights during Selective Service classification and examination process.

If Congress is going to bring back draft registration and possibly classification, it ought to be considering amendments to the Military Selective Service Act to rewrite the entire act.

Senator WARNER. Mr. Lynn, you made a statement and I just took brief notes so correct me if I am wrong, that stated something to the effect people should only be registered or required to go into service if there was "popular support of the people at home."

How do you assess what that "popular support" is? What are the criteria by which we would make such an assessment?

Mr. LYNN. I was not suggesting that. I was just indicating Dr. Moskos who has testified in previous sessions here indicated that is the feeling of many enlisted people, that they do not want to participate in a foreign war unless it has popular support at home. I am not suggesting that be written in the law.

Senator WARNER. One last question, Mr. Chairman. You dwell a great deal on peacetime and wartime. There is a very thin line between what is peace and war in a sense of time line. War can come upon us as we have seen in the past quite unexpectedly and abruptly.

How do we as a Nation keep our military preparedness up for such contingency, assuming you agree with me that war can start unexpectedly and quickly? How do we meet our constitutional responsibility to raise an Army and maintain a Navy, if we have insufficient numbers of individuals responding voluntarily?

Mr. LYNN. I think we have right now the Active Forces at essentially the congressionally authorized levels. There are a few shortfalls in a given month but there were 50,000 people shortfalls during the draft.

I think wars can start quickly but I cannot imagine a war beginning quickly that would require more people than we frankly have now in either active duty or Reserves.

I do think one of the assumptions that the Pentagon apparently makes about a conventional war is only 35,000 people will volunteer to fight such a war each month. That is essentially the same level as volunteering in peacetime. I find that a very dubious assumption. It certainly does not reflect historically what has happened in every other major war in American history.

We started the draft in World War I not to get people into the military but to keep people in civilian jobs so we could say: "You stay in that civilian job, do not sign up."

I think it is unfortunate that there seems to be the idea that young people in a genuine emergency would not volunteer. I think they would. I think they are as patriotic and sincere people as we have found in any other group in history.

Senator WARNER. I would like to concur in that observation. Thank you, Mr. Chairman.

Senator NUNN. Senator Byrd?

Senator BYRD. Thank you, Mr. Chairman.

In regard to the conscientious objector, I think it is very important that the Government give full consideration and that whatever law that is passed gives full consideration to the views of the conscientious

objector. I have always felt that way and I think that is very important.

In regard to the total military force, we now have in uniform, in round figures, 2 million persons. In your view is that approximately the right figure that we ought to have in uniform?

Mr. LYNN. That is my belief. I think there is some serious question that I had raised earlier about the Reserves and about some of the studies that have been done that indicate we have a great deal of Reserve units that have seemingly no purpose, no national defense or national security purpose. We may have too many people in certain Reserve units but I think that is roughly the level that meets legitimate needs.

Senator BYRD. The total professional military force of 2 million is the right figure in your opinion?

Mr. LYNN. Yes.

Senator BYRD. How do you feel, Mr. Landau?

Mr. LANDAU. I concur in that. I would raise the point there are some who would think that is maybe a little high that 2 million active people on duty during peacetime is quite a number of people to have in your Armed Forces if you are not fighting anywhere.

Senator BYRD. You feel that is not too many?

Mr. LANDAU. We believe you should not go any higher than the 2.1 million right now.

Senator BYRD. Thank you.

Senator NUNN. Thank you both for appearing.

Mr. LYNN. I wonder if I could raise one question for my two Senators. I never get a chance to ask them both a question.

I wish there could be some study done of this Army Individual Ready Reserve requirement. If there is a 100-percent difference of opinion as to whether we need 350,000 or 700,000 in Army Individual Ready Reserve, and that became in the House a very critical factor in this draft registration debate, that is, do we have enough, I wish that could be clarified.

I wish that was something you might take a look at in this committee or privately. I would certainly be interested in finding out why there is that huge difference of opinion.

Senator WARNER. Mr. Chairman, might we refer to the Department of the Defense those portions of the testimony today which challenge the purposes of Reserves and ask that their responses be made a part of this record?

Senator NUNN. I think that is an appropriate question. I think it ought to be answered by the Department of Defense. We will ask counsel to initiate that and to get a letter prepared from me to the Department of Defense, to Secretary Brown, and ask for that information as to why.

I want to ask you one other thing because I know you two have spent a lot of time studying this, and I have a great deal of respect for your views even though we may not end up agreeing.

The Department of Defense has testified recently which got very little attention that if we had a war any time in the near future, that their only recourse because of the huge gaps in the IRR, whether it is 300,000 or 500,000, whatever, would be that we would have to call Vietnam veterans and they would be the only trained manpower pool that would be available.

If I have to weigh that inequity against all the inequities you

talk about here with registration and the possible draft, I come down strongly on the side of saying the lesser of the evils is to at least have people who have not served the country, serve for the first time rather than calling back hundreds of thousands of people who do have military experience from having served in Vietnam.

I notice, Mr. Lynn, you have worked a lot with Vietnam veterans and I congratulate you on that.

Mr. LYNN. I do not find a lot of support for the idea of having Vietnam veterans recalled. They are talking about an extreme emergency situation where it is a question of a draft or bringing back Vietnam veterans. If that kind of a war situation occurs, I am not naive enough to think that there would not be a draft reinstated. I find no support in any Vietnam veterans organization that I am familiar with for the idea of them being called back.

Senator NUNN. Right now the contingency plan, to the extent that there is one, in an emergency is to basically recall Vietnam veterans. I find that incompatible with both equity and political reality.

Mr. LYNN. I agree. The recall of veterans is not a new idea. That has always been a possibility in the so-called Standby Reserves and others. It is not a brand new idea. That has been a part of the Defense Department's planning for some time and a bad idea I suspect.

Senator NUNN. It is surfacing now more and more because of the deficiencies in the IRR and because of the deficiencies in the Reserve structure.

Thank you very much.

Our next witness is Rev. Milton Zimmerman. Reverend Zimmerman will be accompanied by Rev. Thomas Potts of the Hutterian Society of Brothers. Gentlemen, we are delighted to have you both here this morning.

**STATEMENT OF REV. MILTON ZIMMERMAN, HUTTERIAN SOCIETY  
OF BROTHERS, ACCOMPANIED BY REV. THOMAS POTTS**

Mr. ZIMMERMAN. Thank you, sir. We appreciate the opportunity and possibility of presenting testimony to the subcommittee this morning on behalf of 10,000 members of the Hutterian Church in the United States.

In the 450 years of our existence as a peace church, no member has ever taken part in war or military service of any kind. Many have been tortured and killed in the prisons of Europe rather than violate their consciences by acting against the teaching of Jesus as given in Matthew 5: 38 to 48.

In World War I, when the provisions in the laws of the United States for conscientious objectors were not adequate, many young men of the Hutterian Church suffered severely because they could not in good conscience be subject to military command, and because of this two died in prison from severe abuse and mistreatment.

We of the Hutterian Church are very grateful that in subsequent years the Congress of the United States has passed laws recognizing the concerns and rights of genuine conscientious objectors to military service. We deplore the many demonstrations of disrespect for Government, such as the burning of draft cards and flags and the defacing of Government property that has taken place in the last 10 to 15 years.

Our young men have been able with good conscience to register and substantiate their claims before civilian draft boards and to do alternative service under civilian authority and jurisdiction, in lieu of induction into the Armed Forces.

We see it as our duty under God to honor and obey the Government and its laws except where these laws conflict with the teachings of Jesus Christ as recorded in the Gospel. We respectfully request and petition this committee and the Congress that in any new legislation pertaining to selective service, full consideration be given to the consciences of these serious young people who sincerely want to obey the law and to respect the Government.

Let me insert at this point a verbal comment. Senator Stennis made a statement that was printed in the Washington Post a few months ago that the present selective service regulations had been tried in the past and were found wanting, and he was hoping or expressing the wish for widespread changes in which only the morally and mentally unfit would be exempted from military duty, perhaps he meant to include conscientious objectors somewhere here, but since this was not mentioned and since we have heard other rumors of new regulations under wraps somewhere in the event of an emergency, we wanted to take this opportunity to request that conscientious objectors continue to get the same fair-handed dealing that we have had from Congress in the last 40 years.

Senator NUNN. I have not talked to Senator Stennis on this point, but I would think that it was simply an omission. I can speak for myself and say that I certainly favor a conscientious objector status in whatever we do.

Mr. ZIMMERMAN. Thank you.

Senator WARNER. Mr. Chairman, at that juncture, I wish to join you on this and I think Senator Byrd likewise expressed his opinion earlier. What we would hope you would provide is based on the history of this problem of fairly treating individuals whose religious faith precludes their participation. How could we draw the language such that there is a greater degree of fairness? What changes would we need from prior laws?

Mr. ZIMMERMAN. In my own personal opinion and I think those of most of our Church, the law and the regulations as they stand now are pretty good. How they were used and implemented by local draft boards and sometimes by State appeal boards is another matter altogether.

It is hard, I think, to have uniform, fair application of a good law. We felt the law was good, certainly miles better than anything in World War I.

We wish to draw your attention to a serious problem which is the one that you addressed yourself to, Senator Warner, a serious problem which will arise for the Hutterian Church if the law calls for the registration and drafting of girls.

We know that the Old Order Amish Church holds the same view. We are deeply concerned to protect our young people, especially our girls, from the immorality and sexual impurity so prevalent today in American society. To see our daughters taken from their Christian environment and placed in situations where they might be abused or morally misled would raise serious religious conscientious problems for our church, even though these were situations of alternative service under civilian control.

The lives of our young women are already given to serving the sick, caring for the young and old, and generally rendering Christian service in our neighborhoods under the protection of the church. To be drafted into civilian service outside the church would bring a great need to our girls and to our church community life.

We respectfully urge you to vote against the registration and drafting of women.

To sum up in four points, we request specifically that those who claim objection to military service on grounds of conscience may continue, as under present laws and regulations, to register as conscientious objectors with a civilian agency only. Let me just stop and insert here that the House subcommittee comparable to this one went on record in favor of keeping the Selective Service System as a separate independent agency not under the Department of Defense. We feel that this is very important. That is what we are referring to here.

We additionally request that all processing, hearings, appeals, and other action on such claims be under civilian authority and jurisdiction as present laws and regulations have it still; that opportunities be given for alternative service under civilian control, also as under present laws and regulations; and that young women not be drafted for civilian or military service.

This above testimony was read over the telephone to Andrew Kingsinger of Gordonville, Pa., who, as chairman of the Old Order Amish Steering Committee, gave his full agreement and support to this testimony on behalf of the Old Order Amish Church membership, 22,500 approximately in the United States.

In our prayers we constantly ask our God that those in Government may be endowed with a special wisdom in their efforts, and always be concerned with the furthering of world peace and good will toward all men.

We do not feel competent to advise you on matters of specific military policy. Our task is different from the task of Government who have to prevent chaos and exact punishment. Our task as a church is totally different. If the Government will allow us then to continue as we have been, we will be very grateful and thankful.

Senator NUNN. Thank you very much, Reverend Zimmerman and Reverend Potts. We appreciate your testimony. Senator Byrd, do you have any questions?

Senator BYRD. No questions.

Senator NUNN. Senator Warner?

Senator WARNER. You made reference to the fact that it would be the position of your organization that if legislation is necessary, that it be drawn in such a way to exclude women. Did I correctly understand you on that?

Mr. ZIMMERMAN. Yes, sir.

Senator WARNER. Yet, I presume you heard the testimony by the previous witness to the effect that it is the opinion of many constitutional scholars, particularly construing the 14th amendment, that it is not possible to draw legislation treating males and females differently.

May I suggest that if you have an interpretation of the Constitution which is different in support of your position that you provide us with that because we are bound by the Constitution of the United States.

Mr. ZIMMERMAN. Certainly. I will ask our Church to prepare such a

statement for you. We cannot understand the constitutional scholar's interpretation of the 14th amendment. To us, God made men and women so different in so many ways and functions and duties, that we do not understand the unisex interpretation of the 14th amendment.

We will be glad to submit our understanding of the 14th amendment to this subcommittee.

[The information follows:]

HUTTERIAN SOCIETY OF BROTHERS,  
June 5, 1979.

Senator SAM NUNN,  
Chairman, Senate Armed Services Subcommittee on Manpower and Personnel,  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR NUNN: In response to your invitation during the hearing of Monday, May 21, 1979, to furnish your Committee with a statement of our Church's position on the 14th Amendment versus the place of women in the world today, we respectfully submit the following:

Genesis 1. 27. "So God created man in His own image, in the image of God he created him; male and female He created them."

Proverbs 31.10. "A good wife who can find? She is far more precious than jewels."

Ephesians 5. 22-33. "Wives, be subject to your husbands, as to the Lord." (The rest of the quotation expands on the same theme as the first sentence given here.)

1st Timothy 2. 11-12. "Let a woman learn in silence with all submissiveness. I permit no woman to teach or to have authority over men; she is to keep silent."

From "In the Image of God," Heini Arnold, Plough Publishing House, 1977, page 135: "The task of woman is different from that of man. That is clear from the story of the creation: . . . It is not a question of who is higher, man or woman. Both are made in the image of God, and what can be greater than that?"

From "Love and Marriage in the Spirit," Eberhard Arnold, Plough Publishing House, 1965, pages 33-36: In answer to a question about "man and woman, about their natures and the difference and the relationship between them," Eberhard Arnold answered as follows: "If we believe in the divine and creative Being, then we know that something deeper and more essential lies hidden behind every outward appearance. As truly as God is creator of all things, so surely there lies hidden behind every outward, visible difference a more profound, invisible difference. It has been pointed out, and rightly so, that this difference is not a difference in worth. Woman's nature cannot possibly be ranked lower than man's, or to express it the other way around, man's nature cannot possibly be set above that of woman. This is completely out of the question."

And from page 29, "Woman is predestined to a way of love which is not given to man. Man seeks people at the moment when he knows a challenge must be made, when he knows that they need to be shaken and awakened and their hearts changed. Woman is quite different. Her love is steady, faithful, constant."

The above quotations from scripture and from the published teachings of our Church, the Hutterian Society of Brothers, will indicate to you and your Committee that it is our position that men and women are created differently by the Creator, and for different tasks. There is no question of one being higher than the other; they simply are not equal or the same. In this, we see no conflict with the 14th Amendment which provides equal justice before the law.

To us, equal justice before the law means equal rights regarding every matter possible that comes before the government, but even the most generous or beneficent government, in its will to provide equal protection under the law, cannot make men and women "equal to one another." Inside of our Churches, accordingly, men and women assume different roles and serve different functions. They take on and are given different tasks. To us, therefore, it is unreasonable from the beginning to expect men and women to perform all tasks equally, and to be available for all kinds of work equally, without discrimination and without exception. This may not be the conclusion that modern scholars of the Constitution come to, but it is the age-old teaching of the scriptures that we and other conservative Christian churches hold to.

We are thankful that you have asked us to provide you with this witness in defense of the difference between men and women as their Creator made them.

Respectfully,

On behalf of the Hutterian Church,

Dr. MILTON ZIMMERMAN.

Senator WARNER. Thank you, Mr. Chairman.

Senator NUNN. Thank you very much for appearing here today. Your views will be carefully considered. I will assure you of that. Our next witness is Ms. Melva Mueller, executive director, Women's International League for Peace and Freedom.

Ms. Mueller, we are pleased to have you here this morning.

**STATEMENT OF MELVA L. MUELLER, EXECUTIVE DIRECTOR,  
WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM**

Ms. MUELLER. Thank you very much. I appreciate the fact that this subcommittee has decided to hold hearings because I do believe that this is a matter on which there should be a great deal of public discussion and debate, and I appreciate your efforts in this behalf.

The Women's International League for Peace and Freedom has been working since 1915 to promote peace, freedom, and justice for all.

We are a membership organization with branches throughout the country. Our organizational position on the draft and registration is very simple. We have always opposed any move toward military or civilian conscription.

As a representative from a women's organization, I think it appropriate that I address the questions that were raised about women and the military. I would agree with those who feel that you cannot have a draft simply for men. This would be challenged and would not survive these challenges.

However, we do not see registration as an ERA issue. I agree with Senator Nunn that without the ERA, you would still have serious problems in having an all male registration. We see this as an issue of force levels for war preparation.

I also take issue with the idea that women are enrolling primarily for patriotic reasons. I think that just as with men enlisting in the armed services, they are doing it for economic reasons. Women are looking for equality of opportunity in the job place, and they are also beginning to recognize the value of the veterans benefits and preferences.

We do believe that women are entitled to whatever options are open to men, but we object to registration or conscription of either women or men.

I am not suggesting that I don't think our young people patriotic. On the contrary, I do feel that if there were a true emergency, volunteers would come forth because our young people are patriotic and do recognize that their country would need them in such a time.

It is clear to us that registration is a first step toward a peacetime draft. In my testimony which I have presented to you, I quote from a statement made in the subcommittee in the House. It was said:

In our haste we might lose all. I'd rather take the first step first and set up registration. If that doesn't draw enough people, then we can look at the second step.

We do believe that a program of registration would almost certainly be followed by inductions and so what we are talking about here is a peacetime draft. As the Department of Defense itself stated in its recent study prepared for this committee, "The concept of the Volunteer Force is fundamental to the American ideal of a peacetime mili-

tary." We see conscription as incompatible with fundamental American values, negating as it does freedom of choice for the draftees, interrupting his or her work, education or family life.

Furthermore, experience, particularly with the Vietnam war, has shown us that you simply can't have an equitable draft.

We also agree with the previous statement that peacetime conscription is unconstitutional. We simply do not believe that the violation of personal rights which is inherent in conscription can be condoned under the Constitution in time of peace.

In the current debate, no one has begun to meet the burden of proving the draft's necessity. As you know, the Department of Defense in its study of last December concludes that the draft is not necessary in peacetime, since the All-Volunteer Army has yielded Active Forces at full strength and of high quality.

I would take issue with the idea that wars occur suddenly so we have to be ready for a war. The public may believe that wars occur suddenly, but studies have shown and I think that those of us who follow foreign policy know that wars are a result of our foreign policy, a cumulative result. We certainly can look forward to see what is coming in the near future.

It is clear that at the present time a large segment of the American public finds the draft unpalatable and this is why we are being told that we are not getting conscription, we are only getting registration which is innocuous.

The Women's International League does not believe that registration is innocuous, nor do we believe that it is necessary. We are talking here about imposing on our young people new government intrusions, enforceable by criminal prosecutions. We are particularly concerned with the problem registration poses for members of religious groups and other objectors who find themselves conscientiously opposed to registration as a form of cooperation with conscription.

There are many of these young people and I know, myself, that there is nothing that you can do to make registration palatable for them. They are simply not going to comply. The only way to avoid it, is to avoid registration.

The criminal prosecutions resulting from enforcement of registration would have intolerable fiscal and social costs which could amount to billions of dollars and could result in the alienation of millions of youths.

We of the league see in our towns and cities boys and girls even in their midteens in emotional turmoil over the proposals that they see now to reinstitute registration or the draft. I, myself, have a 15-year-old son who is torn between his natural bent to obey the law and his conviction that registration is wrong.

I am wondering whether we are not heading for another prohibition era, this time fighting our own children.

As far as the use of social security, school records and IRS records are concerned, we object to that. We do see that as a massive threat to the right of privacy and we do not believe that the Privacy Act should be waived in order to facilitate registration for the military. It would be a very dangerous precedent to waive the act for this purpose.

In regard to the Defense Department claim that we have a manpower gap which makes the draft necessary, we would like to see these

figures justified, having seen the Tonkin Gulf incident and the bomber gap and the missile gap. We feel that it is important for us to examine very carefully the basis on which we are being asked to take such a serious step as draft registration.

We have seen no examination in any of the recent studies on manpower needs or in the congressional testimony so far of the correctness of the Department of Defense requirements. There should be a thorough debate on our manpower needs including information on how our military strategists calculate both personnel needs and risks before any registration or conscription is instituted.

We also are not persuaded of the likelihood of the Department of Defense scenario on which it bases its manpower requirements. No one is claiming that a war in Europe is imminent and if there were a major war in Europe, logic tells us that it would quickly involve at least tactical nuclear weapons. So we have serious doubts that the planned mobilizations would even reach the European theater.

Furthermore, we believe that the current figures of 2.1 million men and women on active duty and over 1 million in Reserves need to be challenged in the course of the current debate. Instead of blindly accepting the figures of the Department of Defense, the American Congress and people should be carrying on a dialog about our national policies and goals, giving consideration to the possibility of eliminating the manpower gap by reducing our military commitments.

The U.S. policy of global intervention is the basis of any need for the draft, and the revision of this policy needs to be debated. Furthermore, I would like to see as much effort as is going into the efforts to revise the draft, going into efforts to secure nonviolent resolution of disputes and to promote better relations with the Soviet Union, such as promoting the SALT II treaties.

In conclusion, before this subcommittee endorses any proposal for registration or a draft, we urge you to examine the real issues. How large should our military establishment be? What should its mission be? What role will the Armed Forces play in the event of a full-scale war? Draft registration is too serious a step to be based on untested assumptions.

The Women's International League believes that with the largest peacetime military force in history at present, we do not need a draft or registration.

We believe that rather than helping to prevent war, conscription machinery conveniently in place would tend to encourage military adventures such as the Vietnam war; and we believe that a draft, with its inherent unfairness and its threat to privacy, rights of conscience and civil liberties, is completely unjustified today. Let us not divide our country again as we did during the Vietnam war.

Thank you.

Senator NUNN. Thank you, Ms. Mueller. Where did you get the figures about this being the largest peacetime force in history?

Ms. MUELLER. I am afraid that I can't answer that. I believe that it came from the Department of Defense Study on American Volunteers although I can't cite you the page. Do you have information to the contrary?

Senator NUNN. Yes, it is lower than it was in 1964 before Vietnam and it is lower than it was 5 years ago. It has gone down every year and it is really at its lowest point since 1951.

Ms. MUELLER. Then I stand corrected, but I do believe that it is quite large enough as previous speakers have testified.

Senator NUNN. I just wondered if there were any statistics on this. I wasn't really trying to contradict you, but I just wondered if you had any statistics where anybody was stating this.

Ms. MUELLER. I will see if I do and send them to you.

Senator NUNN. In fiscal year 1964, the active military was 2,687,000. Today it is 2,050,000. A total of military and civilians were 3,863,000 and now it is 3,035,000.

Ms. MUELLER. The point I would like to make is that I feel that it is up to the Department of Defense to justify whatever figures it uses, and I haven't seen it done.

Senator NUNN. Thank you. Any questions, Senator Warner?

Senator WARNER. No questions.

Senator NUNN. Senator Cohen, do you have a question?

Senator COHEN. No; I don't have any questions, Mr. Chairman. I want to, No. 1, commend you for calling these hearings. I do not know of any other Member in the Congress who is more concerned about our defense needs or mobilization needs than Senator Nunn.

I can say from my brief time in working with him, that he is principally concerned with the future safety and security of the young people who might be called upon to fill our military needs in a time of war, whether it comes quickly or whether it comes over a long period of time through ineptitude of our foreign policy.

I think he is principally concerned that he doesn't want to see a lot of young people sent into a war who are ill trained or unprepared, and who would suffer serious physical damage or lose their lives.

Now, having said that, I also want to take just a bit of issue with the witness in terms of the notion of reducing our presence throughout the world. I don't happen to share that particular conclusion that somehow if we reduce our presence, this will reduce the possibility of war. By contrast, I have seen that by our reductions in our presence throughout the world, we are seeing more wars taking place. I am talking about the possibility of a conflict in South Korea. I am talking about what is happening in Southeast Asia. So we can't simply look to the Soviet Union, as you suggest by implication, with the notion that if we reduce all of our presence in these various parts of the world, somehow they will become more benign in their behavior and less interventionist on their own regard either in Africa or Southeast Asia.

Now, having said that, I do want to support a couple of points that have been made this morning. One, Mr. Chairman, is that the President already has the authority, should he determine that the need exists, to reinstitute registration at any point. I believe that the just completed Selective Service System test appears to confirm that it can meet DOD's accelerated mobilization requirement without registration.

I also think that Congress has to accept some responsibility. I know that you recognize this, because last year Congress declined to approve a small increase requested to help the Selective Service to meet that requirement. A supplemental request has been made and I think we should approve that first. I know that you were a supporter of that measure yourself last year, and I commend you for it.

I believe another point which needs to be made is, that the Pentagon, in my opinion, may lack the capability to train a large influx of re-

cruits on an immediate basis. With your permission, Mr. Chairman, I have five items that I would like to insert into the record, including a letter from Director Shuck and some material from Congressman Steiger who did a great deal of work on the All-Volunteer Force, With your permission, I would like to have that inserted into the record.

Senator NUNN. They will be inserted into the record.  
[The documents follow:]

SELECTIVE SERVICE SYSTEM,  
Washington, D.C., May 10, 1979.

DEAR SENATOR COHEN: Thank you for your letter of April 23, 1979 requesting information concerning the computer test just concluded by Selective Service. This test comprises but one part of the effort to meet the accelerated mobilization requirements of the Department of Defense.

The test was conducted to determine the feasibility and applicability of using automatic data processing equipment to accomplish rapid input of registration information received from each registrant following an emergency registration.

In response to your specific questions concerning this study, I am pleased to provide you with the following information:

The methodology employed is a business type application of DATA ENTRY at remote locations and the transmission of that data to a central point of processing to meet the needs of Selective Service. This is accomplished through a carrier program called Intelligent Data Entry System (IDES) and our in-house developed data entry format programs. The data is transmitted from one location to another via telephone line through a DATAPHONE connector.

The computer system used in this test was an IBM SERIES/1 computer with Data Entry Stations. To provide a perspective as to size and power, the SERIES/1 is what is currently termed a "mini-computer."

The preliminary findings indicate that such a system is quite feasible for accomplishing the input of registrant data quickly and efficiently in an emergency situation, as well as during continuous registration. During an emergency preliminary data indicates we could input one year of birth group, approximately 2 million male registrants, in five (5) days utilizing distributive computer processing with remote and clustered key entry stations and mini-computers at our regional offices.

The final statistical report has not been completed as the test just ended on May 2. My project officer is completing a detailed analysis of the equipment's capabilities against the test objectives and of the large volume of data collected at the two remote sites and the host site involved in the test.

The President has approved and forwarded to Congress a supplemental appropriation for Fiscal Year 1979 of approximately \$1.7 million and a 1980 budget of \$9.8 million. These funds will permit the Selective Service System to employ 50 additional people, recruit and train local and appeal board members, and complete an analysis of computer requirements over the next 5 years. With the additional money and personnel we will be able to develop the capability to start the delivery of inductees within 30 days.

We believe the \$1.7 million supplemental for Fiscal Year 1979 and the \$9.8 million for 1980 will meet all fund requirements, except funding for the purchase or lease of the required computer capability. Until we have completed the computer analysis we do not know what computer equipment will be needed, nor do we know how much we will need for purchase or lease. Based on present data we estimate the purchase of mini-computers for our Regions would be approximately \$500,000 and the monthly lease of a central computer will be approximately \$70,000 per month.

I certainly appreciate your interest and concern about the Selective Service System. We believe we must improve our readiness capability so that we would be able to begin the delivery of inductees as soon as possible after authorized to do so. We consider the Selective Service System as an important element in our Nation's defense readiness posture and we will do what we can to ensure we are ready for any emergency situation.

If you have any additional questions or desire to discuss our readiness activities, please write or give me a call on 724-0424.

Sincerely,

ROBERT E. SHUCK.

SELECTIVE SERVICE SYSTEM,  
Washington, D.C., December 14, 1978.

DEAR CHAIRMAN PRICE. This report is submitted in response to the requirements your committee identified on pages 34 and 35 of House of Representatives Report No. 95-1118 dated May 6, 1978.

I appreciate the interest and concern of the House Armed Service Committee relating to the manpower mobilization requirements and the planning necessary to meet our nation's military force manning levels in a variety of possible scenarios. We fully realize the importance of developing and maintaining the capability to provide the military services with large numbers of inductees within a short time frame.

Selective Service System mobilization readiness, prior to October 1977, was based on our understanding of the manpower requirements of the Department of Defense following publication of the study "The Guard and Reserve in the Total Force." This "acceptable risk" requirements were as follows: First inductee by M+110, 100,000 deliveries by M+150,000, 300,000 deliveries by M+200 and 480,000 inductions by M+230. The decision to place the System in "Deep Standby" following the agreement by DOD that with the initial reliance for augmentation of the active forces by the reserve forces, there would not be a need to provide an initial flow of inductees to the military establishment until four and one-half months after the decision was made to resume inductions. The System's organization and resources were designed to meet those "acceptable risk" requirements.

For clarity, the following table portrays the difference in System capability to provide inductees by comparing response times for the fiscal year 1974-75 period with that of our deep standby status.

TABLE I.—SSS DELIVERY CAPABILITY (DAY)

	Possessed capability fiscal year 1974-75	Acceptable risk "Deep standby"
1st inductee.....	M+30	M+110
100,000 inductees.....	(1)	M+150
300,000 inductees.....	(1)	M+200
390,000 inductees.....	M+180	(1)
480,000 inductees.....	(1)	M+230

<sup>1</sup> No specific requirements.

In October 1977 we were informed by the Department of Defense of new and more demanding requirements for manpower which necessitate a drastic change in our capability. Those new requirements are added to the previous table and are shown here for comparison.

TABLE 2.—SSS DELIVERY CAPABILITY (DAY)

	Possessed capability fiscal year 1974-75	Acceptable risk "deep standby"	Revised DOD requirements October 1977
1st inductee.....	M+30	M+110	M+30
100,000 inductees.....	(1)	M+150	M+60
300,000 inductees.....	(1)	M+200	(1)
390,000 inductees.....	M+180	(1)	(1)
480,000 inductees.....	(1)	M+230	(1)
650,000 inductees.....	(1)	(1)	M+180

<sup>1</sup> No specific requirement.

The System is not capable of meeting these revised requirements from our existing posture and with our present resources and capability. However, we have been developing and revising the plans, procedures and organizational structure needed to insure that the System will be able to meet the new DOD manpower requirements. We are firmly convinced that we can develop and demonstrate a capability to register and deliver inductees within 30 days. Our

studies and readiness exercises indicate that we can reduce the current lead time to reach full operating capability and development of the first delivery capability at approximately M+30 days.

The plans we have prepared in response to the most demanding and urgent manpower requirements ever placed on the Selective Service System have been developed in incremental levels of operational readiness. The outlines for the various levels have been reduced to graphic form and are displayed in the attached chart. This chart depicts the organizational elements, functions, estimated costs, and mobilization actions necessary to take the System from its present deep standby status to (1) an improved readiness posture as we proposed in our original FY 79 budget request to the Congress, (2) non-emergency registration, (3) registration and classification, and (4) registration, classification and examination. The proposed structures and manning levels were developed with emphasis on efficiency and the use of modern computer technology, while providing for assured performance of required functions.

A discussion of the requirements and characteristics of the various levels of operational readiness follows:

#### LEVEL I—IMPROVED READINESS

The level represented by our FY 79 budget request to the Congress would have permitted us to develop the capabilities to meet current DOD requirements as follows:

1. Develop and document special registration plans for a mass one-day registration of up to three year-of-birth groups within 10-15 days after authorized to initiate this action.
2. Recruit and train local and appeal board members prior to an emergency situation.
3. Expand field organization from 6 to 10 Readiness Regions with an increase in full-time employees from 98 to 148. Each Region will be equipped and trained for implementation of the emergency reconstitution and registration plans.

#### LEVEL II—NON-EMERGENCY REGISTRATION

This level of operational activity includes these additional features:

1. Initiate and administer registration of each year-of-birth group, consisting of approximately 2,000,000 young men. This would be conducted by volunteer registrars supervised by our field organization and Reserve Forces personnel. Registration would provide a data base of individuals liable for classification and induction.
2. Conduct an annual lottery for each year group and a sign Random Sequence Numbers. This action would identify the individuals in the data base who would be in the high priority selection group. This number will serve to inform each individual of his vulnerability to induction in the event of an emergency.

#### LEVEL III—NON-EMERGENCY REGISTRATION AND CLASSIFICATION

The additional activities for this level of operation will permit these features:

1. In addition to registration, a lottery will be held and Random Sequence Numbers assigned. A lottery cut-off number will be established which will identify the manpower pool which may be needed to meet DOD requirements.
2. Classification processing will be accomplished on registrants with the lower Random Sequence Numbers.
3. Registrants processed for classification will be permitted to submit requests for reclassification and claims for deterrents in advance of any future induction.

#### LEVEL IV—NON-EMERGENCY REGISTRATION, CLASSIFICATION AND EXAMINATION

This expanded level of activities requires enhancement as follows:

1. All registrants below the lottery cut-off number would be processed for examination and determination of suitability for future induction. This would provide a pool of individuals who could be immediately ordered for induction. We could adjust the size of this pool as the military force structure fluctuates, so that we are prepared to meet any DOD requirement.
2. An organizational entity with National Headquarters, 10 Readiness Regions, and additional field or area offices located throughout the several states. The additional offices would be needed to provide a close contact point for registrants, maintain or input data, arrange transportation of individuals ordered to report for physical examination, answer inquiries, process requests for reclassification and claims for deferment, etc.

Some of the benefits which will accrue to the nations' mobilization posture from the enhanced readiness of the Selective Service System are as follows (shown by level of activity):

#### LEVEL I—IMPROVED READINESS

This level will permit us to develop the capability to meet Department of Defense emergency manpower requirements.

#### LEVEL II—NON-EMERGENCY REGISTRATION

This level provides:

1. A current inventory of young men, to include the number of men in each priority selection group and their geographic distribution.
2. A fringe benefit in the manning of the active and reserve forces, because the requirement for registration will result in gains in enlistment for the active duty and reserve components.
3. Reinforcement and recognition by the general public, particularly among the young segment of the population, of their obligation and privilege to serve the nation.
4. Creation of a data base will permit issuance of induction orders as early as M+10.

#### LEVEL III—NON-EMERGENCY REGISTRATION AND CLASSIFICATION

Classification processing will permit registrants to submit and have adjudicated any claims for deferment and/or exemption from military service. Resolution of classification and claims prior to an emergency provides us with three important advantages:

1. Pre-classification will reduce from approximately seven-to-one to two-to-one the ratio of induction orders issued to the number of men actually inducted. This reduction would contribute major administrative and financial savings in the critical period following M-Day.
2. Pre-classification and adjudication of claims in advance will prevent the wholesale submission of frivolous claims for deferment or exemption, which may occur under the concept of post M-Day registration and processing.
3. Registration and classification will serve to induce many members of the pre-classified 1-A pool to enlist in the National Guard and Reserve Units rather than waiting for the possibility of future induction. The numbers thus gained would enable the Reserve Components to reduce manning shortages and, in addition, permit the employment of more highly selective recruiting criteria. We have not attempted to analyze the cost benefit which could result from these actions.

#### LEVEL IV—NON-EMERGENCY REGISTRATION, CLASSIFICATION AND EXAMINATION

The most significant advantage gained by adding examination to the previous program level is that the numbers of registrants to be ordered after an emergency will be reduced to nearly a one-to-one ratio of ordered to inducted. In addition, the numbers of persons to be processed at the AFEES during an emergency will be substantially reduced. Also, an important fringe benefit of examination will be the identification of young men who may not be aware of a physical condition needing medical attention. A second important benefit will be a data base of young men who have been determined to meet the entrance requirements of the military services. Many of these young men, once they have completed the processing, will choose to enlist in either the active forces or a reserve component. The registration/classification induced enlistment would result in a cost savings to the military services recruiting programs and the total force manning level (active and reserve) could be maintained at less cost.

Permission to resume continuous registration and classification would place the agency in the best operational capability mode. With continuous registration we would possess a valid registrant data base and a posture that would permit us to meet or exceed any Department of Defense mobilization expansion requirements, both in quantity and in time. Perhaps of greater significance is the fact that advance registration and classification would considerably enhance the efficient and impartial administration of the Selective Service process. With registration and classification at age 18, the System could process classification actions and resolve procedural rights of registrants before an emergency. From the standpoint of equity, if classification actions were accomplished prior to any emergency mobilization situation, conscientious objector and dependency claims

could be adjudicated and the Selective Service System would have a pool of tentatively qualified candidates. The submission and processing of claims after induction orders are issued would be eliminated or significantly reduced. We could accomplish these actions with minimal cost through utilization of trained uncompensated local and appeal board members. In this way we would be prepared to meet almost any conceivable demand for manpower from the Department of Defense.

We believe the requirement to register (and the issuance of random sequence numbers indicating each individual's vulnerability to induction in an emergency situation) would serve to motivate many young men to enlist in either the active or reserve forces. This increased enlistment activity in the active and reserve forces would improve the total force manning level during peacetime and provide our nation with a greater number of trained military personnel to meet any crisis.

Mr. Chairman, we concur with your analysis that the Selective Service System cannot meet current manpower mobilization requirements at the FY 79 level of funding approved by the Congress. We must be extricated from our present deep standby status to overcome that deficiency. The resources to enhance and improve our response capability would have been provided by our FY 79 budget request to Congress. We are again asking for an improved budget and increased resources for the Selective Service System. We are fully aware of what must be accomplished if the System is to meet the revised Department of Defense requirements. We are confident that with the allocation of additional resources, we can provide the capability which our nation's security interests require.

We appreciate this opportunity to present this information on agency planning. If further information or material is desired, we shall be pleased to provide it to you.

Sincerely,

ROBERT E. SHUCK, *Acting Director.*

Attachment.

SELECTIVE SERVICE SYSTEM: FUNDS, ORGANIZATIONAL STRUCTURES, FUNCTIONS, AND STANDBY AND ACTIVE MODES

	Deep standby	Improved standby readiness (I)	Nonemergency registration (II)	Nonemergency registration and classification (III)	Nonemergency registration, classification, examination (IV)
Funds (millions) <sup>1</sup> .....	\$7.3	\$9.8	\$16-\$18	\$30-\$32	<sup>2</sup> \$45-\$47
	National headquarters				
Organizational elements	6 readiness regs	10 readiness regs	10 readiness regs	10 readiness regs, 99 administration sites	10 readiness regs, 500-600 field offices
Organizational structures:					
Staff:					
Full-time permanent .....	98	148	400	1,200	2,000
Prov. staff directors .....	56	56			
Reserve Forces .....	715	779	779	500	300

<sup>2</sup> Includes \$1,000,000 for registrant travel costs. Does not include AFEES examination costs.

<sup>1</sup> Annual costs for ongoing operations not including start-up costs.

	(I)	(II)	(III)	(IV)
	Improved standby readiness	Nonemergency registration	Nonemergency registration and classification	Nonemergency registration, classification, examination
Standby and active modes: ...Transition to mobilization levels.	Request: Registration Proclamation Law and regulation changes Activate Reserves Reestablish field structure Conduct registration Conduct lottery Establish AFREP <sup>2</sup> offices Implement EMMPS <sup>3</sup>	Request: Registration Proclamation Law and regulation changes Activate Reserves Reestablish field structure Conduct registration Conduct lottery Establish AFREP <sup>2</sup> offices Implement EMMPS <sup>3</sup>	Request: Registration Proclamation Law and regulation changes Activate Reserves Reestablish field structure Conduct registration Conduct lottery Establish AFREP <sup>2</sup> offices Implement EMMPS <sup>3</sup>	Request: Registration Proclamation Law and regulation changes Activate Reserves Reestablish field structure Conduct registration Conduct lottery Establish AFREP <sup>2</sup> offices Implement EMMPS <sup>3</sup>
Functions.....	Mobilization planning..... Reserve Forces training..... Maintain standby local and appeal boards.  Maintain standby registration structure.	Mobilization planning..... Reserve Forces training..... Maintain standby local and appeal boards.  Maintain active registration structure. Registration..... Annual lottery..... Data processing/registrant data. Establish APN <sup>1</sup> .	Mobilization planning..... Reserve Forces training..... Maintain active local and appeal boards.  Maintain active registration structure. Registration..... Annual lottery..... Data processing/registrant data. Establish APN <sup>1</sup> . Classify to APN <sup>1</sup> .	Mobilization planning..... Reserve Forces training..... Maintain active local and appeal boards.  Maintain active registration structure. Registration..... Annual lottery..... Data processing/registrant data. Establish APN <sup>1</sup> . Classify to APN <sup>1</sup> . Classification processing, Examination processing.

<sup>1</sup> Administrative processing number.

<sup>2</sup> Armed Forces representative.

<sup>3</sup> Emergency military manpower procurement system.

<sup>4</sup> Military manpower procurement system.

## STANDBY DRAFT

The all-volunteer force in peacetime has permitted the Selective Service System to move into a standby capacity. The standby system is the nation's third element of defense, following the active duty forces and the Reserve military forces. At this time men are not required to register with local draft boards. No one will be ordered to report for induction until the induction authority is granted by the Congress and the Department of Defense asks for inductees.

The reduced activities of the Selective Service System during this period of standby has permitted a sweeping reorganization of the entire System and a significant reduction in compensated personnel. This small organization will accomplish the necessary planning and the training of National Guard and Reserve officers assigned to the Selective Service System to assure our nation maintains an ability to reestablish an organization fully capable of conscripting manpower in time of emergency when authorized to do so by the Congress.

ASSISTANT SECRETARY OF DEFENSE,  
Washington, D.C., June 13, 1979.

HON. WILLIAM A. STEIGER,  
House of Representatives,  
Washington, D.C.

DEAR MR. STEIGER: Thank you for your letter expressing concern about Selective Service responsiveness in war.

I believe that a system that does not deliver significant numbers of inductees until five months after mobilization is not acceptable. We recently reviewed wartime manpower requirements and assets. As one result of that review I requested that the Director of Selective Service plan to meet an accelerated wartime delivery schedule. The old and new delivery schedules are:

## SELECTIVE SERVICE WARTIME DELIVERY SCHEDULE

	1st inductee	100,000 inductees	6-mo total
Old.....	M+110	M+150	390,000
New.....	M+30	M+60	650,000

The President's Budget for FY 1979 includes \$9.5M for Selective Service, a 40% increase over FY 1978. This will permit Selective Service to improve its planning, training, and testing. The Acting Director of Selective Service has assured me that he will be able to meet our new delivery requirements with this budget and without peacetime registration.

The President's Budget will enhance Selective Service responsiveness. It will improve wartime procedures; it will improve peacetime organization; and it will provide more training and exercises. I have also asked the Joint Chiefs of Staff to include Selective Service in the mobilization exercise that is scheduled for this fall. That test will help us assess and improve the procedures Selective Service would use in war.

In summary, I believe the best way to assure a responsive wartime draft system is to support the President's FY 1979 budget for Selective Service.

Sincerely,

BY ROBERT B. PIRIE.

[From the Congressional Record.]

Mr. STEIGER. Mr. Chairman, the Appropriations Committee deserves great credit for its effort to hold down the level of funding for the Selective Service System. As one who has consistently worked to reduce the appropriation for Selective Service since the end of the draft, I commend this effort.

There is one concern that I think must be raised, however. That is whether Congress should consider supporting the administration's request for \$9.5 million for the Selective Service System. Pentagon and Selective Service officials say the additional expenditure, a 40-percent increase over fiscal year 1978 spending level will allow them to meet a wartime inductee delivery schedule which is accelerated significantly over the one now in existence. I believe we should support the Hillis amendment.

As I weighed the best course on this question, I wrote Dr. John White, Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics. I

told him of my concern over the responsiveness of the Selective Service System in the event of mobilization, pointing to recent testimony that from its current "deep standby" status, it could not provide significant numbers of inductees until 5 months after the order to mobilize. I asked what plans were being made to improve Selective Service's responsiveness so that it can meet our wartime defense needs.

In a June 13 letter, Dr. White told me:

I believe that a system that does not deliver significant numbers of inductees until five months after mobilization is not acceptable.

He said they had recently reviewed wartime manpower requirements and assets and requested that the Director of Selective Service plan to meet an accelerated wartime delivery schedule. The new schedule calls for the initial inductee 30 days after mobilization, with 100,000 inductees within 60 days and a total of 650,000 after 6 months. At present, it would take 110 days for the first inductee and 150 days for 100,000 inductees; only 390,000 would be inducted at the end of 6 months.

The 40-percent increase in funding over fiscal year 1978 "will permit Selective Service to improve its planning, training, and testing."

Dr. White said:

The Acting Director of Selective Service has assured me that he will be able to meet our new delivery requirements with this budget and without peacetime registration.

Dr. White told me the President's budget "will enhance Selective Service responsiveness. It will improve wartime procedures; it will improve peacetime organizations; and it will provide more training and exercises."

The new budget will strengthen Selective Service responsiveness by refining new wartime procedures (the Emergency Military Manpower Procurement System or EMMPs) and by improving management. The entire Selective Service program will be assessed on the basis of responsiveness. All mobilization plans will be reviewed and additional EMMPs software will be developed. The system will shift from a five- to a 10-region structure, aligning with Federal regions and improving efficiency. Training will be improved.

The Selective Service System will participate in the Joint Chiefs of Staff mobilization exercise scheduled for this fall. That test will help Pentagon and SSS officials assess and improve the procedures Selective Service would use in war. This is the first major defense mobilization exercise in which Selective Service is participating.

Dr. White, in a June 6 background paper responding to the Board study recommendation that registration be resumed, said:

The Acting Director of Selective Service has stated that he can meet the new schedule without peacetime registration. I agree that that is a reasonable position.

Peacetime registration would accelerate the delivery schedule by about 15 days, Dr. White said. He continued:

However, this 15-day improvement would not be particularly helpful to DOD. He continued:

We do not need 100,000 inductees in 45 days.

Pentagon officials feel they can draw on the delayed entry pool of those who have enlisted, but not yet gone in, to fill the training base during the first month. This pool varies from about 25,000 to 50,000 for the Army. They also expect to get some Army volunteers, probably at least 10,000 to 12,000 a month. With the accelerated program providing initial inductees 30 days after mobilization, there simply is no need for registration.

History has shown that an elaborate standby draft mechanism and local registration are not necessary components of a strong national defense system. When we became involved in World War I in 1917, the first registration was held 17 days after enactment of a draft bill, and the first inductions came within 4 months. In 1940, only 63 days elapsed between draft law enactment and first inductions. This was done with virtually no standby planning organization and without maintenance of any standby machinery.

It is interesting to note that between World War II and the Korea conflict, Selective Service was in full operation. Despite this, it still took 67 days for the first induction, 4 days longer than in 1940.

The question, then, is how we can most effectively provide for our Nation's defense at the lowest possible cost. Our distinguished colleague, Mr. Boland, deserves great credit for all he did in the Appropriations Committee to hold down the selective service cost. Two years ago, he showed great courage in proposing the reduction from \$18.6 to \$6.8 million. I greatly admired his willingness to push

for that amendment, which was approved by voice vote, and I admire the continued effort he has made to maintain an adequate selective service mechanism at a reasonable funding level.

The committee report suggests that selective service funding should be kept basically at the same level as in fiscal year 1978, because the committee doubts SSS can meet the revised DOD manpower requirements without some form of registration and because the President's reorganization project is currently undertaking a study of SSS's organization, management, and processes.

Dr. White's letter and background paper would seem to argue otherwise. First, DOD and Selective Service both flatly state they can meet the new schedule without peacetime registration. They ought to be given a fair chance to make the 30-day plan work. The mobilization exercise this fall will be an ideal opportunity for that. Without adequate funding, though, Selective Service's participation in the exercise will almost certainly have to be scrapped. What happens in mobilization is integral to our success in future combat. Thus, that exercise, and Selective Service's participation in it, will help us weigh whether Selective Service can do the job it says it can as constituted and without registration.

What concerns me is that we should be aware of the implications of what we do as we weigh the future success of the volunteer force and the quality of our defense capability. If we do not provide the additional amount the administration says it needs to develop a substantially accelerated mobilization capability, we should not at some point down the line blame them for the lack of it. The AVF has been held accountable for recruiting problems that resulted from a gross cut by Congress in recruiting funds. We must be willing to take responsibility for our actions, and I hope we will be if the lower level, and lack of opportunity to check out the accelerated mobilization, area approved by Congress this year.

Senator NUNN. Senator Cohen, let me ask you one question on Mr. Shuck's letter. As he lays out the administrative program, does that envision the use of Internal Revenue Service records and social security records?

Senator COHEN. It does not.

Senator NUNN. Ms. Mueller, thank you very much. We appreciate your testimony.

Our next witness is Mr. C. A. Mack McKinney, staff director of the Non-Commissioned Officers Association. Mr. McKinney, we are pleased to have you before the subcommittee. We will ask you to introduce your associate and proceed.

#### STATEMENT OF C. A. MCKINNEY, STAFF DIRECTOR, NONCOMMISSIONED OFFICERS ASSOCIATION

Mr. MCKINNEY. Thank you, Mr. Chairman. My associate is Richard W. Johnson, Jr., and he is our coordinator for veterans affairs.

As indicated in my prepared statement, I am C. A. Mack McKinney, director of government affairs for the Noncommissioned Officers Association, and a retired sergeant major of the U.S. Marine Corps with service in World War II, Korea, and Vietnam.

With your kind permission, the national commandant of the Marine Corps League, Mr. James Frost of Davenport, Iowa, requests that his congressionally chartered organization be entered in the record as supporting the position of the Noncommissioned Officers Association.

I believe the association's prepared statement needs no further comment on my part. Instead, I wish to present to this distinguished panel a few observations that I believe are relevant. Hopefully, they will prove that it is best to train our young men prior to a national emergency than wait until a war begins and they are nothing but cannon fodder.

One of the best sources for military manpower at the beginning of World War II was the Reserve Officers Training Corps, the ROTC. It provided about 150,000 peacetime trained officers to assist our small Regular Forces in building active duty strength figures to some 11 million in 4 years.

One of our greatest weaknesses was the inability to obtain enlisted personnel for the Reserve Forces. As a result, the United States had to induct the Nation's youths in order to have some trained enlisted men ready for a wartime emergency.

Luckily for the United States, these trained peacetime soldiers saved the day when we entered World War II. No doubt we would have had greater casualties if it wasn't for their earlier training and the fact that the United States had the luxury of time and a choice of battlegrounds following the initial Japanese attack.

An identical weakness appeared again in the postwar period. The United States began reestablishing the Reserves but continued having difficulty attracting sufficient enlisted personnel.

In 1948, the United States returned again to the draft. Although it brought limited numbers into the Active Forces, no inductee was required to serve in the Reserve Forces. But it was the Reserves who were mobilized for the Korean conflict and despite 3 bitter years of sustained combat, U.S. casualties remained in the lower figures, proving once again that early peacetime training pays off in saving lives and limbs.

In 1964 just prior to the Vietnam conflict the United States had 2,685,000 men and women in uniform. For a subsequent 8-year period, U.S. males were inducted in great numbers until the Active Forces increased to almost 9 million. Except for the true volunteer, most young men serving in combat in Vietnam were inductees, rapidly trained and sent overseas so that the United States could get from them their year of service in a hostile environment.

I might add here that they only had a 2-year enlistment to serve.

Of the 2½ million combatants, the United States had over 200,000 casualties, of which nearly 50,000 were killed in action. Most important here, we may recall again, is that we were not operating in a sustained combat situation involving large forces pitted against one another.

The United States discovered a new kind of war in Vietnam. We learned too late that our young men were not trained to fight under these trying conditions. We learned too late that the Reserves should have been recalled.

Tomorrow, God forbid, we may have to fight another kind of war, a conventional combat environment highlighted by massive mechanized forces more awesome than anything we have ever seen before in war.

Our Regular Forces will be experienced only in guerrilla-type warfare. Hopefully, our Nation will awaken to the fact that our country is in danger; instead of fighting to deny our young men the chance to prepare themselves, we should do everything in our power to see that they are trained in peacetime.

However, the mood of the Nation may not be such that our citizens want a draft. So the NCOA endorses the only remaining solution, reinstitute draft registration because it is a step in the right direction.

If I may take a minute, I will address Senator Warner's question on

women. The association has suggested that women not be included in a draft proposal. What the Armed Forces needs most are trained infantrymen, artillerymen, and combat engineers. The association has yet to determine the acceptability of placing women in these particular skills.

We believe that women can be used in supporting specialties such as supply, communications, administration, et cetera. But NCOA has sufficient faith in our American women to know that if they are needed, they will volunteer for the jobs releasing men for combat. They did this magnificently, I might add, in World War II, and there is no reason to believe they will do any different when the call is sounded again.

Thank you, Mr. Chairman. If there are any questions, I will be happy to entertain them at this time.

Senator NUNN. Your prepared statement will be inserted in the record at this time.

[The statement follows:]

PREPARED STATEMENT OF C. A. (MACK) MCKINNEY, DIRECTOR OF GOVERNMENT AFFAIRS, THE NON-COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA

#### INTRODUCTION

Mr. Chairman, I am C. A. "Mack" McKinney, Staff Director, National Capital Office, Non-Commissioned Officers Association of the USA (NCOA), and a retired senior non-commissioned officer of the U.S. Armed Forces.

My organization consists of active duty, retired, reserve, national guard, and veteran non-commissioned and petty officers of the Army, Navy, Marine Corps, Air Force and Coast Guard. There are more than 150,000 and they are interested in the Nation's defense posture. At present their concern is with military manpower and how the United States intends to maintain required strengths in active and reserve forces when the climate is not favorable to volunteering for service in one of the armed forces.

#### GOALS

As far back as the beginning of the All Volunteer Force (AVF), NCOA had its doubts concerning the success of such a venture. The social mores of most Americans destroy the very thought of volunteer military service. This is evident in the history of the conduct of many U.S. males, particularly during the Civil War and Vietnam eras.

Nevertheless, NCOA supported the AVF. In April 1973 it adopted the following legislative goal:

"To work toward the attainment of an All-Volunteer Force of dedicated and devoted military members who will serve their Country and Service—but with the understanding that the President of the United States retains induction authority under the Selective Service System in the event a rapid buildup of military forces is required to prevent aggression towards the U.S. or its Allies."

Since then, the NCOA has supported almost every effort and every practical program that could possibly lend themselves to the success of the AVF. Regretfully, none have worked and, as a result, we have witnessed a dramatic drop in military manpower.

#### ENCORE

Mr. Chairman, what is to be said in the following paragraphs may have been stated by the NCOA in previous testimony before this and other Congressional panels; however, most of it bears repeating.

#### MANPOWER NEEDS

In fiscal year 1975, the Department of Defense said its overall requirements were determined by contingencies generating specific demands for certain numbers of divisions, air wings, war reserve stock, strategic mobility, and Naval Forces. Thus, there were two contingencies constituting the primary basis for U.S. force planning:

(1) An attack on NATO by the Nations of the Warsaw Pact, led by the USSR, and

(2) An attack in either Northeast or Southeast Asia with the direct involvement of the forces of a major power.

To counter the threat, U.S. planners estimated a minimum of 2,152,000 active personnel and 915,000 reserves in its military manpower pool to accomplish the job of carrying on a one and one-half war strategy. The 915,000 reserves, by the way, were 98,000 short of the Wartime Manpower Requirement for Selected Reserves.

In fiscal year 1979, Defense planners again reiterated the one and one-half war strategy, but added the possibility of another one-half war taking place in the Middle East. Yet, that year's budget called for a reduction of 103,000 active duty personnel from the fiscal year 1975 end strength and 114,000 less reserves.

The fiscal year 1979 posture statement was presented by Secretary of Defense Harold Brown. Mr. Brown told this panel that the United States needs to match the pace the Soviet Union sets in military development. He suggested that the United States needs to "provide more rapid reinforcement of U.S. forces in Europe; strengthen those forces and, yet, increase the mobility and readiness to deal with crisis in other areas of the world."

We applauded Mr. Brown but could not imagine where he intended to obtain "reinforcements" for our troops in Europe and still have enough in standby to "deal with crisis in other areas of the world."

Today, the United States has less male volunteers on active duty than in 1955, some 360,000 to be exact. It has more than 200,000 less reserve and guard personnel than is required for a Wartime Manpower Requirement. Its Individual Ready Reserve (IRR) is almost a total disaster. And the Selective Service System is such that it cannot crank itself up in time to be of early value to a wartime total force concept.

#### TIME

What is important here is time, and time is of essence. Perhaps the *Annual Defense Department Report of FY 1978* said it best.

"Our friends in Europe, while contributing to our collective security, are no longer comparable powers. Further, with technological advances in weaponry, *The United States has lost the luxury of time in which to mobilize forces*, adapt industry to war production, learn from the mistakes of others, and step into the conflict when prepared. *Today, no one can hold an enemy at the gates long enough to permit a leisurely mobilization.* With modern technology, that day has passed. There is no alternative but to be prepared and thereby to deter."

But, NCOA submits that this one alternative has not yet been met.

#### ALL VOLUNTEER FORCE

Earlier in the month, NCOA advised this distinguished panel that the AVF was not succeeding. It offered a few ideas on how it could work for the active forces. However, the AVF concept is a complete failure for the reserve and guard. The Association is afraid that all of the financial incentives in the world will not cause our young men and women to voluntarily join the reserve forces. To maintain adequate numbers in the reserve and guard, and in the IRR, the United States will have to induct people into those components.

#### HOUSE BILLS

On the House side, NCOA earlier supported a return to the draft for filling the ranks of U.S. reserve forces. It recommended that inductees be placed in any one of the reserve components based on the requirements of individual military services for a coming fiscal year and, if possible, the individual's choice. The Association also suggested that women not be included in the proposal. What the armed forces need most are trained infantrymen, artillerymen, and combat engineers, and the NCOA has yet to determine the acceptability of placing women in these skills. Without trying to sound as if it is biased or prejudiced, NCOA believes women can be used in supporting specialties such as supply, communication, and etc. NCOA has sufficient faith in our American women to know that if they're needed they'll volunteer for the jobs releasing men for combat. They did it magnificently in World War II, and there is no reason to believe they'll do any different when again the call is sounded.

## ARGUMENTS

Now that we have taken this position, there will be those who might ask if recalling the Nation's veterans in an emergency situation will preclude the necessity of revitalizing the Selective Service System.

Off hand, the use of veterans as a back-up force appears to be acceptable—at least on paper. But there are too many questions and too much money involved to make such a program work.

For example: 1)—how do we identify them; 2)—how many are combat trained; 3)—even if combat trained, how many need to be retrained before committing them to combat; 4)—how many will want to return at the grade they held at time of discharge; and 5)—how many will be more reluctant to return to the military when there are millions of Americans who have yet to serve?

Our best bet, and a safe bet, is to train our young men in advance, then—if recalled in an emergency—their basic training will be behind them; they'll have some prior experience to fall back on; and they'll have to spend less time in refresher training to fill in as combat replacements.

## HISTORICAL DATA

This idea is not a new one. It was employed by the Prussian Army after Napoleon defeated its forces at the battle of Jena in 1806, and restricted its size for the future.

Using a cadre of professional soldiers, batches of conscripts were trained in short time frames. The method enabled Prussia, in a few years to build up large reserve forces.

This same system was used by the continental powers in preparation for World War I. By 1914 France, Russia, Germany and Austria-Hungary were able to deploy large forces within a few days of mobilization and follow-up quickly with reserve divisions composed of conscript reservists.

There are also those who might argue that there is no longer a need to conscript large numbers of men. They claim the United States now has sufficient manpower—that in contrast to World War II, the next war would be one of high mobility in which machines will play the greatest role; that these machines will replace men to an increasing extent in battle; that a much higher standard of tactical and mechanical skill will be necessary; and; under these conditions conscription—if any—must be selective and applied in a highly scientific manner.

Well, this argument was first used before World War II. It turned out to be only partially true. In that war many successful battles were won by tanks, ships and aircraft. Machines did reduce the requirement for manpower on the immediate battleground, but demanded greater numbers of infantrymen, artillerymen, and engineers to support them, consolidate the victory, and occupy the areas taken by mechanized formation.

## SUMMARY

So, Mr. Chairman, NCOA believes there is a necessity not only to register our young men, but to induct them into the reserve and guard in order that this Nation, as well as they, are prepared for any wartime emergency.

However, this may be too much to ask of Congress at this time. Therefore, the NCOA supports S. 109 and seeks its early passage.

Senator NUNN. Mr. McKinney, as I understand it, your association does not feel the United States is adequately prepared to meet our national security needs today?

Mr. McKINNEY. That is correct, sir. We feel at the present time, under the Department of Defense plan that was laid out in 1975, our Armed Forces, our Active Forces, are about 102,000 short in manpower. Our Reserves are about 200,000 short and our IRR is about 500,000 to 600,000 short. We are certainly not prepared for a one and one-half war capability that the Department of Defense claims that we should be prepared for.

Senator NUNN. There have been witnesses this morning that raised a legitimate question about how the IRR numbers are computed. Do you have any comment on that? Do you think that the Defense Department IRR requirement is too high?

Mr. McKINNEY. I do not, sir. The IRR is in shambles. They can't identify those people that they have in it with the exception of those who have just recently been transferred to the IRR. There is no way to identify them. There could be less or there could be more.

The point is, if you can't identify them, it doesn't make any difference whether you have less or more.

Senator NUNN. That problem could be addressed without going to registration, could it not?

Mr. McKINNEY. Probably. Yes, sir.

Senator NUNN. That is really a management problem within the Department.

Mr. McKINNEY. It is a management problem. It certainly is; yes.

Senator NUNN. One other question, I know that you are familiar with the shortage of medical personnel in the Services. What would happen if we had a war now as far as those that are wounded are concerned?

Mr. McKINNEY. It has been noted that if we had to go to war with the medical personnel we have today, we would have to fly the people out of combat that are wounded and bring them back to the United States or someplace else to have them treated. There are not enough medics to go around.

Senator NUNN. It would be very unlikely that many people would survive any kind of serious wound by being brought all the way back from Europe in a combat situation.

Mr. McKINNEY. That is true, sir. This is one of the reasons that we have lower combat casualties than probably any other nation when you consider the number of years we have been in war and, of course, the number of people that have been wounded and survived. The reason has been immediate attention on the battlefield. Helicopters, for example, did a great job in moving them back off the line into a field hospital where they were taken care of almost immediately.

Senator NUNN. I will just state this as a personal opinion. In my view, one of the most serious problems we have today is the medical problem—our capability to treat wounded people. If we were to have a war of any magnitude today, the number of casualties of young people who are in the service now as volunteers would be so high and basically so unnecessary, unless we take steps to take care of our deficiencies, that those who are in charge of manpower today would be subject to a thorough inquiry as to whether they were guilty of criminal negligence.

I see it as that strong. I think the number of casualties by people who are volunteering would be astronomical because we do not have the medical personnel to treat them in a wartime situation. Senator Warner, do you have any questions?

Senator WARNER. I have been a part of the hearings and have heard the testimony about falling back on the Vietnam veterans as the first line of defense should we ever be confronted with another contingency. I think the chairman has very clearly stated his views with which I associate myself; namely, that would be a gross inequity.

What is your opinion on that?

Mr. MCKINNEY. I cannot, I suppose, agree with that if we were in an entire mobilization picture. I think everybody will have to go. But if we are saying, to prevent another war, and I do feel that strong forces help to prevent war, that if we need to draft somebody before a war does break out, then certainly let's take the young men first and train them.

I say this not because I am a warmonger in any sense of the word. I was a noncommissioned officer in World War II. I was a noncommissioned officer in the Korean conflict and in Vietnam. I saw our young people brought into combat not trained to do the job that they should have been trained to do in the first place, and that is to fight a war.

To bring them into combat they should know the enemy, they should know what he is doing, and they should be able to judge his capabilities, and when you take a young man and draft him for 2 years, send him into combat almost instantly thereafter, this young man certainly does not have the training to meet anything on that battlefield that is not on his side.

Senator WARNER. I certainly share your general observation about the need for training. I, likewise, served in uniform in World War II and again in the Korean conflict and saw, myself, the need for training of people before they were committed to combat.

Addressing the question of women, you were very positive in your opinion there. I would, however, ask that in your discussion with your membership you would point out the fact that this question of whether women should or should not be included in this legislation is really taken from us by virtue of the language of the Constitution; namely, the 14th amendment.

It is not a question, in my judgment, that is left to the discretion of Congress. It has already been decided within the framework of the Constitution.

If you have viewpoints to the contrary, I am certain the committee would welcome an expression of your interpretation of the Constitution to the contrary.

Mr. MCKINNEY. We have not, to be honest with you, interpreted the Constitution. We have taken our position primarily from those women who are members in our organization and who served on the convention legislative committee last year prior to handing out our mandate on Selective Service.

Senator WARNER. I respect the viewpoints of those who have served, the women and so forth, but again, may I suggest that you have an obligation to your membership to enlighten them on the difference of opinion under the Constitution because this could grow into what I fear a public issue which is misunderstood.

If those persons who interpret the Constitution are saying that there is no basis on which to discriminate between men and women under this type of legislation, then I think the public should understand that is the reason.

Mr. MCKINNEY. Senator, I will be most happy to do that and I will do it at our next convention which will be in July.

Senator WARNER. Fine. My last question, Mr. Chairman. We have heard some testimony this morning to the effect that the Reserves are

not being properly utilized. Perhaps for the record, you would like to put in your comments with respect to that testimony.

Mr. McKINNEY. That the Reserves are not being properly utilized—I would say so. We go back to the Department of Defense's total force concept. I have yet to see where the Department of Defense is considering the Reserves as an active partner in the total force concept.

Senator WARNER. Thank you very much.

Senator COHEN. I just have a couple questions, Mr. Chairman. Mr. McKinney, you indicated that we are 102,000 short on our Active Force. Where did you get that figure?

Mr. McKINNEY. In 1975, the Department of Defense put out its wartime manpower requirement. They said that 2,152,000 people would be the requirement for the Active Forces. Now we have about 2,050,000 at the present. We are about 102,000 short.

Senator COHEN. The Defense Department has testified before this committee that the Active Forces are, in fact, adequate and that they actually had 2,000 more personnel over the last year than they had even budgeted for at this point. Even though there has been a shortfall in the last recruiting period, they actually have 2,000 people more than they budgeted for.

Mr. McKINNEY. They could possibly be so. I do not argue with that. I know how we used to do it with everybody rushing up to find that date and then we would try to clear them off the record.

Senator COHEN. How would you structure the draft if you were going to reinstitute the draft?

Would everyone be subject to it, all 18 year olds have to go in?

Mr. McKINNEY. I would make everyone eligible for the draft.

Senator COHEN. Would they all have to be trained?

Mr. McKINNEY. I don't think that we have the resources to train all of them.

Senator COHEN. I don't think so either.

Mr. McKINNEY. However, I think that what we need to do is to say all of them are available, and I think the capsule choice would probably be fairest way we could do it, drop the ball in.

Senator COHEN. The lottery system?

Mr. McKINNEY. Right.

Senator COHEN. How does that get at the doctor problem? How would a lottery draft system deal with the inadequacy of physicians that we have in the military now?

Mr. JOHNSON. It would have to be separately addressed.

Mr. McKINNEY. Yes; I think so. It would be separately addressed. We are talking about a specialty skill as far as the medical operations of the military are concerned. We are not addressing someone to come in and train from the basic standpoint. You can take a doctor and put that doctor in the military and with very little military training, have him ready and experienced. All you really have to do is tell him what to do.

Senator COHEN. That is not what I am getting at. What I am getting at is, if we take this random selection of young men and, I assume, women—but perhaps not—but we take this random selection of people, how do we deal with that problem of drafting more doctors?

Mr. McKINNEY. In the first place, doctors would be a little older than the normal person that we are drafting. We would have to address that issue separately.

Senator COHEN. They are on the wheel of fortune as well in terms of picking their names out, are they not?

Mr. JOHNSON. Senator, I think realistically that could be separately addressed. I think you could buy physicians for the military either during their training stage through providing their training, through training your own at the Uniformed Services University of Health Sciences out here in Bethesda. There are a number of ways to address this problem.

Senator COHEN. Why can't we do that right now. What I am getting at is why don't we do that right now without the talk about the draft at least for the medical personnel?

Mr. JOHNSON. There are a number of problems, structural problems, in bringing physicians into the Armed Forces. One is the number of promises that we have made to physicians which there is some question as to whether or not the Government is keeping them. Another is the tax benefit program which we allow some physicians in the military to have, and yet we restrict from others.

Senator COHEN. I understand that. What I am asking you is how does the draft solve that problem. It does not, I guess you would agree with that.

Mr. JOHNSON. We are looking at the draft for manpower problems, we are not looking at the draft for a physical problem.

Senator NUNN. You would have to have specific draft authority for physicians.

Mr. JOHNSON. It would have to be separately addressed, just the same way as the need for attorneys in the Armed Forces would have to be separately addressed.

Senator NUNN. You would have to have a deferment system so that there was a specific deferment of physicians who are being trained with an obligation of them to go in once they receive their training.

Mr. JOHNSON. Which would be an ideal situation.

Senator COHEN. Are you aware also that the Department of Defense in its own studies as far back as 1971 has said that even if you had a draft system in effect currently, you would fall far short of the Reserve needs of the IRR? Yet nothing has been done to deal with the IRR since 1971 even though they predicted in their own report that that would happen?

Mr. JOHNSON. But their projections were not based on a conscription into the IRR and that is our proposal, Senator.

Senator COHEN. What I am saying is that their projections acknowledge that fact that the IRR was going to be substantially deficient even if they had a draft in effect as far as the Active Force was concerned. But they have done little if anything to deal with the problem, whether it is an inducement problem, or a structural problem, a management problem. They have done nothing until just recently and now have a program started in April and running until November to deal with direct enlistments into the IRR. It is a test program for 6 months, even though they knew they would be far short as long ago as 1971.

Mr. MCKINNEY. Senator, they said the All-Volunteer Force was going to work, that we didn't need the IRR.

Senator COHEN. We have had the testimony before the committee, Mr. McKinney, that says that the All-Volunteer Force is one of the finest fighting forces that we have ever had.

Mr. MCKINNEY. You had better take another look at it, sir. That is all I can say.

Senator COHEN. I am listening to the military personnel. Who do I believe? Do I believe General Rogers? Didn't General Rogers testify to that, Mr. Chairman?

Senator NUNN. I would say that I never heard a military commander that would say anything other than his present command is the finest he has ever commanded. But I have talked to a few of them privately and it is a little different. No military commander is ever going to say anything disparaging to his present command.

Senator COHEN. If you were on duty, you would come before the committee and if you had a deficient military force, you would tell the committee then. You wouldn't lie to the committee?

Mr. MCKINNEY. If it was deficient, I would say so.

Senator COHEN. Anyone who comes before this committee whether they are in uniform or not, is, in effect, telling a lie when they testify under oath that they have the finest fighting force in the history of this country? Is that correct?

Mr. MCKINNEY. That, sir, is a matter of opinion.

Senator COHEN. I am a layman here. We have to make judgments based upon the testimony of people who come, who are experts in the field. Do I have to look at everything through a jaundiced eye and treat testimony with a grain of salt? If a man comes here and says that I have a great fighting force, you say that what he is really saying is that it is a pretty inept adequate fighting force, and I have to read between the lines. Is that what I have to do?

Mr. MCKINNEY. Perhaps I could qualify that by citing a little event that happened to me a couple of years ago. I wrote letters to the chairman of this distinguished panel, not Senator Nunn, but the full committee, Senator Stennis, and to the gentleman who was chairman at that time on the House side, and Chairman Mahon of the House Defense Appropriations Subcommittee and also to Senator McClellan who had the Defense Appropriations Subcommittee on the Senate side, and I asked them if they would not consider having the top enlisted chiefs of the various services come forward to testify on enlisted personnel policy to help Congress make some decision. That Congress probably would be a little more enlightened if recommendations were given from the enlisted man and woman's viewpoint rather than from a general who may have never been an enlisted person.

One of the letters I received in response simply said this, we would rather have you testify because you will tell us how it should be rather than have the policy dictated to the individuals in uniform who will come over here and testify.

Senator COHEN. I know my time is running out here. Would you rather have somebody fighting along with you or for you who volunteered, who wanted combat duty, who wanted to train for it, or would you rather have somebody who is dragged into it through a conscription process and who is over there on the lines against his will? Who would you rather have fighting for you?

Mr. MCKINNEY. I haven't really seen any difference. One fights as well as the other. In combat, nobody takes time to ask anybody if they are Reserve or Selective Service or Regular. There are more graves out there, Senator, with Reserve and Selective Service on the headstones than are Regulars.

The reason for this is that the Regular Force is the one that is to teach and train the Reserves and the Selective Service.

Senator COHEN. We had a draft during the Vietnam war, were they well trained? Were they skilled?

Mr. MCKINNEY. No; I said that in my statement that these people only had a 2-year commitment and the United States wanted to get that 13 months out of them in combat.

Senator COHEN. What about the Second World War?

Mr. MCKINNEY. The Second World War, they went over there to stay, but we had trained conscripts before the war broke out.

Senator COHEN. Do you mean it is divided up into those who were trained conscripts who were the ones who survived and the ones who were drafted hastily who were the ones who were all killed? Is that how it broke down in the Second World War and the Korean conflict?

Mr. MCKINNEY. I am saying that if they were trained before they went in, they have a better chance. We picked up replacements in combat who didn't even know what they were doing. They were basically trained in combat and that is it. These are the youngsters who stand the chance of being maimed or killed.

Senator COHEN. Isn't that what the all-volunteer concept is all about, to have professional military personnel people who want to stay trained, combat-ready for conflict? Isn't that the basis for it?

Mr. MCKINNEY. We are getting to the point where we are losing volunteers fast. They are coming in. They are going out.

Senator COHEN. According to testimony, the reenlistments in the All-Volunteer Force are up.

Mr. MCKINNEY. They are not up.

Senator COHEN. They are down?

Mr. MCKINNEY. The Army right now is at 90 percent if you count prior service. They are at only 90 percent of what their recruiting goal is for the present time.

Senator COHEN. The Air Force?

Mr. MCKINNEY. The Marine Corp is down to 186,000 people which is far below their strength, their authorized strength by Congress. The services are losing 40 to 41 percent by their enlistees through attrition before they have finished their first term.

Senator COHEN. Thank you.

Senator NUNN. Thank you very much, Mr. McKinney and Mr. Johnson. We appreciate both of you being here today.

Mr. MCKINNEY. Thank you, Mr. Chairman.

[The following questions were submitted to the Non-Commissioned Officer's Association by Senator John Warner to be answered for the hearing record. The questions, with answers supplied, follow:]

*Question 1.* Does your organization believe that everyone has an obligation to aid in the defense of the United States?

Answer. Yes.

*Question 2.* Who should be exempt from any obligation to come to the defense of the United States in times of a declared war?

Answer. Only those selected by proper governmental authority to carry on the necessary contingencies of civilian unity and subsistence and those related to defense production.

*Question 3.* Other than for physical or mental handicaps, what grounds does your organization believe are acceptable for a draft deferment?

Answer. In wartime, only those noted in answer 2 above. In peacetime, only those who are attending a college or university or a technical training program which prepares them for direct assignments to critical-skilled short occupational specialties needed by the armed forces, and provided they enter the military service at the completion of their schooling or program as mutually-agreeable to the military department willing to grant the exception in exchange for an individual's skill.

*Question 4.* Would you support peacetime registration for a draft only in time of declared war if Congress made it clear that a peacetime draft were not contemplated in the near future?

Answer. The Association is on record as supporting a peacetime draft for the reserve forces.

*Question 5.* What is the basis of your fear that peacetime registration for a wartime draft will lead to a peacetime draft?

Answer. Not applicable.

*Question 6.* If classification were reinstated, what criteria should be used for determining exemption on the basis of conscientious objection? Would each of you representing religious organizations be willing to provide a statement on this problem to the Committee for the official record?

Answer. Conscientious objectors should not be granted exemptions. If they refuse to carry arms, they can very well serve in the medical specialties.

*Question 7.* Does your organization object to a wartime draft in which war has not been declared?

Answer. No.

*Question 8.* Would your organization oppose a wartime draft if war had been properly declared?

Answer. No.

*Question 9.* Under what circumstances would your organization support a peacetime draft?

Answer. Refer to answer 4, above. The Association's position was developed as a result of the failure of the All-volunteer force to attract and retain sufficient personnel in the armed services.

*Question 10.* Some nations, such as France, have drafted with the restriction that draftees could not be deployed outside their nation's boundary. Could you support a wartime or peacetime draft in which draftees do not serve outside the United States?

Answer. Only for a peacetime draft that is limited to the reserve forces.

*Question 11.* Does your organization oppose national service in which every person would be required to serve for one or two years, either in the military or in a civilian occupation of public service?

Answer. Every able-bodied citizen should be required to serve in the defense of the Nation, even those exempted and deferred in wartime. The training will be invaluable if the U.S. would be attacked within its own borders.

*Question 12.* Would your organization be opposed to a voluntary national service in which everyone who agreed to serve either in military or civilian public service for a nominal salary would later receive additional benefits?

Answer. Yes. There really is no need to provide later additional benefits if the U.S. adopts universal training. Additional benefits should be available as a reward only to those who remain in military service beyond the conscripted term.

Senator NUNN. Our next witness is Mr. James E. Bristol, staff member, Friends Committee on National Legislation.

#### STATEMENT OF JAMES E. BRISTOL, FRIENDS COMMITTEE ON NATIONAL LEGISLATION

Mr. BRISTOL. Thank you, Mr. Chairman. I am in a bit of a quandry here. There were several things that I would like to comment on that come out of earlier testimony and particularly out of questions that you and Senator Warner had asked. I know the limitations on time. Would you rather have me address myself briefly to at least some of those matters and if necessary skip the prepared testimony?

Senator NUNN. Your prepared testimony will be a part of the record. I have it right here and have read it, so you might address yourself to those other issues if you like.

But your testimony will be read and made a part of the record.  
[The statement follows:]

PREPARED STATEMENT BY JAMES E. BRISTOL, DIRECTOR, SPECIAL PROJECTS, AMERICAN FRIENDS SERVICE COMMITTEE, IN BEHALF OF THE AMERICAN FRIENDS SERVICE COMMITTEE AND THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION

We appreciate the opportunity to make this brief statement in opposition to the draft. While no one person or organization can represent the views of all Friends, there is no question that opposition to the military draft is broad and deep among members of the Religious Society of Friends.

We oppose draft registration as unnecessary and as a first step toward reactivation of the military draft in the United States.

We oppose conscription in peacetime because it imposes more totalitarian controls over, and denies more civil liberties to, law-abiding citizens than any other institution in our form of government. It gives the military establishment unwarranted influence over one of the most important assets of our nation—our youth. It denies American history and tradition, which favor volunteerism over compulsion.

Moreover, we share with millions of our fellow Americans deep foreboding at the strife and discord which the return of the draft bids fare to produce, especially among the younger people in our society. On the basis of our contacts with thousands of young persons today, we make the sober prediction that the reinstitution of conscription may indeed tear our country apart once again.

We oppose conscription because it is an integral part of the war system, whose ultimate intent is the destruction of human life. This is deeply abhorrent to our religious values.

We believe the tremendous human and material resources now devoted to the illusory search for security through arms in our own and other nations should be used instead to build alternative institutions to settle disputes without resort to threats or use of force and to move rapidly toward comprehensive worldwide disarmament.

We are puzzled by the efforts to reimpose draft registration in the light of statements and testimony by the Acting Director of Selective Service that he can meet the new, stringent Department of Defense mobilization requirements *without* advance draft registration if he is given additional funds (approximately two million dollars a year).

We are further puzzled by the efforts to revive the draft when the President, the Secretary of Defense, the Secretary of the Army, and other persons chiefly responsible say that it is not necessary.

We wish to state our opposition to several proposals which would put the Selective Service System under the Department of Defense. This would further erode civilian control over vital decisions affecting the lives of millions of Americans. The Department of Defense should not be given authority to decide who is a conscientious objector and what types of work might qualify as alternative service for such objectors.

Another major objection to any draft is found in the practical impact that peacetime conscription has upon United States foreign policy. The draft weakens democratic control over that policy. It provides the personnel for large-scale military interventions overseas without approval by Congress and the people.

The constitutional authority of Congress to declare war has become virtually a dead letter, not having been used in either the Korean or Indochina Wars. The Congressional power to reactivate the draft, therefore has become, along with appropriation of funds, the chief restraint which Congress and the people have to prevent the exercise of arbitrary Executive action. It should not be given away in advance.

Nor do we advocate draft reform. We view reforms aimed at making the draft allegedly more equitable as both romantic and pernicious—"romantic" because the achievement of equity within a conscription system is impossible (General Her-

she said flatly, "No draft can be fair"), and "pernicious" since by instituting minor changes and holding out false hopes the reform are intended to make a draft more palatable to the public.

We urge your Committee to reject any legislation which provides for draft registration or removal of the induction authority for the active forces or reserves.

We ask that you include as part of our testimony the attached "Ten Questions on Draft Registration/Conscription/National Service".

## TEN QUESTIONS ON DRAFT REGISTRATION, CONSCRIPTION, NATIONAL SERVICE

### PEACETIME DRAFT REGISTRATION

*Question 1.* Why is peacetime draft registration needed when the Selective Service System (SSS) says it can meet Department of Defense mobilization requirements without it?

Answer. Curiously, few members of Congress are asking this question. If the main concern is to ensure that the Defense Department can meet its mobilization requirements, they should be reminded that SSS has stated to House Armed Services Committee Chairman Melvin Price in a 12/14/78 letter that with an increase of some \$2.5 million it can develop the capability to meet Defense Department emergency manpower requirements. A Nov. 1978 Congressional Budget Office analysis confirmed this. Preparations would be made for a mass registration, but it would not be carried out until after an emergency had arisen.

*Question 2.* What is the basis for the Pentagon's mobilization requirements?

Answer. Frankly, the basis is fuzzy and highly controversial, an important fact to remember, since these new requirements were a crucial factor in touching off the draft registration debate. In October 1977 the Department of Defense changed its mobilization requirements, saying it needed the first inductee at M+30 (30 days after mobilization) rather than M+110, that it needed 100,000 inductees at M+60 rather than M+150, and 650,000 inductees at M+180 rather than 480,000 at M+230. SSS termed this schedule "the most demanding and urgent manpower requirements ever placed on the Selective Service System."

The Pentagon's mobilization plans are built on a "worst case" analysis. This may be legitimate for DoD planners to consider, but Congressional policy makers need to consider probabilities and impact as well before imposing onerous duties on the citizenry. The Pentagon assumes it will be required to fight a "sudden-breaking but prolonged war with extensive casualties" in Europe. The scenario assumes that the war will be fought with conventional weapons in spite of the fact that the United States has 7000 tactical nuclear weapons in Europe. The prospect envisions Soviet tanks and troops sweeping across Europe, heavy fighting between NATO and Warsaw Pact forces, extensive military and civilian casualties, and widespread destruction of populated areas. Early fighting would be done by U.S. active duty forces, reinforced by arriving reserves.

But long before the first draftee arrived for a "prolonged war," it seems likely either that urgent negotiations would have halted the war, or that "small" tactical nuclear weapons would be exploding, with the probability of rapid escalation to all-out nuclear conflagration.

The Pentagon's decision to rely on draftees early in an emergency also suggests that the Defense Department does not expect enough people to volunteer in the first flush of public enthusiasm to fill the ranks until draftees arrive. Does this stem from a worry that in the future only compulsion can motivate young men to fight for the nation? This would be a damning indictment of President leadership and of the U.S. foreign policy out of which such a war grew.

*Question 3.* What would be the impact of peacetime draft registration on conscientious objectors?

Answer. History shows that a number of young men would refuse to register for the draft on the grounds that they are conscientiously opposed to participation in the war system. Indeed, the number of non-registrants might be higher than in the past because of the continuing anti-draft sentiment from the Indochina War and because there would be no further way to evidence their conscientious objector position by doing alternative service.

Failure to register is punishable by up to five years in prison and a \$10,000 fine. The Department of Justice would undoubtedly feel impelled to pursue, try, convict, and imprison non-registrants—all in order to put a name on a computer list in preparation for an emergency which does not exist. This is a great waste of taxpayers' money and would lead to acute disruption of the lives of these

young men (and quite possibly women), many of whom are highly motivated and are devoting their lives to the service of their fellow human beings.

The Pentagon, in assessing the pros and cons of various draft proposals, weighs public resistance to the draft as an important factor.

#### CONSCRIPTION

*Question 4.* Can conscription be fair?

Answer. Long-time head of SSS, General Lewis B. Hershey, declared flatly that no draft can be fair. There is no just way to put one person in the armed forces, perhaps to be killed, and allow another to go scot free. The lottery was an attempt to replace a system which as a matter of national policy favored students, certain occupations, age groups, and other categories. But replacing policy with chance is unfair, too. One still goes and another remains at home. And what about those not included? Why not women? Why not older persons who at least have chosen the leaders who make the policy, rather than those who have probably never had a chance to vote in a national election?

Conscription imposes more totalitarian controls on law-abiding citizens than any other institution. One cannot reside where one wishes, pursue an education, select one's employment or negotiate on terms of pay or working conditions, or travel or not as one desires. One's privacy is invaded. Rights of free speech and expression are restricted, and military courts and procedures replace civil justice.

Representative Aspin (WI) says, "For the man drafted, the system is a triple shaft: (a) under a system of involuntary servitude he is forced to do something against his will; (b) at the same time he is in effect taxed far in excess of his peers by being forced to work for less than the going rate; and (c) while he is in uniform, his undrafted peers may be gaining seniority at a job in the civilian sector."

It was precisely because of the inherent inequity and unpopularity of the draft that it was replaced by the All-Volunteer Force in 1973.

*Question 5.* Is the All-Volunteer Force (AVF) working?

Answer. Individuals and groups favoring reintroduction of the draft have been diligent in citing the shortcomings of the volunteer army. But to date Presidents Nixon, Ford, and Carter, and their respective Secretaries of Defense have all vigorously supported the volunteer army and rejected claims that the draft is necessary. Statistics are cited on both sides. The case for the volunteer army is stated cogently and authoritatively in Defense Secretary Harold Brown's 1979 Report to Congress and Wisconsin Rep. Les Aspin's special report, "Sergeant York Isn't Welcome Any More." Briefly, they argue manpower levels have been maintained with more high school graduates and fewer low-intellect persons than during the draft years. A return to the draft would lower standards. The larger percentage of blacks in the current volunteer Army is attributed to nondiscriminatory treatment, too few job opportunities in the civilian economy, and increase in education coupled with removal of bias in tests. For the future, when the number of people in the eligible age group is declining, Aspin suggests various ways to maintain a volunteer army without the draft.

A key, unexamined factor in the equation of the AVF vs. the draft is the overall size of the uniformed forces. For a number of years it has been about 2.1 million. But if this figure were reduced, the alleged need for the draft would be even less. Currently the 2.1 million figure is virtually sacrosanct, with almost no public discussion of why it could not be reduced. The "Boston Study Group," whose analysis of military spending was published by Times Books in January 1979, recommends reduction to 1.4 million.

*Question 6.* Would draft resumption save tax dollars?

Answer. This is sometimes suggested. But unless one proposes to return to the great inequities of the 1960's, when first termers' pay was far below long-term military, personnel savings would be few. Much of the money now going for recruiting would need to be used for an expanded Selective Service System, and stepped up police and court costs to track down and punish violators.

*Question 7.* Does conscription help prevent the dangers inherent in a professional volunteer army?

Answer. Some people believe that the dangers of a professional military elite can be lessened by an annual influx of reluctant drafted civilians. But history from Napoleon to the present day suggests the opposite. There is a striking concurrence of conscription with aggressive military policies the existence of a draft is strong evidence of the extent to which the civilian sector has been mili-

tarized; and the draft provides the ongoing professional military establishment with the manpower to begin or carry on foreign adventures. Experience shows it is virtually impossible for those at the bottom of the chain of command to exercise effective control over superiors. An aggressive professional military elite can be checked only by asserting civilian control under the Constitution through the Congress, the President, and the Secretary of Defense.

Moreover, the constitutional authority of Congress to declare war has become virtually a dead letter, not having been used in either the Korean or Indochina Wars. The Congressional power to reactivate the draft, therefore, has become, along with appropriation of funds, the chief restraint which Congress and the people have to prevent the exercise of arbitrary Executive action. It should not be given away in advance.

The United States has had a volunteer army for more than four-fifths of its history. American traditions have been against military conscription except in times of war. It was not until September 1940 that the United States first adopted a peacetime draft. Many of our ancestors came to this country to escape Europe's conscription and wars.

*Question 8. What's wrong with national service?*

Answer. The concept of national service is popular in public opinion polls. Many people see advantage in providing discipline, training, and jobs for young people. The problem lies in the element of coercion which is necessarily involved in "universal" or "national" or "compulsory" plans. The fact that the coerced individual may have several options within a compulsory framework does not solve the problem.

Coercion blights the whole concept of service; it undermines those laudable motives which result in action freely and sacrificially undertaken; it stifles enthusiasm and personal commitment.

Many people believe that opportunities for young people to serve their fellow human beings should be greatly expanded through programs of private volunteer agencies as well as through VISTA, the Peace Corps, and other government programs. Indeed, there is a moral obligation on all people, old as well as young, to devote a lifetime, not just two years, to helping humankind. But this can and should be done on the basis of individual commitment and voluntary decision, not at the command of the state in a program closely tied to military manpower requirements.

*Question 9. How would a national service program be financed and administered?*

Answer. Some four million young men and women turn eighteen each year. The Congressional Budget Office in a January 1978 study estimated that approximately 3.5 million might be employed in civilian programs. The annual costs of a one-year service program would be approximately \$23.5 billion! The CBO noted, "Reducing the labor supply to businesses that traditionally employ youth could result in increased pressure on wages and prices throughout the economy." To the extent that newly created public jobs replaced existing jobs in the private sector, "the benefits of reduced youth unemployment would be offset by the costs of increased unemployment among older workers."

Channeling youth into various jobs and dividing up the labor supply among the many competing organizations and institutions "would place a heavy administrative burden on the government." Who would decide which private (and perhaps controversial?) organizations were acceptable? And which were not? And on what criteria?

*Question 10. Is a compulsory national service program constitutional?*

Answer. The Thirteenth Amendment to the United States Constitution prohibits "involuntary servitude." The military draft is a narrow exception to this prohibition, justified under the war powers. Could this exception be broadened to deprive a young person of his or her liberty for a year or more to perform non-military service for the state? A 1971 study by the American Law Division of the Library of Congress concluded, "It is highly questionable whether power exists in Congress to conscript men for other than military service." Organized labor has always looked with suspicion on proposals to draft labor and might well oppose such a measure when its implications become clear.

Mr. BRISTOL. Thank you very much. Let me just say from my prepared testimony that we do appreciate the opportunity to make this brief statement in opposition to the draft, and while no one person or organization can represent the views of all Friends, there is no

question that opposition to the military draft is broad and deep among members of the Society of Friends.

We oppose draft registration as unnecessary and as a first step toward reactivation of the military draft in the United States.

Let me just turn now to several questions that were raised here today. In the matter of women and the draft, obviously our position would be not to extend registration to women, our basic opposition to registration being that we would want to prevent registration from happening for everybody and therefore, in that sense, we don't advocate registration for women any more than for men.

One point that I think is very important in this is that somehow women should have an opportunity to really speak and take part in this discussion. Obviously, women are not monolithic on this any more than men are, but somehow we should find it important to involve women in this decision.

The second point is something that came up in your question, Senator Nunn, to David Landau and Barry Lynn about the President registering people for the draft. I wanted to make it clear that the American Friends Service Committee and the Friends Committee on National Legislation would not agree with what it seemed to me those two witnesses were saying; that is that, yes; the President should have this power to register people for the draft.

We recognize that the President does have that power now under law, and that is a point. I think, that should be made, and therefore, it isn't essential for Congress to pass legislation in order for that registration power to exist.

We are opposed to registration for the draft, and we would oppose the President's Executive order for draft registration just as much as we would oppose congressional legislation providing for that.

A third point comes up out of the discussion that was held about the draft and registration back in 1940 when the Burke/Wadsworth bill was passed and there was in October 1940 the first registration. The American Friends Service Committee was opposed to that draft at that time. (The Friends Committee on National Legislation was not established until 1943.)

We get here into a long discussion which we don't have time for, but we would see the mobilization made possible by that conscription as one of the factors that moved us into the Second World War, along with the lend/lease of bases to England, and the fact that American destroyers were operating in the North Atlantic against German submarines. Now, I realize there are other points of view and there is a tremendous discussion that could ensue, but I wanted to make it clear where we stood on that.

Then in regard to criteria for conscientious objectors, it was suggested by Barry Lynn that the historic peace churches, of which we are one, might have something to say about that. Just briefly, certainly the American Friends Service Committee and FCNL—and I, personally, for whatever that is worth, and I am way above any conceivable draft age now—do not want to see conscientious objection simply for people from the historic peace churches.

We would like to see selective conscientious objection. It is interesting that so much of Protestant doctrine, at any rate, says that Christians should fight in a just war, which by implication also seems to say that Christians should not fight in a war which to their conscience is an unjust war.

Therefore, somehow we should have selective conscientious objection and, I think, also objection based not narrowly on religious beliefs, although I realize the problems that ensue from this. But I think with the tradition of this country that there should be a place for people who on principle are deeply opposed to the war and who are not trying to evade, who are not unpatriotic, who, as a matter of fact, find this to be the expression of their deepest patriotism and their deepest sense of citizenship as American citizens.

One thing that I would like to say here because for whatever it is worth, I was not born a Quaker, I happened to move into the Society of Friends some 27 years ago. My own position as I grew to, if you will, think for myself and my own position for some 40 years has been that essentially—and I think this is true for the Society of Friends—we are not concerned for conscientious-objection recognition for ourselves. We are really concerned for the welfare of the United States, and we are concerned for the well-being of the broader world.

What we would like to see is obviously, as you would, an end to the wars and things that make for war, but as we face now the possibility of registration, the possibility of a draft, we are infinitely more concerned that there should not be that registration, there should not be that draft, rather than that we or other people should have some kind of a deferment or exemption from it.

Finally, I just wanted to say something that comes from what Senator Warner said about the fine line between wartime and peacetime. Somehow that triggered in my head the realization again that what all of us are involved in is charting a course of action based on commitments, based on assumptions that constitute a risky course of action.

The kind of thing that is implicit in what I am saying is full of risk. It seems to me that the approach that perhaps of necessity you are required to take, is full of risk, also. What happens is that what we see as preparedness appears to be aggression to our opponent, our enemy, and vice versa. Our position of strength is a threat to him and vice versa. I realize that to say this is very easy, and to deal with it is very difficult. But I just wanted to say that we have sometimes to use our imaginations to put ourselves in the place of the opponent, the enemy, and to try to see then how what we are deciding is going to cause that enemy to react.

The New Yorker magazine put it correctly years ago when they said, "One nation's commonsense is another nation's high blood pressure." I think that expresses a dilemma—one that I just wanted to stress here in these discussions because although it may seem to be a million miles away from registration and the draft, it is very basic to this consideration and, I think, very basic to the responsibility with which your committee is charged.

Thank you.

Senator NUNN. Thank you very much, Mr. Bristol. You made your points very well and very clear. Are there any questions?

Senator WARNER. Excuse me, Mr. Chairman. I had to step out for a moment. Would the witness in very brief terms repeat his comment with respect to the issue of women. I am vitally concerned about the public perception that the Congress is acting in a manner contrary to the Constitution of the United States.

Mr. BRISTOL. I would not be in a position to express a judgment with respect to the constitutionality. What I did say, Senator Warner, was that obviously we are not advocating registration for women. We are opposed to all registration. We are opposed to registration for men and registration for women. One thing, it seems to me is so vital in this, is that as in many decisions of our society with many groups, we somehow have to involve women in this decision. Women are not monolithic in this clearly, but somehow it is wrong to decide for them.

I am not clear how we set up a mechanism for this, but that was the burden of what I wanted to say.

Senator NUNN. I certainly would agree with that, and would like to have the written testimony of any women's groups or any individual women who would like to submit statements for the record. We are in the unfortunate position of being pushed by time because the House Armed Services Committee has included this registration matter in the fiscal year 1980 Department of Defense authorization bill. We had planned to take it up separately and have more time for the deliberation of these issues, but it looks like we are going to have our hands full sooner, rather than later, on this subject. I guess we will have to decide in committee whether it is better, in view of the House Committee action, to go ahead and take it up in committee and then determine what is going to happen on the floor and let the Senators have a full debate on it; or whether we are going to be in the position of going to conference and then, perhaps, having to make some kind of legislative compromise in conference on a matter that would never have been debated by the Senate.

Our timeframe is being squeezed here, but I certainly would concur with your suggestion that we hear from women on this subject. We have had one female witness this morning, but we would welcome any others that would like to submit statements.

Thank you, Mr. Bristol.

Mr. BRISTOL. Thank you very much.

[The following questions to the Friends Committee on National Legislation were submitted for the record by Senator John Warner:]

*Question.* Does your organization believe that everyone has an obligation to aid in the defense of the United States?

*Answer.* Not in the military or armed defense of the country, which necessarily involves the killing of other human beings. Our organization believes essentially in three kinds of national defense:

(1) The development of an American foreign policy based on the welfare of other nations as well as that of the United States, considering sensitively the needs and aspirations and the fears of other peoples as well as those of the American people. In a world where risk is unavoidable in international affairs, we would urge taking the risks of sharing generously with others instead of the risks inherent in seeking gain for ourselves, the risks of taking unilateral steps toward disarmament instead of the risks of catastrophic war inherent in our present policy of piling up massive armaments. We are firmly convinced that, whereas a policy of gigantic military preparedness, of huge arms sales to many other countries, and the fostering of military leadership in developing countries through our foreign military aid and training programs creates instability in the world and increases the likelihood of war, such a policy as we advocate would make for world stability and would drastically decrease the possibility of war. Thus it would prove itself to be a very sound form of national defense for the United States.

(2) The building of genuine world community based on and made possible by an equitable distribution of the world's resources, freedom of political and religious expression worldwide, and an end to oppression and the establishment of just and egalitarian social orders, and the creation of institutions necessary

to knit together as equals all the members of the world community. Moreover, we must begin to move in that direction immediately. Our armed defense, always provocative and fear-producing to many other nations, does not exist in a vacuum. It does in fact move us away from the achievement of world community.

(3) A non-violent and unarmed form of national defense. Considerable attention and thought have been given to this concept, especially in the past twenty years. The American Friends Service Committee in 1967 issued a study of non-violent national defense, *In Place of War*.

*Question.* Who should be exempt from any obligation to come to the defense of the United States in times of a declared war?

*Answer.* We firmly believe in the obligation of citizens to share in bearing the burdens and running the risks of national defense as we have defined it in responding to the first question above.

With regard to military service, exemption should be extended far beyond membership in the three historic "peace churches" (Brethren, Friends, Mennonites). It should include:

(1) Those opposed to all war because of their religious training and belief.

(2) Those who are opposed to all war because of sincerely held and principled convictions that human life is sacred and precious and that the use of violence is wrong; participation in war would constitute a violation of conscience (Reference: Supreme Court *Seeger* decision).

(3) Those who are opposed to a specific war who are obedient to the religious insight that it is wrong to support an unjust and/or immoral war.

(4) Those opposed to a specific war because of sincerely held and principled convictions that the war is unjust and/or immoral and participation in that war would constitute a violation of conscience.

*Question.* Other than for physical or mental handicaps, what grounds does your organization believe are acceptable for a draft deferment?

*Answer.* Since we oppose the draft totally, this is not a question which we wish to answer. There are many valid grounds for deferment which other groups could probably supply.

*Question.* Would you support peacetime registration for a draft only in time of declared war if Congress made it clear that a peacetime draft were not contemplated in the near future?

*Answer.* No.

*Question.* What is the basis of your fear that peacetime registration for a wartime draft will lead to a peacetime draft?

*Answer.* See our memorandum, "Prelude to Induction," attached, which documents this likelihood very clearly.

#### PRELUDE TO INDUCTION

Some members of Congress have indicated they contemplate voting for draft registration although they are opposed to reviving the draft. They believe draft registration will encourage lagging enlistments or reduce mobilization time, or they see registration as an integral part of the all-volunteer force. They do not believe draft registration will lead to full reactivation of the draft.

Several factors should be considered by those who believe they can vote for draft registration without having it culminate in the reactivation of the induction authority:

The Senate language itself includes classification as the next step after registration. The House bill (H.R. 4040), immediately after ordering the President to commence draft registration, requires the President to transmit to Congress his recommendations regarding:

(1) enactment of induction authority, Sec. 813(a) (2);

(2) registering and inducting women, Sec. 813(a) (3); and

(3) inducting registrants into the Individual Ready Reserve, Sec. 813(a) (4).

The dynamics of the Selective Service process make it extremely difficult to view draft registration as an isolated, containable step. Once registration begins, other steps are likely to follow.

Registration lists are useless unless they are kept up to date. Eighteen-year-olds and those a few years older are among the most mobile elements in the United States population. Previously, registrants were required to report any change of address to their draft boards. They were also advised to notify their draft boards of any trips outside the United States.

It seems likely that registration will be followed by efforts to revive a nationwide system of draft boards, to keep the system viable. This seems ever

more probable when one considers the view that an up to date list of registrants is not enough. It will be argued that rapid mobilization requires that registrants also be classified and examined. This will identify those with essential skills, those with physical and mental disabilities, conscientious objectors, and other exempt categories. Indeed, the House bill requires the President to recommend whether registrants "should also be immediately classified and examined, or whether classification and examination of registrants should be subject to the discretion of the President." Section 4(a) of the existing Military Selective Service Act provides that "each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined both physically and mentally. . . ."

In addition, proponents of rapid mobilization are likely to argue that a random selection procedure (lottery) is the fairest selection method and that a lottery should be held annually so that the Selective Service System can move quickly in an emergency. (When the Ford Administration briefly flirted with the idea of a national registration program in 1975, the lottery was viewed as an integral part of it.)

The views expressed by Department of Defense officials who are pressing draft registration indicate they will push on toward full activation of the draft. In their view, registration is merely the first step.

For example, here are some excerpts from a March 13 hearing before the Senate Military Personnel Subcommittee:

Senator WILLIAM COHEN. I simply say, General Rogers, it is fair at least to me to conclude that you don't feel that registration would be enough to make up the difference in the shortfall we are now experiencing with the projected trend, and you fully believe this is the first step to go into the draft for the Individual Ready Reserve? Is that fair?

General BERNARD W. ROGERS (Chief of Staff, U.S. Army). That is correct.

Senator COHEN. Classification . . . ?

General LOUIS H. WILSON, (Commandant, U.S. Marine Corps) . . . I think classification is a follow-on of the registration, with examination too, of course.

General LEW ALLEN, Jr., (Chief of Staff, U.S. Air Force.) I believe that limited classification should certainly be done as part of registration. . . .

Senator COHEN. Do you think we should establish the ground rules for any future draft at the same time [we] reinstitute the registration process?

General ROGERS. I sort of thought that was a unit in the equation. . . . I think very serious consideration must be given to what kind of draft you're going to have, exemptions, deferments, and all of that.

General ROGERS. Are you asking, Senator, should they [women] be drafted after they have been registered?

Senator ROGER W. JEPSEN. Well, if you are going to register them, I suspect that is what we are planning.

General WILSON. I think registration preceding the draft is important. Just regarding the mechanics of registration, I believe it would take two years to get set up for the two million men and the two million women a year who become eighteen. That is the reason I believe the mechanics should be done on a step by step basis, with examination and classification coming later.

And from the House Armed Services Committee markup on May 10:

Representative G. V. MONTGOMERY. I will not offer my partial draft amendment today. . . . That is what we really need; registering is fine but we really need to get this Individual Ready Reserve built up. . . . I know we cannot get a partial draft this year, but I think down the line it is coming and we will just have to watch and see when the proper time would be. . . .

Representative RON DELLUMS. First, I would like to applaud my colleague, Mr. Montgomery, for his candor because he in very forthright terms has placed this matter of registration within the context of conscription, he has made that point very clear. It is my belief that if the occasions for registration are indeed very clear, no matter how many times we repeat the fact that this in no way drafts people, there is only one reason it seems to me to reinstate registration by the Selective Service, and that is ultimately to bring back the draft. . . . I urge my colleagues not to mislead the American public by talking only about registration. That is merely the first step, as I see it, to conscription. If we want to engage conscription, let's debate this issue in the open and fully before our people.

The process by which draft registration ended is instructive. In 1971 Congress extended the draft for only two years and in 1972 President Nixon announced an end to induction in 1973. For two years registration continued without induction authority. But President Ford came to the conclusion that registration without

induction was a waste of money and resources. He therefore ended the lottery, ended the registration requirement, closed draft boards, and cut back Selective Service to one hundred people. If Congress orders draft registration, it seems almost inevitable this process will be reversed over the next several years. The number employed by the Selective Service System will be increased, draft boards will be reconstituted, the lottery will begin again, and induction authority will be sought. At that point it will be very difficult for Congress to say "no" to the final step which is the culmination of the process it initiated.

Representative Paul N. McCloskey Jr. of California is quoted in the *Washington Post* of May 31 as saying: Another influential opinion was that of Senator Sam Nunn (D-Ga.), a leading Senate critic of the all-volunteer force. "Sam said the draft was just not politically possible" this year. Nunn's view of the possible was to enact legislation this year to require registration for the draft; pass a limited draft after the 1980 election, and only after that push for the kind of national service system that [I] favor.

Commencing draft registration is analogous to starting to roll a huge boulder down a mountainside. Once it gains momentum it is almost impossible to stop.

*Question.* If classification were reinstated, what criteria should be used for determining exemption on the basis of conscientious objection? Would each of you representing religious organizations be willing to provide a statement on this problem to the Committee for the official record?

*Answer.* See above, No. 2. The Society of Friends has been on record as opposed to war and participation in war for over three hundred years. Statements from many religious bodies on this can be secured from the National Interreligious Service Board for Conscientious Objectors (NISBCO).

*Question.* Does your organization object to a wartime draft in which war has not been declared?

*Answer.* Yes.

*Question.* Would your organization oppose a wartime draft if war had been properly declared?

*Answer.* Yes.

*Question.* Under what circumstances would your organization support a peacetime draft?

*Answer.* None.

*Question.* Some nations, such as France, have drafted with the restriction that draftees could not be deployed outside their nation's boundary. Could you support a wartime or peacetime draft in which draftees do not serve outside the United States?

*Answer.* No.

*Question.* Does your organization oppose national service in which every person would be required to serve for one or two years, either in the military or in a civilian occupation of public service?

*Answer.* Yes. We dealt with this issue in a recent study, as follows:

*What's wrong with national service?*—The concept of national service is popular in public opinion polls. Many people see advantages in providing discipline, training, and jobs for young people. The problem lies in the element of coercion which is necessarily involved in "universal" or "national" or "compulsory" plans. The fact that the coerced individual may have several options within a compulsory framework does not solve the problem.

Coercion blights the whole concept of service; it undermines those laudable motives which result in action freely and sacrificially undertaken; it stifles enthusiasm and personal commitment.

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*How would a national service program be financed and administered?*—Some four million young men and women turn eighteen each year. The Congressional Budget Office in a January 1978 study estimated that approximately 3.5 million might be employed in civilian programs. The annual costs of a one-year service program would be approximately \$23.5 billion! The CBO noted, "Reducing the labor supply to businesses that traditionally employ youth could result in increased pressure on wages and prices throughout the economy." To the extent that newly created public jobs replaced existing jobs in the private sector, "the

benefits of reduced youth unemployment would be offset by the costs of increased unemployment among older workers."

Channeling youth into various jobs and dividing up the labor supply among the many competing organizations and institutions "would place a heavy administrative burden on the government." Who would decide which private (and perhaps controversial?) organizations are acceptable? And which were not? And on what criteria?

*Is a compulsory national service program constitutional?*—The Thirteenth Amendment to the United States Constitution prohibits "involuntary servitude." The military draft is a narrow exception to this prohibition, justified under the war powers. Could this exception be broadened to deprive a young person of his or her liberty for a year or more to perform non-military service for the state? A 1971 study by the American Law Division of the Library of Congress concluded, "It is highly questionable whether power exists in Congress to conscript men for other than military service." Organized labor has always looked with suspicion on proposals to draft labor and might well oppose such a measure when its implications became clear.

*Question.* Would your organization be opposed to a voluntary national service in which everyone who agreed to serve either in military or civilian public service for a nominal salary would later receive additional benefits?

Answer. As is apparent from our answer to the previous question, we are not opposed in principle to the pattern of a voluntary national service. But we do wish to express two cautions:

(1) That the terms of service for both military and civilian work be one and the same. Some plans being promoted suggest differing lengths of time for service and differing benefits to be received. Both operate to make the military option considerably more attractive than the civilian. In addition to the inequity of this arrangement, it tends as well to destroy the voluntary nature of the military tour of duty.

(2) A nagging and persistent anxiety that besets us lest a large-scale voluntary national service program become in fact the forerunner of a compulsory program—the camel's nose under the tent flap—already one hears from advocates of compulsory national service the rationalizations and weighty judgments ("We are not getting enough young people," "We are not getting a good cross-section of American youth," etc., etc.) that will justify converting the voluntary program into one that is compulsory.

Senator NUNN. Our next witness is Mr. Kenneth B. Hoover, accompanied by Mr. John K. Stoner, members of the board of the Mennonite Central Committee. I regret that our time is pushing away here, but we are pleased to hear from you and you proceed as you see fit.

#### STATEMENT OF KENNETH B. HOOVER, MENNONITE CENTRAL COMMITTEE, ACCOMPANIED BY JOHN K. STONER

Mr. HOOVER. Mr. Chairman, we want to thank you for this privilege. I am Kenneth B. Hoover, professor emeritus and former chairman of the Department of Science at Messiah College in Pennsylvania, and a member of the governing board of Mennonite Central Committee Peace Section, United States, which I represent here today.

I am here on very short notice to lend the weight of our testimony and conviction against the renewal of draft registration and other measures tending toward conscription.

The Mennonite and Brethren in Christ Churches have always believed that war, conscription and military training are contrary to the will of God. We accept the words of Jesus as true and authoritative. He said, "Blessed are the meek, for they shall inherit the Earth," and "all who take the sword will perish by the sword." The evidence is that for more than 200 years after Christ left this Earth almost all of his followers refused war and killing. The universal teaching

of the church was that participation in war was contrary to the word of God. This we know has changed, but in our view not for the better.

The legislative proposals before your committee to activate registration cause us deep concern. In the public mind and in practical effect the commencement of registration is a first step toward conscription.

To commence registration would open the door to evils inherent in peacetime conscription that erode freedom and democracy. In 1951 Harold S. Bender of the Mennonite Central Committee appealed to the preparedness Subcommittee of the Senate Armed Services Committee to end peacetime conscription. He gave two reasons.

This is his quote:

First, because of its constant danger as the first step in the militarization of the mind and spirit of our citizens, as well as of our whole national tradition, with its inevitable threat to freedom of conscience and the democratic way of life; and second, because we fear the baneful influence upon our whole national and international policy at the present juncture of excessive dependence upon military power and measures.

It is surely one of the lessons of history that those nations which have most relied upon military might have in the end lost most fearfully. We still believe that it becomes nations to rely more upon goodwill and spiritual forces than upon guns and bombs, and fear terribly the outcome of the present almost world-wide turning to the most destructive material forces to attain national goals.

These destructive material forces have grown in ways unimaginable to Dr. Bender in 1951. The Trident submarine, neutron bomb, MX missile system and laser beam weapons technologies might be scientific progress, but they are human regression. They reflect a militarization of the mind and spirit of our citizens which should not be exacerbated by adding on the registration of 18-year-olds for military enterprises.

The proposal to amend the Privacy Act to permit the Selective Service System to obtain registration data from schools and Government agencies is particularly undesirable. Such a measure would cause more young people to withhold cooperation from the Selective Service System as a testimony against the manipulation of their lives by military computers and unseen officials.

We have appreciated the respect for the rights of conscientious objectors shown by this committee and the Selective Service System in the past and we trust that this will continue.

The strength of the Nation is in direct proportion to its respect for the conscience and human rights of citizens. America's arsenal of atomic bombs and missile systems, and its military manpower cannot save the Nation. Only a commitment to justice and peace for all peoples can do that, because God has said that those who do justice shall live by faith.

Mr. Chairman, may I comment on the request by Senator Warner with respect to our position on the registration of women. Our position is that we oppose military service for everyone, therefore, from that viewpoint, military service for women would be opposed in the same way as for men. We believe it is a moral issue and as a result we do not make a difference between men and women on this issue. We believe that the same principles apply to women as men.

However, from a practical viewpoint, we do believe that registration and the subsequent drafting of women will certainly increase opposition. It is our view that the public would react much more strongly against the drafting of women.

Thank you very much.

Senator NUNN. Thank you very much, Mr. Hoover. We appreciate your being here this morning and thank you for your testimony. We will certainly give it consideration in our deliberations. Thank you. Mr. Stoner, did you have any comments?

Mr. STONER. I think I have nothing to add.

Senator NUNN. Thank you very much. Our next witness is Mr. Ronald Hanft, executive director, National Interreligious Service Board for Conscientious Objectors.

#### STATEMENT OF RONALD P. HANFT, NATIONAL INTERRELIGIOUS SERVICE BOARD FOR CONSCIENTIOUS OBJECTORS

Mr. HANFT. Thank you, Senator. I should correct the title. I am not the staff director of the NISBCO. My position is as legislative associate on the staff of the Church of the Brethren Washington Office. We are one of the member organizations of the Interreligious Service Board and I am here because of the short notice given for our presentation on behalf of Charles Boyer, a colleague of mine in the Church of the Brethren who is the chairman of the board of the Interreligious Service Board.

Senator NUNN. Thank you.

Mr. HANFT. I might add that from 1969 to 1973, I was the training director for Brethren Volunteer Service which is a 30-year-old program for voluntary service which also functioned at that time as an approved civilian work agency for conscientious objectors, and I worked with many conscripted people during those years.

Also with me today is Mr. Shawn Perry who is the associate director of the staff of NISBCO.

Senator NUNN. We are pleased to have both of you.

Mr. HANFT. Thank you. We appreciate the opportunity to be here. I will try to be brief and I will attempt to summarize as briefly as I can the main points of the written testimony that you find before you. The Interreligious Service Board is a service and educational organization which, since its founding in 1940, has provided counseling and informational services to registrants under Selective Service and to members of the Nation's Armed Forces who seek assistance in applying for transfer to noncombatant service or discharge for reasons of conscience.

Today our organization represents 47 religious denominations and national religious groups, and that includes Protestants, Catholics, and Jews, with deep concerns for people, their values and beliefs, and for the rights of those persons whose conscience forbids them to participate in war. A list of these organizations is attached.

I would call your attention to the official statement on conscription adopted by our board of directors in June of 1978 which states:

The National Interreligious Service Board for Conscientious Objectors is unalterably opposed to all forms of conscription, be they military or any form of compulsory civilian service, and supports those who refuse to cooperate in any way with the process of conscription.

We believe that the security of the citizens of our country does not depend upon military forces, but upon the strength of our moral, economic, social and political institutions and upon the awareness of the global interdependence of the human family.

I will try to point briefly to the particular concerns in the rest of the paper. First of all, some reactions to the main reasons that we hear being advanced to justify the return of registration for conscription, the first one being the allegations of the failure of the All-Volunteer Force. We would certainly want you to notice again, as I am sure you have already, the study by the Department of Defense of December 1978 which concludes that the All-Volunteer Force has provided the military services with a full-strength, active force of a quality equal to or superior to that achieved under the draft.

We recognize that there are more serious problems under discussion in regard to the Reserves, but we think there are other alternatives to that problem other than reinstatement of registration for the draft.

We call your attention again to the comments of Commanders Thompson and Hunter indicating that "in many cases a conscripted armed forces would have even more serious problems than today's All-Volunteer Force;" and additionally, the comments of Deputy Secretary Rostker, that "it is too easy to remember the ease of recruiting under the draft while forgetting the many problems it generated."

I would just add a comment. It would seem to me that in order to justify a return to registration for conscription, at least two things must be demonstrated to the American people. First it must be demonstrated that a draft will actually solve the problems of the All-Volunteer Force, and second, it has to be demonstrated that a draft will not create other even greater problems, and we believe that that simply has not been demonstrated.

The second concern, of course, is the inability of the Selective Service to meet mobilization requirements. We pointed out in our testimony here that recent studies which arrive at conclusions indicating the need for more manpower, simply take for granted these kinds of estimates and we think there are some serious questions that have to be raised.

Some of those questions are really very basic questions and they are: what really are our mobilization requirements? For what kind of international conflicts are we mobilizing? Where? With whom? What really are we expecting and what are we setting ourselves up for in our approach to international conflict?

We think the American public needs to have answers to these kinds of questions before resumption of registration and conscription can be justified.

Senator NUNN. The most serious projected scenario would be a NATO war against the Soviet Union and Warsaw Pact. That is the major planning contingency. That is also the foundation on which a lot of these numbers appear.

Mr. HANFT. We are aware that that is probably the most popular scenario and, frankly, we think that kind of sustained ground war in Europe is simply unlikely to occur and that has to be substantiated more fully before a draft could be justified.

Senator NUNN. I read your whole statement, and I appreciate very much the points that you have made. I notice that you make the state-

ment on that point that the use of tactical nuclear weapons is a strong probability at the very outset of any kind of war in Europe. I can't disagree with that in the sense that I could not submit that that wouldn't happen. I don't think anybody knows. But I do believe that the less capable we are in a conventional sense, the more likely it is that nuclear weapons would have to be used at the very outset.

You meet yourself coming back on that argument. In other words, your argument is that since tactical nuclear weapons are likely to be used at the outset, we don't really need the kind of manpower requirements that are projected. If you assume that, you have correct logic, but it becomes a self-fulfilling prophecy. The less prepared you are to fight conventionally without resorting to nuclear weapons at the very outset of a war, at least for a few days or a few weeks, the more likely it is that your commanders in the field will recommend the early release of tactical nuclear weapons and the more likely it is that they would be given that authority.

The very fact that we are not prepared to mobilize manpower, and the very fact that not only our adversaries know that, but our own people know that including our military commanders, in my opinion, lowers the nuclear threshold and makes nuclear war more likely rather than less likely if we got into that kind of conflict.

Some people disagree with that, but what I am saying is that frankly, with your argument on that score, I would take that argument and reverse it completely in the sense that in my view, it is an argument for being more prepared so we would not have to have nuclear weapons as the first resort in any kind of scenario there.

Mr. HANFT. I appreciate your comments, Senator. I think my reaction would be that the larger effect of mobilizing manpower is not to deter military conflict, but it is to, in fact, increase it in whatever form it finally takes.

I think that would be our concern, that the larger effect, and the ultimate effect of this kind of mobilization under these conditions would, in effect, move us closer to an armed approach, a military approach to conflict, and distract from the nonmilitary approaches to international conflict.

Senator NUNN. You have to assume that the Soviet Union is ready to go any minute now. They have approximately twice the number of people that we have under arms. They have a conscripted force. If your theory is projected on them, then we are in a pretty bad situation.

Mr. HANFT. I think that regardless of the differences of opinion that we might continue to share, this is precisely the kind of debate that needs to happen and needs to involve the American public more than it has before we could move to registration.

Senator NUNN. I agree.

Mr. HANFT. I would like to add a couple more comments about a second area of concern. First we do see registration as conscription. We think that should be obvious, that registration has that purpose and only that purpose, so we really are talking about registration for the draft, registration and conscription, in this issue.

We happen to feel that while the constitutionality of the peacetime draft has not been finally decided in the courts, it should be before we move to a peacetime draft. It is our belief that a system of conscription is a gross violation of personal rights in violation of constitutional prohibitions against involuntary servitude.

Another concern we have is really the kind of positive concern we have for volunteerism and personal liberty and the way in which registration and conscription violate those principles.

A statement of our board of directors has said, "that we view with dismay the further regimentation of American society," and "we are convinced that the continued existence of the Selective Service organization in peacetime contributes materially to that process."

It seems to us that draft registration is essentially saying to our young people that their lives and fortunes can be determined or, in effect, are owned by the Government, and that the Government intends to keep track of its property.

Our alternative view to that is the principle of voluntary service.

We believe that religious service and a witness to peace cannot be coerced, and that no government has the right or authority to abrogate the right of individual conscience.

As religious bodies we do not feel that we can concede to the State the authority to conscript citizens for military service against their conscience. Additionally, we would point out again the findings of the President's Commission on the All-Voluntary Force in 1970 which also indicated that "the draft erodes ideals of patriotism and service by alienating the young who bear the burden."

I think I would want to add that from my own experience with conscripted people, the draft and the threat of the draft which is what registration is, is a serious disruption of the lives of young people that cannot be taken lightly. I know the committee is not taking it lightly. It makes it virtually impossible for many people to make educational, vocational, marriage, and family plans in a self-directed and orderly fashion.

I am sure you are aware that we are talking here about the lives of American citizens, not just stockpiling material. It would be sad and ironic indeed if, at a time when the Congress is becoming more cautious in its use of fiscal resources, it became more cavalier in its use of our Nation's human resources.

Finally, I would just point out four of the aspects of pending legislation that are troublesome to us: First, the location of Selective Service as a part of the Department of Defense rather than as an independent agency. Our primary objection to these proposals is that we think this would be a total militarization of what has been, at least in form, a civilian agency.

We also think that the committee should be aware that as we see it, the number of persons refusing to cooperate with registration would be greatly increased if registration was directly with the Department of Defense.

In regard to the "fold in/fold out" models, we suggest that probably bureaucracies would not function all that easily in implementing that, and if an independently functioning Selective Service System is viewed as necessary and desirable during mobilization, it would be far better to leave it independent then during peacetime.

Another concern is the use of schools and school records for registration. In 1975, when some suggestions of that sort were surfaced, many educational institutions, including church-related schools, took official positions of noncooperation with what they felt were violations of the privacy of their students and the violation of their educational mission.

It seems to us that our educational institutions should not be used as

the vehicle for the militarization and the regimentation of our young people's lives.

The waiver of the Privacy Act is another serious problem as we see it. We believe the original provisions of the Privacy Act remain valid and that all proposals for its waiver ought to be rejected.

We believe that the Government intrusion into the private lives of its citizens should be prohibited unless there is a compelling reason, and we do not see that compelling reason.

Senator NUNN. I understand your objection on that completely and I understand that you are against registration. So I am not in any way trying to get you in a position of saying that you favor registration in any form, but one of the alternatives being considered and we have talked about it with previous witnesses, is in going to a registration system under Selective Service with more computers and feeding into those computers, according to CBO, certain Internal Revenue Service records and certain social security records and so forth.

We have a disagreement about whether that would be before mobilization or after mobilization, but nevertheless, it is apparent that CBO envisions a good bit of work done before mobilization.

One of our witnesses, Mr. Lynn, in his statement on page three quotes from the Congressional Budget Office study in November 1978:

A major finding was that inductions could begin a mere 13 days sooner with registration than without it. The report concluded that with \$2 million worth of improvements in automatic data processing equipment, merger of existing computerized lists from Social Security and Internal Revenue files could produce a current address list for up to 85 percent of 20 year old males, the first age group Selective Service would induct within 5 days. This would permit inductions to begin 25 days after mobilization, actually earlier than DOD requires.

My question to you is this. I know you consider both of these to be against your principles. If you had to choose between the two, as a lesser of two evils, would you prefer direct registration with young people, or would you prefer some form of updating computer lists and merging social security and Internal Service Revenue records?

Mr. HANFT. I would have to say that the Interreligious Service Board has not taken that kind of position because we are opposed to all forms of registration.

Senator NUNN. Alright. Are you opposed to both of those?

Mr. HANFT. Yes, we would be. Finally I just want to add that it is in the area of enforcing the peacetime registration requirement that we believe there are serious problems. The numbers of young people who would fail to register are likely to be substantial. We believe the committee should carefully examine the implications of that before enacting registration requirements. As the Congressional Budget Office has noted, "any statutory obligation to register in peacetime poses difficult and costly enforcement problems."

The Department of Defense report also has commented that "a rekindling of antimilitary sentiment and open resistance to the peacetime draft could reopen old wounds, decrease national unity and be counterproductive to the overall national security."

I think I can just summarize our concerns in a couple sentences and they are several. We feel that we are viewing proposals for draft

registration which, one, are a threat to personal liberty and an unjustified disruption of civilian life; two, we believe are unconstitutional; three, will militarize what was intended to be a civilian agency; four, will use public and private educational institutions as instruments of the military; five, will violate the rights of privacy of citizens and six, will involve problems of enforcement that are cumbersome, costly and socially disruptive.

We are concerned about all of this particularly because it is being proposed for what we believe are invalid purposes, those being, in the first place, to deal with a problem in one sector of the All-Volunteer Force to which there are other approaches with a draft registration system whose potential problems have not been adequately assessed and, also, to deal with mobilization scenarios that have not been adequately evaluated much less made clear to the American people.

We understand the difficult decisions that you have to make. We greatly appreciate the opportunity to make these comments. I would like Mr. Perry to have the opportunity to make any additional comments that he has. I know they will be brief, if you would permit him.

Mr. PERRY. Just one more short comment, Senator. We are very much opposed to the process of introducing registration legislation as amendments to authorizations bills. We believe that if Congress is to debate this legislation at all, it should not come in the form of amendments, nongermane amendments, to an authorization bill.

It should come with specific legislation, a specific bill that the American people can debate in a timely manner. You, yourself, have said that you have just a couple of days now to mark this up. There should be more time given this summer to debate this with a specific piece of legislation so that the American people can debate and discuss all of the things that we have heard today.

Senator NUNN. We have had a bill introduced for some months now. We have asked all our witnesses who have appeared before us to comment on it. This is the first hearing where we have had an opportunity for those who oppose this legislation to be heard and, of course, we were faced with the situation of the probability that we are going to face this in conference with the House.

We felt that it was better, even on a rush basis, to at least allow opinions to be heard rather than going into a conference, the Senate floor or even in committee, depending on whether someone takes the initiative earlier and not having had any opportunity.

I do hope that whatever happens, the Senate is not faced with having to come back from a conference on this without having any opportunity to be debated on the Senate floor. That is what we are trying to avoid now.

Mr. HANFT. We appreciate that. Thank you.

Senator WARNER. I think the witness is well taken in his observation that this piece of legislation should be accorded the opportunity to be fully debated by the entirety of the Congress. Mr. Chairman, I want to commend you again for holding these hearings and am delighted that so many came forth to provide their views, and once again, I encourage you, as I have all witnesses, to put in the record any views you might have with respect to this question on the inclusion of women in any legislation even though you are on record as opposing it, and also the question of the conscientious objectors. I think that has to be carefully done in any legislation.

Thank you so much. Thank you, Mr. Chairman.

Senator NUNN. Thank you very much.

Senator WARNER. I would like to submit these questions for the record voluntarily if witnesses wish to address them.

Senator NUNN. I would think counsel would need to write each witness a letter then and give them these questions that Senator Warner has posed. We would ask that if you would like to answer them, fine. There is nothing compulsory about this. We are not requiring that they be answered as we do with our official governmental witnesses. But if any of the witnesses would like to address these questions for the record, that would be fine.

Mr. HANFT. I am sure that we appreciate the opportunity.

Senator NUNN. Thank you. Our next witness is Mr. Thomas Conrad, board member, Central Committee for Conscientious Objectors.

### STATEMENT OF THOMAS CONRAD, CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

Mr. CONRAD. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to meet with you. I am here today on behalf of the Central Committee for Conscientious Objectors, a national draft and military counseling agency.

CCCO is one of the oldest national advocacy organizations for people who are in the military, or who face the prospect of military duty. Since its founding in 1948, the CCCO network has offered counseling and support to hundreds of thousands of men and women with military-related problems, including conscientious objectors, service people who are AWOL and in exile, draftees and recruits in the Volunteer Force.

Mr. Chairman, it is astonishing to think that this country may be on the eve of reviving conscription. It is even more shocking and worrisome to think that this is to be done in peacetime.

Imposing conscription on American youth will not enhance our national security. With an active duty force of 2.1 million men and women under arms, another million-plus in the reserves and up to 100,000 in the delayed entry program, any allegation that this Nation is unprepared for war is unconvincing.

Despite the fact that we have assembled the largest peacetime military force we have ever had, proponents of the draft are busy finding shortcomings and predicting doom.

Senator NUNN. Let me ask you as I did a previous witness on that, where are you getting the information that this is the largest peacetime force we have ever had?

Mr. CONRAD. I am sorry, but like the previous witness, I can't cite chapter and verse, but I believe it is mentioned several times in the report from the Department of Defense which came out January 1, entitled, "America's Volunteers."

Senator NUNN. This is really contrary to all statistics and information we have, so I just point that out to you. Every indication is that that is in error.

Mr. CONRAD. The newly discovered "manpower gap" which is being used as a basis for returning to the draft is suspicious because it so

closely resembles the "missile gap," the "bomber gap," and the Tonkin Gulf incident all of which were used to win support for expansion of military operations.

The draft is a touchy political issue. Some Members of Congress say they are against the draft but in favor of draft registration. They argue that registration itself is a benign act with little consequence. But from our talks over the past few months with hundreds of parents, young people and students, we are convinced that Americans are quite aware that draft registration is merely a prelude to resumption of full-scale draft inductions.

Claiming that a "mere" registration does not herald the return of the draft is something like telling a woman who is expecting to give birth in 4 months not to worry, that she is "only" 5 months pregnant. The fact is that registration is a vital component of the conscription process.

Recalling the days of the Vietnam war may be painful but that experience holds valuable lessons that we forget at our own peril. America's last draft inflicted devastating wounds on our society. It alienated thousands of youth, split up families and drove thousands into hiding and exile.

Mr. Chairman, we believe that reinstating registration and the draft will once again put the Government on collision course with this Nation's youth. If initial reactions from young people across the country are any indication at all, the Government should expect widespread opposition to the resumption of the draft.

As in the past, opposition is bound to come from groups and individuals who have moral and religious scruples against conscription. However, we believe there is an even larger number of Americans who simply resent this sort of Government control, and who have fundamental doubts about the motives behind the move to bring back the draft. While these citizens may not express their objections in a lofty or articulate manner, the consequences of their opposition and defiance will be felt.

Beneath all the arguments about the wisdom of reinstating the draft, its constitutionality, and how a registration would be carried out, lies one compelling fact: The draft will only be successful if the citizens of our country accept it. Americans rejected the draft a few short years ago and we predict they will do so again.

If the draft is reinstated, there are bound to be instances of flagrant violations of the law. The Government will again have to reckon with widespread refusal to register, draft card burnings, possibly even sabotage. Many, many more thousands who don't vent their opposition publicly are likely to undercut the success of the draft by simply quietly refusing to register or by providing false information when they do register. A noncompliance rate of 30 percent or more is not unlikely.

Vigorous opposition has already emerged even though Congress has not yet acted to bring back conscription. Over the past few months, committees to stop the draft have sprung up around the country. Thousands of citizens have gone on record, stating their intention to resist the draft. Hundreds are specifically willing to commit civil disobedience and many have signed pledges to that effect.

On the surface, reviving Selective Service and reinstating the draft appears to be a relatively modest financial proposition that would cost

at most \$30 to \$40 million. If Congress resumes the draft, however, the Nation will again have to pay the hidden costs of apprehending, trying and jailing Selective Service violators.

The social costs of conscription are not always immediately obvious. They include the burden of Government channeling, the militarization of civilian institutions, the alienation of our young and the loss of many of our youth through emigration.

In closing, on behalf of the Central Committee for Conscientious Objectors and many other witnesses here today, let me urge this committee and the whole Congress to reject the draft. It is not in our interests as a nation, nor is it in the interests of youth. It will only erode the progress we have made in bringing the country together again since the nightmare of Vietnam.

Senator NUNN. Thank you very much for your testimony. We appreciate your being here this morning. We regret that you had to wait so long. We would invite you to also submit any further statement you might want to have as we proceed for the record if you find that you would like to do so.

Mr. CONRAD. Thank you very much.

Senator NUNN. Thank you. Our next witness is Mr. Thomas G. Palmer from St. Johns College.

#### STATEMENT OF THOMAS G. PALMER, ST. JOHN'S COLLEGE

Mr. PALMER. I would like to thank you for the opportunity to address this distinguished committee and present the views of the Students for a Libertarian Society on the issue of registration and the draft.

I think it is quite gracious of the committee chairman to schedule an entire 2 hours to hear the views of 210 million people on the subject of some importance.

My name is Tom Palmer. I am a student at St. John's College in Annapolis and the national chairman of the Students for a Libertarian Society.

On the day that the Military Manpower Subcommittee of the House Armed Services Committee voted to attach a mandatory Selective Service registration rider onto the military procurement bill, we sponsored a rally on the Capitol steps that drew nearly 1,000 students.

Shortly after, a spontaneous and unplanned sit-in was held by 130 angry young people at Congressman Pete McCloskey's office. Throughout the rest of the week SLS sponsored rallies were held around the country, attracting nearly 40,000 college and high school students.

These demonstrations were not "hate America" rallies; no one denounced his country or the values for which it stands. What they did do was to serve notice that they would not stand for the imposition of an un-American system of forced labor either for military or civilian purposes.

As one of your illustrious predecessors, Daniel Webster, so eloquently stated during debate on the Conscription Bill of 1814, "Laws, sir, of this nature can create nothing but opposition \* \* \* A military force cannot be raised, in this manner, but by the means of a military force. If administration has found that it cannot raise an army without conscription, it will find, if it ventures on these experiments, that it cannot enforce conscription without an army."

Enforcement of such a system of coercion and regimentation as the draft will be enormously expensive; these costs will be in addition to the billions involved in the administration and maintenance of such an ineffective recruitment system as conscription.

Further, these costs will entail more than simple monetary expenditures, for institution of the draft will risk tremendous disruption of American society. There are hundreds of thousands of young people who will join with the Students for a Libertarian Society in a resistance campaign.

We have no intention of being considered as Government property, like so many boxes of ammunition; we won't register and we won't go. We are calling your bluff, Senator Nunn, because we love our country and the liberties that we enjoy here. We have no intention of letting you run roughshod over them or over the constitutional guarantees the Founding Fathers provided for them.

There is a growing mood in this country which holds that Government is too big and too powerful. Taxpayers around the Nation are rebelling against a system that takes nearly 50 percent of the average American's income. We may soon see a constitutional amendment to balance the Federal budget and put a curb on the rapacious taxing and spending policies of the Federal Government.

Combined with this tax revolt may soon be a youth revolt, a revolt against the 100-percent tax called conscription. Groups like the National Taxpayers Union have come out strongly against registration and the draft on the grounds that it will entail greater Government expenditures and that a 100-percent tax on the lives of America's young people is unfair and unconstitutional.

Institution of the draft and compulsory national service, toward which mandatory registration is clearly but the first step, would be an enormous move toward the complete and total domination of American society by the Government.

It would be a profoundly un-American step, for it is a betrayal of the American revolution and of all it stands for, of the rights to life, liberty, and the pursuit of happiness. It is a betrayal that the American people will not stand for, one that may have to occasion a new Declaration of Independence.

There is ample evidence that the All-Volunteer Force is superior to a conscript military. The Rand study, the Herbits Report, the Department of Defense study released last December, as well as others forcefully make the point that the draft is at best unnecessary to the defense of the United States and that it is bound to lead to disciplinary and other problems counter-productive to the effective defense of our country.

It is becoming more widely known that, contrary to some misleading press releases, the military ended 1978 with roughly 2,000 more personnel in uniform than the budget called for.

I suspect that this is why the House subcommittee felt it necessary to sneak registration in through the back door in one of the most underhanded and cynical moves seen recently in Congress. Not only was the measure tacked on to a bill to which it was clearly not germane—Selective Service is an independent agency and it was tacked on to a Department of Defense authorization bill.

Senator NUNN. Excuse me. The 2,000 figure may have been over the Department of Defense estimate about the number it could recruit, but it was not equal to the authorization bill. The number authorized was never met. So it depends on your figures, but that one, I am sure, is not correct.

Mr. PALMER. The reenlistment rate was 100.1 percent which was sufficient to make up for a number of the shortfalls that were experienced, particularly in the Army, and I think, Marines, although Navy did not have these problems.

It was written to go into effect a convenient 3 months after the next congressional election and to apply only to boys 15 years old and younger, a group unable to vote in those elections and who are notably absent from this room where their futures may be bargained away.

Senator Nunn, you may be able to sneak up on the American public with your registration schemes, but you will find that you have taken on more than you can handle when you run into an organized campaign of resistance and opposition.

The Congressional Budget Office estimated that roughly 100,000 people per year would fail to register, in the absence of an organized resistance campaign. We intend to increase that number dramatically.

You see, Senator, we love our country very much and we think it is worth the effort to defend it against the modern heirs of King George III. Like our ancestors before us, we are willing to pledge our lives, our fortunes, and our sacred honor to the defense of freedom.

Senator NUNN. Thank you very much. What I am curious about is how am I sneaking up on the American public. I have been talking about this subject for approximately 5 years. I have been on national television at least 4 times and stated my views that I am for registration.

I have introduced a bill that we have talked about for 4 months in committee. We have had every appropriate witness with expert knowledge that has appeared before us this year, address that bill. I have talked about this to my constituents. I have talked about it to the Georgia Legislature with television being on. I have talked about it to youth groups, every one I have met with for the last 2 years. I have run for election in my own State, with one of the platforms being that we needed to go back to registration and the volunteer force was not going to work, and that we needed to go back to at least the consideration of a draft.

If you will explain to me how that is sneaking up on anybody, I will be very interested in that.

Mr. PALMER. I do recognize that you have always been opposed to the All-Volunteer Force.

Senator NUNN. That is exactly right, and I have never made any bones about it. Now how am I sneaking up on anybody?

Mr. PALMER. Why did the House go through such a sneaky, dastardly and underhanded—

Senator NUNN. You didn't say House. You said, "Senator Nunn, you may be able to sneak up on the American public with your registration scheme." I am Senator Nunn, and I don't control the House. I just want to know how I have sneaked up on anybody?

Mr. PALMER. Why was it that out of all the testimony that is being heard on something that is extremely important, that affects the lives of young people, these 15 year olds, that may affect whether they live or die, why we have been heard for only 2 hours, now 3—and I appre-

ciate the extension—of public testimony. I was contacted late Friday afternoon and told, and I am not going to get on your staff for this, but I didn't appreciate it very much when I was told that I would be able to zip in here Monday morning, getting out of classes, to submit 15 copies of my statement. Now I know that there are many other people who would have been willing to come to Washington had they had the opportunity to prepare their testimony. We are only given 3 hours as the American people to say what we think on this issue.

I don't claim to represent all Americans, certainly not, but I do think that we should have heard more public debate and a greater opportunity for the American people to have been heard should have been accorded.

Senator NUNN. As I explained earlier, the problem we are faced with is whether we have any hearings at all before we possibly meet this issue in conference. It had been my intention to take up a separate bill and to have hearings on that bill. We had the bill introduced. We already have had our subcommittee markup on manpower. We submitted our recommendations to the full committee without a recommendation one way or the other on this registration bill. We are now in the middle of a full committee markup, and because the House has already taken action on their authorization bill, we are going to have it in conference in all likelihood, if the House of Representatives passes this legislation as recommended by committee. So our dilemma really was to whether we would be able to have hearings at all.

Frankly, these hearings had not been scheduled because I did not anticipate that we would have this kind of bill on the authorization bill. Those are the facts as we find them.

Mr. PALMER. These bills have been in the hopper for some time and yet this is the first time that public witnesses have been allowed to state their views.

Senator NUNN. That is exactly right just for the reasons I have just given because we had anticipated that it would come up on a separate bill and had not anticipated that it would be part of the authorization bill which it now is on the House side.

Mr. PALMER. I would like to know what is your position on attaching it as a rider to the authorization bill when it does deal with an agency that is independent and the House bill affirms its independent status?

Senator NUNN. My position is that it ought to be independent. We don't have a rule of germaneness in the Senate. If you look back at the Senate, we have no rule of germaneness without unanimous consent. That goes for the whole Senate rules. We never have a rule of germaneness. We bring up abortion on every conceivable bill. We bring up schoolbusing on every conceivable bill. We brought up school prayer 2 weeks ago on a bill that was not germane. So we go on and on with that.

It would not be the first time that we had something nongermane. My overall view is that I think it would be better to be considered as a separate bill not part of the overall authorization bill, but I cannot control any Senator on the floor of the Senate.

We had an amendment last year on this bill to go to registration which I opposed. If you will look back in the Congressional Record, I argued against it because at that time, I felt that we had not had a chance to even ask our governmental witnesses what their view was, let alone others. While I favored the overall registration concept, I did not favor doing it at that time in that way.

Now what we are faced with is we are likely to have that again on the floor of the Senate, and I felt that we at least wanted to get our witnesses and give them a chance to be heard. These are the requests that we have had and we are allowing everyone to be heard that have made requests. That is all I can do at that stage.

Mr. PALMER. I would like to make just one brief comment and then you do have another witness who has been waiting for a while, and that is, you made the point that the military perceives shortfalls in terms of medical personnel.

Senator NUNN. We have it now.

Mr. PALMER. As I understand it, close to 300,000 babies are delivered every year by uniformed doctors. Now I am not opposed to delivering babies, but I am not sure that that should be a legitimate function of the Pentagon, and if the military were to move to some sort of a pension system or insurance system like private unions have in other States where this is not handled by union personnel, then we wouldn't have these problems of having doctors running around treating matters completely unrelated to military preparedness and delivering babies.

Senator NUNN. A lot of those are dependents in Europe, I assume.

Mr. PALMER. That is right, and a lot of those births could be handled privately were the military to provide a system for it. They don't need a uniformed doctor to deliver a baby; they do to handle combat injuries.

Senator NUNN. I don't think there is anything wrong with the military performing other medical services other than treating war wounds when you are not in a war. Military doctors are not just supposed to sit there and wait for a war. They do have other things that they can do during that period of time when we are at peace. Hopefully, we will remain at peace. So I don't find that argument very persuasive as to what we ought to do to remedy it.

We could cut out all baby deliveries by military doctors tomorrow morning and we would still have the same number of doctors.

Mr. PALMER. Mr. Cooper of the Rand Corporation maintained that that plus a few other minor cosmetic changes would be able to make great strides in the medical problem.

Senator NUNN. I have urged the Department of Defense to make great strides for some time. I do not know the answers to the medical problem, but I do know one thing. I know that we don't have an adequate number of doctors in the military service now. I know that it would cause a tremendous number of deaths resulting from inadequate medical treatment if we had a war, and I think this is something that we should be concerned about.

This registration bill is not going to solve the medical problem.

Mr. PALMER. Thank you very much.

[The following questions were submitted to the Students for a Libertarian Society by Senator John Warner to be answered for the hearing record:]

*Question.* Does your organization believe that everyone has an obligation to aid in the defense of the United States?

*Answer.* Individuals may—and usually will—feel a moral obligation to defend their own and their neighbors' lives, liberty, and property. But no one should force others to participate in this defense against their will.

*Question.* Who should be exempt from any obligation to come to the defense of the United States in times of a declared war?

*Answer.* As stated above, we believe no one has a legal obligation by which he may be forced to participate in defense activities.

*Question.* Other than for physical or mental handicaps, what grounds does your organization believe are acceptable for a draft deferment?

*Answer.* We do not believe discussions of draft deferments serve any purpose. The draft—for anyone—is immoral and unconstitutional, so if Congress respects individual rights and the Constitution, there will be no draft and thus no draft deferments. Asking anti-draft organizations who should be eligible for deferment is simply a political attempt to create division in their ranks; we will not be taken in.

*Question.* Would you support peacetime registration for a draft only in time of declared war if Congress made it clear that a peacetime draft were not contemplated in the near future?

*Answer.* The draft—under any circumstances—is wrong. Thus, we see no need for registration because we see no justification for a draft. And registration itself is an infringement upon individual freedom. Why should young people be required to tell the government where they live, where they work, what color their eyes and hair are, how tall they are, what they weigh, whether they attend school, or any of the other things recorded on registration forms? Senator Warner campaigned as an opponent of big, intrusive government; how can he support such intrusions into our personal lives?

*Question.* What is the basis of your fear that peacetime registration for a wartime draft will lead to a peacetime draft?

*Answer.* As Lord Acton said, "Power corrupts." Power given to government is always abused. And some of the less cautious advocates of registration have acknowledged publicly that the only reason for registration is to pave the way for a draft.

*Question.* If classification were reinstated, what criteria should be used for determining exemption on the basis of conscientious objection? Would each of you representing religious organizations be willing to provide a statement on this problem to the Committee for the official record?

*Answer.* As long as we agree that a draft is unconstitutional and immoral, there will be no need to discuss who can be exempt as a conscientious objector.

*Question.* Does your organization object to a wartime draft in which war has not been declared?

*Answer.* Yes, we are opposed to the draft—which is nothing but slavery—under all circumstances.

*Question.* Would your organization oppose a wartime draft if war had been properly declared?

*Answer.* If the United States were really threatened, we have no doubt that Americans would defend themselves. Thus there would be no need for a draft. If Senators anticipate getting us involved in another unnecessary foreign war, it would be particularly important to oppose the draft at that time. Thus, we would not favor a draft in the case of a declared war.

*Question.* Under what circumstances would your organization support a peacetime draft?

*Answer.* Under no circumstances should any American support a peacetime draft, a thoroughly illegal abuse of power.

*Question.* Some nations, such as France, have drafted with the restriction that draftees could not be deployed outside their nation's boundary. Could you support a wartime or peacetime draft in which draftees do not serve outside the United States?

*Answer.* We would indeed like to see American troops brought home from overseas, and we applaud the Senator if he is thinking along those lines. But it is hardly reasonable to believe that we cannot raise enough troops without a draft.

*Question.* Does your organization oppose national service in which every person would be required to serve for one or two years, either in the military or in a civilian occupation of public service?

*Answer.* Yes, we are totally opposed to national service, perhaps the most authoritarian scheme ever proposed on the floor of Congress.

*Question.* Would your organization be opposed to a voluntary national service in which everyone who agreed to serve either in military or civilian public service for a nominal salary would later receive additional benefits?

*Answer.* America is already in the midst of a long-overdue tax revolt, one which our organization has supported in a number of states. It is astounding that with taxes already taking 45 percent of every American's income, members of Congress are proposing yet another boondoggle. What would "voluntary national service"

cost? It would clearly require increased taxes at a time when government spending and taxes should be drastically reduced. And we do not think it is proper to use tax funds as an incentive to get young people to work for the government in make-work projects. It's just another form of social engineering by a meddling government that we believe Americans will properly reject.

Senator NUNN. Thank you. Our next witness is Mr. David Henderson, assistant professor, University of Rochester.

**STATEMENT OF DAVID HENDERSON, ASSISTANT PROFESSOR,  
UNIVERSITY OF ROCHESTER**

Mr. HENDERSON. Thank you, Mr. Chairman. I am an assistant professor of economics in the Graduate School of Management at the University of Rochester. I did my graduate work at UCLA and received my Ph. D. in economics in 1976.

I don't have time here to give you all of my testimony in the interest of letting you hear all of the witnesses, so let me be brief.

Recently, I spoke at an antidraft rally in Pittsburgh, attended by 1,000 people. I evoked for them an image of what it would be like to be 18 years old and finally be out of high school and then to receive a notice telling them that they had to show up for civilian or military service, and if they did not show up, they would be subject to a prison sentence of up to 2 years.

I went on to say, and I will quote, "What is the thinking of people who advocate the draft? Whatever their differences, they have one thing in common: They believe that you are a national resource. Well, I am here to tell you that you belong to you, that you are not a piece of clay to be molded by others, that nobody has the right to take you against your will, no matter who they are, how many votes they have, or what they intend to use you for."

When I said that, I got a reaction that I have never had in any of my classes. I was interrupted by applause. I think people are very upset about this attempt to revive the draft.

There are a number of claims made against the All-Volunteer Force. Some people say it is too small, others say it is too dumb, others say it is too black.

I have addressed many of these issues in my testimony, so I will be brief. Let me just give you a couple of statistics. In 1964, only one in seven new recruits came under category IV according to the military's test for new recruits. Category IV is the lowest mental level that they accept. In 1977, that was 1 in 20. In other words, it went from 14 percent to 5 percent.

The only other measure of intelligence the Army has is the percent of high school graduates. In 1964, 68 percent of new recruits were high school graduates, in 1977, 69 percent. So by the standard measures, the intelligence has gone up.

Senator NUNN. Let me just suggest to you that you take a look at category I, category II, category III, and category III(B) and compare that now with the draft. You will see that what has happened is that category I and II have come down, category IV is less than it was and there is a tremendous number of additional people in category III and III(B).

Mr. HENDERSON. That is true.

Senator NUNN. Whatever that may mean—that has to be said to complete the statistical analysis. You are correct in what you have said.

Mr. HENDERSON. That's right. Let me address what I regard as a much more fundamental issue and that is that Congress can have any size military it wants; it can have any intelligence it wants without the draft.

It is a complete non sequitur to call for a draft on the basis that the army is too dumb or too small. Let's take a nonmilitary example. I am sure some of you have had some experience with private firms. What if you had not been able to get all the people you wanted to work for you in that firm. Would your natural response be to say, "All right, we are going to send the police after them" and threaten them with prison sentences if people don't show up? No. The natural response would be to pay more. So with the military.

It is the same whether we are talking about the military in general or whether we are talking about doctors or anyone else.

The objection I have heard when I have stated this to people who believe in the draft has been that if we pay more, the All-Volunteer Force will cost too much, it will cost more than the draft. That is not true.

It is not really an issue of the draft costing less, it is just an issue of who bears the cost. Under the All-Volunteer Force, taxpayers in general bear the cost. The cost is spread across society.

Under the draft, the cost is concentrated in a select group of young people, generally young men, although possibly according to Senator Warner's concerns, young women. In any case, it is a very inequitable tax on a small group of people. The fact is that an army is expensive and a high quality army is more expensive. There is no getting around that fact. The only issue is, who bears the expense.

Under an All-Volunteer Force, people in general bear the expense. Under a drafted force, that expense is concentrated on young people.

A number of people have objected that the military is too black.

Senator NUNN. Excuse me, let me just ask you one question on that. Would that principle of paying whatever it costs to get quality people apply also in wartime or is that a peacetime concept?

Mr. HENDERSON. I would apply that across the board.

Senator NUNN. So in a war, we just pay people whatever it takes?

Mr. HENDERSON. That's right.

Senator NUNN. Nobody goes if they are willing to pay their taxes. Basically somebody else would go for them if we pay enough.

Mr. HENDERSON. That's right. Nobody should be sent against their will. In fact, I think the principle is even stronger during the war. During peacetime, we are talking about taking a couple of years of people's lives. During wartime, we are talking about taking their lives.

A number of people have claimed that blacks bear an undue defense burden under the All-Volunteer Force and they point correctly to the fact that blacks are represented disproportionately in the military. But it doesn't follow that that is an undue burden. What that claim ignores is the fact that those black people chose their alternative. Unless we are going to be paternalistic and tell them that they can't make correct choices for themselves, they must regard themselves as being better off choosing that alternative than any other.

What would happen if we reimposed the draft? If we reimposed the draft, we would presumably displace some of those blacks. If we did that, they would be worse off by their own criterion. They chose the best opportunity they have.

If we reimposed the draft, we would remove the pressure on the military to pay decent wages which means that black soldiers who remained in the military would be paid less than otherwise. So it is the draft, not the All-Volunteer Force, that would impose an undue burden on young blacks.

Let me summarize. The All-Volunteer Force is not too small, too dumb or too black. The draft does not cost less than the All-Volunteer Force. The draft does not prevent the military from engaging in reckless adventures abroad, witness Vietnam.

The draft does violate individual rights. On these grounds, it should be rejected. I have talked about the high costs of the draft. There is one cost that I haven't mentioned that is very relevant, the cost to Congressmen or Senators who vote in favor of the draft or in favor of any steps toward the draft.

Senator NUNN. You mean by that, they will be defeated?

Mr. HENDERSON. May I go on and we will see. I don't have a crystal ball. Let me just point out a couple of facts.

Senator NUNN. I just went through a campaign on that and I made no bones about it everywhere I went that I felt like the Volunteer Force wasn't going to succeed, and we were going to have to go back to a draft at some point, and I was for registration and so forth.

Mr. HENDERSON. Hopefully your colleagues who are not here now will read this testimony and it might be relevant to them. May I just state my facts?

Senator NUNN. Surely.

Mr. HENDERSON. Consider this fact. Registration is not the draft. It is just the foot in the door for the draft. Even though registration is only in the proposal stage, it has already been protested in cities across the Nation.

The antidraft rally I spoke at in Pittsburgh was held at Carnegie-Mellon University the day before exam week. It was held the same day as the antinuclear rally here in Washington and the same day as the March of Dimes walkathon in Pittsburgh. It still managed to attract 1,000 people, 900 of whom signed the antidraft petition.

The petition stated among other things: We regard the draft as unconstitutional and will act accordingly. The rally was sponsored by CARD, the Committee Against Registration and the Draft. CARD is a coalition of the American Friends Service Committee, the ACLU, the Students for a Liberation Society, and other groups ranged across the ideological spectrum. One of these groups, the Students for a Libertarian Society as you have heard earlier, is advising its members to refuse to register if registration passes.

After my speech in Pittsburgh, I talked to a number of students who are planning to set up SLS chapters on their campuses or in their high schools. A number of people also told me they will refuse to register if registration passes.

In short, many people are against the draft. Many people will resist it or any gradual attempt to institute it. Almost all of these people are of voting age. I suggest that the members of this committee take proper cognizance of that fact.

Senator NUNN. Thank you very much. On April 30, 1979 the New York Times published a poll, and it says:

A universal registration system, which has been advocated by the Joint Chiefs of Staff would speed mobilization of the nation's Armed Forces in the event of a national emergency. Under the proposed system all eligible young men would be required to register so that they could be called up quickly if it became necessary. Seventy-six percent of the respondents said they were in favor of such a plan, while 17 percent said they opposed it.

Do you think that would be erroneous? You would not agree with that?

Mr. HENDERSON. I think you could agree with those numbers. Those numbers could be accurate, but I think they might be misleading in the following sense. Who were those 76 percent and who were those 17 percent? It is certainly true that maybe 76 percent of the American people favor the draft, but how much do they favor it. Do they favor it enough to base their vote for a politician who is taking positions on hundreds of issues, to base their vote on just that one issue? I don't think so.

However, take the 17 percent who are against it. I think they will vote mainly on this issue.

Senator NUNN. Intensity is what you are talking about then?

I will insert into the record at this point a copy of the article we have been discussing which appeared in the New York Times on April 30, 1979.

[From the New York Times April 30, 1979]

#### PUBLIC DIVIDED ON REVIVING DRAFT BUT FAVORS REGISTRATION FOR MEN

The American public is divided on the question of reviving the military draft but strongly favors the idea of having an optional plan of universal registration of all eligible young men, according to the latest Gallup Poll.

Forty-five percent of the adults interviewed said that the draft should be reinstated, while 46 percent disagreed. Young adults seemed more inclined to oppose a return to the draft than older Americans. Over all, public opinion in favor of the draft has grown since 1977, when only 36 percent of the adults surveyed favored a return to the draft.

A universal registration system, which has been advocated by the Joint Chiefs of Staff, would speed mobilization of the nation's armed forces in the event of a national emergency. Under the proposed system, all eligible young men would be required to register so that they could be called up quickly if it became necessary. Seventy-six percent of the respondents said they were in favor of such a plan, while 17 percent said they opposed it.

The poll also examined attitudes on requiring women to participate in the draft, if it should become necessary. Opinion on this issue was fairly divided; with 43 percent of all adults surveyed saying that women should be drafted and 50 percent opposing the idea.

#### DIVIDED ON WOMEN IN COMBAT

Among those who said women should be required to serve in the military, opinion was divided on whether or not women should be assigned combat roles. Nationally, 19 percent said that they favored combat roles for women, while 22 percent said that women should not become involved in combat.

Even though the poll shows that Americans have mixed feelings about returning immediately to the draft to fill the nation's military manpower needs, they are less divided on the idea of requiring citizens to serve the nation in some capacity. A proposal for universal service for all young men either in the military or in some nonmilitary work has the support of six out of 10 Americans. Furthermore, 40 percent of the people surveyed favor universal service for women. Nonmilitary work would involve service here or abroad in some government program, such as VISTA or the Peace Corps.

In the 18- to 24-year-old male age group, there is more support for the universal service than for a resumption of the draft, and young women also prefer nonmilitary to military service.

Respondents were asked: "Would you favor a system of voluntary service in which young people (both men and women) after high school or college would be given opportunities for one year, either in the military forces or in nonmilitary work here or abroad, such as VISTA or the Peace Corps?" Seventy-seven percent of the young people replied that they were in favor of such service and 14 percent said they were opposed.

Asked whether or not they would personally volunteer for universal service, 15 percent of the young adults said they would "definitely" volunteer. Based on current Bureau of Census figures, this percentage could represent an estimated four million young adults. Another 20 percent said they might volunteer, which could be equivalent to an estimated six million young adults, and 57 percent said they would not volunteer.

Recently, Representative Paul N. McCloskey Jr. of California introduced a bill that would require everyone to register at the age of 17. Each person then would have a option of volunteering for military service or giving one year's "civilian service in a community or environmental capacity." Those who did neither would be placed in a lottery pool for a military draft.

Proponents of a program of compulsory national service maintain that such a program could serve to ease the unemployment rate among youths, which many view as a national problem.

The results reported yesterday were based on 1,541 personal interviews with persons 18 years old and over in more than 300 scientifically selected localities across the nation during the period of March 2-5.

Mr. HENDERSON. Could I add a couple of other points that came up earlier that I would like to respond to?

Senator NUNN. All right.

Mr. HENDERSON. You mentioned in the Soviet Union that you have about twice the size of the military we have. Now I am not positive of this, I can check on it and get back to you if that is possible, but I believe that in the Soviet Union, the number of men in the military, their measure of that, includes defense workers, so that would be the equivalent of our measuring the men in the American military by taking workers at Boeing, workers at Lockheed and so on.

Senator NUNN. That is not correct.

Mr. HENDERSON. All right. Do I have permission to write a letter for the record if I can find my source?

[The letter follows:]

THE UNIVERSITY OF ROCHESTER,  
Rochester, N.Y., May 30, 1979.

HON. SAM NUNN,  
Chairman, Manpower and Personnel Subcommittee  
Senate Armed Services Committee  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR NUNN: During my testimony against draft registration on May 21, I stated my belief that the size of the Soviet military is overstated because they count men employed in defense industries. I was wrong. The source I had in mind was an article in the Spring 1976 issue of Foreign Policy by Les Aspin. I checked it again. He states that the Soviet military including troops employed in agricultural and construction projects. That is the reference I was thinking of.

He does have information, though, that is relevant to this issue. One quarter of the Soviet troops are arrayed along the Chinese border. In the event of a war in Europe, most of them would not be a threat because they would have to stay on the Chinese border.

Once again, thank you for the opportunity to testify.

Yours sincerely,

DAVID R. HENDERSON,  
Assistant Professor.

Senator NUNN. Yes; you can insert that for the record, and I will stand corrected if I am wrong. I would be glad to have that.

Mr. HENDERSON. You point out that there is a small shortfall in

the number of people the military has, compared to the strength it would like. The way they have of getting military men guarantees that there can never be the opposite of a shortfall, guarantees that there can never be more men than they want because when they hit their limit, they can't go over it. So on average, you are always going to have a shortfall. That is just a statistical property.

If I throw a bouncing ball up and it hits the ceiling, on average, the distance from the ceiling is going to be positive and not zero.

Senator NUNN. I don't want to sound like I am rebutting everything, but the truth of it is, you have an authorization level. This is what Congress authorizes. If they get to that ceiling; yes, you are right. They really can't go over that. But that is a yearend level. It is not an interim level. They can go over it during the year. It is a year end authorization level, and if we pass it for fiscal year 1980, then it applies to the number on board on September 30, 1980.

The thing that has happened over the last 4 or 5 years is that they are coming well under that authorization level. They are not meeting their ceiling. Again, it is not the Active Forces where the critical problem is now. If it was simply an Active Duty Force problem, then I don't think we would have the degree of seriousness we do. It is the question of what is happening to the whole Reserve structure of the country, and the question of what would happen in mobilization.

We don't want to go back even if we had a draft tomorrow morning to a huge active standing force. I don't think anyone is advocating that. What we do want to do is be able to mobilize in the event that we have an emergency and to be able to have that mobilization capability as a deterrent to any kind of aggressive action by would-be adversaries.

That is the purpose of it.

Mr. HENDERSON. My answer to that would be the same as my answer on the issue of getting the right size military. You can get any degree of preparedness you want. You can get any size reserve you want if you are willing to pay people enough to get them into it.

Senator NUNN. What percent of the national defense dollars do you think would be appropriate to go to the manpower. We are now at about 57 percent. Back in 1964, we were at about 44 percent.

Mr. HENDERSON. Most of that is due to the increase in pensions, not due to the increase in first-term enlisted pay.

Senator NUNN. Some of that is in pensions.

Mr. HENDERSON. Approximately 3 billion.

Senator NUNN. Most of it is not.

Mr. HENDERSON. That's right.

Senator NUNN. The pensions are a serious problem, too. I think we have to address that whole issue, but when you have your would-be adversary or potential adversary spending, depending on your figures, 25 to 33 percent of their defense dollars on manpower—

Mr. HENDERSON. I could give you a way of spending zero percent on manpower: Don't pay the military anything and draft them all. My point does not depend on what size of the budget is devoted to paying men.

Senator NUNN. You would be willing to pay 70 or 80 percent of the budget?

Mr. HENDERSON. If that is what it took to get the right number of

men. By the way, if you did have to pay that much, you would have an incentive for the military to conserve on their use of men. For instance, when the All-Volunteer Force came in, this is a minor example, but they changed the way they paint boats. They used to paint them so they had to paint them every year. Now the paint jobs last for 3 years and so on. There are all kinds of ways of conserving labor.

Senator NUNN. If you got up to 70 or 80 percent of your overall defense budget as manpower, the men that were in would have a very dangerous assignment because they wouldn't have guns and tanks and planes. They would have to face the adversary virtually unarmed.

We are moving in that direction. We are being outspent right now by the Soviet Union in the last 6 years 50 percent on research and development. We are being outspent by 250 percent on strategic weapons at the time we are trying to negotiate a strategic arms limitation agreement—which makes it very difficult and a lot of people may vote against it because of the trends rather than the agreement itself.

This is relevant to our national security. It may be easy for you to say, pay whatever you want, whatever it is, but it is not something that the majority of the people would agree with.

Mr. HENDERSON. If they disagree, then they are incorrect. What I am saying is that the cost of a good quality military is there. There is no avoiding that fact. All you are talking about is whom you make bear the cost. The cost is not any lower when you are paying 30 percent of the budget. It is just that you impose that cost on these young people.

That is what you are advocating. You are not advocating a lower cost military. You are not advocating lower costs of labor. You are just advocating that taxpayers in general not bear the cost and young draftees bear the costs.

Senator NUNN. So you don't think anyone has any obligation to the country unless they are paid commensurate with what they want for it? In other words, you reject the premise of any kind of service to the United States of America?

Mr. HENDERSON. That is right. I think you have one obligation and that is to respect other people's rights.

Senator NUNN. You have no room for anyone serving the United States of America unless they are adequately paid even in wartime?

Mr. HENDERSON. That's right.

Senator NUNN. You would have the recruiter come around if we were being invaded and ask people how much can we get you for, do we need to raise the ante?

Mr. HENDERSON. I think it could be a little more organized than that.

Senator NUNN. I don't know. You carry your theory to the logical conclusion, and you have just eliminated the word "patriotism" from the vocabulary.

Mr. HENDERSON. No, I haven't. I said pay people whatever it requires to get them. I didn't say that people would not have patriotic motives. In fact, if you believe that people have patriotic motives, why aren't you willing to buy an All-Volunteer Force? If people are so patriotic, they will volunteer at a reasonably low wage. There will be no problem. I am not saying that they are not patriotic. I am saying that the ones who are patriotic will volunteer, and the ones who aren't, won't, and the more patriotic they are, the less you can pay them. That is all right with me.

Senator NUNN. How much would we have to pay you to get you to sign up?

Mr. HENDERSON. I don't know. It depends on the war.

Senator NUNN. We don't have a war now.

Mr. HENDERSON. How much would you have to pay me to go to the Middle East? Infinite. How much would you have to pay me to defend the shores of the United States? Reasonable, I don't know, \$10,000 or \$20,000.

Senator NUNN. All right. We appreciate very much your being here and if you would like to answer any of Senator Warner's questions, we would be glad for you to do it on a completely voluntary basis.

Mr. HENDERSON. Thank you.

Senator NUNN. Thank you. We have an additional statement from Congressman John F. Seiberling with attachments that will be inserted into the record at this point.

[The documents follow:]

PREPARED STATEMENT OF CONGRESSMAN JOHN F. SEIBERLING

Mr. Chairman, thank you for giving me the opportunity to submit my testimony to the Subcommittee on Manpower and Personnel. Your Subcommittee is today completing hearings on questions relating to the success of the All Volunteer Force, and to the necessity of contemplating a return to registration with the Selective Service System and, eventually, to some form of compulsory military service.

Actual inductions into the Armed Forces of the United States ended in December, 1972. Six months later, with certain exceptions, the authority of the President to induct men into the Armed Forces also expired. Yet today, with no international crisis or military action involving the United States, and less than six years after the end of the draft, we are once again hearing a rising chorus of calls for a resumption of compulsory military service, or at least for a resumption of universal registration for young men with the Selective Service System.

As I am sure you are aware, there are fundamental differences of opinion over the quality and capabilities of the All Volunteer Force. Suffice to say that I find it strange indeed that some members of Congress insist that the AVF isn't working—that it has failed to attract sufficient numbers of capable, intelligent men and women to fulfill its peacetime mission of national defense—in the face of a comprehensive report issued by the Department of Defense which concludes that today's volunteer force is in better shape than the draftee army of a few years ago. In fact the report issued by the Department of Defense (America's Volunteers, December 31, 1978) concludes that the AVF "has provided the military services with a full-strength Active Force of a quality equal to or superior to that achieved under the draft." The same report goes on to say that, since the end of the draft, Active Forces have remained within 1.5 percent of the congressionally authorized levels; that the quality of those serving on active duty "has not declined as popularly believed but has markedly and steadily improved since the end of the draft . . ."; that retention of enlisted personnel is well above pre-Vietnam rates; and that disciplinary problems have declined significantly. These are hardly indications that the AVF is desperately in need of a return to the draft.

I think it unlikely that Congress is ready to support a resumption of some form of compulsory military service. Nevertheless, it appears that we will be forced to deal with a proposal that paves the way for a resumption of the draft-registration with the Selective Service System. You are yourself a co-sponsor of legislation which, if enacted, will require the President to begin registration. Senator Morgan has introduced legislation which advocates the extraordinary step of violating the Privacy Act in order to enable the Selective Service System to conduct registration using "age and address information in the records of any school, any agency of the United States, or any agency or political subdivision of any State . . ." And the House Armed Services Committee has already approved amendments to the Fiscal Year 1980 Department of Defense authorization bill (H.R. 4040) which will require Selective Service

registration of all 18 year old males after December 31, 1980. This action in the House was taken despite the fact that the last three draft law changes (PL92-129, 1971; PL90-40, 1967; PL88-2, 1963) were entirely separate from the DoD authorization bills for those years. The fact that amendments to the Military Selective Service Act have generally been handled as legislation separate from the DoD authorization is an indication of the status of the Selective Service System as an independent program of the federal government.

Advocates of registration base their claim for its necessity on the grounds that the Selective Service System is not capable of meeting the demands of the Department of Defense's emergency mobilization timetable. As you know, this timetable requires the Selective Service System to be capable of registering, classifying, selecting, and delivering the first inductee at Mobilization day (M) + 30 days; 100,000 inductees by M+60 days, and 650,000 inductees by M+180 days. Without an increase in funds or personnel, it indeed does appear that the Selective Service System would not be able to register and induct young men fast enough in the event of an emergency. Yet this does not mean that we must begin registration in peacetime. A less costly solution to the mobilization problem does exist—one which will not require us to force young men to register until and unless an emergency materializes.

In a letter from Acting SSS Director Robert Shuck to House Armed Services Committee Chairman Melvin Price, dated December 14, 1978, Mr. Shuck states that the SSS is "firmly convinced that we can develop and demonstrate a capability to register and deliver inductees within 30 days . . ." without requiring peacetime registration. Furthermore, the Congressional Budget Office in a November 1978 report entitled *The Selective Service System: Mobilization Capabilities and Options for Improvement*, discusses a number of options for improving the ability of the SSS to deliver inductees in accordance with DoD's mobilization timetable. The report concludes that the SSS, with the additional appropriations it has requested, is fully capable of delivering the first inductee at M+25 days—5 days ahead of schedule—without requiring peacetime registration. In fact, according to the CBO study, the only advantage that peacetime registration would provide would be the delivery of the first inductee at M+12 days—a net savings of 13 days which, however, the Department of Defense does not require. The impact of the various options discussed by the CBO study is as follows:

(Chart adapted from CBO November 1978 Budget Issue Paper: *The Selective Service System: Mobilization Capabilities and Options for Improvement*, p. xviii)

	Estimates of induction capability			Cost (millions)
	1st inductions	M+60 days	M+180 days	
Base case: Current standby posture—No registration or classification, and present ADP capability	M+65	0	375, 000	\$7
Option I: Maintain standby posture; revise post-M-day registration	M+25	100, 000	650, 000	9
Option II: Reinstate peacetime registration	M+12	100, 000	650, 000	11
Option III: Reinstate peacetime registration and classification	M+12	100, 000	650, 000	20

Clearly, the CBO study confirms Director Shuck's contention that the SSS is capable of developing the capacity to register and deliver inductees fully in keeping with the Defense Department's own timetable. But that's not all. On April 23, 1979, Senator Cohen wrote to the Selective Service System and asked to be provided with information about a recently completed test conducted by the SSS to determine the feasibility of using automated data processing equipment to provide for rapid emergency registration. Director Shuck states in his response of May 10 to Senator Cohen that "preliminary findings indicate that such a system is quite feasible for accomplishing the input of registrant data quickly and efficiently in an emergency registration, as well as during continuous registration." Director Shuck concludes that, during an emergency, "preliminary data indicates that we could input one year of birth group, approximately 2 million male registrants, in five (5) days . . ." and, with the requested increase in appropriations and personnel, "we will be able to develop the capability to start the delivery of inductees within 30 days." Again the evidence has shown that the SSS is confident of its ability to develop the capability of regis-

tering and inducting young men in accordance with the requirements of the Department of Defense.

Mr. Chairman, the ultimate in government intervention in our people's lives is the draft, whether for military or civilian purposes. The only justification for registration and the draft at all is when there is a clear case of necessity from the standpoint of national defense. The burden of establishing the necessity should always be on those who would impose such a drastic curtailment of individual liberty. I am convinced that those who advocate a return to registration have failed to demonstrate that it is necessary. Indeed, all the evidence shows that the Selective Service System, with a slight increase in appropriations, can register and induct young men as it is required to do.

Registration in peacetime raises questions of possible violations of the privacy and future liberty of millions of young Americans. To take this step under any circumstances is drastic; to do so when the United States is at peace, and is not faced with any compelling national emergency, simply makes no sense. I urge your Subcommittee to reject any attempt to institute peacetime registration. Failing that, I would at least hope that you will report a separate bill for a full and vigorous debate, instead of resorting to the kind of back door tactics used by the House Armed Services Committee. Any issue which carries with it such grave implications for the privacy of young Americans should not and must not be quietly shepherded through Congress as part of a routine annual authorization bill.

Last year, the House rejected a request for additional funds for the SSS. All that is needed is to provide the Selective Service System with the small amount of additional funds it has requested this year in order to give it the ability to meet the Department of Defense's mobilization timetable. The cost would be less than the cost of peacetime registration, not to mention the additional burden registration would impose on the youth of our nation.

[Attachments.]

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 31, 1979.

Hon. SAM NUNN,  
*Chairman, Subcommittee on Manpower and Personnel,  
212 Russell Senate Office Building,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR NUNN: As you know, I have taken an active interest in the debate surrounding proposals to resume Selective Service registration. On May 21, I submitted testimony for the record of hearings which you held on this issue. I want to express my appreciation for your courtesy in accepting my testimony for inclusion in the record.

It has been brought to my attention that there was some disagreement concerning a recent Congressional Budget Office (CBO) study on the Selective Service System during the hearings. As I understand it, the difference of opinion centered around the so-called "Option I" for improving the mobilization capability of the Selective Service, as described in Table 6 on page 40 of the CBO study (*The Selective Service System: Mobilization Capabilities and Options for Improvement*, CBO Budget Issue Paper, November, 1978). I have taken the liberty of requesting a clarification of the summary of Option I from CBO Director Alice Rivlin in the hope that any difference of opinion might be resolved.

As you will note from Ms. Rivlin's response to my inquiry, Option I, as envisioned by CBO, "would rely upon computerized data files of the Internal Revenue Service and the Social Security Administration to compile a list of registrants." At your hearings, there was some question as to whether this option would require the Selective Service to develop this list in peacetime—prior to the declaration of an emergency mobilization—or to develop the list only following the issuance of the mobilization order. If the former were the case, then there is little question but that the privacy of millions of Americans would be threatened without justification or reason. However, if the security of the United States was imminently threatened—or if a state of war existed—it could be argued that it would be prudent for the Selective Service to have the capability of developing the list following the mobilization order, and I understand that is what the CBO envisioned in its conceptualization of Option I.

Director Rivlin's response states that Option I "described a post-mobilization registration procedure using IRS and Social Security data. It did not envision the preparation of such a data base as an essential peacetime activity, however."

Ms. Rivlin suggests that prior experience in merging IRS and SSA data tapes indicates that the procedure could be done in a fashion "rapid enough to meet the tight induction deadlines established by the Department of Defense." Thus, while the CBO study did consider the desirability of developing the particular computer program which would be used to extract the registration information from existing IRS and SSA data files in the event of an emergency, Option I—as described in the CBO study—would not require the Selective Service System to extract registration lists prior to the declaration of an emergency mobilization.

I have enclosed a copy of the letter from Director Rivlin for your information. If it is possible, I would hope that my letter to you, and the CBO letter clarifying Option I, could be inserted into the record of the hearings on May 21 immediately following the testimony of David Landau and Barry Lynn.

Thank you for your courtesy and prompt attention to this matter.

Sincerely,

JOHN F. SEIBERLING.

Enclosure.

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, D.C., May 22, 1979.

HON. JOHN F. SEIBERLING,  
1225 Longworth House Office Building,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: This is response to the questions that you have raised concerning alternative registration procedures discussed in our report, The Selective Service System: Mobilization Capabilities and Options for Improvement.

Option I, which is summarized in Table 6 on page 40 of the report, describes an improved standby posture for Selective Service that includes revised post-mobilization registration procedures. This option included an alternative to traditional face-to-face registration procedures; it would rely upon computerized data files of the Internal Revenue Service and the Social Security Administration to compile a list of registrants.

Regarding this registration alternative, we offer the following points of clarification:

This option described a post-mobilization registration procedure using IRS and Social Security data. It did not envision the preparation of such a data base as an essential peacetime activity, however. Both IRS and Social Security routinely merge and exchange computer tapes, and their past experience indicates that it would take about five days to produce a registrant data base from these files. This should be rapid enough to meet the tight induction deadlines established by the Department of Defense.

Should this alternative registration method be pursued, it would be advisable to prepare an inter-agency agreement detailing the procedures and responsibilities that each agency would follow in carrying out its tasks upon mobilization. Part of these peacetime preparations should also include the development and periodic testing of a computer program to extract the required data from the merged IRS and Social Security files.

To our knowledge, these files have never been merged to produce aggregate demographic data that would allow a statistically reliable evaluation of their comprehensiveness for registration purposes. We have assumed, based upon Department of Labor surveys of the working population, that about 85 percent of males aged 19 to 21 should be in these files. This assumption should be validated in peacetime, before adoption of this approach as a post-mobilization registration method. It may be possible for IRS to report aggregates to Selective Service during peacetime without violation of privacy laws.

I hope this information is helpful to you. If we can be of any further assistance, please contact me or Mr. Dan Huck, of our National Security and International Affairs Division, who was the principal analyst for the Selective Service Study.

Sincerely,

ALICE M. RIVLIN, *Director.*

Senator NUNN. The record will be kept open for 5 days for any additional material that may be submitted. Thank you all very much. The subcommittee stands adjourned.

[Whereupon, the subcommittee recessed at 1:35 p.m., to reconvene at the call of the Chair.]

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the staff members who have been engaged in the work.

The second part of the report deals with the financial statement of the organization for the year. It shows the income and expenditure for the year and the balance carried over to the next year. It also shows the assets and liabilities of the organization at the end of the year.

The third part of the report deals with the administrative work done during the year. It shows the progress of the various departments and the results achieved. It also shows the work done in connection with the general management of the organization.

The fourth part of the report deals with the work done in connection with the various projects and the results achieved. It shows the progress of the various projects and the results achieved. It also shows the work done in connection with the general management of the organization.

The fifth part of the report deals with the work done in connection with the various projects and the results achieved. It shows the progress of the various projects and the results achieved. It also shows the work done in connection with the general management of the organization.

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The eighth part of the report deals with the work done in connection with the various projects and the results achieved. It shows the progress of the various projects and the results achieved. It also shows the work done in connection with the general management of the organization.

The ninth part of the report deals with the work done in connection with the various projects and the results achieved. It shows the progress of the various projects and the results achieved. It also shows the work done in connection with the general management of the organization.

## APPENDIX

[Subsequent to the hearing, the following statements were received for the hearing record:]

BOARD OF CHURCH AND SOCIETY,  
THE UNITED METHODIST CHURCH,  
May 21, 1979.

Hon. SAM NUNN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR NUNN: I understand that your Subcommittee on Manpower and Military Personnel of the Senate Armed Services Committee have recently held hearings on a proposal to resume registration for the draft.

I am enclosing a copy of the official position of The United Methodist Church as voted by its 1976 General Conference meeting at Portland, Oregon. I would appreciate it if you would enter this statement and my covering letter in the printed records of your Subcommittee.

Sincerely yours,

HERMAN WILL,  
Associate General Secretary.

[Enclosure.]

### MILITARY CONSCRIPTION, TRAINING AND SERVICE

We affirm our historic opposition to compulsory military training and service. We urge that military conscription laws still in effect be repealed. We also warn that elements of compulsion in any national service program which may be in effect or under consideration will jeopardize seriously the service motive and introduce new forms of coercion into national life. We advocate and will continue to work for the inclusion of the abolition of military conscription in disarmament agreements.

### STATEMENT OF JAMES HUBBARD, ASSISTANT DIRECTOR, NATIONAL SECURITY- FOREIGN RELATIONS DIVISION, THE AMERICAN LEGION

I am pleased to present the views of the 2.7 million members of The American Legion on the important subject of Selective Service. The resolution appended to this statement we believe is comprehensive, and thus properly addresses the issues which must be considered by this Subcommittee. The resolution was adopted unanimously by the delegates at the 60th National Convention in New Orleans in August 1978.

The Military Selective Service Act of 1967, as amended by Congress in 1971, provides that: The Selective Service System shall be maintained as an active standby organization with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the system.

The current DOD manpower requirements in the event of an emergency call for the first deliveries of registrants for induction to be M+30, with the 100,000 induction by M+60, and 650,000 by M+180.

The present system is no more than a centralized planning activity whose basic task is to plan for a potential reinstatement of the draft under an emergency condition which may arise in the future. Given the current authorized manning levels in the Selective Service System, to transform the agency into an organization capable of providing the necessary manpower to our armed forces under the time constraints required by current planning would be a very formidable undertaking, the time for which is simply not available.

Arguments against the Selective Service System are diverse. The Administration says registration is not needed because the all volunteer force works; civil libertarians argue that a draft is unconstitutional, and religious groups contend that it is unfair and morally wrong. I will address these arguments separately.

The Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics conducted an in-depth study lasting two years which analyzed the AVF in terms of both active and reserve forces. The study concludes that:

The AVF has provided the military services with a full-strength active force of a quality equal to or superior to that achieved under the draft.

Although Navy, Marine Corps and Air Force Reserves components have been able to meet Congressionally authorized strengths, the Army National Guard and Reserve have sagged.

The pool of trained individuals with a military obligation able to meet mobilization manpower needs has shrunk since the end of the Vietnam War. Current levels of the IRR and other pools such as military retirees are probably not sufficient to meet adequate requirements for individual replacements in a major war.

A more responsive standby draft is needed to provide manpower in case of a major protracted war in Europe. In considering a wide range of alternatives to the AVF, the study group recommends that, as a minimum, systemic improvements be made in the standby SSS.

Whether the Administration has endorsed this report or taken steps to remedy some of the shortcomings I do not know. Suffice it to say that several high officials in the Department of Defense, including the Secretary of the Army and the Chairman of the Joint Chiefs of Staff, have publicly advocated the revitalization of the Selective Service System.

A report by Congressman Robin Beard shows the total force a failure due to losses in reserve strength. In the wartime mobilization of NATO forces, the Army would have at least a half-million personnel short-fall within 60 days from D-Day; the Army has been successful in recruiting adequate members to meet peacetime force requirements, only because active force strength has declined over the past five years; active forces have a 80,000 short-fall in wartime personnel needs and Reserves and National Guard have a 180,000 short-fall; the Individual Ready Reserves (IRR) are depleted in numbers and skills; and the Selective Service System does not exist to recruit adequate manpower in the event of war. All of these deficiencies are directly attributable to the elimination of the draft and relying on an all volunteer force.

Civil libertarians have argued that induction into the armed forces constitutes a violation of civil and individual rights and amounts to a form of involuntary servitude.

At this point I would say every American and I quote "Owes to our nation not only a portion of his property, but even of his personal services to the defense of it." The author of that quote was no less than the gentleman who presided over the convention in Philadelphia that wrote the Constitution of the United States—a citizen of Virginia named George Washington.

That Constitution grants the power to our federal government "to provide for the common defense" and grants the power to Congress "to provide for calling forth the militia . . ." I do not believe that our founding fathers intended any restraint on how that militia was to be called forth.

Those who argue that the system is unfair or immoral should face the fact that we are a nation of individuals who have banded together and formed a government for the common good of all. Is it morally wrong for that government to require certain of those individuals to serve in a capacity which defends that common good? I think not.

To be sure, there have been times in the recent history of the Selective Service System when inequities and unfairness existed. Fortunately, our government, acting on behalf of those it governs, forced changes. By the time the United States withdrew from Vietnam, the System had operated for two years with a random sequence lottery; no occupational, student or paternity deferments; and permission for registrants to appear in person before local boards. This last provision is significant.

Historically, the cornerstone of the Selective Service System has been the jurisdiction of the local board over all eligible personnel in its area to include the responsibility for registration, issuance of induction orders, and initiation of deferment requests for individual registrants. We believe that the local board has had and should retain the responsibility to each registrant and the community at large. This is possible only if classification initiation action remains with the local board.

The Selective Service System, operating at the "grass roots" level as provided by the Military Selective Service Act touches more people of this nation than any other agency with the exception of the Internal Revenue Service. It touches them in a most unique and sensitive way. When inductions are required, particularly during a war in which this nation is engaged, the Selective Service System operators render judgments which affect the lives of men—a very serious business. It, therefore, behooves everyone connected with the operation of the system to make sure that the operation functions on a decentralized and personalized basis. This can only be accomplished at the community level by a board made up of respected citizens of that community.

A presidential study group proposed and legislation introduced by several Members of the United States Congress recommends consolidation of the Selective Service System with DOD under the Assistant Secretary of Defense for MRA & L. Adoption of these proposals would be an unwise move which is not in the best interests of our country.

The Selective Service System is too vital to the nation's security to be subordinated in another agency. It provides the President and the Congress with an instrument by which contact can be maintained with the citizenry at the grass roots level through the Governors and the local board members.

As a result of the experiences during World War I while the system functioned under the War Department, the Selective Service System was established in September 1940, as an independent agency; thereby, permitting it to operate free from the undue influence of any user of manpower.

During World War II, by Executive Order, dated December 5, 1942, the Selective Service System was placed under the War Manpower Commission.

The War Manpower Commission, while not a user of men was principally interested in production and thus was an advocate of deferment. This experience after one year caused the Congress to restore the Selective Service System, on December 5, 1943, to its independent status, and provide by law that this status could not again be lost by Executive Order.

Thus, historically the Selective Service System became independent because it was found unwise to have its actions unduly influenced by any agency which had a specific interest in the nation's manpower. This independent status has been perpetuated in each revision of the Act including the current Military Selective Service Act.

Mr. Chairman, in October of 1971, a Select Committee of Manpower of The American Legion issued the following statement:

"We are unalterably opposed to allowing the Selective Service induction authority to expire on June 30, 1971. The standby draft is impracticable and the delay involved in activating it in a national emergency by Joint Resolution of Congress would endanger the national security of this country."

In spite of this recommendation, the induction authority expired and a deep standby posture was implemented and the seeds of our armed forces' present manpower problems were sown. Indeed the standby posture is so deep that the Selective Service System has not had a permanent director for two years.

We urge this Subcommittee to issue a favorable report on legislation to revitalize the Selective Service System.

60TH NATIONAL CONVENTION OF THE AMERICAN LEGION HELD IN NEW ORLEANS, LA.,  
AUGUST 22-24, 1978

#### *Resolution 312*

Committee: National Security.

Subject: Support the re-establishment of the Selective Service System as a Viable Preparedness Measure.

Whereas the defenses of the nation require the maintenance of a system of military manpower procurement equal to meeting the needs of present and foreseeable defense commitments as well as primary wartime demands; and

Whereas the validity and effectiveness of the present all-volunteer Army program has fallen into serious doubt regarding its ability to meet these vital requirements on a continuing basis; and

Whereas the Selective Service System has proven itself to be fully effective in meeting the vital national needs during all wars this nation has been engaged in during this century, as well as the requirements of the peacetime army since World War II until the present troubled period of the all-volunteer Army program; and

Whereas in spite of the long successful record of the Selective Service System and the clean mandate of Congress as provided in the Military Selective Service Act, the current organization and functions of the standby Selective Service System completely disregards the essential provisions of the Military Selective Service Act which provided that a complete registration and classification structure capable of immediate operation in event of a national emergency be maintained even when Selective Service is on a standby basis; and

Whereas the present planning at the national level of the Selective Service System has cast aside the history proven decentralized organization in favor of a centralized computer system administered by National and Regional offices; and

Whereas the capability of the Selective Service System to meet the above provisions of existing law has been so ordered through budgetary and personnel constraints that it can no longer meet the well established requirements of the Department of Defense; and

Whereas the independence of the Selective Service is threatened by the federal reorganization program which could merge the System with the Department of Defense or a non-defense related agency; now, therefore, be it

*Resolved, by The American Legion in National Convention assembled in New Orleans, Louisiana, August 22-24, 1978, That we continue to support the maintenance of the Selective Service System as a viable preparedness measure; and, be it further*

*Resolved, That The American Legion believes the negative impact of the all-volunteer Army program in the strength and quality of the Active Army and Reserve components is now readily apparent to even the most casual student of military affairs; and, be it further*

*Resolved, That The American Legion support the re-establishment of a completely operational Selective Service System in compliance with existing law, including Presidential induction authority, such actions being considered essential to correcting current manpower problems of the armed forces; and, be it further*

*Resolved, That The American Legion support the retention of the authority of the state government in the administration of the Selective Service System even when it is on standby basis, supported by an active state Selective Service headquarters with a state director in charge who is responsible for the maintenance of military mobilization plans and operations for the state; and, be it further*

*Resolved, That the local board in a registrant's own community have the responsibility for determining his availability and the issuance of induction orders rather than depend on an untried, centralized computer system; and, be it further*

*Resolved, That The American Legion recognizes and continues to support the training of a pool of Reserve and National Guard officers in Selective Service Manpower Mobilization Procedures; and, be it further*

*Resolved, That because the Selective Service System as an independent agency has demonstrated a time-tested and proven method of manpower procurement for the armed forces in war and in peace, the President be urged to retain the agency's independence and if a recommendation is made toward any merger with another department or agency, the Congress be urged to reject such a move; and, be it finally*

*Resolved, That the President and Congress be urged to provide the necessary directions to and budgetary support of the Selective Service System so that the mandates of the Military Selective Service Act are enforced so that the Selective Service System is able to meet the manpower requirements of the Department of Defense when called upon.*

## REINSTITUTION OF PROCEDURES FOR REGISTRATION UNDER THE MILITARY SELECTIVE SERVICE ACT

TUESDAY, JULY 10, 1979

U.S. SENATE,  
SUBCOMMITTEE ON MANPOWER AND PERSONNEL  
OF THE COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 9:25 a.m., in room 224, Russell Senate Office Building, Senator Sam Nunn (chairman), presiding.

Present: Senators Nunn, Byrd, Exon, Warner, Cohen, and Jepsen.  
Staff present: Francis J. Sullivan, staff director; George F. Travers, professional staff member; Ronald F. Lehman, professional staff member; John T. Ticer, chief clerk; Christine E. Cowart, research assistant; and Mary A. Shield, clerical assistant.

Also present: Gerald Stacy, assistant to Senator Culver; Greg Pallas, assistant to Senator Exon; Beth Gilman, assistant to Senator Goldwater; Tom Wasinger, assistant to Senator Jepsen; Arnold Punaro, assistant to Senator Nunn; Jim Dykstra, assistant to Senator Cohen; and Mike Donley, assistant to Senator Jepsen.

### OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. The Subcommittee on Manpower and Personnel meets today to continue consideration of procedures for registration under the Military Selective Service Act.

The subcommittee has held two hearings devoted entirely to registration on March 13 and May 21 of this year and included testimony on registration from all principal witnesses who appeared during hearings on the military authorization bill. We have heard from a variety of witnesses representing the military and civilian leadership of the Armed Forces, as well as military associations, other organizations, and individuals.

On June 11 the full committee approved S. 109, as amended, which includes provisions from the bill introduced by Senator Harry Byrd, which I cosponsored, as well as provisions from S. 226 by Senator Morgan. These are four major provisions in the committee-recommended bill:

First, the bill provides the President shall commence the registration of men under the Military Selective Service Act by January 2, 1980.

Second, classification under current law is suspended until January 1, 1981, unless the President determines it is in the national interest to begin classification before that date.

Third, the President will report to Congress by July 1, 1980, on recommended reforms to the Military Selective Service Act.

Fourth, the bill would assign responsibilities for the supervision of manpower mobilization planning in the Department of Defense to the Under Secretary of Defense for Policy and require an annual assessment of manpower mobilization capabilities.

That bill is now pending before the Senate. The House has included similar provisions in its version of the fiscal year 1980 Military Authorization bill. There is a unanimous consent agreement in the Senate that S. 109 will be called up as soon as possible after the House acts on the Military Authorization bill.

The administration has not supported a return to peacetime registration. In a letter to Senator Cohen on June 8, Secretary Brown states:

We are concerned that the Selective Service System cannot now meet the 30 day requirement. That circumstance does not, however, lead to the conclusion that peacetime registration is necessary. In the near term, we think that the proper course of action is to enhance the standby ability of the Selective Service System, including its computer resources, its staffing and its planning.

The purpose of today's hearing is to review the current Selective Service plan with those who are expert on the plan and Selective Service procedures. The committee has had the benefit of this letter and this claim but we have not received testimony from the Director of the Selective Service System. I asked General E. C. Meyer, the new Army Chief of Staff, about this and he had this to say about the Selective Service plan:

On mobilization day with all the other things that our country would be doing, with the JCS focusing on trying to move people to Europe, with the Congress of the United States trying to support whatever bills are necessary and required under the War Powers Act, with all the letters that are going out to bring in the Selected Reserve, to bring in the Individual Ready Reserve and with what we are going to be doing in other areas—to have such an optimistic plan in that particular environment is very difficult for me to believe. It is difficult for me to believe that such an optimistic plan would work. I do not believe it is possible that it could be exercised in that period of time. The first day you go to war in this country and the first week and the first two weeks, you are assuming that everything works perfectly. I personally do not believe it could happen that smoothly.

In addition, mobilization exercises conducted in the past year have indicated not just problems but mammoth problems if we had to mobilize. Testimony indicates that manpower problems in the event of mobilization are so severe that the military services are not now capable of meeting our national emergency requirements in terms of manpower. These problems make the capability of the Selective Service System even more important.

Our first witness this morning is Mr. Robert E. Shuck, the Acting Director of the Selective Service System.

If any of the other members want to make a statement at this time, we would be glad to hear them.

Senator Jepsen?

Senator JEPSEN. Mr. Chairman, I would like Mr. Shuck to establish for the record the difference between "registration" and "the draft" and I wonder if I might confirm this point before we get started.

Senator NUNN. Before you begin with your questions, let's see if Senator Cohen has an opening statement.

Senator COHEN. No.

Senator NUNN. Go ahead, Senator Jepsen.

Senator JEPSEN. Mr. Shuck, needless to say, the subcommittee found out very quickly that this is a highly emotional issue and I would like you to confirm the background to today's hearing. Is registration synonymous with the draft? In other words, would you say that re-instituting registration is currently accurately described as a re-instatement of the draft?

Mr. SHUCK. Yes; I appreciate the opportunity to explain that. Many do not understand the different functions for which the Selective Service System is responsible.

First, I think we should understand that under the Military Service Act the Selective Service System has basically three functions: the registration of individuals required to register under the act, the classification of those individuals required to register, then drafting those people who are classified into the high priority induction pool.

So there are three separate and distinct parts. The fact that you register does not mean that you are going to be classified 1A and that does not necessarily mean that you are going to be inducted. There will be a large number of persons classified into the 1A pool who will not subsequently be inducted into the military services. So there are three separate and distinct functions. If we got into an induction environment, the likelihood is today that there would be somewhere around one out of every six registrants who would be subject to induction somewhere down the road if we went into a mobilization environment.

Senator JEPSEN. Thank you.

Then for those who might describe our activities as "re-instituting the draft," that impression is erroneous?

Mr. SHUCK. That is correct.

Senator JEPSEN. Thank you.

Mr. SHUCK. The Military Selective Service Act on the law books today concerns males between the ages of 18 to 26. The authority to induct expired on July 1, 1973. Induction would only be authorized by Congress.

Senator NUNN. Thank you, Mr. Shuck.

At this stage I know you have a prepared statement. We would be delighted for you to proceed now with your statement.

Mr. SHUCK. Thank you, Mr. Chairman.

#### STATEMENT OF ROBERT E. SHUCK, DIRECTOR, SELECTIVE SERVICE SYSTEM

Mr. Chairman, I am pleased to appear before you and the other distinguished members of this subcommittee to discuss Senate bill 109 and the Selective Service System's emergency registration planning.

Selective Service System mobilization readiness prior to October 1977 was based on our understanding of the manpower requirements of the Department of Defense which were defined following publication of the study "The Guard and Reserve in the Total Force." Those requirements and the acceptable risk requirements were as follows: first inductee by M+110, 100,000 deliveries by M+150, 300,000 deliveries by M+200 and 480,000 deliveries by M+230.

The decision to place the System in "Deep Standby" followed the agreement by DOD that with the initial reliance for augmentation of the Active Forces by the Reserve Forces, there would not be a need to provide an initial flow of inductees to the military establishment until 4 months after the decision to resume inductions. The System's organization and resources were designed to meet those acceptable-risk requirements.

In October 1977, the Selective Service System was informed of new and more demanding requirements. The revised requirements were: first delivery within 30 days, 100,000 deliveries by M+60 days and 650,000 deliveries by M+180 days.

These requirements represent the worst case scenario and we are not capable of meeting them from our existing posture with our present resources. We have had plans in being for almost 2 years to meet the previous DOD requirements and I am confident that we are capable of meeting DOD's manpower needs in almost every contingency except a no-notice condition. We must, of course, prepare for the worst case contingency. That is why we requested an increase in funds for fiscal year 1979 and when that was denied again in fiscal year 1979 supplemental and fiscal year 1980 requests to provide the resources and structure necessary to meet our most demanding task.

With these funding requests, we plan an expanded regional structure to parallel the existing Federal regions, facilitate better management and supervision of current and mobilization activities and reduce the span of control. We must have a larger nucleus of trained personnel for mobilization that will permit improved coordination with Government agencies and organizations to achieve rapid and efficient response to a national emergency. This nucleus of trained personnel will include our current full time staff, our Reserve and National Guard officers, State directors and local and appeal board members.

A modest increase in the authorized strength of our Reserve Forces will enhance our ability to rapidly reconstitute the field elements of the System, conduct emergency registration and initiate registrant processing. The additional officers will be assigned as our representatives at the Armed Forces Examining and Entrance Stations upon mobilization.

The recruitment of local and appeal board members in peacetime has a twofold advantage for the System and is a vital key to rapid reconstitution: (1) It will afford the opportunity to concentrate our efforts during the early stages of an emergency toward hiring and training compensated personnel and (2) it provides us with additional people who will offer valuable support and assistance in rapidly reconstituting the System. Local and Appeal Board members must be recruited, trained and ready to accomplish a variety of classification actions soon after mobilization.

We are now evaluating and revising plans and procedures needed to insure the System will be able to meet the current requirements. We firmly believe that the Selective Service System can develop the capability with the increased resources requested in the President's budget message to Congress without a return to peacetime registration as called for in S. 109.

To meet the current DOD requirement we chose to utilize the State election machinery in combination with a system of highly automated data processing procedures for the rapid and efficient input of registration data. We have made considerable progress in the development of the rapid registration and input concept but have some distance yet to go before we can consider our plans to be complete and fully ready for implementation.

Our choice of the use of State election machinery was made after review of various alternatives. Only after careful analysis of prior use of this method did we decide that the State election machinery organizations and personnel best serve our purpose. This method was twice used successfully in World War I, both times occurring after we were already at war. The first occasion occurred only 18 days after the passage of the act that authorized the World War I draft—a single day (June 5, 1917) on which 9.6 million young men were registered. The second occasion occurred on September 12, 1918, a day on which 14 million young men were registered—only 12 days after the passage of Public Law 210 which authorized this registration.

Again in 1940, under somewhat different circumstances—war was not to be declared for almost 14 months—the Nation's election machinery was used. On October 16, 1940, 30 days after enactment of Selective Service Act of 1940 and the issuance of a Presidential Proclamation calling for registration of the Nation's youth, 16,500,000 young men were registered.

In my judgment neither the numbers of people to be registered nor the schedule time in terms of M-plus days appear unreasonable when viewed alongside the accomplishments of World War I and II. Certainly we should be able to at least match the accomplishments of 39 and 62 years ago. With American ingenuity and technology we are confident we can do better.

The increased funding we have requested will enable us to make improvements in what is perhaps our most critical area, computer capability. We are presently developing a comprehensive automated data system (ADS) plan. When our plan is fully developed it will clearly identify the equipment and software requirements and timetables to be followed in meeting our delivery requirements.

One of our major concerns is the need for a rapid data input capability once the registration has been held. A test and analysis of input capabilities was completed on May 2, 1979. The initial results of the test clearly indicate Selective Service can develop the capability to transmit one complete year-of-birth group in 5 days to establish a registrant data base before holding a National lottery and assigning the random sequence number to each registrant.

Other methods of registration including those based in acquisition of names from the data base of the Social Security Administration with "tape matching" with other Federal and State agencies are being closely studied at this time. I expect to have the results of these studies in the near future.

The President, as I am sure you know, has under existing law ample authority to not only reinstate registration but also to order all necessary processing up to the point of actual inductions. I am confident that he would not hesitate to use this authority at any time he

believes it is necessary to preserve or enhance our national security interests.

Mr. Chairman, a mandatory peacetime registration to be effective will require that registration lists be kept accurate and current. It will cost more annually than we have requested for fiscal year 1980. Our studies and analyses demonstrate to my satisfaction that with the organizational structure and computer capability that we requested, we could readily meet the present DOD requirements without peacetime registration.

Finally, I urge congressional support of our fiscal year 1980 \$9.8 million budget request. Allegations have been made that we cannot meet the worst case scenario, and although I am confident that with the required resources we can—unless we get these resources we most surely have an almost impossible task.

This concludes my statement. I appreciate this opportunity to present this information. I am available to answer any questions.

Senator NUNN. Thank you very much, Mr. Shuck.

First, your statement was not delivered to us until yesterday because of what we understood to be clearance problems at OMB. I recognize the role of the Office of Management and Budget in coordinating testimony, but on this matter it is of particular interest to us as to what your views are as contrasted to someone that we don't know down at OMB. Could you distinguish in your statement your personal views from the views of OMB? Could you tell us what was added to your original statement by the Office of Management and Budget?

Senator COHEN. Or taken out.

Mr. SHUCK. Let me clarify that. Last week I was on my way to Indiana when I got the call that this hearing was scheduled for today. I have a brother who is seriously ill and in the hospital. Then we had a meeting of reserve officers which started yesterday at Camp Riley, Minn., and I was on my way there to give a presentation to them and get them started on a 2-week active duty tour. I didn't get back in the office until yesterday morning so I think the clearance problem was probably with the Director himself more than with OMB. I did not get back in the office last week at all and got the statement yesterday before it was sent to OMB. It was actually only at OMB less than 4 hours before it was cleared.

Senator NUNN. Was there anything added or deleted by OMB?

Mr. SHUCK. Yes, sir. I am not aware of in the 2 years that I have been in the office that I hold that any statement has ever been submitted to OMB without additions or deletions. Yes, there were some things that I was asked to include. If I disagreed with them, I would have expressed that disagreement which I have in the past. Nothing was put in there that I disagree with.

Senator NUNN. What was added to your original statement?

Mr. SHUCK. I would have to look at my original statement. My original statement was a little bit longer than this and we did reduce it from the viewpoint that I wanted to read the statement rather than having it entered directly in the record. The statement is not as was originally planned and—

Senator NUNN. For the record, indicate what was in your original statement that has been deleted and to pick out anything that has been

added in this statement that was not in there when it was sent to OMB. That is what I would like to have this morning. I think that would be something you could do rather hastily.

Mr. SHUCK. I think in my original statement, for example, that I submitted to OMB, the paragraph that "The President, as I am sure you know, has under existing law ample authority"—now that was added, for example.

Senator NUNN. That last—

Mr. SHUCK. I thought that you knew that and had not included it in my statement, but I was asked to insure that that statement was included in there so you would be aware that he does have currently under the Military Selective Service Act the authority to register and classify.

Senator NUNN. That is the last paragraph on page 3?

Mr. SHUCK. Just—

Senator NUNN. The whole paragraph seems to go together. I would assume they didn't add just one sentence, they added the whole paragraph.

Mr. SHUCK. Just the paragraph.

Senator NUNN. Right. Anything else?

Mr. SHUCK. To my knowledge, other than some word changes or something along that line, where they asked me to change a word or add a word or correct a grammatical error, no, sir.

Senator NUNN. I am very well aware that the President has authority to reinstitute registration. It is not a very pleasant task to try to mandate something in law which the President already has authority to do. I can assure you that members of the committee that voted for this would not have done so if they felt the President had any inclination to basically respond to what we felt was a critical mobilization problem.

There is nothing else that was added in your statement that you know of.

Mr. SHUCK. To my knowledge, no, sir.

Senator NUNN. All right, sir.

Mr. SHUCK. Because I was out of town, a lot of the statement was prepared by my staff from previous statements that I had made before the Appropriations Committees and the House Armed Services Committee so a lot of this information had previously been stated by myself.

Senator NUNN. Under current Department of Defense plans, veterans who served between 1968 and 1974 would be drafted first in the event of any kind of serious mobilization. How do you plan to conduct the drafting of veterans?

Mr. SHUCK. Sir, we do not plan to conduct the draft of veterans. The Selective Service Act is very specific in the categories of individuals that we would register and the order of priority in which we would conduct inductions. The first priority selection group of individuals under the current act are individuals in the year in which they reach age 20. We would not provide for drafting veterans unless there happened to be some 20-year-olds who would fall into the 1A pool.

Senator NUNN. So you have no authority to draft veterans?

Mr. SHUCK. That is correct.

Senator NUNN. Do you recognize the Department of Defense has a plan for the drafting of veterans?

Mr. SHUCK. I am aware that the Department of Defense has a plan that they expressed before your subcommittee, I guess a couple months ago, that they did plan to mobilize or ask for emergency legislation to draft veterans.

Senator NUNN. How are they going to induct veterans if they don't draft them?

Senator SHUCK. To my knowledge it would not be through the Military Selective Service Act, it would have to be a separate act that would be passed by Congress.

Senator NUNN. You are not prepared now to implement the Department of Defense plan to induct veterans?

Mr. SHUCK. No. Our basic responsibility is for providing untrained personnel into the military service for training. We do not have the apparatus or the provisions for providing the trained personnel that that type of legislation would encompass.

Now under the Military Selective Service Act we do have responsibility for screening the standby Reserve but we are at the present time negotiating being relieved of that authority. Since these are standby reservists and are members of the military service, that screening responsibility most appropriately would be within the Department of Defense rather than within the Selective Service System so we can dedicate our principal efforts to the provision of getting untrained personnel into the training command bases.

Senator NUNN. One of the primary foundations on which the Department of Defense plans to respond if we have an emergency tomorrow morning or next week is basically to draft people with prior military experience. You are saying as the agency in charge, the Selective Service, in any draft that might take place you have no capability and no contingency plan and no overall foundation from which to implement that, is that right?

Mr. SHUCK. That is right. Now I am not going to say that we could not do it. If the legislation were passed and the responsibility were given to the Selective Service System, we could use the similar screening criteria that we used, for example, for the induction of untrained personnel. If we were asked to screen veterans under a mobilization environment, we could develop the capability to do that in a short time frame.

Senator NUNN. How long a time frame?

Mr. SHUCK. I estimate probably 90 days, 90 to 120 days it would take to develop that.

Senator NUNN. So if we had a war tomorrow morning and the Congress passed a law tomorrow afternoon giving DOD exactly what it says it would ask for—that is, the authority to draft veterans because they have no other recourse according to them at this time—it would take you from 90 to 120 days to be able to develop the capability to implement that?

Mr. SHUCK. Yes, sir; unless we are given some advance notice.

Senator NUNN. I don't in any way disagree with you, I just find it absolutely incredible that DOD would hang the whole mobilization plan for any kind of immediate war on that kind of thin reed. Accord-

ing to your testimony we are talking about a 90- to 120-day period before anybody could do anything about the situation which is about the same length of time it would take us to get the untrained people to report for examination.

Mr. Shuck, I know you have outlined what you believe your budget request would give you, and we will get into that in a minute. Without regard to any of your plans now if we had a war tomorrow morning and the U.S. Congress by tomorrow at lunch passed a law giving the President authority to induct, not just register and classify but also to induct, and the President signed that law tomorrow night and on Thursday morning he ordered the full implementation of that law, how long under your present capabilities would it take for the first inductee to report for the first day's basic training?

Mr. SHUCK. We will give you two answers to that, Mr. Chairman. The first answer, under normal criteria—if it is not a dire emergency that threatens our national survival—I would say it would take 75 to 85 days. That would involve working 12- and 15-hour days, for example. If it is a national emergency threatening our survival, I believe that we would have the responsiveness of the American people that would be called for, and probably we would be able to begin the deliveries of individuals within 40 to 50 days.

Senator NUNN. Under your present capabilities?

Mr. SHUCK. Yes, sir.

Senator NUNN. Are you familiar with the court decisions handed down during the Vietnam war which are still law that the order of induction calls was the most extraordinary of all the legal defenses and that draftboards had to issue induction orders in the right order. In other words, if the person who was contesting the draft could show that there were others who inadvertently or otherwise had been omitted that the induction was then void under law?

Mr. SHUCK. Yes, sir, I am aware that there were some difficulties and that we had to be very careful in determining the order of call.

Senator NUNN. Under your contingency plan with people feeding in all sorts of information within the first 30 days from every regional center, various election boards that are set up and so forth and so on, would you agree that if any of those regional centers in any way are late with their reports or if any one part breaks down in the system that basically everyone would have a legal defense that people were left out, therefore they were not called in order?

In other words, if Minneapolis, Minn., had a computer breakdown and didn't feed into your headquarters on time, which you anticipate, would you agree with what I have at least tentatively concluded by reading the law that the whole draft would be void, if challenged by anyone who was being drafted?

Mr. SHUCK. Sitting in the position I sit in, I would not begin the induction process until I was sure I was in compliance with the law. I would not begin the induction order issuance until I had what I considered was the total registration input that was required by law.

Senator NUNN. So basically every part of the system would have to work perfectly before you would begin it?

Mr. SHUCK. Perfectly or at least have a backup capability. In our planning, if a terminal breaks down or if a city does not possess the

capability because of whatever catastrophic situation would occur, we have tried to provide for a backup to input that data through other means.

Senator NUNN. You have 40,000 election sites that would be reporting under your computerized plan, isn't that about right?

Mr. SHUCK. Forty to fifty thousand election places for the registration process. The actual input of that data at this time we are estimating will probably take place at 400 and 500 sites.

Senator NUNN. You are going to be using election information, have you ever known an election in the history of the United States that has had basically every precinct report in accurate information in a period of time that you would be projecting, 10 to 20 days?

Mr. SHUCK. Well, sir, we are just using the election places and the election officials for filling out the Selective Service registration form.

Senator NUNN. That is right.

Mr. SHUCK. We are not using them to take that data and compile it for us. We are taking that data the same day and on the next day inputting that data ourselves, under our control, so that we will be able to satisfactorily input it within 5 days without any difficulty.

Senator NUNN. But that assumes the old theory of trash in, trash out. You have to get the information before you can put it in your computer, don't you?

Mr. SHUCK. Yes, sir.

Senator NUNN. That means that you are going to have something like 40,000 election areas that are going to report in. You are going to do all this in 30 days and you are going to be able to withstand the court challenge?

Mr. SHUCK. I am going to do it in less than 30 days. I am going to do the registration on M+10.

Senator NUNN. Why don't you walk us through the plan for the first 30 days.

Mr. SHUCK. On mobilization day or the declaration of a national emergency, the President will issue a proclamation asking for the assistance of the States and the election officials to conduct the registration. At M+10, 10 days after this issuance of the proclamation, we have plans that we are working on today that will provide for approximately 40,000 to 50,000 registration sites to be used to register these individuals.

At this time we are estimating that 3 year-of-birth groups, approximately 6 million males, or if it is males and females it would probably be 2-year birth groups which would be 8 million individuals, would be required to report to these preidentified sites to fill out a Selective Service Form 1 which provides basic data on the individual. It would take an individual probably less than 2 minutes to fill out the complete Selective Service Form 1.

We have broken this down by State, identified election sites within the State that we would plan to use. On the afternoon of M+10 and the morning of M+11 we plan on Selective Service officials collecting the completed registration forms. Reserve and National Guard officers, local board members and appeal board members will already be recruited and trained to assist us in collecting this data and getting it to sites that have been preselected, for transmission of registration data into the central computer.

We have run the test on this computerized concept. We are confident that we can transmit this data within the 5 days that we set for ourselves. Now we have built in a couple of days in case something goes wrong that we could use if we had to at M+16 and M+17. We are planning on using this data for actual issuance of induction orders at M+19 with the individuals receiving their induction orders at M+20.

What we are planning at this time is to use the mailgram concept. We will prepare a computer tape and furnish that to Western Union. Western Union has a contract with the U.S. Postal Service to electronically transmit this information to approximately 140 post offices throughout the United States. The registrants will be receiving their induction orders at M+20 with a notice that they have 10 days to either file a claim requesting postponement or deferment or to report to the Armed Forces Examining and Entrance Stations for examination and induction if found acceptable for service.

Senator NUNN. What are the grounds for postponement or deferment?

Mr. SHUCK. Those are very well established at this time. We have basically 17 Selective Service classifications that an individual might fit into at some time during the time that he is subject to the Military Selective Service Act.

Senator NUNN. So if he fits into any of those, he simply files a claim when he gets his mailgram rather than report to the induction center for the test?

Mr. SHUCK. Yes, sir. He may go to the Selective Service Office and file a claim requesting postponement or deferment. He may express that he has a hardship or claim that he is a conscientious objector and that will put him into another category for processing rather than his reporting on the scheduled date.

Senator NUNN. But you would agree that if any of the sites don't report in you are going to have to wait until you get the whole sample before you can do anything legally or otherwise the whole process is going to be void. You would agree with that, would you not?

Mr. SHUCK. Yes, sir. We are planning on getting the data in for a complete year-of-birth group before we begin the processing in order to be in compliance with the law.

Senator NUNN. How many sites would have to report in before you have this information?

Mr. SHUCK. We are going to gather the data from the 40,000 or 50,000 election sites and input that data from approximately 400 to 500 sites to 10 regional offices. Those 10 regional offices will input that to the central computer.

Senator NUNN. And that is all going to happen in 20 days?

Mr. SHUCK. Between M+10 and M+16.

Senator NUNN. You are going to hear from 40,000 different election sites and put all that in the computer?

Mr. SHUCK. Yes, sir, we are.

Senator NUNN. I just observe everybody here has been involved in elections, and Senator Warner has had the most recent experience along that line. Difficulties often arise using the same people and the same procedures and yet they have been trained in elections over and

over again. They have never been trained in what you are asking the election people to do. How are they going to be able to turn in this kind of information with any accuracy that would withstand a court challenge by the first person that does not want to be drafted in a 90-day period or 120-day period, let alone 20 days? You cannot really be serious about it.

Are you really serious that you are going to be able to through all of this data at a computer from 40,000 or 50,000 sites, and 400 or 500 collection sites from M+10 to M+16 and be able to withstand a court challenge based on the law that you cannot leave any people out of a group? Are you serious about that?

Mr. SHUCK. Well, sir, if you will take an individual State and break it down into the sites that are within the State and the number of registrants that would be expected to report to that site and the amount of data that is going to be input to the computer, I think you would realize and understand that this really is not such an insurmountable task. It is a matter of utilizing the resources. Yes; I am very comfortable that we could construct a registration at M+10 and be ready to issue the induction orders at M+19 without any hitch.

Senator NUNN. Is this using every election site in the country?

Mr. SHUCK. No, sir.

Senator NUNN. What percentage?

Mr. SHUCK. Approximately 10 percent.

Senator NUNN. Ten percent of the current election sites?

Mr. SHUCK. Yes, sir. Hold in mind that we are registering less than 10 percent of the population of the United States.

Senator NUNN. Ten percent of the election sites and 10 percent of the population?

Mr. SHUCK. Less than 10 percent.

Senator NUNN. Less than 10 percent.

Mr. SHUCK. Yes, sir.

Senator NUNN. How many people is that?

Mr. SHUCK. We are talking about 6 million if registering males only and 8 million if registering males and females.

Senator NUNN. Why would it not be more than 8 million?

Mr. SHUCK. Because we would register 2 year-of-birth groups and approximately 4 million men and women would be in 1 year-of-birth group. We would register the others later and there is where we would get into a longer time frame. The first priority group are those individuals who are 20 years of age with a backup capability or an expansion capability utilizing those individuals who are 19.

Senator NUNN. Are you going to have any trial run with these local officials before we have M-day?

Mr. SHUCK. Yes, sir.

Senator NUNN. Have you asked for any funds to enable you to have a trial run?

Mr. SHUCK. No, sir, we have not at this time. We are just now in the process of completing the plans with the State election officials and in our followup contacts with them we are going to go through the process of preidentifying the individuals that are going to serve at each of these registration or voting places. We are going to run some simulated tests and preposition the registration forms in close proximity of

the registration places or under the control of the chief election official in the State. Wherever the Secretary of State would like to have those forms prepositioned, we plan to preposition the forms so that we don't have a mass distribution problem.

We are going to have the distribution accomplished in advance. We are going to have a plan. We are going to have training for the individuals who are going to be responsible for conducting the registration, we are going to have a small handbook for them.

Senator NUNN. When are you going to do all this? Is all this in this year's budget request?

Mr. SHUCK. We plan doing this before December of this year out of the resources we have available to us now.

Senator NUNN. You are not going to actually practice it? You are going to have pretraining but not practice it?

Mr. SHUCK. We would not practice it until well into 1980.

Senator NUNN. You mean it is not in this year's budget request?

Mr. SHUCK. That is right.

Senator NUNN. How much money will it cost to practice it?

Mr. SHUCK. Well, at the present time I am planning on using 10 States to do it and we have not come up with a cost yet.

Senator NUNN. You mean you are going to have a trial run but you are not going to have the entire country participate? Just 10 States?

Mr. SHUCK. When we came up with the idea we asked officials in five States to evaluate the concept and come back with an answer to a group of questions that we had asked them as well as provide us with any additional information or questions that they might have. We plan to evaluate the success of using this concept in approximately 10 of the 50 States.

Senator NUNN. Really it would be about 1 year or 1½ years to 2 years before you know whether it will work or not?

Mr. SHUCK. I am comfortable it will work tomorrow if we want to initiate that action. We may have some little hitches in the early stages.

Senator NUNN. One hitch, in terms of the computer is going to foul up the system and you are going to be knocked out of court in the middle of a war. It is not going to take a series of hitches. All they have to prove in court is that basically part of the data that would put everybody on the same basis in terms of one group is erroneous or not reported. All they have to show is that and your system is gone.

Mr. SHUCK. Yes, sir, and we are planning on making provisions that that does not occur.

Senator WARNER. Mr. Chairman, would you yield for a question?

Senator NUNN. I might just say one of my colleagues observed, I believe it was Congressman Aspin, that some Government agencies are not able to chew gum without considerable practice. You are planning on implementing one of the most complex, complicated systems that I have ever heard of and doing it on a perfect basis so that it will withstand court challenges and you plan to do it in a 6-day time frame. I wonder, you know, whether you woke up in the night and dreamed this up.

I know you have a tough job and I know Congress has not backed you up. I also know two administrations have not backed you up but for serious people with experience to sit here and propose this kind of

scheme thinking we can do this in the middle of a war to me is—I have not heard any kind of testimony to compare with it since I have been in the Congress.

Senator WARNER. I just want to know about the compatibility of 50-State election systems and the computer language with your centralized collecting computer.

Mr. SHUCK. Senator Warner, we are not planning on using the State computerized system. We are planning on using the registration sites or the voting sites for the physical registration of the individuals only. We plan to collect the data, the form 1s, from these locations and take the forms to about 400 sites. The data will be keyed into the format that we have tested and that format will be compatible and usable when it reaches the central computer.

Senator WARNER. So you just have warehouses full of forms, 8 million of them, and you are going to keypunch those into your own system?

Mr. SHUCK. Yes, sir. We have the registration forms that you are speaking of. We will have those forms predistributed throughout the United States. We have some of them in our warehouse in Washington, D.C., but some of these 8 million forms that you are speaking of are out in the regional offices and will be predistributed to the States so that they are available before the emergency occurs.

So all the registrars are going to do is complete the forms for 6 or 8 million individuals which asks for their name, their social security number, their date of birth, their address and their parent or guardian's name and address. That is the data that we are initially collecting. That is all that is going to be filled out. It is not a complicated form and it is relatively easy to input that data.

Senator WARNER. Take any precinct. How do you know whether or not the young men and women came in or did not come?

Mr. SHUCK. Under the Military Selective Service Act individuals are required to report and register under the act as directed by the President. The President's proclamation on M-Day will direct them to report to these registration sites for compliance with the law. Those who fail to comply with the law, as quickly as we can identify them, will be processed separately from those individuals who do comply with the law.

Senator WARNER. But unless you use the State system of selection and the computer language, how would you ascertain who failed to show up?

Mr. SHUCK. Well, sir, we are planning on doing several checks of the registration as we get into it. Our first responsibility, of course, is to register those who willingly register and begin the induction process of those who have complied with the law. We would not be enjoined by a court from going ahead with the induction process for those who complied with the law because there were some who had failed to comply. We would go ahead with the registration and the classification and induction process with those persons who complied with the law and then start our process of identifying those persons who have failed to comply.

Senator NUNN. But the problem is you have your exemption procedure whereby only one individual can file an exemption and say he

has a problem, then you don't have any system at all to classify those people. All the person who does not have the problem has got to do is to show these people have not complied with the law. They filed an exemption but you have no procedure whatsoever to classify.

Mr. SHUCK. Yes, sir, we do have.

Senator NUNN. Not during the time before you go and induct the first people who may bring a court challenge you don't.

Mr. SHUCK. Sir, under the law today we have the authority to classify individuals when they register. We can classify them into class 1H which is a holding category. We will reclassify individuals in the first priority selection group once they have a random selection number into classification 1A. Only if that individual appeals that classification does it require the local board action.

Then when an individual says, "I don't believe I should be classified 1A," and he desires to file a classification appeal, we will have approximately 2,000 local boards and 98 appeal boards throughout the United States ready to process those actions once that claim is filed. If that is at M+21, the individual's claim may be filed and processed before the date he is required to report to the Armed Forces examining and entrance station. So we would have the system set up and we would be able to start processing those individuals who request classification other than 1A.

Senator NUNN. I will come back on that.

Senator Jepsen?

Senator JEPSEN. No questions.

Senator NUNN. Senator Byrd?

Senator BYRD. Mr. Shuck, what is the attitude of the Chiefs of Staff of the Armed Services toward your proposal? Have you gone over this matter with each Chief of Staff?

Mr. SHUCK. No, sir, I have not been dealing with the Joint Chiefs of Staff. Most of my dealings with the Department of Defense have been at the civilian level. I have dealt with the Assistant Secretary of Defense for Manpower, Research Affairs and Logistics, the Assistant Secretary of the Army for Manpower and Reserve Affairs, and the Assistant Secretary of the Navy for Manpower, Reserve Affairs, and Logistics, to insure that they understand what our process is and what our capabilities and our limitations are and so that I would get a better understanding of what their requirements are and how their requirements dovetail or merge with the DOD requirements that have been laid upon me.

Senator BYRD. You are aware, I assume, that each member of the Joint Chiefs of Staff has testified before this committee that in his judgment registration is vitally important if the military services are to have adequate personnel in the event of an emergency? You are aware of that?

Mr. SHUCK. Yes, sir, I am aware of that.

Senator BYRD. How do you size up their testimony?

Mr. SHUCK. Well, in my opinion the Joint Chiefs of Staff are speaking of how they view the situation in a mobilization environment and how they view their needs for personnel versus the requirements that have been laid upon the Selective Service System for first delivery in 30 days and 100,000 in 60 days. Some of those members of the Joint

Chiefs of Staff perhaps disagree with the requirements saying that based on our current strength level and knowing what my force capability is and what I feel the enemy may be capable of doing, I want more personnel more quickly than what this plan calls for.

Senator BYRD. So your plan then does not take into account the military needs?

Mr. SHUCK. My plan takes into account the requirements that have been laid upon me officially by the Department of Defense and not by the individual services or members in disagreement with that requirement.

Senator BYRD. Now on the first page of your statement you say that:

"There would not be a need to provide an initial flow of inductees to the Military Establishment until 4 months after the decision to resume inductions.

Is your proposal based on that premise?

Mr. SHUCK. No, sir, that was the acceptable risk requirements that were confirmed by the Department of Defense back in the 1975-76 timeframe. It has been changed as the next paragraph indicates. DOD changed those requirements in October 1977, asking me to develop the capability to begin delivery in 30 days versus the first delivery in 4 months.

Senator BYRD. To the best of your knowledge the Chiefs of Staff individually do not agree with your proposal that that would give them adequate personnel?

Mr. SHUCK. As I understand their requirements and their desires for additional personnel when an emergency occurs, they would like to have more assurance of more personnel more quickly than this plan provides for.

Senator BYRD. To follow up on Senator Nunn's question in regard to the filing of exemptions, under your proposal any individual who is subject to registration could file an exemption and then what happens?

Mr. SHUCK. The individual who files a claim will come out of the mainstream of individuals being processed for induction until that claim is resolved. This is each individual's procedural right under the law as provided for by Congress. If you are classified 1-A and you get your induction notice and you believe you have a valid reason for not serving today, you file a claim and have that claim processed. You may request a 30-day postponement because of special illness in the family or you may request a 60-day postponement to settle business affairs or whatever. You may file that claim and a local board of uncompensated personnel from your community would resolve that.

Senator BYRD. Let's assume an emergency exists and individuals are ordered to report for registration. Then any individual who so desires can file an exemption at that point and he is exempt from induction until his case is determined; is that right?

Mr. SHUCK. He is pulled temporarily out of the mainstream of processing until the local board resolves his case which will be expeditiously processed. As soon as an individual files a claim the local board will be scheduled to resolve that claim as soon as possible to get him back into the mainstream. In order to deliver 100,000 inductees we issue 600,000 induction orders so we will have 100,000 persons in uniform. We will process the other 500,000 individuals and resolve their

claims and fit them into the military services within a short timeframe.

Senator BYRD. But none of that is done until after the emergency takes place.

Mr. SHUCK. Under the present plan, yes. An individual used to register at 18, was classified by 19 and then was inducted during the year of his 20th birthday.

Senator BYRD. Under your proposal there would be no registration, of course, and no induction until after the mobilization?

Mr. SHUCK. The present proviso is that we would have registration at M+10, we would hold a lottery for those individuals somewhere around M+16, issue induction orders at M+19 and then the individual would be given the opportunity to file a claim. That would just be the first group of individuals that would be restricted to this time frame. As we got down the pike in the processing and we got through the first surge of deliveries needed, we are going to provide for these other individuals who are registered to be classified and file their claims before they get their induction orders.

Senator NUNN. Would you yield a second?

You are saying M+29 you are not going to classify. You are going to classify everybody 1-A including the blind or crippled, and conscientious objectors and then later on after they get their mailgram, if they get their mailgram, they will be able to file any kind of claim, isn't that right?

Mr. SHUCK. We are going to register 6 or 8 million individuals. We will only initially input 2 million of those 6 or 8 million persons, or 4 million if it is both men and women registering. Then we will classify 1-A only those individuals in the first priority selection group after we have established a cutoff for the number of persons needed to be issued induction orders to deliver 100,000 inductees in 60 days.

Senator NUNN. But at that point the blind, crippled, disabled, and conscientious objectors are in that group.

Mr. SHUCK. Anyone who gets a random sequence number of 1 to let's say 100 would be reclassified from 1-H to 1-A and then would receive his induction notice. He would then be entitled to file his claim if he is physically disabled or—

Senator NUNN. What you refer to as classification is not what we have called historically classification. You are going to classify them according to random selection and birthdays and that sort of thing and then after that they will have a chance to come in.

Mr. SHUCK. The same as happened in the late stages of the Vietnam conflict when we selected by random sequence number. We provided for the classification of these individuals and then they had the opportunity to file a claim objecting to that classification. We had a longer time frame. They registered when they were 18 and they were not subject to induction until they were 20. They had plenty of time. But now we are doing it in a compressed time frame.

Senator BYRD. What is your objection to registration beginning in 1980, say?

Mr. SHUCK. Sir, I have no objection to registration at any time that it is needed for our Nation's mobilization readiness capability. I feel my mission today is to develop the best possible capability for the Selective Service System to meet the Department of Defense require-

ments as I understand them with the least amount of resources necessary to satisfactorily accomplish that mission. I am not one, as some have indicated, who wants to build a bureaucracy. I am not asking for anything extra for the Selective Service System that I don't feel is essential to us having an assured delivery capability. I don't object to having more than I need if someone wants to give me a little more than I need but I am not asking for more than I need to meet the requirements.

Senator BYRD. As I understand it, you have no objection to legislation which would require registration beginning January 1980, do you, sir?

Mr. SHUCK. I have no objection to it, but the legislation is not required, because the President already has that authority.

Senator BYRD. The legislation presently on the books—and you can correct me if I am in error—requires registration, but it permits the President to set it aside if he so desires. Now the legislation before this committee and before the Senate would take away the right of the President to set aside the registration requirement.

Mr. SHUCK. Yes, sir, you are correct.

Senator BYRD. The point I am trying to establish or get clear in my mind is you have no objection to legislation to require registration beginning in 1980.

Mr. SHUCK. No, sir, I have no personal objection to that.

Senator BYRD. Thank you.

Senator NUNN. Senator Jepsen?

Senator JEPSEN. Mr. Shuck, as Director of Selective Service in the structure of reporting and so on, who do you report to?

Mr. SHUCK. The President.

Senator JEPSEN. The President directly?

Mr. SHUCK. Yes, sir. We are an independent agency.

Senator JEPSEN. Are you aware of the results found in the reports of various mobilization studies, and specifically the Nifty Nugget Study?

Mr. SHUCK. Yes, sir, I am, and the Selective Service System participated, as did many other Federal agencies in Nifty Nugget.

Senator JEPSEN. Since then, we have met with General Rogers, Admiral Haywood, General Allen, General Wilson—all these witnesses acknowledge that the Nifty Nugget mobilization exercise indicated that services are not now capable of meeting requirements in a U.S. national emergency. In and about that same time in testimony, you understand, we found that the current Selective Service System would be able to meet less than 60 percent of induction requirements would be met by 6 months after 1978 M Day. Under the plans discussed today, we are talking about meeting the same requirements in 10 or 15 days. There are quite a number of people who have, as you do, very serious concerns about these responsibilities—the joint chiefs and various commanders of the military forces. Now they all say that we have some very serious problems so I ask you this question, and please answer carefully.

Setting aside your institutional opinion will you tell this committee if you personally feel that we need registration, as we have discussed

it here to meet these serious responsibilities knowing the current capabilities of the Selective Service System?

Mr. SHUCK. Well, I am going to have to use both my institutional and noninstitutional instinct on this question, Senator. I feel this. The Congress and the President share the responsibility under the Constitution of our United States for providing for adequate national defense. I think we are all concerned about this Nation's national defense readiness and our capability to defend ourselves and to settle aggressive acts on terms acceptable to us as a nation.

As I went through exercise Nifty Nugget, I, too, shared serious concerns about this Nation's mobilization readiness and about our ability to meet our responsibilities as I understand them today. That is the reason as the exercise was terminating I made a special appeal for a supplemental budget for the Selective Service System to start improving our readiness and our response capability this fiscal year instead of waiting for the 1980 budget. I was successful in getting the Office of Management and Budget and the Department of Defense to agree that the Selective Service System should be improved in its readiness responsibility as quickly as possible, not in 1980 or 1981.

Yes; I am uncomfortable today about the Selective Service System capability of meeting this Nation's mobilization requirements because I am uncomfortable with the capability as I understand the total force of our Nation today. I don't believe that our Reserve and National Guard forces are sufficiently manned today to fulfill the responsibilities that are laid upon them by some of the plans that our Nation has prepared and has assigned to them.

So, yes, I am concerned about Selective Service System capability. I would like to have a greater capability than I have today and I would not object to registration if registration is the answer, but maybe improved readiness of the Selective Service System and additional resources for us so that we have an assured capability without registration is the answer. And unless we try these improved resources without registration, we will never know if it is the answer.

Senator JEPSEN. Thank you. I assume that the last part of your statement was personal as opposed to the institutional.

Mr. SHUCK. Most of the total statement was personal, sir. I feel very strongly that this Nation must have an adequate national defense force and with the responsibility that we have throughout the world as a world leader. We must be able to speak with strength. I believe the president shares that responsibility with Congress to insure that we do have an adequate national defense capability.

Senator JEPSEN. Thank you, Mr. Chairman.

Senator NUNN. Senator Cohen?

Senator COHEN. Thank you, Mr. Chairman.

I guess I have a couple of points offhand. Just for the record, Senator Byrd asked you whether you had any philosophical objection to registration by 1980 and the answer was no. What you are simply saying, however, is that you are not philosophically opposed to it, but find it unnecessary in your professional judgment.

Mr. SHUCK. That is correct. With the requirements today, I feel we can meet those requirements without peacetime registration.

Senator COHEN. Second, Senator Jepsen asked you, setting aside your institutional bias, knowing all that you know, what is your personal judgment as to the needs of this country? I assume your institutional bias would be in favor of more registration. If you are looking at it from a purely institutional point of view, you would build up that bureaucracy. Frankly, you are the first Director of Selective Service who has come before the committee asking for what you need, rather than more than what you need. But it seems the institutional bias would be to say, let's have registration and let's build this bureaucracy.

Mr. SHUCK. I would like registration and classification, preinduction physicals, and I would like a pool of 100,000 or 200,000 that would meet this Nation's mobilization requirements when the emergency occurs.

Senator COHEN. Now it has also been, I think, at least suggested that this is some notion that came out of the blue, that when you were sleeping, you perhaps dreamed it, that no serious minded people should give you any credence or credibility. It seems to me that you have reported directly to Secretary Brown. As far as I know he is highly regarded as a brilliant man, a scientist, someone who has a wide ranging grasp of the needs of this country, and apparently he has at least initially accepted this.

By the way, Mr. Chairman, I want to thank you for calling the hearing and having Mr. Shuck testify. I hope that Defense Secretary Harold Brown will have a similar opportunity to testify before we consider this matter.

Senator NUNN. He has testified. I have asked him personal questions on registration on at least three different occasions, both in full committee and in this subcommittee.

Senator COHEN. I would like to have you address him in the same fashion you did Mr. Shuck.

Senator NUNN. I would and have both on a private basis and in public and basically there are also some DOD concerns about this plan, too.

Senator COHEN. I know he is presently occupied with SALT, but I know you, Mr. Chairman, feel our conventional needs are as important, if not more important, than SALT, at this time. So, I think we ought to have his presence here just to make the record that much clearer.

Senator NUNN. I agree with you, Senator Cohen, but you know he has been here. I don't know how many times we have to ask the same witness the same question about the same subject. That is what frustrates me. He has been here, we got his opinion and we have it in writing. I think it is perfectly appropriate to have this witness here this morning. I think it is a legitimate request. I will be glad to get Secretary Brown back any time you can get him consistent with his schedule. Unless you think he has changed his mind, I don't know why you ask.

Senator COHEN. I would like to have you raise the same question as to whether any serious-minded man could possibly put any faith in Mr. Shuck's proposal and find out the basis why he accepts it. I

don't know if that has ever been asked. I certainly have not attended a meeting where it has been asked.

Senator NUNN. I have said that to him privately, I know that.

Senator COHEN. Another point for the record because I think the record ought to reflect that the Joint Chiefs of Staff have indicated that they favor the registration now. Of course their opinion is important; it is not, however, dispositive. They also happen to favor, as I understand it, the ratification of SALT II, and I assume they do so because they feel it is satisfactory to meet our strategic needs. I know that members of this committee might very well disagree with them or at least challenge the premise under which they would urge acceptance of or ratification of SALT II.

Senator NUNN. That is another subject. I think we ought to await that testimony. We have not heard from them on SALT II yet.

Senator COHEN. I just raise the issue.

Senator NUNN. I will have to wait and see.

Senator COHEN. Fair enough.

Mr. Chairman, I feel very strongly, as you do, that we need a system to deliver people to the military services that is faster and more effective than the system we currently have.

Now, Mr. Shuck, I would like to raise with you one approach that I have been thinking of.

This, Mr. Chairman, really was dreamed up by me, contrary, I think, to the thoughtful consideration given by the Director, but it seems to me there are a lot of options available, not just yours. I am not wedded to your concept of the computer system.

By the way, I raise the point while everybody seems to be talking about the dangers of trash in and trash out and fallibility of computers. I don't know that face-to-face registration, which seems to me started back in the horse-and-buggy days, is any more infallible than the computer system. If we really want to go back and look at it historically, we can see that the court decision you referred to was judged pursuant to a system that had been in effect since 1948. So I don't know that the old system is any more infallible. With it, you could have the same kind of mishaps, misinformation, and misfilings which could then throw the whole question of induction order into chaos as well.

It seems to me also, there is something we ought to deal with in this committee and that is the apparent presumption that in the time of national emergency or needs there would be a widespread lack of patriotism. I just don't believe that to be the case. Now, even with the Vietnam war as unpopular as it was, we didn't have a record replete with requests for exemptions and challenges. So I just think underlying this notion, if we add a national emergency and given the historical record of this country which the Director testified to in World War I and World War II, that most Americans responded rather patriotically.

Senator NUNN. I just want to say for the record, Senator Cohen, that I have no such presumption. Anybody else can speak for themselves.

Senator COHEN. I guess I would call the approach I suggest the immediate delivery lottery. Keep in mind that it is rather rough as

I outline it. I think it is something that needs some definitive study and consideration, but this is basically how I at least would offer it to you.

Suppose you had a national mobilization day and the President said through radio, TV, and newspapers that those with specified birth dates must report in 10 days. The recruits report to centers named by Active Duty and Reserve personnel. Apparently this has been done in the past. There would be immediate screening at the induction center. Those who have obvious mental or physical deficiencies would be excused immediately.

Those claiming conscientious objection would be heard by a board. Those qualifying for induction would be sent directly to basic training. I think that with radio and television in virtually every home and with communications a much higher art form than it was in 1917 and 1940, we could reach virtually everyone instantly. The extra time we gain through such an accelerated callup could be used for classification and processing, and there would be no additional cost to the American taxpayers.

I guess the question I would raise is, has Selective Service considered the feasibility of this approach and if not, could it do so?

Mr. SHUCK. Yes, sir, Senator. In fact we received a letter I guess in January of this year from someone who asked why we didn't advocate or plan for an emergency registration and induction on the same date for those persons with certain birth dates. I guess the difficulty I have with that is if we are registering and inducting males only in a 1 year-of-birth group we have 2 million persons. If we are registering males and females, we register 4 million. The process under which the induction would take place and the capability processing—

Senator COHEN. Assume for the moment it will be 2 million because this committee has gone on record on this.

Mr. SHUCK. Two million. The current capability of our Armed Forces Entrance and Examination Stations under wartime mobilization would be approximately 20,000 individuals per day so to get the 2 million processed we are talking about over 100 days. During this 100 days if the first individuals feel that they were not handled in accordance with their desires, they would not have been inducted before the last one. At the end of 100 days we would get a court case as the chairman mentioned, and we would probably be enjoined from inducting the first individual until the last individual had the opportunity to process his claim.

Not only is our Armed Forces Examining and Entrance Stations capability limited but also the training capability. We are trying to provide for a system that will provide an orderly flow of individuals, permit those individuals to exercise their procedural rights under the law, and not flood the system at any one time.

The second aspect of your proposal—

Senator COHEN. In other words, you would have the people too quickly for DOD to process?

Mr. SHUCK. Yes; in order to meet the requirements of the law within a reasonable timeframe, the first delivery, the last would be subject within the same timeframe.

The second alternative there on the birth dates, at the present time we authorize the individual to come in and register and furnish us his birth date without necessarily bringing in the copy of his birth certificate. We will accept his birth date on the basis of good faith because not providing the accurate birth at that stage does not affect when the individual would be subject to the induction.

After he has provided us the birth date and we hold the lottery, then the birth date becomes important. If the individual comes back later and says, "I gave you the wrong date; this is really my date," and it would place him lower in the priority, we say, "Sorry, you are too late. The date you gave us is the date we use." Our induction process is there and the courts again may try to challenge us on this.

Senator COHEN. What do you use now, the birth certificate?

Mr. SHUCK. No, sir, we take the individual's word for what his birth date is. After his lottery number is assigned and his selection number is established, we will not change that individual's birth date even if he can prove that it is the wrong date.

Senator COHEN. Mr. Shuck, what does your tape matching study entail, and to what degree does it conform to the CBO study that was done last year?

Mr. SHUCK. We are just about through that study Senator.

Senator COHEN. When will you furnish us the results of that?

Mr. SHUCK. Hopefully by the end of this month or early in August I will have some information that I could provide to you. At this stage I am not comfortable, as the chairman has indicated, that I can get all of the data that is necessary in order to comply with the law. You go to social security cards, you don't get all of the individuals in a year-of-birth group. You go to the driver's license bureau, you don't get all of them. You go to the school enrollment lists, you don't get all of them. We go to Internal Revenue Service, you don't get all of them. We are looking for how can we get all of them and be in compliance with the law.

Senator COHEN. Will the \$1.7 million help in that regard?

Mr. SHUCK. It would only help us in the study. The computer-to-computer registration concept that we are looking at today has not come up with what do we do in order to comply with the law. How would be request exemptions and changes to the law that would make us in compliance if we had less than 100-percent participation? What if it was our fault that we didn't get this individual's name because he was not on one of the computers that we went to rather than placing the responsibility on the individual to report and register?

Senator COHEN. As I understand it, in the closing days of President Ford's administration there was a preliminary study done, and it was forwarded by Secretary of Defense Donald Rumsfeld to the Director of the National Security Council. I provided some conceptual mobilization alternatives. This apparently was a followthrough to President Ford's March 29, 1975, statement which suspended registration so that different approaches to registration should be studied. I want to know, are you familiar with this particular study,

Mr. SHUCK. I am not familiar with that specific one, but we have evaluated various alternatives to registration.

Senator COHEN. Are you aware that the study was forwarded?

Mr. SHUCK. No, sir, I am not. To my knowledge I have not seen that study.

Senator COHEN. Should we not make an investigation as to the kinds of alternatives recommended in that particular study?

Mr. SHUCK. I will certainly see that we do look at it and see what alternatives were discussed in it. I think we have under consideration and under evaluation at this time almost every conceivable process for a registration concept.

Senator COHEN. What other alternatives are you considering other than the ones you testified to here today?

Mr. SHUCK. Well, one is the computer concept, of course. Another one that we are looking at is if it is not a national emergency, could we go to less than face to face registration. Or perhaps we could have a mail in registration supplemented with face-to-face registration by providing volunteer registrars as in the high schools and in the colleges and utilizing the county clerk at the local courthouse or something along this line. The volunteer registrar concept in the past has worked very well for the Selective Service System and we have no difficulty with going back to that if time permits us in order to comply with the law and we can still meet the Department of Defense requirements.

Senator NUNN. Senator Byrd?

Senator BYRD. No questions.

Senator NUNN. Senator Jepsen?

Senator JEPSON. Just one quick question. On your planning that you are talking about, is there a total plan with the Selective Service and Joint Chiefs? Assuming we had an emergency—where are they delivered and when delivered and numbers, is that all pretty well laid out?

Mr. SHUCK. Yes, sir, it is.

Senator JEPSON. Thank you.

Mr. SHUCK. We have information on what their daily processing capability is today and what it is 30 days after the mobilization and what we project that it will be expanded beyond that.

Senator NUNN. Senator Byrd, do you have questions?

Senator BYRD. No.

Senator NUNN. Senator Cohen, why don't you go ahead.

Senator COHEN. The question I would have, for example, is do we need local boards? What will be the compliance problems and what will be the compliance procedures? Could boards be incorporated in the screening or induction centers? What is the best means of using today's technology? What sort of field structure is needed? Would use of either minicomputers in the field or a large central computer be more effective than use of both together? What is the time needed to set up each alternative? What are the comparative costs?

Those are some questions that come to me.

Mr. SHUCK. Those questions sound like the ones we have been battling around in our headquarters over the 6 months to a year.

Senator COHEN. And the ones you think you have resolved satisfactorily by the proposal you made today?

Mr. SHUCK. We are still evaluating alternatives and alternative costs. What we felt we had to do is establish one system or concept

and develop it to where it would give us an assured capability while still evaluating alternatives. We are not wedded to what we have today if we find a better one with an assured delivery capability.

Senator COHEN. Well, I guess I would have to ask you this question. What do you think this committee or this Congress can do to help you fulfill your mission? We have not fully funded your requests in the past. We tried to add some money to the supplemental, but that was rejected. We now have the fiscal 1980 budget to deal with. Other than that, what can we do to help you fulfill your mission, in your opinion?

Mr. SHUCK. Well, sir, I feel very strongly that first I need your understanding and your assistance and your guidance. I don't think we operate in a vacuum as an independent agency. We look to you for how do you evaluate the requirements and capabilities of the Selective Service System? How do you evaluate the requirements that the DOD has given to us?

As you indicated this morning, some of you disagree with what the requirements are based upon, especially as it relates to how the Joint Chiefs of Staff or certain members of the Joint Chiefs of Staff disagree with those requirements. I think we all need to look at the problem that we have and the alternative solutions to that problem and then agree as best we can. What is best for this Nation today and what other alternatives should we be looking at in case things get worse tomorrow or next week or next year? What course of action should we take?

So I ask for your understanding, your guidance and your assistance in getting the budget that we have asked for so that we can improve our response capability with the limited resources that the \$2 million would give us. Then if we find that that is not enough and that you are not satisfied with the capability that the budget would provide, we would work with you in establishing a greater capability or more resources that would provide a better capability if that was the wish of the Congress and the President.

Senator COHEN. Or going to registration if necessary, face-to-face registration.

Mr. SHUCK. That is correct. If we determine that that is the course of action that we should choose as a Nation, then we are prepared to implement that requirement.

Senator COHEN. As Senator Byrd asked you appropriately, you have no philosophical objection to it. In fact, you simply feel it is not necessary at this time—it might become necessary if you find that you still have problems even with the appropriated funds and the upgrading of the computer capability in the field structure. If it is your opinion and the considered judgment of the Secretary of Defense, the Joint Chiefs of Staff, and this committee that it can't measure up to mobilization needs, you would have no hesitation in coming back and saving, we have got to go to face-to-face registration.

Mr. SHUCK. Yes, sir. I plan to run a test on about 10 States under our concept. If we find that there are some problems that would enjoin us from having the mobilization capability, I will be the first to say that this is not satisfactory. We have got to have as a Nation a mobilization capability that will meet our defense requirements. I am prepared today to meet those requirements.

Senator NUNN. At this stage we can all agree here, I think, that we cannot meet those requirements today. You don't make any bones about that?

Mr. SHUCK. That is correct.

Senator COHEN. Thank you.

Senator NUNN. Senator Byrd?

Senator BYRD. Would going face-to-face registration, in your judgment work a substantial hardship on the young people?

Mr. SHUCK. No, sir. I look back in my life when I was reaching age 18 and the Military Selective Service Act required that I go down to my local board and register. I felt it was my duty and responsibility to register, but in lieu of registering I chose to join the military service because I knew what the registration process was. First you registered and then you would be classified and then you would be subject to induction—not that I would have been inducted necessarily, but I chose not to wait for that induction process and I enlisted.

Perhaps if we went to face-to-face registration, it would assist some of the young people in understanding their obligation and the privilege of serving their Nation. They would not necessarily be required to serve but they may be called upon to serve.

I would hope that we could get information out through the media and through the leaders of our Nation to our youth that we are today trying to maintain an all volunteer force concept, that we are hoping to get enough people who see it as their duty, and their responsibility to prepare themselves and assist this Nation in preparing itself for a strong defense. If we can get enough personnel to agree that this is their duty, to serve in the military for even just one short enlistment, and then later be available for mobilization, then I hope we will never have to induct anybody involuntarily in our Nation.

Senator BYRD. I don't think there is any proposal to induct. No one that I know of on this committee or in the Senate has proposed that there be induction. We are talking about registration.

Now the answer to my question, I assume from what you say, is in your judgment it would not be a burden on the young people to register.

Mr. SHUCK. No, sir, I do not deem that registration itself is a burden.

Senator BYRD. All right.

Mr. SHUCK. No more so than that an individual is required to get a social security card before he gets a job.

Senator NUNN. Mr. Shuck, just a couple of other questions.

From my understanding the Defense Department officials have said they are very sympathetic to concerns about Selective Service inadequacies and they are disturbed by Selective Service reliance on local election officials and by the absence of a plan to convert the data on several million registrants who all register on the same day to machine readable form. Have you addressed these issues, the issue of relying on local election officials and that there is no plan that you have now in your current planning apparatus to convert to machine readable form the data that you will need to get on the computers?

Mr. SHUCK. Yes, sir, we address both issues and are addressing both issues today.

Senator NUNN. These are DOD concerns about your plan?

Mr. SHUCK. First as to the registration, I am sure that many in our Nation are concerned about what is the best way to register the individuals when the mobilization occurs. There is a lot of disagreement as to whether we have the apparatus in being before the emergency occurs or after the emergency, and each of us has our reasons for why we feel it should be or should not be in being. I had no difficulty with the analysis that we have completed today and the contacts we have made in each of the 50 States plus the District of Columbia to insure myself that if an emergency occurs tomorrow the people of this Nation will respond and we will be able to satisfactorily conduct a registration.

We will have no difficulty in getting 6 or 8 million individuals registered and we will have little or no difficulty in getting that data into our computer in 5 to 6 days. Because we do not have this computer equipment ourselves we are presently conducting a study as to how we could contract for converting this data to machine-readable form in this same timeframe so that we would be able to complete the actions required.

We are comfortable. The study has not been completed but the individuals who have been conducting this study have indicated they have no problems at all with the concept and that we will be able to do it.

Senator NUNN. Mr. Shuck, who is Colonel Kaufman in the Selective Service organization?

Mr. SHUCK. Colonel Kaufman was my readiness division manager.

Senator NUNN. Is that second in command or how do you describe that function?

Mr. SHUCK. I have two divisions in national headquarters, one is administrative and logistics and the other is readiness. I have regional managers throughout the six regions of the United States and each of them share equal status.

Senator NUNN. What was he?

Mr. SHUCK. He was my mobilization readiness division manager.

Senator NUNN. And before that?

Mr. SHUCK. He was the region 1 manager in Baltimore and before that he was the State director of the State of Maryland.

Senator NUNN. Under you, was he primarily responsible for drawing up this contingency plan or how would you describe his relationship with this plan that you have outlined today?

Mr. SHUCK. Over the last year he has been the mobilization readiness division manager responsible for assisting us in completing the plan that I described here. Before that he was one of my region managers. Col. John Caron was initially the one responsible for beginning this concept.

Senator NUNN. You say he was. When did he terminate his employment with you?

Mr. SHUCK. Colonel Caron was——

Senator NUNN. I mean Colonel Kaufman.

Mr. SHUCK. July 1 of this year.

Senator NUNN. What were the circumstances of that? Did you dismiss him?

Mr. SHUCK. Yes, sir, I did.

Senator NUNN. What were the reasons?

Mr. SHUCK. Well, I would be glad to discuss that with you at any time but I don't think that we should embarrass him or anyone else at a public hearing.

Senator NUNN. I will respect your right on that if you would rather not. I will just ask you this question. Was he dismissed partially because he disagreed with you on this plan?

Mr. SHUCK. I will be glad to discuss that with you at any time.

Senator NUNN. It seems to me that is relevant here. He is going to testify this morning right after you depart and I don't believe it would embarrass him for you to say he indicated it would not work. That is not relevant to any personality trait, that is a matter of policy and substance. If that is not the reason, you can say so and we will respect your right to discuss it later in closed session and to relate it to a non-substantive matter.

I am asking you, was he dismissed because he did not agree that this plan would work?

Mr. SHUCK. That had a bearing on it.

Senator NUNN. That had a bearing on it.

Thank you, sir.

Our next witness is Colonel Kaufman.

#### STATEMENT OF COL. JACK D. KAUFMAN, NATIONAL GUARD BUREAU

Senator NUNN. Colonel Kaufman, as I understand it you are now assigned to the National Guard Bureau but you have been with the Selective Service for many years and with the State of Maryland, is that correct?

Colonel KAUFMAN. That is essentially correct. I am detailed to the National Guard Bureau at present.

Senator NUNN. Have you been working with the Selective Service System in recent months?

Colonel KAUFMAN. For  $7\frac{1}{2}$  years.

Senator NUNN. How long have you been in Washington?

Colonel KAUFMAN. Approximately 14 months.

Senator NUNN. What is your most recent position with the Selective Service System?

Colonel KAUFMAN. Manager of the mobilization readiness division at national headquarters here in Washington.

Senator NUNN. Colonel Kaufman, in that position have you been familiar with and dealing with this contingency plan to register people after we have mobilization?

Colonel KAUFMAN. Yes; I have.

Senator NUNN. What would you say about the plan in your own words? Will it work?

Colonel KAUFMAN. My personal opinion as expressed on several occasions to the Acting Director is that based on my background and my experience, I do not think it can function, not within the given time-frame. I have no objection to the original reconstitution and registration plans which addressed an M plus 110 first inductee, but, when the requirements were changed to an M plus 30 requirement just based on actual physical accomplishment, I registered my doubt to Mr. Shuck.

Senator NUNN. When did you register that doubt?

Colonel KAUFMAN. Before I came over here officially June 1, last year.

Senator NUNN. Before you came on board?

Colonel KAUFMAN. Before I came on board as mobilization readiness division manager I stated to him that I felt he should know my feeling on what I consider a most important issue: whether or not the agency operationally was capable of accomplishing what was required.

Senator NUNN. Did you continue to share that view with him?

Colonel KAUFMAN. On several occasions, yes, sir.

Senator NUNN. Did you also go about your duties and try to work as best you could on the authority that you have?

Colonel KAUFMAN. Absolutely, under every circumstance. I feel very strongly that I supported Mr. Shuck in his requirements as were assigned to the Mobilization Readiness Division. We have had, since I have been here, three excellent mobilization readiness exercises, including Nifty Nugget. The training as evaluated by the people in the field, both Reserve and full time, has been outstanding. We have fulfilled every requirement for plans and for guides and other requirements that the Director has asked. I have not allowed my personal opinion as to the viability of the contingency plans to interfere with my outlook.

Senator NUNN. Colonel Kaufman, tell us why you do not believe this plan will work.

Colonel KAUFMAN. First, I think that we should address the actual physical problem. This is a pretty large country. We have currently on active duty with the Selective Service System 98 personnel. If the \$9.8 million is approved, we will have 148 full time for this entire country.

We have less than 800 National Guard and Reserve officers. I am looking at the problem of reconstituting the system under an emergency condition starting from practically zero; plans on board, but starting from zero by reconstituting the system. There are requirements for putting together area offices all over the country, for hiring compensated personnel (civil service people), for putting into action the election machinery situation in order to have a registration 10 days after the emergency has been declared.

Now I am not sure whether anybody can really expect a nationwide operation to get into full gear in 10 days, and everything hangs on an M+10 registration and a 5-day input—if we don't get it done in that time, the initial inductees are not going to get to the Armed Forces Entrance and Examining Station by M+30.

Senator NUNN. Isn't it almost preposterous to believe that that can work in this time frame with court challenges existing?

Colonel KAUFMAN. I am positive of it, Mr. Chairman.

Senator NUNN. I have termed the plan a joke. Do you think that is an overstatement?

Colonel KAUFMAN. I would not term it a joke, sir. I gave my honest opinion that I did not consider it ridiculous, just nearly impossible. This is my personal opinion, sir.

Senator NUNN. That is what we want.

Colonel Kaufman, when were you dismissed?

Colonel KAUFMAN. June 28, I believe it was. The last Thursday in June.

Senator NUNN. Who dismissed you?

Colonel KAUFMAN. Mr. Shuck personally.

Senator NUNN. I don't want to embarrass you and if you would rather go into closed session, we will do that, but if you would like to pursue this in open session that will be fine.

What was the cause given for your dismissal?

Colonel KAUFMAN. As far as I could determine, it was a disagreement in basic philosophy as to the ability of the system to function according to our present plan.

Senator NUNN. You had already discussed that on several occasions with Mr. Shuck. Why at this time did that difference in philosophy result in your dismissal?

Colonel KAUFMAN. I think that in that case, sir, I would request a closed session because there were certain statements made that I really do not care to go into in public. They could possibly be embarrassing to both Mr. Shuck and myself.

Senator NUNN. I will respect that right.

I know our staff member, Mr. George Travers, got in touch with you asking for certain data and statistics and so forth and I think Mr. Shuck was out of town then. Certainly we were not trying in any way to embarrass you in that contact.

Did the contact by the staff of this committee have anything to do with your dismissal?

Colonel KAUFMAN. I really don't think so, sir. Not at that particular time.

Senator NUNN. Not at that time.

Colonel KAUFMAN. I have on several occasions, Mr. Chairman, replied to queries from both Members of the House and the Senate and their staffs and various other congressional offices such as CBO, GAO, and CRS. At all times I did nothing but answer queries. I volunteered nothing. I always gave the agency position first, and the agency position I always gave was that the agency does not feel that the peacetime registration was necessary.

Senator NUNN. The agency position was exactly what my staff relates to me that you conveyed to them.

Colonel KAUFMAN. However, when queried further I could operate no other way except to answer questions as honestly and truthfully as I felt I could and I have informed Mr. Shuck of that, too. I am not a political appointee, Mr. Chairman, and I cannot beat around the bush. I tell it as I see it. I only answered the queries and I honestly felt they should be answered.

Senator NUNN. Colonel, do you believe that peacetime registration is necessary or would you call it desirable? Would you call it urgent? How would you characterize the registration?

Colonel KAUFMAN. First, if I may say, sir, please disregard the uniform I am wearing. I am not a representative of any executive agency such as the Department of the Army or DOD.

Senator NUNN. I am just asking your personal opinion.

Colonel KAUFMAN. My personal opinion, and once again I fall back on my experience and my background and my knowledge—knowing

or feeling as I do that the current plan cannot work, I see no other solution.

Senator NUNN. I would like, if you have time today before you leave, to have a brief closed session. I do not involve myself in the executive branch's decisions, but I would very much hate to think that a legitimate inquiry by the staff of the Armed Services Committee resulted in your dismissal.

Colonel KAUFMAN. I would hope that that is not the case.

Senator NUNN. I would, too.

I would also expect to have Mr. Shuck testify in closed session. If he is not here, I would like for him to be notified that we will have a closed session when the open session is over and the reason would be to discuss sensitive personnel matters as permitted under the rule.

Senator Byrd?

Senator BYRD. Yes; Senator Nunn.

Colonel, you have mentioned that if the appropriation that has been requested is approved that you will have 140 full-time people in the Selective Service.

Colonel KAUFMAN. One hundred forty-eight.

Senator BYRD. One hundred forty-eight.

In addition, you have 800 National Guard and Reserve which can be made available.

Colonel KAUFMAN. Yes; just under that number. Of course, that budget included a great deal for computer services which I feel is fully justified.

Senator BYRD. If you run into registration, how would those figures change?

Colonel KAUFMAN. In the first 10 days, only by the number of compensated people that are to be hired under our current reconstitution plan.

Senator BYRD. I was not speaking of the position but I was speaking of if you are going to registration, for example, in 1980, what personnel would be required?

Colonel KAUFMAN. Oh, I see. There is a current plan that addresses peacetime registration; of course, we had to address various alternatives, and one was peacetime registration. The current plan as submitted by Mr. Shuck, the Acting Director, envisioned the 10 regional offices and 400 full-time employees, several of whom would be detailed to the several States.

Senator BYRD. Four hundred versus 148.

Colonel KAUFMAN. Yes, sir.

Senator BYRD. Those are all the questions I have.

Senator NUNN. Senator Cohen?

Senator COHEN. Colonel, I appreciate your testimony here this morning and I look forward to the closed session, because I don't think we should let the record in any way remain as it is that this was the only factor. Director Shuck indicated there were other factors, and I think we should discuss those in closed session.

The chairman indicated he thinks the proposal is a joke. You feel that it is not a joke; it is simply not feasible, not practical, or impossible in your judgment.

You stated that you are not a political appointee. I gather from that statement that you feel that those who have been political appointees

or who are political appointees are acting from political reasons rather than from the national defense security needs. Is that correct?

Colonel KAUFMAN. Not quite, Senator Cohen; political appointees reflecting what is apparently the administration position.

Senator COHEN. Well, let's talk about the administration position, because after all the President is Commander in Chief.

Colonel KAUFMAN. Yes, sir.

Senator COHEN. He, of all people, has to be concerned about our national security needs.

Colonel KAUFMAN. Yes, sir.

Senator COHEN. Nobody else. He is top man.

You would agree, would you not, that if information was available to the President of the United States that clearly indicated that we could not meet mobilization requirements and that we would seriously be deficient in our military needs in a time of war that the President of the United States as Commander in Chief would have abdicated his highest responsibility of that office if he did not take action if he had information available which led to no other conclusion than that we are seriously deficient? Would you agree with that?

Colonel KAUFMAN. No, sir, I make no such claim. My feeling is that he makes a decision that he thinks is best. I may disagree with it. I am not arguing philosophy, Senator Cohen.

Senator COHEN. You are saying that reasonable people can disagree, right?

Colonel KAUFMAN. Yes, sir.

Senator COHEN. And that there are reasonable men within the administration who are not acting simply out of political motives. They may have legitimate concerns or conceptual ideas of their own which lead them to a different conclusion.

Colonel KAUFMAN. I made no claim about political motive, Senator Cohen.

Senator COHEN. But you did say, Colonel, that since you are not a political appointee you can only speak what you feel, and I admire that.

Colonel KAUFMAN. May I say why I said that?

Senator COHEN. Yes.

Colonel KAUFMAN. Because Mr. Shuck one time told me as appointed Director of the Selective Service he is required to carry out what he perceives as the administration position.

Senator COHEN. Did he ever indicate to you that he held a different opinion from that of the administration?

Colonel KAUFMAN. He said to me at the same time that "You are not such an appointee."

Senator COHEN. And you are free to speak your mind.

Colonel KAUFMAN. And therefore free to feel otherwise.

Senator COHEN. So as a matter of fact on private occasions he indicated to you that you are quite free to maintain your own personal judgments as to the mobilization needs and requirements.

Colonel KAUFMAN. Yes. That was approximately a year ago.

Senator COHEN. That would seem to be evidence that he was trying to act most favorably to give you as much individual freedom and intellectual liberty as you could possibly ask for.

Colonel KAUFMAN. And I carried out my duties based on that since.

Senator COHEN. So the implication that you were fired or dismissed or let go because you held an opinion different from Mr. Shuck is not that clear?

Colonel KAUFMAN. It is not that clear. We don't know yet.

Senator COHEN. In response to the chairman's questions, you indicated that since the present system is not working, the only alternative is the peacetime registration. Do you go from one extreme to the other? Is there no "in between" that you have given consideration to that would be feasible or practical? Do we have to go from "deep standby" to immediate face-to-face registration? There is nothing in between?

Colonel KAUFMAN. The Congressional Budget Office in their report on the Selective Service System advocated a nonparticipatory registration using computer tapes of perhaps HEW and IRS. The only problem that I found with that, Senator Cohen, was that the CBO report admitted that the best they could hope for in that type of registration was an 85-percent registration. On 2 million in one year-of-birth group, 300,000 young men would avoid service. I found that unacceptable.

Senator COHEN. I listened to Mr. Shuck testify and he indicated that back in World War I—I will get his testimony out—9.6 million men registered in 1 day. On October 16, 1940—this is 30 days after enactment of the Selective Service Act—16.4 million young men registered.

Why do you assume that we could not meet the same kind of registration needs now?

Colonel KAUFMAN. First of all, Senator Cohen, different times, different philosophy. Second—

Senator COHEN. Wait a minute.

Colonel KAUFMAN. We were not required to put 100,000 inductees into the training camp by M+60 in either one of those two wars.

Senator COHEN. But you had registration. As far as the registration was concerned, they had plenty of people that registered.

Colonel KAUFMAN. That was the actual registration, yes.

Senator COHEN. Why do you assume that there will be such a lack today if that happens?

Colonel KAUFMAN. I base part of that opinion on my experience as a State director of the Selective Service toward the end of the Vietnam war.

Senator COHEN. But you have to admit that Vietnam was kind of an exception. I know that the chairman is very concerned about NATO and is, I think, well recognized as an expert in the field of NATO and in the field of military needs of our allies.

If you assume a war scenario involving our NATO allies, why do you assume that there would be this kind of resistance that we had in Vietnam?

Colonel KAUFMAN. My past experience, sir, in the Selective Service System and talking to registrants, seeing their reaction. Vietnam early on was not an unpopular action.

Senator COHEN. Moods change, don't they?

Colonel KAUFMAN. Yes.

Senator COHEN. The mood is changing in this country, is it not? There is general concern throughout the country that this country has become weak, that we have failed to measure up to our superpower competitor.

Colonel KAUFMAN. True.

Senator COHEN. There is a wave of "conservatism" sweeping through the Nation, correct?

Colonel KAUFMAN. Correct.

Senator COHEN. So why do you assume, therefore, that the only thing that remains as the legacy of Vietnam is a reluctance of the young people of this country to serve in a time of mobilization need?

Colonel KAUFMAN. I worry about the possibility of things going wrong. I am not the Director, I am purely responsible for operations.

Senator NUNN. Would you yield just a minute on this.

I am not sure that the questions and answers are completely following. As I understand, Senator Cohen is asking you to distinguish between the World War I and World War II situation and today. As I understand World War I and World War II, they didn't induct during that period of time, they simply registered, and that they didn't have the same requirements as today. Is that wrong?

Colonel KAUFMAN. No; that is correct.

Senator NUNN. I think we are off on another course now relating to patriotism. I thought you were talking about the physical characteristics that differ from now.

Colonel KAUFMAN. That is what I want to talk about basically.

Senator COHEN. Do you know whether ROTC participation is up?

Colonel KAUFMAN. ROTC participation is up.

Senator COHEN. That would be a positive indication in your mind, would it not, in terms of more people becoming interested in a career in the military?

Colonel KAUFMAN. It is an indicator, Senator Cohen. I think it would require a great deal more research on my part to determine why it is up.

Senator COHEN. That is all I have now, Mr. Chairman.

Senator NUNN. I just want to emphasize this point that you made that I don't think you completed. In World War I and World War II what was the difference between the requirement then for an induction and the requirements today that have been given by the Department of Defense for induction?

Colonel KAUFMAN. Mr. Chairman, I do not have the exact data at hand. I do know that it was far beyond the 100,000 at M+60 required now.

Senator NUNN. In other words, you didn't have the stringent requirement in World War I and World War II in terms of time frame as you do today?

Colonel KAUFMAN. That is correct, Mr. Chairman.

Senator NUNN. Even though you registered during a certain period of time, you were not able to go through the procedure of classification and induction in that time?

Colonel KAUFMAN. That is right.

Senator NUNN. The crucial thing today is how long does it take to induct people, not whether you register them in a period of 30 days. I

think everybody will concede you can register within this period, the problem is you run into all sorts of court cases and tests unless you have everybody in the pool and then this procedure is going to bog down. This was the basis for my problem with the current contingency plan, and that is, in my opinion, it must work absolutely perfectly to even be considered as viable.

The only way that can be done is over a period of time before you have any kind of emergency, isn't it?

Colonel KAUFMAN. I believe that.

Senator NUNN. Are you familiar with the backlog of draft cases pending in the courts during the Vietnam war? Do you have any statistics on that?

Colonel KAUFMAN. I have no feeling for the accurate statistics except that they were high.

Senator NUNN. Just the question of processing the cases in time and that sort of thing was staggering then.

I would certainly agree with everything that Senator Cohen has indicated about the mood of the country. I think the young people of this country are prepared to serve their Nation in a period of emergency. I don't have any doubt about that. Whether we are patriotic today is not the quarrel at all as far as I am concerned. I would certainly not allow myself to be cast in the position of believing that we need registration because the young people of the United States are not patriotic. It is far from that.

I have confronted many groups of young people and told them what I felt the necessities were about registration and I found that most of them—not all of them, but most of them—agree. They don't mind signing their name and address to give this country stronger deterrence, to make it apparently capable of mobilizing. In the view of many young people, they think it would be less likely they would have to be called because it would be less likely that deterrence would fail.

Personally, I could not in any way allow the insinuation that I am in favor of registration because I don't believe the young people of America today are unpatriotic. I reject that and want the record to so show.

Senator Byrd?

Senator BYRD. I want to concur with what the chairman just said, and my views are similar to those expressed by Senator Nunn.

Now let me ask you this question. Let's assume that Mr. Shuck's plan is the one which the country pursues when an emergency develops. Now at that point how many individuals throughout the Nation would need to be recruited, not for the military service but to handle the administration of the Selective Service System?

What were the figures on personnel required by the Selective Service System when registration and induction was taking place during the Vietnam activity?

Colonel KAUFMAN. The current registration plan requires on the order of roughly 2,500 compensated personnel nationwide. We have just recently received revised plans from the various States as to the number of area offices and local boards required. The area offices are down to around 560 local boards from a much higher figure. When we were actually inducting, sir, the demand was much higher.

Senator BYRD. If an emergency occurred, you would go immediately from registration to induction, would you not?

Colonel KAUFMAN. That is correct.

Senator BYRD. Under Mr. Chuck's plan.

Colonel KAUFMAN. That is correct.

Senator BYRD. So, what would be the figure required to do all that?

Colonel KAUFMAN. To do it right now, sir, it would take 2,445 full-time people, about 1,950 local boards, and about 560 area offices.

Senator BYRD. Do you happen to know how that compares with, say, 1971 or 1972?

Colonel KAUFMAN. Much lower. Much lower. I do not have the figures at hand but I can get them or I am sure the assistant could get them for you. It was based initially on where we were in September 1974. At that time we were not inducting but we were registering.

Senator BYRD. How does the Selective Service figure it can register and induct all of these persons in a period of 10 days with so relatively few people compared to what was done before?

Colonel KAUFMAN. The registration, of course, would be done by many, many more than the 2,445. It would be done by the registrars at the 40,000 to 50,000 registration sites which would be manned by members of the State election machinery. The full-time people then would be required to collect the registration forms and insure that they were transmitted to the automatic data processing terminals for conversion to tape or disc. At that time they would be inputted to the main computer at Selective Service headquarters and through the computer plan, which I consider an excellent one, the induction orders would be issued. At the present time the idea is that the induction orders would be sent out by a Western Union mailgram which guarantees 24-hour delivery in nearly all cases.

Senator BYRD. Thank you.

Senator COHEN. Just one point, Mr. Chairman.

I was pleased that you made the statement you did. If there was any suggestion I was imputing motives to the chairman of this committee, I had no intent to do so. The fact of the matter is that I have the highest regard for the chairman of this subcommittee. He is one of the principal reasons I wanted to serve on it, because of my respect for him—just so that matter is clear.

Colonel KAUFMAN. Mr. Chairman, may I make a statement for the record?

I do not impute the patriotism of young Americans. In fact, I have stated on many, many occasions that I do not feel that the public today would object to registration. So, much for philosophy.

My problem is what might happen in an induction and whether or not people would take steps to remove themselves from meeting the induction list for perhaps a delay—not to avoid service, but perhaps to delay.

Senator NUNN. I think that is also a concern to me because unless you have a procedure that is apparently well thought out, that the exemptions are thought out in advance, that there is a process by which people who truly are disabled or not qualified or truly conscientious objectors can be exempted—unless all of that has been handled in

advance, you erode the entire system by having an emergency and then having even 5 percent of the young people decide they are going to beat the system because it is all being rushed.

That erodes the whole confidence of the American people in the system, even those who are most patriotic. So in my opinion there is a distinction to be made between those two things unless the program is equitable. Unless it is apparently equitable to those who will be called upon to serve and risk their lives, unless they think it is fair, then the whole confidence of the system is eroded notwithstanding patriotism. That is my view.

Colonel KAUFMAN. The current plan is based on conscription of the nonresisting registrant. He is the man that is going to go first.

Senator NUNN. Anybody that has any objection basically would be exempt because they could just file an exception claim.

Colonel KAUFMAN. Not exempt, sir, but just delayed until their procedural rights are carried out.

Senator NUNN. The war could be over by then.

Colonel KAUFMAN. Well, that is entirely possible when you are considering under 2,000 local boards and the possibility of 200,000 to 400,000 claims.

Senator COHEN. The only question I have, Colonel, is do you think we should have a local board in every county and every State? What do you think we should turn to? You said go back to peacetime registration.

Colonel KAUFMAN. The necessity for local boards would be placed primarily on the need for the local board. Whether there be one in each county in peacetime is really not necessary, but under an induction scenario when there are thousands upon thousands of people being ordered for induction and perhaps filing procedural rights claims which need processing, certainly 1,950 local boards may not be sufficient.

Senator COHEN. So you would recommend going back to the old system of having the local board where they were necessary?

Colonel KAUFMAN. The local boards could be as they are planned now but then could be panelized which is allowed under the law and regulations to take up the slack wherever needed to process registrants. So whether or not a local board is in each county is, in my opinion, not relevant.

Senator COHEN. Thank you.

Senator NUNN. Thank you very much, Colonel Kaufman. I would ask that we come back at 2 o'clock for the closed session. You are welcome to stay but if you could come back to the closed session, we do not want to leave this matter hanging now. We respect your right to discuss this behind closed doors.

New that we have Senators here, could we get a motion that we have a closed session on the basis of the rule for discussing the personal matter.

Senator WARNER. I so move.

Senator BYRD. Second.

Senator NUNN. All in favor, say aye.

[A chorus of "ayes."]

Senator NUNN. We will have a closed session at 2 o'clock.

Thank you very much.

Colonel KAUFMAN. Thank you very much, Mr. Chairman and gentlemen. I appreciate this opportunity to appear before you.

Senator NUNN. Our next witnesses are people who have a great deal of experience, who are experts in the Selective Service System and who have been invited to comment on the plan before the Congress. Mr. Mike Y. Hendrix is the provisional Selective Service System State director of Georgia. Mr. Robert P. Knight is the State director for Minnesota. Lt. Col. Charles T. Borg is now assigned to the Office of the Chief of the Army Reserve but was previously the State director for Alaska.

We are happy to have all of you here this morning. I am a friend of Mr. Hendrix. I know of your continuing interest and concern about national security, Mr. Hendrix. We are delighted to have you and the other gentlemen here.

Do you have an opening statement this morning you would like to make?

Mr. HENDRIX. If I may get your indulgence, Mr. Chairman, I would like to have about 10 minutes.

Senator NUNN. Fine. Go ahead.

#### STATEMENT OF MIKE Y. HENDRIX, STATE DIRECTOR, SELECTIVE SERVICE SYSTEM, STATE OF GEORGIA

Mr. HENDRIX. Let me say in the beginning before I read this statement that I have been in constant contact over the past 2 years as well as the years before. I am talking about the years after we closed our office. We have talked about this matter from time to time. This plan didn't have a chance at the beginning in this administration and so we have been talking about it for some time. I think I can say without fear of contradiction that most of these State directors have agreed with what I am about to present here. They might not in some instances.

Senator NUNN. You are not speaking for them today, but I think you are saying that the majority of them agree with you.

Mr. HENDRIX. Yes, sir. These two gentlemen here beside me will say what they think, of course, and they may not agree with what I have here. I have been in contact from time to time with a great many of the directors throughout these past years and most of my time has been devoted, as you know, to this movement to get something done.

Mr. Chairman, members of the committee, I appreciate your permitting me to appear before this committee to discuss a vital part of the defense preparedness of this great Nation, the implementation of the Military Selective Service Act.

There has been a continuous manipulation in process since 1970 to transform the time proven community and State oriented Selective Service System into a highly centralized, Federal system structured in the image of the so-called Burke Marshall plan (National Advisory Commission) which was refuted by both the Mark Clark panel and the Magruder task force and was later exhaustively debated by the Congress and rejected.

### Quoting from the panel report :

It was evident to the Panel from testimony received throughout its proceedings that the success of the Selective Service System was based on the autonomy of local boards. Changing to a centralized data processing system located in Washington would lessen the confidence of communities in the draft, as any such non-personalized centralized system would reduce the local boards to reporting agencies.

### Quoting from the task force report :

Under the present System local citizens send their young men to serve their country ; under the Commission's proposed structure a Federal official sends for them. [Also,] The States have a decided advantage over regions . . . in that they are much better equipped to tap public and private sources of information, much of which is State-oriented. [Further,] The Task Force concluded that the risk of failing to meet military requirements, lowering the quality of decisions, and losing public support render the change in structure of the Selective Service System proposed by the National Advisory Commission undesirable. The Task Force is unanimous in its recommendation that the present Federal/State/Local System be continued and improved rather than replaced by an all Federal structure.

The National Governors' Conference passed a resolution without a dissenting vote in July 1976 urging—

The Administration to revise its budget for the Selective Service System to provide a more effective civilian and state role in the procurement of manpower for our Armed Forces by retaining the unpaid local board members during the standby period and by providing for retention of the State Directors and a minimal office staff for each State Headquarters.

The commitment to develop cosmetic changes in the draft mechanism early in this decade in order to cover what were called "widespread" inequities has evolved into a complex monstrosity which is admittedly illegal and could operate only under perfect mechanical, electrical and transmission conditions. The system known as the Emergency Military Manpower Procurement System (EMMPS) was developed but has not been adequately tested. The attempted testing in some States, followed by claims of success by its designers, was not successful as was attested to by most of the State directors in the testing States. EMMPS provides a plan for those who want to go and those who do not want to go while the present law provides a system for those who should go and those who should not go. The fair and just requirement of the act does not exist in this plan and most assuredly the mothers, fathers, wives, families and friends will neither support nor tolerate such an operation.

Although some of the objections to the plan have been expressed, the following list might be helpful :

1. It proposes to go into action only upon a declaration of emergency which would place the Nation's security in serious jeopardy. Common-sense, very uncommon today, would dictate that the implementation of such a plan at such a time would bring about a chaotic situation endangering the Nation's security immeasurably. History should tell us something.
2. Total dependence upon a mechanical computer which is subject to power failure, manipulation, operation errors, and destruction by objectors is unthinkable. As a management tool the computer is acceptable but under no circumstances should it be used as an operational tool as proposed.

3. The use of the election machinery to conduct the initial registration is very expensive and is not as reliable as the use of uncompensated patriotic citizens.

4. Ordering 600,000 plus registrants to report for induction to get 100,000 inducted prior to judgmental consideration for temporary delays, deferments, and obvious defects by local community boards, if indeed local boards are to be utilized, followed by the exercise of procedural rights, would result in confusion, frustration, and uncertainty in catastrophic proportions not only to registrants but to families as well.

5. Cost for travel of registrants to and from induction stations under the plan would be prohibitive.

6. For the several hundreds of thousands of those who do not report, a massive job for the FBI and the courts.

7. It proposes a Federal/regional concept to replace the Federal/State/local concept.

8. It is a nonpersonalized system when the very nature of the mission of the agency should be and must be personalized. The possible loss of life and limb of each registrant requires personalized consideration for the responsibility of selection is indeed serious.

9. Since a machine would issue the order to report for induction, the registrant would be expected to respond as would a "robot." Surely the Congress who is elected by people at the grassroots level to serve the people would favor the selection of young men by people at the grassroots level to serve in the Armed Services.

10. It would require the poor to travel unnecessary and reprehensible distances to personally visit judgmental authority.

11. It cannot control short postponements of induction to accommodate temporary illness, deaths in the family, and the multitude of unanticipated vicissitudes that harass approximately 17 to 22 percent of each call.

12. It ignores 30 years of experience that young men are favorably motivated by the approbation, real or presumed, of their relatives and close associates.

13. The equity-minded planners contend that a sufficient number will report to satisfy the requirements of DOD and those who choose not to report can be written off.

14. Timely mail delivery today in any part of the USA is questionable. Local control, as proven, is the only answer.

In conclusion, I suggest that a system operating before the emergency as required by section 10(h) of the act would delay the necessity for actual drafting of men for an indefinite period, perhaps throughout peacetime. The inducement provided by such an operation would solve the recruitment problem of the reserve components as well as the regular establishment. This observation based upon over 25 years of experience on all levels of the system's operation deserves much consideration for it could bring about a savings of several hundred millions of dollars while providing a much more desirable cross section of society in the military forces.

This concludes my statement, Mr. Chairman. Thank you.

Senator NUNN. Thank you, Mr. Hendrix.

Do our other witnesses have statements they would like to make before we get into questions?

Mr. Knight?

Mr. KNIGHT. I would like to make a very brief opening statement if I might.

Senator NUNN. Fine.

**STATEMENT OF ROBERT P. KNIGHT, STATE DIRECTOR, SELECTIVE SERVICE SYSTEM, STATE OF MINNESOTA**

Mr. KNIGHT. My name is Robert Philip Knight. I am the provisional State Director of Selective Service of the State of Minnesota. I first came into the Selective Service System in 1962 and served as the State director in Minnesota throughout the 15-year span of the Vietnam war.

I would like to congratulate Mr. Shuck upon his persistence in attempting to get a supplemental budget and to do some of the things that in his opinion needs doing. I was delighted to hear him say that he will use a part of the supplemental budget to recruit local board members and would do it now. I find it difficult to square that rationale that it would be wise to recruit board members now and thus save time on M-day with the rationale that says we can wait for registration until after M-day.

As one who is potentially vulnerable to head the system in one State I find myself pretty nervous when I think of the activity that would be required in that first 30-day period to obtain the office space and open up 400 to 500 area offices, to equip them, to employ the clerical personnel and the administrative personnel, to train them, and simultaneously installing 400 or 500 computers in these area offices which are not now even the property of the Government. All of this activity and simultaneously conductive registration, lottery, and finally expect within 30 days young men to show up for induction based on induction orders that have never been touched by human hands.

The degree of activity in that 30-day period on the part of our paper-thin spread of Reserve and National Guard officers in my opinion is simply impractical.

Then I think there is a danger, Senator, in considering people as members of a pool and that once registration is accomplished, whether it is accomplished before M-day or after M-day, that we have somehow captured a stagnant pool of frozen configuration of people who will remain and wait for the lottery and then report on time. It is not a pool, it is a stream of people constantly changing.

I am afraid that the plan set forth this morning does not recognize the constant change in the human factor.

One final observation. We have been talking about the need for a crash registration program using election machinery or some other way and thus developing a pool. What happens to the country when that pool is exhausted? Certainly we are not going to keep the precincts open the year around for registration. We are going to have to have a plan B and why not use that plan as an ongoing thing; namely, the recruitment of uncompensated volunteer registrars to accomplish this task at the grassroots level and it would be an ongoing thing and not a 1-day crash program to capture a pool which may or may not be sufficient to provide the military manpower we need.

Thank you.

Senator NUNN. Thank you very much.

Colonel Borg, if you would let me interrupt, we have Gen. Robert F. Cocklin, executive vice president of the Association of the United States Army and he has an appointment at 12 o'clock. I would like General Cocklin to come up if he would like and give his statement so we can accommodate his schedule.

**STATEMENT OF MAJ. GEN. ROBERT F. COCKLIN, AUS RET., EXECUTIVE VICE PRESIDENT, ASSOCIATION OF THE UNITED STATES ARMY**

General COCKLIN. My comments will be very brief, Mr. Chairman. Much of what I wanted to say or felt should be on the record has been more than adequately covered. There are just a couple of points that I would like to make that I think will perhaps add to the panel here if I can just be a member of it for a moment.

There are a couple of points, it seems to me, that have not been covered in an orderly manner this morning that I think we want to consider. That is the fact that Phil talks about, the crash basis for handling an emergency. I just don't understand why we put ourselves through that. Frankly, I disagree with Bob Shuck who seems so adamantly to oppose nonemergency registration. That kind of registration makes all kinds of sense for many of the reasons that Phil has just said. That is the position that we have taken.

The question has been brought up several times about the fact that in previous times we were able to register large numbers of people in 1 day. I would point out that in both wars when that was done we had in existence a Selective Service System. We do not have a Selective Service System now. We have 100 people, as reported here, plus a very sketchy field organization. I just frankly don't have the optimism or the confidence that we can possibly go through the exercise outlined here by Mr. Shuck as the selective service plan. As you pointed out, Mr. Chairman, everything has got to fall into place every minute of the whole plan.

One other thing that I find very difficult about the selective service plan that was not mentioned this morning and I think it ought to be in the record. If my reading of the plan is correct on M+20 the first inductees are all going to receive their mailgrams from Western Union, assuming everything works right. The next day the first inductees are supposed to report to the Armed Forces examination station. One day. M+20 to M+21 according to the schedule that I was given. Let's assume it was 3 or 4 days. That is pretty short notice.

In every draft we have ever had, certainly since World War II when I got drafted, we were given at least 10 days to get our personal affairs in order. If you had a store you could at least go back and lock the door. I don't think we should have a plan that envisions a person getting his notice one day and moving out the next.

Senator NUNN. I think the way I understand it, they would begin processing between M+20 and M+30 so that everyone that got a notice on M+20 would have to report by M+30. It would not necessarily mean the next day. What is implicit in all of this is that once they reported to the entrance station, if they were deemed physically and

mentally qualified and didn't file an objection, then they are supposed to meet this schedule to go directly to the training camp without ever passing an examination, collecting \$200, packing a bag or getting a toothbrush. Basically as I understand the plan everybody who is sent a mailgram reports.

General COCKLIN. Their plan says the first inductee will report to the Armed Forces induction center between M+21 to M+30. If I get an exemption, this can be changed. Then the 200,000 inductees will report over a 10-day period so as not to swamp the Armed Forces examinations.

Senator NUNN. Some of them are going to have to start the next day, that is right.

General COCKLIN. We have customarily given people some time to get their personal affairs in order and I think that ought to be considered in any plan.

You just led me into the other main point that I want to make before I stop and that is nothing that I have heard this morning has really mentioned the business of classification. I think it is terribly important particularly in view of the current staffing of the system. We used to have, I guess, over 8,000 people in the system. They ran the local boards and were prepared to address the many problems associated with classification and exemption claims and had a practical understanding of the problems. That capability is nonexistent today.

Incidentally, if I might digress a moment, we very frequently hear about the inequities in the Selective Service System. Most people are not aware, and I think we should always be mindful of the improvements that were made in the system just before the conclusion of the Vietnam war. These changes took away the deferments that led to inequities in the system and contributed to the criticism and opposition to the whole program. This program of limited deferments and exemptions should be continued in any future program. I make that point because this highlights the role for boards which, I believe, need to operate and make the determinations on classification.

The essence of what I am saying, Mr. Chairman, is the most desirable thing from the standpoint of the country would be to have a non-emergency registration on an organized basis, where people would be treated more fairly, where less money would be spent, where we would have an orderly input. Even when inductions start we would have an orderly input into our system rather than relying entirely on a 1-day rush registration. I would like my full statement placed in the record, because it outlines our view in a more orderly fashion.

I don't understand politically or otherwise and I am not a political appointee. I don't understand why everybody in the administration and a good many people in the Congress are so reluctant to face up to a method of solving a very urgent manpower need for our military. The association which I represent very strongly urges that we do have as a minimum peacetime nonemergency registration for our armed forces.

With that, sirs, and the opportunity to have my statement in the record, I will stop.

[The statement of General Cocklin follows:]

## PREPARED STATEMENT OF GENERAL COCKLIN

Mr. Chairman, Members of the Subcommittee :

I am Major General Robert F. Cocklin, AUS Ret., Executive Vice President of the Association of the United States Army. I appreciate very much the opportunity to appear before you to express our Association's long-time dedicated support of the efforts to revitalize the Selective Service System and America's emergency mobilization capability.

The Committee is well aware of the dangerous shortcomings in our military manpower pool. Not only are the active forces short of their needs, the Army National Guard and the Army Reserve are more than 125,000 below their peacetime requirements and the Individual Ready Reserve, upon which the active Army and the reserve components depend for immediate fillers and combat replacements, is in disastrous shape. So the question we address, it seems to me, is how these manpower needs can be met rapidly in an emergency situation. And I know that the subcommittee is specifically interested in whether or not the Selective Service System's current plan can meet immediate mobilization requirements.

In his report to the House Armed Services Committee dated December 14, 1978, the Acting Director of the Selective Service made it clear that the System could not provide the manpower required by the Department of Defense on short notice. In that report, the Acting Director pointed out that it would be necessary to take the Selective Service System from its deep standby status to an improved readiness posture, move to non-emergency registration, and move on to classification and examination. The key point is non-emergency registration. That is precisely what our Association has been trying to get in the past, and which we still believe to be of critical importance.

The Acting Director's views were further substantiated by an independent study by the Congressional Budget Office, issued in November 1978, which stated clearly that, and I quote, "Selective Service does not now have, and has never had, this quick reaction capability while in standby status. When emerging from standby status in peacetime mobilization, Selective Service required considerably more than thirty days to start the flow of inductions." End of quote.

The House Armed Services Committee pointed out in their report in this year's Authorization Bill that there is no longer any substantive disagreement on the conclusion that the Selective Service System is currently incapable of meeting mobilization requirements.

In the interest of limiting the discussion, I will address my statement only to our ability to identify, locate, process and call individuals fast enough to meet the mobilization planning criteria of the Department of Defense.

The Department of Defense has established a requirement for 100,000 inductees to be delivered through Selective Service within thirty days of a mobilization order. The numbers required get much larger in subsequent increments, but it seems to us that the Selective Service System's ability to meet that initial goal is really the most crucial test. Unfortunately, it is almost impossible to ferret out just exactly what the System can do in its present emaciated condition. The Acting Director has been quoted as saying the System could accomplish a mass registration in just five days, but based on data studied by the Congressional Budget Office their most optimistic estimate is that the first selectees would not begin arriving at Army training bases until Mobilization Day plus 65, which is far too late.

As a point of departure, I would like to quickly run down the Selective Service scenario for registration and induction, as I understand it. I must note, however, that there are several conflicting statements on the record made by the Acting Director which heighten the confusion over what is planned and what can actually be done.

## SCENARIO

*M-Day.*—Issue Presidential Proclamation. Order Selective Service System Guard and Reserve officers to active duty. Prepare to activate local precinct polling sites.

*M+10.*—Activate precinct sites and conduct registration.

*M+11 through M+15.*—Input the registration data through the 10 Regional offices (6 of which are now in skeleton form) to Selective Service headquarters by computer.

*M+16.*—Conduct a National Lottery.

*M+19.*—Transmit the tape ordering 200,000 inductions to Western Union for immediate dispatch.

*M+20.*—First inductees receive Western Union mailgrams.

*M+21.*—First inductees report to Armed Forces Entrance Examination Station.

*M+21-30.*—200,000 inductees are to report over a 10-day period so as not to swamp AFEEs on first day. It is estimated that one of every six who report to the AFEEs will be immediately available, and go directly to a training center. Thus only 33,000 of the required 100,000 trainees would be produced by *M+30*.

What are the specifics to flesh out this scenario?

First, Selective Service System plans call for the use of state election mechanisms as the initial channel for registration ten days after the President's proclamation. It is estimated that about two million men would be in each year group (18 to 19, 19 to 20, etc.) and, since there is an almost exactly equal number of women, that figure would double if the registration of females was attempted. Thus, if three year groups were directed to register first, a total of 12 million young men and women could descend on the voter registrars in a single day (14 million registrations were accomplished in the month of October, 1940, but by a fully organized, manned and operating draft system. Current Selective Service System plans call for registering two year groups (a potential 8 million people) in one day. This, I submit, is most difficult to accomplish.

Although the Military Selective Service Act, still very much the law of the land, requires that before inductions can begin the National Selective Service headquarters must reestablish State Selective Service headquarters and these state (also District of Columbia, and territorial) headquarters must, in turn, establish local boards, the plan makes no mention of this phase of induction. This involves finding qualified people to serve on the boards and clerical staffs to operate them as well as the physical task of finding and equipping offices. More than 8,000 were employed or were volunteers in the System before it was emasculated. The establishment of the local boards is crucial because the law is interpreted in a way that means only the "friends and neighbors" in the local boards can actually select a person for service. Only the local boards can handle deferments and exemptions—even though these should be held to an absolute minimum and based on urgent need.

In five days the thousands of election precinct sites would have to transmit handwritten registration data on a minimum of four million people to the regional Selective Service offices and then on to Selective Service headquarters. At some point, still unclear to me, that data would have to be put on a computer or many computers—whose, where and when is not specified.

If a lottery were conducted on *M+16* days, as the plan envisions, the Selective Service headquarters would then have three days in which to prepare a tape of 20,000 names and addresses and deliver that tape to Western Union. Western Union would be expected to dispatch 200,000 pre-prepared messages to U.S. Post Offices all over the country for delivery on the 20th day after the Presidential Proclamation. If anyone familiar with the foibles of mail delivery and computer operations believes this is a realistic timetable, their experience is far different from mine.

The plan envisions that the registrants ordered for induction would start reporting for examination on the day following the dispatch of the induction order, and, if accepted, be inducted into service immediately. Never in our history from World War II forward has this been done. Registrants have always been given a minimum of ten days' notice to settle their personal affairs before induction. And in the interest of equity, I don't believe this interval should be shortened. Further, I believe it is totally unrealistic to expect any significant number of registrants to respond by the day following receipt of induction orders.

It must be pointed out that nowhere in the scenario is there a mention of classification or deferment—both of which would require time for determination to be made. It provides for only registration, a lottery, reporting for examination and for immediate induction if found fit. We must be realistic; some deferments will be imperative. A state of chaos would exist if such a plan was tried—chaos that we need not put our young people through if we adopt prudent measures beforehand.

Obviously, the Selective Service System plans to make much greater use of automatic data processing than it has in the past, but the dearth of funding for the System over the past several years has prevented acquisition of the ADP

assets (in the form of hardware, software or even adequate planning) that would be needed immediately on mobilization to give the System the necessary capacity.

As an alternative to the scenario just discussed, Selective Service has talked of using Social Security and Internal Revenue Service files to establish a rudimentary registrant file, but unless the search of existing files and transfer of data to the Selective Service System can be accomplished prior to mobilization, the process would probably be slower than a mass "face-to-face" registration.

Additional shortcomings of the ADP file search proposition are obvious. First, there would be a high likelihood that many potential registration eligibles would be missed or could not be found because of out-of-date addresses (this age group is the most mobile in our society). Second, there is a very real legal question about the use of the Social Security/IRS files for this purpose. Third, it is estimated that only about 85 percent of the young people in the 19-20 age bracket are employed in ways that would require their names to be on file with the IRS/Social Security. If this is correct, 15 percent of a prime group would escape being registered under this system.

Further, this Selective Service plan calls for the transfer of eight items of data from the Social Security/IRS records (name, social security number, date of birth, address, etc.). While it is technically feasible to transfer this data from one computer system to another, there is a fundamental disagreement between the Selective Service and the Department of Defense about just how much of the needed data can be obtained this way. Selective Service, despite its plans to use the Social Security/IRS files, claims the data is not all available from those sources. The manpower managers at the Pentagon, struggling to support the Carter Administration abhorrence of anything connected with the draft, claim the data is there for the asking.

Both the Selective Service System and DOD acknowledge that the Privacy Act now effectively bars the transfer of the data and admit that Congress would have to grant a waiver to permit even a limited test of the idea. I would assume that in a peacetime environment Congress would be reluctant to grant such a waiver. In the event of a full-scale mobilization under emergency conditions, Congress might be more inclined to waive the Privacy Act but this would be yet another step in the already too complicated process of after-the-fact registration.

As was noted earlier, the Selective Service System does not have the ADP asset to implement its own registration and induction plans. The Acting Director has told the Senate Armed Services Committee staff that he has a plan to use ADP assets of other government agencies. The feasibility of such a course in an emergency is questionable at best since the plan has never been tested. In fairness to the Selective Service System, I would not that its lack of capability stems from seven years of Administration neglect with the tacit approval of the Congress.

Given the uncertainties of post-M-Day registration—not the least of which is the national trauma that might be brought on by the inevitable confusion of the declaration of a national emergency—the decision to register now and to keep the registration current is one of the most straightforward, defensible steps our national leadership could take in the interest of providing a credible and workable system of meeting our mobilization manpower needs. We need to move now to a system of continuous registration and classification. Only then can we have any hope of meeting our needs promptly in an emergency. Almost as important, we need to convince others that we have both the will and the means to protect our interests.

Senator NUNN. Thank you very much, General. I know you have an appointment.

If Senator Cohen has no questions—

Senator COHEN. I have no questions.

Senator NUNN. I read your statement and it will be a part of the record. We appreciate very much your being here. Sorry to hold you up so long.

General COCKLIN. Thank you. I enjoyed what I heard. I appreciate the opportunity.

Senator NUNN. Colonel Borg?

**STATEMENT OF LT. COL. CHARLES T. BORG, FORMER STATE  
DIRECTOR, SELECTIVE SERVICE SYSTEM, STATE OF ALASKA**

Colonel BORG. Mr. Chairman, I have no formal opening statement. I would just like to set out my background in the Selective Service. I was in the system 7 years between 1971 and 1978 and during part of that period I was State director of the System in Alaska.

The last 2 years of my association with the Selective Service were spent in Washington with national headquarters where I worked primarily with the programs having to do with registrant processing for induction which included the registration.

On November 15, 1978, I left the Selective Service for my present assignment.

I think it also would be appropriate to state at this point that although I am appearing in uniform I am not a representative of the Department of the Army, but I am prepared to respond to questions based on my past association with the Selective Service.

Thank you, sir.

Senator NUNN. Thank you very much.

Senator Cohen, if you want to lead off with the three witnesses, I will be glad to defer.

Senator COHEN. I was just interested in the point, Mr. Hendrix, on page 3 of your statement. Point No. 6 says, "For the several hundreds of thousands of those who do not report, a massive job for the FBI and the courts." What makes you think it would be any different if you had a peacetime registration system in effect? You don't think there would be hundreds of thousands who would try to avoid? Isn't that as a matter of fact a major concern?

Mr. HENDRIX. In the first place, Senator, you would not be operating as a screening board which the general has just mentioned. Prior to the time that they are needed it would reduce that number of potentials considerably so you would not have to go to the FBI or for a finding for those that don't show.

Now you are going to have people who will not show. You will have people who will refuse to cooperate. You will have people who will leave the country. What I am saying is that when you order 600,000—which is what it will have to be to get 100,000—you are dealing with a massive number of people in one order. I contend it is nearer a million that would be ordered based on my 28 years of experience in the field.

I see that we are looking for about 250,000 to report because, as the chairman has said earlier, the obvious defects which constitute about 20 percent of our registration would not have been dealt with and so they are going to show up, wheelchairs and all, since they have not been examined by the Armed Forces examining station officials. Then you are going to have to have as part of the court record at least 200,000 beyond that to get 100,000 because you lose 50 percent of them upon that examination. So I am looking at the requirement of about 250,000 to show up. That leaves a considerable number that don't show.

Senator COHEN. Is it your understanding then that under the present plans of the Department of Defense we would call up the disabled veterans from the Vietnam war in their wheelchairs to report?

Mr. HENDRIX. If they don't screen them beforehand they will, yes, sir.

Senator COHEN. But it is your understanding that that is a flat and categorical position on the part of the Department of Defense that that is what they intend to do?

Mr. HENDRIX. I don't think they intend to do it but if they don't change their plans they are going to do it. What I would like to say right there, too, with regards to the veterans, is the selective service regulations now provide that one who has had at least 90 days of service in the combat area or during the wartime period is exempt from being called. One who has had 24 months of service also is exempt.

Now nothing has been said about what we are going to do with those people because their ages are going to be in the same bucket with the rest of the folks and I think you are going to have to contend with that when it comes to ordering veterans. In the first place, I am very much opposed to that sort of thing. I think there are others that should be serving before the veterans are called on. They have been called one time.

Senator COHEN. Point 9, "Since a machine would issue the order to report for induction, the registrant would be expected to respond as would be a 'robot.'"

Mr. HENDRIX. Yes, sir.

Senator COHEN. How is that any different than getting a notice from your local selective service board to report?

Mr. HENDRIX. Well, there is quite a difference.

Senator COHEN. I didn't regard it any different when I went down there, I felt just as much a robot. I got a letter in the mail that said to get down there.

Mr. HENDRIX. You didn't consider that the people that sent that were people?

Senator COHEN. I didn't feel a personal touch when I went down there.

Mr. HENDRIX. No, sir, I don't consider that at all. People need to be making decisions. You are in the Senate today because people decided for you to be here. Now are you willing to let a machine decide for you to come?

Senator COHEN. I send a lot of mail and I get 1,500 letters a day and I suppose that is average. I don't come into contact with 1,500 people a day, so it is just as remote as that.

I just don't understand the part about responding as a robot. When you get something in the mail to go down to a local board—

Mr. HENDRIX. Yes, sir, I see quite a difference myself and it is a personalization. When a young man is being selected to put his life on the slab, he might lose it or he might lose limbs, then I think it is entirely necessary. Certainly we must be personalized in dealing with this kind of thing and not let a machine just crank out several hundred thousand orders that say go down and report.

In the first place, a man can't be ordered under the present regulations for induction until after he has had his procedural rights and so forth so it is an administrative matter. Put him under 1A under the present setup once he has received that order for induction. Then unless there has been a change in circumstances resulting from condi-

tions over which the rest has no control that order stands and no other further consideration can be given under the present procedural operations.

Senator COHEN. One final point, Mr. Hendrix. What do you envision for the Selective Service System? General Cuklin who had to leave, indicated we had no Selective Service System. That was an overstatement, I assume, on his part and he didn't intend it as such. It is inadequate by anyone's judgment, including my own today, but what would you recommend in terms of securing our defense needs as far as the role of the Selective Service System? Do we have to go back to where it was in 1940? Can't we take advantage of the technology that we have developed since that time?

Mr. HENDRIX. I have so stated in my statement here that the use of the computer as a management tool is acceptable but as an operational tool which this plan proposes it is not acceptable. Based on all these years of experience in dealing with people at the grassroots level, they want folks to deal with them. I feel that if we will comply with the requirement as I have so stated that requires—

When you go to an operation such as we are doing now for all as an all volunteer system to get your manpower into service, the Selective Service System as it was constituted on date of enactment of this subsection shall [it didn't say may] nevertheless be maintained as an actual standby [not a Deep Standby, there is no provision for a Deep Standby] organization with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency and (2) personnel adequate to reinstate immediately the full operation of the system.

It goes on to mention that that includes the military reservist and so on being trained.

Now I don't know how we can get around this thing, it is in your act now. It didn't say "shall," it said it must be, the registration and classification. I just read it when we are in a status such as we are in this country today as depending entirely on an All-Volunteer Force.

Now the statement was made earlier, while I am on that, that the President has the authority to reinstitute the system for registration now. That I cannot argue with, but there was a statement that said to the President he can discontinue it, and I find that the proclamation issued in 1975 used the word "terminate." Now there is no place in the law, that I can find, that gives the President the authority to terminate registration. He may change it to a different style of doing it, he may set some other dates out there, but if he can terminate it under that provision in the first part of the law, then certainly this section 10(h) is in conflict with it.

Now we need to straighten that conflict out because we are required right now to be registering and classifying and we are not doing it. It also said that it must be maintained as is constituted on date of enactment. That was September 28, 1971. That was the date of enactment that this subsection came into being and at that time we had a national headquarters, State headquarters, we had national appeal boards and so on down the line. I could name them all. I have them listed here. Today we don't have but one thing as a national headquarters and with that six regional offices which accordingly, if we went strictly by what section 10(h) requires, there is no provision for regional offices.

Senator COHEN. Are you suggesting in essence that President Ford acted extralegally or beyond the scope of powers granted to him under that act?

Mr. HENDRIX. I sure do, and I think that he was advised badly on it. I don't think he would have done it had he been advised correctly.

Senator COHEN. Well, if it is beyond the scope of his power to do so, and if it is not a valid act, then it could be challenged constitutionally, right?

Mr. HENDRIX. Right. The word used was "terminated." It was not suspended as you have referred to it already. It was not suspended, it was terminated, to study the use of an annual registration.

Senator COHEN. Well, I won't get into a legal argument here. Senator Nunn I am sure has his own views on that. If the President takes any action which he has no authority to take, upon challenge that would be thrown out.

Mr. HENDRIX. I certainly believe it would have to be because it is certainly very much in conflict with section 10(h) of the act.

Senator NUNN. The Ford proclamation says, "in order to evaluate an annual registration system existing procedures are being terminated and will be replaced by new procedures which will provide for periodic registration." So in the same sentence where he used the word "terminated" he used the words that it was being done on the basis to come up with new procedures. Obviously we have had two administrations in 5 years and there is no new procedure that has evolved.

As it has evolved, I would agree. I mean I do not believe the President has authority to terminate permanently, but that is what has been done.

Mr. HENDRIX. I have established contact on this matter about 10(h) for Senator Saxbe and he assures me that our interpretation of the requirements of 10(h) are correct. That was the intent of it.

Senator NUNN. I have several questions here I would like to ask and I will defer to whichever one would like to answer it. I will start though with Mr. Knight.

Do you think it is reasonable for the United States to rely on the plan that has been outlined by Mr. Shuck for emergency mobilization and do you think that is a reasonable risk that we can take considering our overall national security?

Mr. KNIGHT. The activities required during that 30-day period would, in my opinion, shape the system off the end of the Richter scale. No, it is unreasonable.

Senator NUNN. Colonel Borg, what do you think about that? Do you believe the current plan is reasonable for our national security?

Colonel BORG. Sir, in my opinion, even with the system's method of processing registrants and if that had been adequately tested and in all likelihood that it would work, the Selective Service needs on hand a data base resulting from a peacetime registration, a starting point. It is not conceivable to me that to reconstitute, register, process, order, and continue processing men under these accelerated conditions that the system is capable of handling it.

Senator NUNN. Mr. Hendrix, I think you already made your position on that clear but I will ask you for the record. Do you believe that the plan that is now being relied on by Mr. Shuck in the Selective Service System is reasonable for our national security system?

Mr. HENDRIX. No, sir.

Senator NUNN. Mr. Knight, has the State of Minnesota been approached about using the election machinery?

Mr. KNIGHT. Yes, sir. As a matter of fact, we were one of the first five States to be approached on this matter.

Senator NUNN. What is the view of the State on that? Can you speak for the State or do you know what the view of the State election people is?

Mr. KNIGHT. Within the last 10 days I have attended a meeting with the State election people and the members of the National Guard and in quick summary I think there were more questions than there were answers. We found that it could conceivably, with the complete cooperation of an awful lot of people, produce a registrant data bank but that there were many, many wrinkles and many, many things such as the training of these people, the placement of the materials necessary, and the costs were sort of left up in the air, Senator.

Senator NUNN. Has the Selective Service System explained to you who is going to pay the bill for the election procedures?

Mr. KNIGHT. I have assumed that it would be the Selective Service System, certainly not the individual States. If it is the individual States, then it was made clear to me in Minnesota: "no way."

Senator NUNN. After this first massive registration do you know what the plan calls for as far as where people would register after this day?

Mr. KNIGHT. After that time, and that is one of the activities necessary in the initial days after M-day, it would be my understanding the plan calls for the appointment of registrars in schools and courthouses all over America to conduct the ongoing day-to-day registration.

Senator NUNN. Colonel, what do you think about peacetime registration as a concept, and do you think it is necessary?

Colonel BORG. Sir, my opinion concerning peacetime registration I know differs from the policy of the Department of Defense and the Department of the Army. Again my personal opinion is that it is necessary. I think I view peacetime registration as a starting block from which Selective Service needs to get going. I would liken it to men running the 440, one with starting blocks and the other without. I think the peacetime registration is a starting block.

Senator NUNN. I believe Mr. Hendrix already addressed this in his statement. Do you believe that peacetime registration would stimulate recruitment in the voluntary service, both Reserves and Active duty? Do you see any relationship between face-to-face registration and the problems that the Volunteer Force is having recruiting, particularly in the reserve area?

I will ask any of you who would like to address that to respond.

Colonel BORG. Sir, I can tell you from my past experience in the State that when you talk to young people, many of them are not too aware of what the various services, either Active or Reserve, have to offer and the registration is a pretty good opportunity to be able to explain that to them.

Senator NUNN. What about the election officials in Georgia, Mr. Hendrix? Do you know anything about their view on the plan that is being promoted?

Mr. HENDRIX. Yes, I do. I participated in it and I talked to the people in DeKalb County, a large county, Rockdale and a couple of other counties out of the 159 and I got essentially the same answer. We will charge if we have the people.

Now my questions to those gentlemen that I discussed it with were: What do you pay your people now? Do you get the same people? He told me it was \$35 to \$50 a day.

Do you get the same people? Judge Chambers said, no, we do not but we depend on housewives who may be at home or may be engaged in some other activity and don't care to help us on that day. We have to depend on people like that and retired people.

I said: How much time would you need to know before we get into the registration? He said at least 30 days to see if I could round up people.

This put a doubt in my mind aside from the cost of it, the dependability of it.

Now plans were made back in 1976 to have an annual registration. Those plans are on file and those plans involve the use of uncompensated folks, volunteer patriots.

Now I have found that when we computed the thing in the final analysis in Georgia it cost something over \$300,000 to register those people in Georgia on a 1-day proposition with the election machinery.

Senator NUNN. I made the statement earlier that I felt that serious people would not consider this plan as being feasible and that I did not really see how it could seriously be considered as a plan that would meet our mobilization requirements in the event of an emergency. Do you think that is too strong? How strong would you express it?

Mr. HENDRIX. If I may, Mr. Chairman, I might be even stronger on the matter. I was involved in the registration of 1940. I was teaching and coaching at the time. The school children were allowed a holiday while the teachers went to their desks and they did the registering. The election machinery had not one iota to do with it. This happened in Florida as well, and I don't know how many other places. We were not in a war at that time. If we get an emergency which is obviously a state of confusion and uncertainty, this proposal, I think is foolhardy.

Senator NUNN. Colonel Borg.

Colonel BORG. Sir, I would have to agree with you. My opinion from what I know of the internal operation—that is, the program of processing and registering men and applying that to my background in the field—I just don't see it being done in the time that is required.

Senator NUNN. Mr. Knight.

Mr. KNIGHT. I would agree.

Senator NUNN. Colonel Borg, I believe you had some responsibilities in the overall development of this plan. Could you tell us what your responsibilities were, if any?

Colonel BORG. Mr. Chairman, I had no responsibility for the development. It was developed while I was still in Alaska. I participated in a test of that thing in 1975 with 19 other States. In 1976 I came to Washington. My job required that I work with it on a daily basis and my responsibilities were associated with testing it and tailoring it where necessary; working out kinks, if you will, in order to see that it would work.

Senator NUNN. What were the results of the test?

Colonel BORG. They were never concluded, sir. We started a low volume test in 1977 which took several months to complete. We found that the various programs of the emergency military manpower procurement system were in a pretty confusing state to say the least. We repaired as we went. It was our intent, and I had expressed this plan to many over a period of time, that after we completed this low volume test to really give it a shakedown by running it at full volume for at least a day or two under simulated emergency conditions. As of the middle of November that had not been done.

Senator NUNN. Mr. Shuck in his statement says, and I quote:

Our choice of the use of State election machinery was made after review of various alternatives. Only after careful analysis of prior use of this method did we decide that the State election machinery organizations and personnel best serve our purpose. This method was twice used successfully in World War I, both times occurring after we were already at war. The first occasion occurred only 18 days after the passage of the act that authorized the World War I draft—a single day (June 5, 1917) on which 9.6 million young men were registered. The second occasion occurred on September 12, 1918, a day on which 14 million young men were registered—only 12 days after the passage of Public Law 210 which authorized this registration.

Are any of you familiar with that World War I experience? Can you comment on this?

Mr. KNIGHT. As I understand it, we had at that time, however, a selective service system in being. There were such things as local boards and some structure that far exceeds the very skeleton structure that we have today. That is my understanding of it.

Senator NUNN. Do any of you know how long after the registration the induction took place in World War I?

Well, I will ask staff to get some information on that.

I again quote Mr. Shuck:

Again in 1940, under somewhat different circumstances—war was not to be declared for almost 14 months—the Nation's election machinery was used. On October 16, 1940, 30 days after enactment of Selective Service Act of 1940 and the issuance of a Presidential Proclamation calling for registration of the Nation's youth, 16,500,000 young men were registered.

Mr. Hendrix, do you have any comment on that?

Mr. HENDRIX. I have already commented on it, Mr. Chairman. I was involved because I was engaged in teaching at that time in the high schools. The election machinery had nothing to do with it in the State of Georgia. It might have done in other States. I spoke with Col. Peck Pierce in Florida and he said the school people did it in Florida as well. It is beside the point from that standpoint as to whether the election machinery did it or who did it.

In our State I was involved personally because I had charge of a school on the day the teachers came and registered the boys. We were not under any direction nor were we told that the election machinery had anything to do with setting it up. I think it was set up by the adjutant general in the State, if I remember correctly. He got the school superintendent to arrange for us to do this on a statewide basis and that is the way the boys were registered.

Senator NUNN. Mr. Knight, do you have any recollection of that?

Mr. KNIGHT. Yes, As I recall, I registered youth in the election machinery in Minnesota. I recall going out to a house that was used as a

polling place and registering. Apparently the application of election machinery was not a uniform thing. Some States had it and others did not. In my case I recall going to a polling place.

Senator NUNN. What is the distinction, if any, between the situation then and now? Do any of you know how long it was after the registration before there was classification and how long after classification there was induction in World War II?

Mr. HENDRIX. The registration was 14 months before the declaration of war.

Senator NUNN. It was before the war, but I wondered how long it was before we actually inducted.

Mr. HENDRIX. I do not recall, Mr. Chairman, how long it was before the first inductee was sent in after the registration on October 16, 1940.

Senator NUNN. At that time we didn't have anywhere near the number of legal positions which require almost perfection in meeting the requirements, did we?

Mr. HENDRIX. No, sir.

Senator NUNN. Mr. Knight, could you tell me in your opinion, and based on your experience, what would happen if we had a war tomorrow morning, Congress passed a draft by tomorrow afternoon and the President signed it into law tomorrow night? What would happen under the present situation?

Mr. KNIGHT. We would have young people particularly, but others also, who would be completely unprepared, who have no idea what to anticipate next, and who have had no experience in being at least registered let alone classified. There would be a great deal of chaotic confusion. I don't believe that the National Guard, the Reserve and the Selective Service people who have less than 100 full-time employees could in any way cope with the mass chaos that would result.

Senator NUNN. Colonel Borg. What I am asking for is your personal view.

Colonel BORG. Yes, sir. In my personal view if somebody pulled the chain today and told the Selective Service to go, I would not know what system of registration input would be used, for example. Testimony has been given about what this electronic input means. There is no facility out there to handle it right now. What means would be used to process the names of these individuals once they get the data base in Washington, I don't know. As I said a minute earlier, as of mid-November that system had never been given a full shakedown under simulated emergency conditions. I think you could anticipate total chaos.

Senator NUNN. Mr. Hendrix.

Mr. HENDRIX. I would have to agree with that. I think that it is again foolhardy to even consider waiting until the time that the balloon goes up to do something about this matter. I think there would be total confusion and chaotic conditions that would damage us. The youngsters, their families and everybody would be in such a state of confusion first of all about being in an emergency let alone having to deal with getting these youngsters into the service. I think it would be absolutely foolish, and most any commonsense approach to it would dictate that in my mind.

I depend on commonsense a whole lot, although I know it is not very common any more. At the same time, practically speaking, it is not a think we should rely on. We should be very careful that we don't jeopardize the situation there that would cause us to have young men be put into the service with little or no training.

In World War II, I experienced boys had been away from home 2 weeks going overseas. We found 350 aboard the *Queen Mary* at the time that were in the same circumstance. One of my board members from Ashland, Ga., was one of those fellows who was 30 days away from home and had no training. We gave them whatever training that they got on board that ship. Now that was in 1942. I promised myself then if there was any way to avoid such a circumstance as that in the future, as long as I could speak, I would do so because it was criminal on the part of the United States to let 350 totally untrained young men go over as replacements for those who had been killed.

Senator NUNN. Of course, in today's war we will have a lot less time for training. If we have another war, it will be a lot quicker and a lot more violent from the very beginning.

Mr. HENDRIX. All the more reason why we should prepare for it.

My statement was that if we get enough volunteers, this would prevent us from having to draft.

I might make this statement. I attended a meeting about a year ago with Gen. Billy Jones, a retired general officer of the National Guard from Georgia, and this matter came up. General Hern brought it up about the reinstatement of registration and so on and the effect it would have on the enlistments of the Guard. I raised this question in the meeting to General Jones, the adjutant general: "General, when did you start having trouble getting men to join the National Guard?" He said: "When you stopped drafting."

I said: "Give me a date, please, sir." He said: "In 1975."

I said: "General, I believe you are referring to the time we stopped registering in April of 1975. We stopped drafting in July of 1972." The effect had not hit until after we stopped registering. Now there is quite a bit of action on that at home.

Senator NUNN. Under the plan that has been outlined by the Selective Service System, if everyone who registers is subject to an order to report to the station for an examination, do you expect those kinds of orders will be issued to blind, to crippled, and disabled people? Will they be asked to pay their own way to the induction center? How do you understand the plan that has been presented?

Mr. KNIGHT. I am not aware of any provision to prevent what you are referring to especially if we are going to register people 5 days after M-day and have them reporting for induction 20 to 25 days later. I don't believe there is any provision. I am not aware of any.

Senator NUNN. Are any of you aware of any provision to exempt such people?

Colonel BORG. Sir, there is a provision for what they call a papers-only determination in the case of a blind person as you brought out where after he receives his induction notice he could send to his local board documentation.

Senator NUNN. But that is after he has already showed up for examination.

Colonel BORG. That is after he received an induction order but before appearing at the induction station.

Senator NUNN. Colonel Kaufman, do you want to comment?

Colonel KAUFMAN. Yes, Mr. Chairman.

There is a way they can request a postponement.

Senator NUNN. Before they ever report for the examination?

Colonel KAUFMAN. Yes. They can then report to an area office and if they have an obvious physical disability, blindness, loss of a limb, they can be taken off the induction list.

Senator NUNN. Right.

Colonel KAUFMAN. So there is a means of preventing very obviously disabled people from reporting.

Mr. KNIGHT. That is providing the Selective Service System by that time has created an area office which you would not have on M-day.

Colonel KAUFMAN. It will be in the timetable. They will be established prior to induction, Mr. Knight.

Senator NUNN. Prior to induction but after M-day though?

Colonel KAUFMAN. Yes.

Senator NUNN. It is all going to happen after M-day.

Colonel KAUFMAN. Everything is going to happen after M-day, Mr. Chairman.

Senator NUNN. They are going to establish area offices all over in that first 20 days?

Colonel KAUFMAN. Yes, sir.

Senator NUNN. How many of them?

Colonel KAUFMAN. 560 at the present count.

Mr. HENDRIX. Mr. Chairman, may I say that the instructions going to youngsters who are obviously defects better be clearly written or they are going to show up.

Senator NUNN. Mr. Knight and Colonel Borg, what do you think about the current plans to draft veterans first if we have an emergency?

Mr. KNIGHT. I don't believe it is necessary, I don't believe it is advisable in any way. I cannot see any uniformity or equity in such a plan.

Senator NUNN. Are you familiar with it?

Mr. KNIGHT. Generally.

Senator NUNN. Colonel Borg?

Colonel BORG. Sir. I am not familiar with the plan. I know only what I have heard about it here today. I would agree with Mr. Knight; in my opinion I would agree with him.

Mr. HENDRIX. I have already made a statement about that.

Senator NUNN. Thank you all for being here. We appreciate so much your cooperation, and we hope you will continue to stay in touch with us as this legislation works its way into law or out of law, one way or the other.

Thank you very much.

Mr. HENDRIX. Thank you.

Senator NUNN. The next witness is Mr. Warren Johnson. Senator McGovern has requested that Mr. Johnson testify before the subcommittee this morning.

Mr. Johnson, we are pleased to have you here. We appreciate your being with us. You may start by giving us your background and interest in the Selective Service.

#### STATEMENT OF WARREN R. JOHNSON

Mr. JOHNSON. Thank you, Senator Nunn. You are a patient man.

I have been sitting in the hearing chambers for 3½ hours. I think I am walking away feeling sick after hearing how ill-prepared we are to carry on an appropriate defense of our country and a lack of coordination between the people that should be coordinated—the Selective Service System, the military, the public, and the Congress—we are looking at something very real, and I just had to say that before I started. It does make me feel ill.

Senator NUNN. I would say that I agree with you and I think Congress has to bear a good deal of the responsibility. I was pretty caustic with the Selective Service Director earlier this morning. I know he is trying to do his duty with what he has in terms of limited money. I know he is being given instructions from the top in this respect, or I assume he is.

Congress also plays a role here because Congress has basically gutted the Selective Service System. Congress has not responded to several requests that would at least give us better capability than we have now although in my view those requests are a long way from what we need. So Congress has its fair share of the blame in this responsibility. I might say that I had no real hope that this legislation would have a chance to pass when I started on it, but I had known so many of the problems that I felt I had a duty to at least let the country and my colleagues know how bad the situation was. After hearing the facts if the people of this country decide they want to keep it like this and so advise their elected representatives, I am willing to live with that.

Mr. JOHNSON. I think all of us in this room can be very proud of you, Senator Nunn, on the way you have taken hold of this grievous problem. It is a problem that is national and international. Sometimes I would suspect that back home the people might not understand why you are as involved in this as you are. I am sure there is some lack of understanding back home. I say I salute you for taking such a statesmanship role in the defense of our country like you have.

Senator NUNN. Thank you.

Mr. JOHNSON. I do appreciate your courtesy in allowing me to present the views of a private citizen intensely concerned with our national defense readiness posture. In brief, let me display how the Selective Service System may be brought from its present Deep Standby status to meet today's military manpower requirements.

My credentials to suggest that solution include military and selective service experience in periods of war, callups and peace. I served General Lewis B. Hershey from his national headquarters as a field officer, troubleshooter, management evaluation group leader, inspection service chief and regional service center administrator. Following the general's retirement I served Selective Service Directors, Dr. Tarr and Mr. Pepitone. When the system moved deeper into standby status, I reentered the business community to organize Warren Johnson Asso-

ciates, a market research and management consulting firm, specializing in public opinion research.

A recent Harris national public opinion poll reflected 53 percent favoring a return to the draft. However, 18- to 19-year-olds opposed a draft by 61 percent. Concerns generally center on weapons, the personnel to operate them, and the cost.

I will address the personnel aspect. You have heard military manpower people say that they are having difficulty recruiting enough of the right kind of people to man Active Forces, the Reserves and the Guard.

Today, July 10, 1979, the United States does not have the manpower resource pool to quickly respond or retaliate from a massive first strike or the threat of a first strike. The Selective Service System does have an impressive record in procuring large numbers of qualified people for military service and has accomplished the mission without disastrous damage to our economy, health, technology, government and social system. Let's look at the record.

Rather than go through this record which I think you have heard possibly here before today, talking about how many people the system has registered and how many they have inducted, I think I would just like to take the punch line from each of our past conflicts.

World War I, our economic system continued to function without serious damage. I don't think that is anything that we can forget about. I think that something that should be sitting up here all of the time when we think about preparedness and should we be engaged in a conflict or the threat of a conflict.

World War II, our economic system continued to function without serious damage.

The Korean war, our economic system continued to function without serious damage.

In the period 1949 to 1972, our economic system continued to function without serious damage.

There is no question about it, the Selective Service can deliver the manpower necessary to protect our country in time of war or threat of war, provided the system is properly funded.

We have listened to Mr. Shuck. Mr. Shuck is a good soldier. He is competent. He had a job to do, and he has a general that tells him how to do it and when to do it and why to do it. I think you probed into that rather effectively today, Senator.

I think commonsense dictates a continuation of the Selective Service as an independent agency responsible directly to the President, and authorized by law to provide military manpower for the military services in numbers and at times needed.

I think we should bring Selective Service from its deep standby status and place a requirement on the Director of the system to develop the capability to meet minimum military manpower emergency requirements. We have not done that.

Fund the program for: (a) a first delivery, from mobilization, within 30 days; (b) 100,000 men within 60 days; and (c) 650,000 men within 180 days.

Now that is not too difficult when you look at 1917 when 401,147 men were delivered for induction. You were mentioning something about history of the Selective Service. If the committee does need any

of that history, I do have a very complete history on the system going back to day 1, and I would be happy to make it available to you.

Senator NUNN. I will have the staff contact you because we do not have a complete history in our files, and I would like to have one.

Mr. JOHNSON. Very happy to help out, Senator.

The logistics are:

Broaden and improve the selective service structure to accommodate today's manpower requirements.

Expand the existing selective service readiness regions from 6 to 10.

Develop the computer capable of rapid emergency manpower procurement, link the computer with other personnel automated systems and the Armed Forces examining stations.

It makes me sick to hear the Selective Service gets operating and then the entrance stations can't handle the people that are needed to get out there to fill the spots after a first strike. We don't have people there, but yet we have an Armed Forces entrance and examining network across our country that can't take care of them. That tells me that, hey, somebody is not talking to somebody and that is tragic.

Expand the Selective Service Reserve and Guard. They are the backbone of any rapid mobilization.

I go beyond that. Preparedness in today's world means the ability to rapidly respond militarily from a massive first strike against the United States or the threat of a first strike. The United States does not have the ability today to rapidly respond with the increased manpower necessary to replace losses we would suffer on the enemy's first strike. Our ability to rapidly respond may help deter a first strike against us. The Congress has the opportunity to direct the military planners to develop and publicize a today's world preparedness plan implementing a properly funded Selective Service System to accomplish the following.

It made me kind of sick to hear that after mobilization it would take 10 days to start. We might not be here, Senator. In 3 days we might not be here. If we have to wait 10 days to crank up and get going—

Senator NUNN. My concern is the same as yours. I think the less prepared we are to cope with an emergency, the more likely it is that we are going to have one.

Mr. JOHNSON. We have had people in the past make that same mistake. Mr. Hitler made that mistake; he didn't think we could respond. Japan made the same mistake; they didn't think we could respond.

Again public opinion research is something that is my profession. If people know that you are prepared and that you are ready to go and that you have the ability, they are going to assess the chance for success in whatever they are going to plan. I agree with you completely, Senator. We seem to keep our plans so far buried in the ground and not let them out to the light of day so that people don't know what is going on. They are suspect. They think the Congress is going to draft everybody into the service and they are going to go to some remote station some place, the families are going to be broken up, and the economic situation is going to fall apart and it is because we are not sharing this great responsibility that we have with the general public. The American people are great, but first they have to understand what you are trying to do.

We are talking about a 1-day face-to-face registration; computer classification immediately following registration; and in-place and well-publicized plan with the logistic ability to accomplish, in a national emergency: (a) physical examination processing in 3 days and (b) delivery into armed forces units in 7 days.

Now we have a conflict. Those timetables are too long, but we have to start some place.

This plan would be valid by identifying and utilizing current skills of men inducted into the military. Military manpower needs could be matched in the computer against inductees current skills—an annual update of current skills be accomplished by Selective Service. A civilian truckdriver would drive a military truck, a civilian typist would operate a military typewriter and a civilian cook would cook for military men and women.

Modern concepts make possible the development of high impact training for inductees with matched, similar and complex skills as well as training men into new skills. Men with skills matched to military needs could be ready to join units in 7 days, similar skills in 10 days, complex skills in 17 days and training for new skills in 21 days. Some Reserve and Guard units can respond in a few hours. All units should be programed for 24 hour callups. Modern warfare in today's world may not give us the luxury of the short timeframes which are presently attainable. Bold new approaches to training are necessary to match today's warfare technology.

I think in closing the bottom line is this, and we have talked about to register or not to register. The ability to accomplish registration with classification would provide a minimum saving of 60 days in a mobilization effort. You must add 60 days to the timeframes should the Congress determine this ability is not politically feasible.

My experience and background in the Active Forces, Selective Service and the Reserves could provide the committee a unique opportunity to use me as a resource person, and I would like to help in any way that I could.

Senator NUNN. Thank you very much, Mr. Johnson. We will take you up on your offer to look at some of the history of the selective service, particularly related to World War I, World War II, and the Korean war.

Let me ask you one question. Do you believe we should wait until M-day to take the steps that you outline?

Mr. JOHNSON. This should happen right now, Senator. We don't have the time to wait for anything in today's world. The threats are out there whether we are looking at Russia or whether we are looking at Africa or whether we are looking at the Middle East or whether we are looking at China. The threat is out there right now and the best way to deter an enemy that might be foolish enough or may be wise enough to make a first strike against us is to be prepared but that is going to call for a coordination between the Congress with the resolve and the drive and the funding and the military and the Selective Service System and above all those good people out there, the general public that will accept the program if they understand it.

Senator NUNN. I completely agree with you about the general public. I don't have any doubt at all if the American people heard all the

testimony that we have had before this committee regarding our mobilization problems that they would not only respond but they would demand that the Congress and the President of the United States take steps to deal with those problems. The American people have enough commonsense to know that the way you really get into trouble is to be unprepared.

Mr. JOHNSON. They understand that. They understand that but no one really brings it up and displays it in connection with the plan for preparedness.

Senator NUNN. Would you agree then that we would need to go ahead and provide some mechanism for registering in peacetime?

Mr. JOHNSON. Absolutely.

Senator NUNN. Mr. Johnson, we appreciate your being here and hope you will stay in touch with us as we proceed on this matter.

Mr. JOHNSON. Thank you very much, Senator Nunn and your staff. I appreciate so much the opportunity to be heard today.

Senator NUNN. Thank you.

We will come back at 2 o'clock in this room for a closed session on the personal matter.

Thank you all for being here.

[Senator Carl Levin asked for and received permission to submit questions for the record. The questions and answers are retained in committee files.]

[Thereupon, at 12:45 p.m., the subcommittee adjourned.]



