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SPECIAL HEARING

CONGRESSIONAL WITNESSES
NONDEPARTMENTAL WITNESSES
SELECTIVE SERVICE SYSTEM

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MILITARY DRAFT REGISTRATION

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
NINETY-SIXTH CONGRESS
SECOND SESSION

SPECIAL HEARING
CONGRESSIONAL WITNESSES
NONDEPARTMENTAL WITNESSES
SELECTIVE SERVICE SYSTEM

Printed for the use of the Committee on Appropriations



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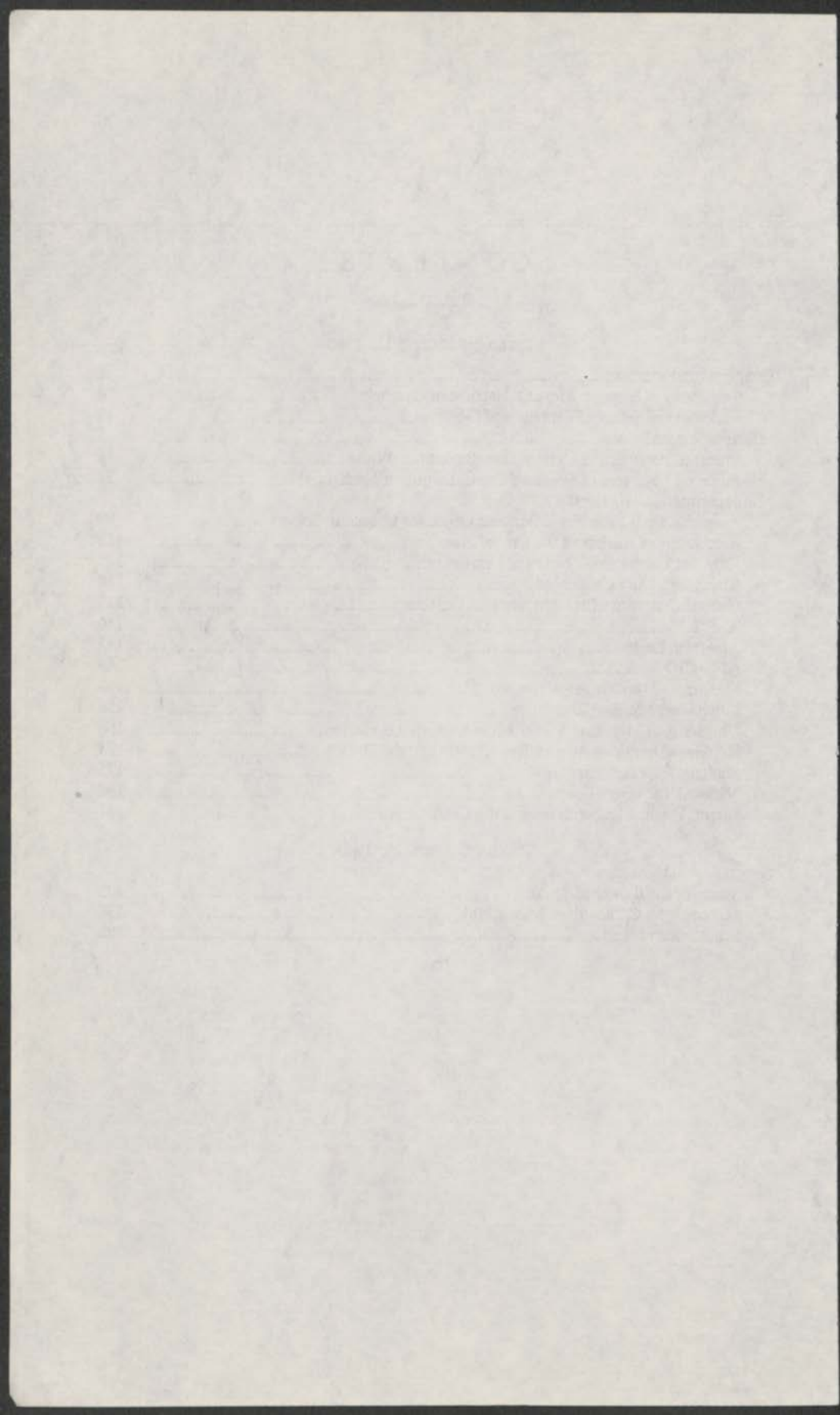
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MILITARY DRAFT REGISTRATION

TUESDAY, MARCH 11, 1980

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 9:30 a.m., in room 1318, Everett McKinley Dirksen Senate Office Building, Hon. William Proxmire (chairman) presiding.

Present: Senators Proxmire, Stennis, Leahy, Mathias, and Schmitt.
Also Present: Senators Hatfield and Nunn.

CONGRESSIONAL WITNESSES

CHAIRMAN'S OPENING STATEMENT

Senator PROXMIRE. The subcommittee will come to order.

This morning we will take testimony on the need to provide supplemental funding of \$21,895,000 in the current fiscal year and an additional \$24,500,000 in 1981 to initiate a draft registration program. We will also consider the Selective Service System's ongoing operating budget. Appearing on behalf of the administration in support of these requests are Bernard Rostker, Director of the Selective Service System, John White, Deputy Director of the Office of Management and Budget, Gen. E. C. Meyer, Chief of Staff of the Army, and Robert Pirie, Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics.

Gentlemen, we are glad to have you with us today. You will be preceded by Senator Mark Hatfield, Senator Stennis, and Senator Nunn. When they come in we will put them right on. We will go ahead, however, with witnesses who are here, because we have a tremendously large number of witnesses and we want to move as expeditiously as possible.

Before we begin, I would like to make a few comments regarding my position on premobilization registration.

Frankly, I am not convinced at this point that registration is essential. Part of my concern centers around the proposition that premobilization registration eliminates the uncertainty that would surround post-mobilization registration. It is true that premobilization registration makes it easier to draft Americans into an unpopular war, but if the people of this country felt that their security was truly threatened, it seems to me that we would be able to implement a postmobilization registration program very quickly.

Furthermore, premobilization registration without a significant improvement in the capabilities of the Selective Service System may prove to be of very limited utility. We would have a great many names on our computers but we would not know how to process them properly in the event of a national emergency, unless the capabilities of the System itself are to be significantly upgraded.

In this sense, registration could lull us into a false sense of security.

Finally, we seem to be getting some confusing signals from the administration. A draft working paper submitted on January 16 by the Selective Service System stated, after a fairly detailed discussion on the alternatives, and I quote: "The postmobilization option should substantially exceed Defense requirements, employs the fewest number of full-time personnel, and costs the least." In other words, the draft working paper says we should not have the kind of program that has been proposed. Now the administration is saying that recommendation should be reversed. We must be sure before we act that we are doing what is in the best interest of the Nation and not merely making a symbolic gesture with potentially damaging side effects.

Having expressed these concerns, I look forward to the testimony of today's witnesses, which may help to remove my reservations.

Senator Schmitt?

Senator SCHMITT. Thank you, Mr. Chairman.

Mr. Chairman, I share your reservations.

REGISTRATION A SMOKESCREEN FOR REAL MILITARY PROBLEMS

Frankly, I think the whole registration, women and the draft issue, is a smoke screen to divert us from the real problems of our military. Those deficiencies have resulted over the last few years. At the same time, I think it is important we examine the issue. Registration is not going to solve the basic needs of this country to have a rapidly mobilized force to deal with emergencies, not necessarily long-term, but short-term emergencies. To do that, we need a volunteer force with trained, experienced personnel and we need a Reserve and National Guard that can meet those kinds of rapid mobilization requirements. Registration, the draft, doesn't do that. It doesn't mean we shouldn't be ready. I think that is what we have to deal with today—find out what is the most efficient way, the least costly way that we can be ready to institute registration and the draft, should that particular set of circumstances arise.

But if you are talking about our immediate problem in the military today, it is not solved by registration for the draft. I think that is at least a perspective we have to have as we enter these hearings.

Senator PROXMIRE. Thank you, Senator Schmitt.

At this time we are delighted to hear from the chairman of the Armed Services Committee and chairman of the Defense Appropriations Subcommittee, Senator Stennis, who, of course, is also a member of the subcommittee.

ARMED SERVICES COMMITTEE HEARING PLANNED

Senator STENNIS. Mr. Chairman, thank you very much.

I didn't come to take up your time just now, Chairman Proxmire. After you have heard the testimony from what I call outside witnesses, I mean outside our subcommittee, I suggest we talk this problem over with the members of the subcommittee and full committee, if you would consider setting a time when both sides, so to speak, could be heard on this matter. You see, this is coming in a side door in a way. The whole military program is being reconsidered by the President and the Congress. The President has upped the money. We are getting into all aspects of the defense budget in order to authorize and appropriate the funds. But a major part of all of it is the manpower problem. It just has to be wrestled with.

I believe we can make a contribution, but registration is coming up first. The logic, it seems to me, is that it would come up last, but it is coming up ahead. I just make that request of the Chairman, trying to wrestle with the whole problem before this subcommittee and the full committee make a judgment. Let's have a special hearing; you can have it open if you want to.

Senator PROXMIRE. That is fine.

What I would suggest, Senator Stennis, in view of the fact we are having hearings this morning, is that we might have that kind of a meeting after we get the bill from the House so that we know exactly what we are dealing with. Would that be satisfactory?

Senator STENNIS. Yes.

Senator PROXMIRE. We could meet before we mark the bill up in subcommittee.

Senator STENNIS. Yes; and after the hearings are completed here.

I would like to see how others feel about that. I haven't had a chance to confer about it with anyone.

Senator PROXMIRE. I see no objection to that approach. You are a member of the subcommittee and the full committee. You are also the chairman of the Armed Services Committee. That is a request we will be glad to honor.

Senator SCHMITT. Mr. Chairman, I think it is an important request and it would provide an opportunity to look at this issue of selective service in the context of the other manpower issues that Chairman Stennis has indicated, and we all know he is very concerned about them.

Senator STENNIS. I talked about this walking down the hall a little while ago.

Senator PROXMIRE. Senator Hatfield, of course, is a member of the Appropriations Committee.

Mark, why don't you testify? Sit in the witness chair first and then come back up here and join us for questions. I think you have a somewhat more formal statement—

Senator STENNIS. Mr. Chairman, if I may, I have to excuse myself for another meeting. May I go now and come back as soon as I can?

Senator PROXMIRE. Certainly. Thank you very much.

Senator Hatfield, we are delighted to have you with us today. After you finish your presentation, we would be honored if you would join us here as we question other witnesses. Go right ahead.

STATEMENT OF HON. MARK HATFIELD, U.S. SENATOR FROM OREGON

Senator HATFIELD. Thank you, Mr. Chairman. I am very appreciative of the opportunity to appear here this morning before the committee and to comment on the proposal which is now before you to reinstitute draft registration. I do not think it necessary to repeat my position of long standing in that I am a very staunch opponent to conscription. My most fundamental objection is perhaps philosophical and stems from the view very aptly put by the late Senator Robert A. Taft of Ohio when he observed, "It is more characteristic of a totalitarian society than a democratic one."

My second objection is derived from the fact that draft registration constitutes an erosion on the checks and balances which Congress and the American people hold over the warmaking power of the executive branch of Government. I am fully persuaded that if we hadn't had the draft, we would not have had that long, involved, immoral and unconstitutional war in Vietnam. His authority to induct was extended for 3 years in 1963. The President had an unlimited supply of manpower to call upon to perpetuate that very unfortunate experience.

Mr. Chairman, I came upon an editorial in a major national newspaper recently which espoused a frightening attitude toward this issue. Characterizing President Carter's call for draft registration as an unexceptional step, the editorial went on to interpret mounting congressional opposition to the plan as meaning that some days a democracy can't do anything right.

I ask that we turn back the pages of history to the day when Congress took the seemingly unexceptionable step that cost tens of thousands of young American lives and tore the Nation apart at its seams, in voting with little debate, to affirm President Lyndon Johnson's then unidentified Southeast Asia policy with the Gulf of Tonkin Resolution. I am not suggesting that these issues are equivalent. I am suggesting that draft registration holds a potential for far-reaching consequences and should be carefully examined, not casually dismissed.

Regardless of the opinion one holds toward the draft registration proposal before the Congress, its importance goes far beyond creating a harmless list of names. Unfortunately, the debate over draft registration has been reduced in some quarters to a question of whether or not it is proper to "embarrass the President," since he obviously did not anticipate the opposition which has mounted to his plan.

Despite efforts to downplay the significance of draft registration, it cannot be viewed in a vacuum. An affirmation of registration at this time signifies acceptance of the Carter doctrine to unilaterally defend the Persian Gulf by military means. The Pentagon could already be in the process of having draft cards printed. I contacted a company which the Chicago Tribune alleged was printing draft cards. They refused to deny or verify that article. Every year since the end of the Vietnam War, Selective Service appropriations have contained the prohibition,

"None of the funds may be expended for or in connection with the induction of any person into the Armed Forces of the United States."

This year, the Carter administration quietly moved to delete this language.

I make these points, Mr. Chairman, to underscore the fact that draft registration serves no functional utility in itself. It does, however, make the final step to reinstatement of the draft a less formidable task. It is also interesting to note that failure to register continues to carry with it the penalties of draft evasion—up to 3 years in prison and a \$10,000 fine.

Mr. Chairman, I recently obtained and released to the public a report issued January 16 by the Director of the Selective Service which clearly states that draft registration, in its own words, is "redundant and unnecessary." This report preceeded a February 13 report from the President to Congress on the state of the selective service. Interestingly, the option for a postmobilization registration plan endorsed by the Director of the Selective Service as the most efficient and cost-effective program for mobilization was excluded from the President's official report to Congress. Clearly, the administration has chosen either to ignore or bury the truth about the negligible military value of draft registration.

Despite claims that draft registration is necessary because of the changed international climate, I want to emphasize that this report followed by almost a month the brutal Soviet invasion of Afghanistan. The Department of Defense's mobilization timetable is based on the worst case planning already and, therefore, includes exigencies like a potential military conflict in the Persian Gulf-Afghanistan area. These war plans require the first inductee within 30 days after an emergency is declared. I would also add that this timetable was accelerated significantly in 1976, under Pentagon timetables reflecting "worst case" scenarios, Army reserve units are not even scheduled to be manned, equipped, and organized until 19 days after mobilization.

The postmobilization registration plan recommended by the Selective Service in the suppressed report states that the first inductee could be made ready within 17 days after mobilization. Under the Carter administration's proposed registration plan, the first inductee could be made available in 13 days. This indicates a 4-day improvement over the capability of the System without draft registration. With or without draft registration, Mr. Chairman, the requirements of the Defense Department are exceeded by a healthy margin.

One need not challenge the Department of Defense assumptions to make a case against draft registration. However, some questioning of these assumptions is in order, because it strengthens the case against draft registration even more.

First, the mobilization requirements assume that there will be no volunteers. I would remind the subcommittee that approximately 300,000 persons volunteered in the 2 months following the attack on Pearl Harbor and that an average of 20,000 young men volunteered each month at the height of the Vietnam War. Past experience has proven that we have the capability to move quickly and efficiently on registration.

In 1917, 10 million men were registered in 1 day; in 1940, 16 million men were registered in 1 day; and these objectives were met long before computerization played a role in the induction process.

Basing our requirements on the assumption that there will be absolutely no volunteers in times of true national emergency is an affront to the facts of history and the patriotism of the American people.

In addition, former Attorney General Ramsey Clark has estimated that there was roughly a 10-percent nonregistration rate during the Vietnam war. If this percentage were retained today with draft registration, by the end of 1980 upward of 400,000 young men could be confronted with felony charges. This raises the specter of Orwellian forms of intrusion and surveillance reminiscent of the Vietnam era. We must ask ourselves if this divisiveness and damage to the national psyche is a worthwhile price to pay for the dubious rewards of registration.

It has been suggested, Mr. Chairman and members of the subcommittee, that even if draft registration serves merely as a symbol of resolve, this alone warrants its acceptance. I submit that the Soviet Union should at least be given credit for having enough sophistication to understand that a list of names will add nothing to this Nation's level of military preparedness. In this year of strict fiscal accountability when wholesale cuts are being made in all areas of the budget, with the obvious exception of the military, the American people have a right to know why millions of dollars are being squandered for a symbolic gesture that will abridge the freedom of young men while doing nothing to enhance our military preparedness.

The All-Volunteer Force, which has been a part of this Nation's heritage for 163 of its 203 years of existence, can be made to succeed or it can be made to fail. The choice is ours. I implore you to reject the empty symbolism of draft registration so we may turn our energies instead to restoring the image and morale of our armed forces through reasonable cost-of-living adjustments and other measures designed to improve the retention and recruitment of technically skilled personnel.

Let no one be deceived. The call for draft registration, a step the administration itself now admits is only a symbolic gesture, will waste millions of dollars, deeply divide the country at a time when we require solidarity and strength, disrupt millions of lives, divert resources from the strengthening of the All-Volunteer Army, and likely create a new class of teenage felons. And it will do virtually nothing to enhance the defense posture of the Nation.

I strongly urge the committee to reject this supplemental request.

Senator PROXMIRE. Thank you very much, Senator Hatfield, for a very powerful and eloquent statement of your position. I think it contributes very greatly to the deliberations of the subcommittee.

As you know, you are going to be followed by administration witnesses who are going to advocate registration. It is good to have the other side of this issue expressed and documented so well.

IMPROVING EXISTING SELECTIVE SERVICE SYSTEM

Senator SCHMITT. Senator Hatfield, I have just a couple of questions. Do you see any problem with developing the mechanical aspects of registration and the draft up to actual registration—that is, improving the System as it now stands, so that if a national emergency arose where it was clearly perceived that a draft was required, that that mechanism could go to work immediately?

Senator HATFIELD. No; I do not. I think it would be wise and prudent to move ahead and to develop an improved data processing capability for the Selective Service and want to add that many of my arguments and many of my views relating to the questionable action of registering young people at this time are predicated on the ability of the Selective Service to install and to make ready this kind of system.

DRAFT IS AN EMERGENCY PROCEDURE

Senator SCHMITT. Senator, you have indicated in your very fine statement that you believe the all-volunteer force can be made to work. I do not recall, unless it was done just when I was out of the room, you mentioning the Reserves and the National Guard as a component in our ability to mobilize quickly. Clearly, if we had an immediate emergency we would have to use a volunteer force with the immediate mobilization of Reserves and National Guard and registration for the draft would only be a subsequent action and have subsequent utility. Do you see any relationship between a registration program and the revitalization of the volunteer force and the Reserves and National Guard as a supplement to that force?

Senator HATFIELD. Yes; I do.

Senator, I think you have put your finger on one of the most vital and important points in this whole draft question; that is, the implication, if not the outright suggestion, made by proponents of the draft that it is somehow designed to meet an emergency. It is not, cannot be, never has been, and never will be. You do not meet an emergency with a draft conscription program. You do not throw someone into the breach who is a raw recruit. You have to have time to train that person. So, therefore, what you have to do is have an effective standing military organization. We have over 2 million persons today in that military organization. If you have to have an emergency supplement to that basic standing military, you next rely upon the Reserves. These are people who are trained, who are experienced, and are ready to move to meet an emergency. If you are committed to a long, sustained war or conflict, you raise additional manpower and womanpower through a draft conscription program.

Now, those are the interrelationships. But to imply somehow that this is an emergency created by the Afghanistan invasion and that the draft is going to meet that emergency is just a phony argument. I think it is specious. I think it should be rejected for what it is.

That means what we have to have is a strong Reserve, and I would point out the Reserve in the first quarter of this year has increased over last year. The volunteers have increased in the first quarter over last

year and the retention rate has increased over last year. These are factors indicating there is reason to expect that the volunteer system can succeed.

To call for registration, which is not a registration for the Cherry Festival Princess for Washington, D.C., the registration is for induction, nothing else. To bring that about at this time is premature, it is uncalled for, and it is divisive. The Selective Service has very eloquently stated they can handle this whole matter in ample time to meet the Department of Defense's mobilization requirements with respect to the availability of the first draftee within 30 days after mobilization. And in each one of the incremental time frames beyond 30 days, the Selective Service report indicates it can more than adequately meet the requirements under the worst case scenario, assuming no additional volunteers beyond the normal rate.

PROBLEMS IN THE ALL-VOLUNTEER FORCE

Senator SCHMITT. Senator, you have, I am sure, noted in your investigation, as well as personal contacts, that the volunteer force is losing its most trained and experienced personnel, those with about an 8- to 10- to 12-year service record; principally, it appears, because the salaries are just not competitive.

The other evening as I was buying gas, my truck was filled by a young marine who was moonlighting because he couldn't hack it with his family on a military salary. He said he was going to stick it out. He had 6 years in and was going to stay in for another 14. He was only able to do that for his family because he was moonlighting, pumping gas.

If we are going to have an effective volunteer force and an effective Reserve and National Guard, don't you believe there are a great many more important things we ought to be doing than worrying about registration at this point?

Senator HATFIELD. Absolutely. Our top priority is to make the volunteer system work well, as I indicated. We have depended upon it. It has provided us a formidable defense for 163 years. We have a record of achievement and success. I think it is a national disgrace today that a significant percentage of our young people serving in the military qualify for food stamps because of the low pay scales we employ. And if you count all the privileges and all of the other fringe benefits that you may identify, it is still wrong, wrong, wrong to demand not only that they risk their lives in the defense of this country, but then to force them to subsidize their military service, and that is exactly what we are doing.

And regardless of the draft issue, we should be addressing that question in meeting the military needs of this Nation. It should be not only a highly honorable and highly respected profession, but it should be one properly remunerated and correlated to the civilian employment that they could find otherwise.

So I think that issue is one that is inexcusable. We have let this drift into a deplorable state. I think some of this has been caused by draft

supporters. The draft is a cheapskate way out of trying to bolster our manpower by sound means. You know as well as I that the pay scale for a recruit is going to be at the lowest end of the ladder.

I think at the same time we should review the whole matter of how many admirals and generals we have in this paid program as contrasted to the percentage of top-ranking officials to enlisted personnel we had in World War II and other wars. I think there are ways to review this whole pay program as it relates not only to the enlisted ranks, not only to the special and technical areas of our manpower, but also to the highest of all of the ranks and what percentage we need in terms of the ratio of officers to enlisted personnel.

Senator SCHMITT. Thank you, Senator, for your statement.

Thank you, Mr. Chairman.

Senator PROXMIRE. Senator Leahy?

Senator LEAHY. I couldn't help but feel, Senator Hatfield, much of what you are saying—I mentioned to Senator Nunn—sounds very much like what he has said in the past. The conclusions you arrive at do vary somewhat, however.

Senator HATFIELD. Senator Nunn can't be all wrong. We have many things in common, Senator.

Senator LEAHY. I know that you do. I also know both of you have been concerned with this issue, perhaps more so than anybody else in the Senate. The Senate benefits from the fact that both of you have gone into it in such detail. I know it helps me in listening to the different positions taken by both of you and by others.

LOW RETENTION RATE IN ALL-VOLUNTEER FORCE

Let me ask you a question, Senator Hatfield. I have spent some time looking at the various aspects of the bill and I served on the Armed Services Committee before I had to give that up. Now I am on the Defense Subcommittee, served on the Intelligence Committee, and almost daily I look at issues that affect the military.

I see us developing, as we should, a highly technical type of military force. Our conventional forces are to give us some alternative to nuclear war as a deterrent. Our planes are becoming very, very sophisticated, our tactical airplanes, our new cruise missiles. Our ships—I spent time on some of our most modern ships—and again, they are highly complicated. But at the same time, when I visited military bases here and in Europe, I talked with the people who have to keep these things running, keep them operational. And I am struck by what you might call a calendar syndrome. We see technician after technician, soldier after soldier, sailor after sailor, checking off on a calendar the number of days they have left before they get out. More and more we see that once we get them all trained so that they are able to handle the complicated equipment, it is just about the time they want to leave for a far-better-paying job in private industry or, indeed, for a host of other reasons.

Really, does the draft in any way cure this? Does the draft in any way convince people to stay in longer?

Senator HATFIELD. Senator Leahy, the answer is obviously "No." Let us look at our experience. Let's go back to Korea, or whatever period you want to go to, and check the draft experience. The draft was for a 2-year period during the Korean war. Let's take that as an example. The average length of service was 18 months. The draftee was first of all coerced—coerced—into his military uniform. These gentlemen count the days until they get out. An unhappy draftee, who is not there by choice but by force and coercion, is less enthusiastic about his day-by-day life than those who have volunteered.

So you have a high rate of turnover. The draft is the most inefficient and uneconomical system of recruitment because of high turnover. An 18- or 19-year-old young man or woman is not going to provide the technical experience that our Armed Forces so desperately need today. Even if they had some kind of accelerated training program to put them in, how long are they going to stay there? You are going to induct a person, take 4, 6 months to get that person into some kind of training, if it is even possible to elevate them to that level of technical capability, and then they will leave for higher pay in the private sector.

So the draft is not going to deal with that issue. We have to deal with that issue in a way that is unrelated to the draft.

Now that calls for a little more creativity, rather than this so-called illusion that if we have just enough manpower and womanpower, a reservoir of such, somehow we can put them into those slots and correct the problem. It will not meet the challenge because they do not have the technical competency, the experience, or the background to fill those slots.

We have to deal with that issue, unrelated to the draft, and it has to be dealt with by more than just money.

I think money is a very important factor. It is critical that we bring military pay scales in relation to civilian employment, but I think it takes even more than money.

Senator LEAHY. The reason I ask is that I have become increasingly concerned that in the event of a major confrontation, especially between the superpowers, we could find ourselves faced with the totally unacceptable alternatives of capitulation or nuclear war. Do we make up for our lack of conventional capability with almost a euphemistic "tactical" nuclear weapon? I personally would like to see a third choice, and that is a well-equipped, highly effective, conventional force.

Personally, Mr. Chairman, I would feel a lot happier, even if it meant actually having to make some cuts in strength, if we could have better trained, better motivated people who are willing to stay. And having acquired the skills needed, perhaps people would be encouraged to stay on for a number of reasons—patriotism not being the least of them. I would have been happier if the President was looking for a symbol of resolve, had he, in his State of the Union message, called for the people to start enlisting in the Armed Forces.

I feel there might be a surprising response to that. It might be a surprising positive response to that kind of call, if strongly made.

I have to leave for the Judiciary Committee. I will read the transcript of this hearing and the transcript before Senator Nunn's subcommittee.

It will be very interesting learning to what extent a preregistration scheme isn't just the harbinger of the end of the all-volunteer force. And it will be interesting to see whether, with that in place, it would slack off any efforts to make the all-volunteer force work. I really tend to think registration would be the harbinger of the end of the all-volunteer force. I am not sure that that is in the best interest of the United States in any way, shape, or manner.

DRAFT NOT A SOLUTION TO EXISTING MANPOWER PROBLEMS

Senator HATFIELD. Senator, I would like to make one final comment. It seems to me, we, in concert with the military leadership, ought to identify these problem areas within the volunteer system, within our present Army and our other services, and deal with those as they would demand solving and solutions. I do feel that with all of those particular points of difficulty we still are very effective and still have a very outstanding military organization.

There are many who are counting the days until they can get out, as you indicated, but I think there are far more who are very dedicated and serving in a very competent, professional way.

I wouldn't want to leave the impression that we are somehow faced with a crumbling, demoralized, inefficient, incompetent military organization today. I think we do have problems, and I think the military leadership could identify those problems for us. I think we can deal with them without going forth with this kind of a blanket approach of sweeping up young people with a dragnet and coercion. A lot of young men and women stand to be used as a panacea or quick fix to these very difficult problems we have.

That is what I would urge to this subcommittee. It is not to look upon the draft as a cure-all, either for numbers or positions or for technical requirements. The draft just cannot do that.

All during the Korean war, I, as a military adviser, had to fill out the SS form 107 for all of the students at Willamette University in Oregon and I know the discrimination in the draft system. I know those who were music majors, who had a grade point average of 2.8, and also there was the physics major who was 2.79, and the dividing line was between those two. The music major stayed and the physics major had to go off to war because he fell below that line—arbitrary divisions. I know these inequities from having been involved with the draft program. I can assure you in this day it is not going to be any different if we reinstitute the draft. The inequities are going to be there. A "fair" draft is a contradiction of terms.

I would much rather deal with these military problems individually as they exist, and correct them in the congressional and executive branches working together than try to reinstitute the draft.

You can't separate these two issues—registration and induction. You have to consider the whole issue of the draft. That is not going to solve the problem. It is going to create more problems.

Senator LEAHY. Thank you, Mr. Chairman.

Senator PROXMIRE. Senator Mathias?

Senator MATHIAS. Thank you, Mr. Chairman.

DRAFT REPORT SAYS SELECTIVE SERVICE SYSTEM CAN MEET REQUIREMENTS
WITHOUT REGISTRATION

Senator Hatfield has been deeply involved in this issue for many years, certainly during the years in which we have served together on this committee and so he brings to it not just the perception of someone who is looking at the problem for the first time, but someone who has thought about it both in a practical and philosophical sense for many years.

The January 16 report of the Selective Service indicates that it would take 7 days longer to get the first inductions, 7 days longer to get the first 100,000, and 7 days longer to get the 650,000, which would be contemplated in an early callup. But that in all three cases, it would be within the Department of Defense specifications. Is that your understanding?

Senator HATFIELD. Yes; and let me add one further dimension. The President's report to the Congress, which came later, narrows that difference to 4 days subsequent to the original report.

So rather than a week, the differential now is 1 week to 4 days.

Senator MATHIAS. Is it also your understanding that this could be accomplished with less than half of the funds that would be required for the administration's plan?

Senator HATFIELD. Senator, my arguments, as I indicated before your arrival, are predicated on the Selective Service having the computer system in place that they have outlined in their January 16 report. It also must be borne in mind that it is predicated on zero additional volunteers in time of major national emergency.

It is, therefore, I think, something that is subject to rather broad interpretation. I feel that the Selective Service should have this kind of system in place, but only on the basis of postmobilization registration, not premobilization registration, because, as you point out, the 30-day worst scenario scene the Defense Department comes up with is based on a 30-day period for the inductee to be ready for training.

Senator MATHIAS. Thank you.

Senator PROXMIRE. Senator Hatfield, thank you very, very much for a superlative presentation. I would have questioned you at some length if it weren't for the fact that we have, as you know, a number of other witnesses. We would like to have you join us for questioning.

Senator Nunn?

STATEMENT OF HON. SAM NUNN, U.S. SENATOR FROM GEORGIA

Senator NUNN. I am just sitting here, Mr. Chairman.

Senator PROXMIRE. I hope you will be an active participant in the questioning. We certainly need your expertise. I think you can provide a somewhat different approach than some of the other members.

Senator NUNN. To respond to Senator Hatfield's articulate, passionate, and erroneous statement would take more time than this subcommittee has. [Laughter.]

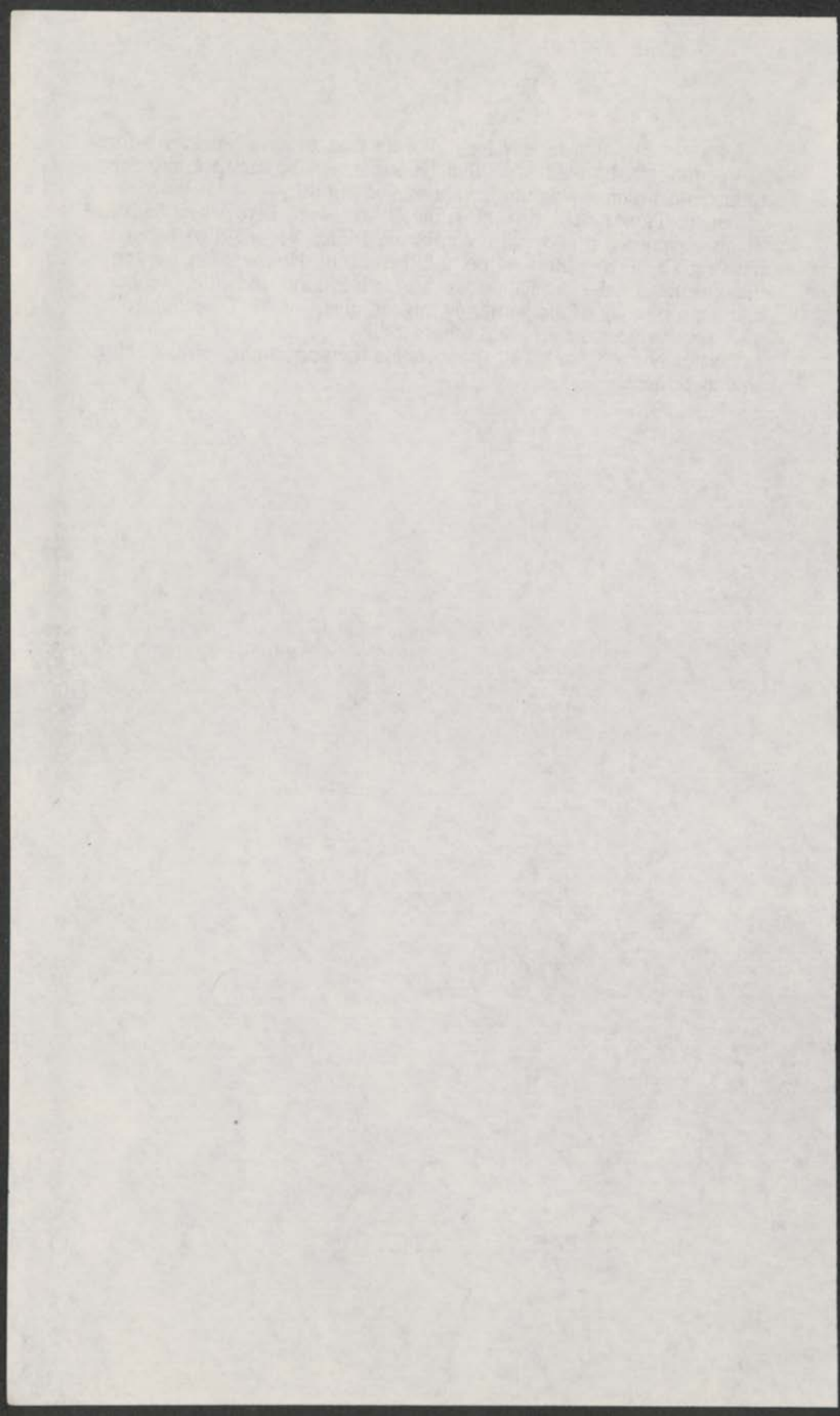
Senator PROXMIRE. Maybe in the course of the questioning you can get into the issue. We want very much to have you here.

Senator NUNN. Thank you very much.

I am not planning to stay long. We do plan to have hearings before our committee. I would hope that before your subcommittee has come to any conclusion, we would have a chance to testify.

Senator PROXMIRE. I do not know if you were here when Senator Stennis requested that opportunity, but as I said, we would be happy to have such a hearing after we get a bill from the House. After we know the specifics of the legislation we are acting upon and after we have had the testimony of the witnesses this morning, we will be delighted to have you, Senator Stennis, and others testify.

Senator NUNN. Thank you. I appreciate the opportunity of just being able to be here.



SELECTIVE SERVICE SYSTEM

STATEMENTS OF:

JOHN P. WHITE, DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

GEN. E. C. MEYER, CHIEF OF STAFF OF THE ARMY

ROBERT B. PIRIE, JR., ASSISTANT SECRETARY OF DEFENSE
(MANPOWER, RESERVE AFFAIRS, AND LOGISTICS)

BERNARD ROSTKER, DIRECTOR, SELECTIVE SERVICE SYSTEM

INTRODUCTION OF WITNESSES

Senator PROXMIRE. I am going to ask the administration's witnesses to come forward to the witness table. Appearing on behalf of the Administration we have Bernard Rostker, Director of the Selective Service System; John White, Deputy Director of the Office of Management and Budget; Gen. E. C. Meyer, Chief of Staff of the Army; and Robert Pirie, Secretary of Defense for Manpower, Reserve Affairs and Logistics. I understand, Mr. White, that you have the principal statement, is that correct?

Will others also testify?

PREPARED STATEMENT

Mr. WHITE. Yes, Mr. Chairman. With your permission, I would like to submit my statement for the record, give a somewhat abbreviated version of it here today, ask General Meyer to make a few comments, if he may, and then we will be open for questions.

Senator PROXMIRE. I would appreciate it if you could condense your presentation as much as possible. You are followed by a number of other witnesses. Your statement will be printed in full in the record.

[The statement follows:]

STATEMENT OF DR. JOHN P. WHITE, DEPUTY DIRECTOR,
OFFICE OF MANAGEMENT AND BUDGET

Mr. Chairman and Members of the Subcommittee:

We appreciate the opportunity to appear today to discuss the President's request for additional funds in FY 1980 and FY 1981 to revitalize the Nation's Selective Service System.

As you are all well aware, in late December, Soviet armed forces invaded Afghanistan. For the first time since World War II, the Soviets moved in force into the territory of a neighboring nonaligned country. In light of the steady buildup in the Soviet armed forces over the past two decades, the Soviet desire for a warm water port on the Indian Ocean, and the instability in that region, the invasion of Afghanistan must be regarded as a serious threat to peace in an area of the world where we have vital interests.

President Carter expressed to the American people his determination to protect our interests in his State of the Union address on January 23. To underline our position and our resolve, the President:

- o Placed an embargo on the sale of grain to the Soviets;
- o Called for a boycott of the Olympic games which are planned to be held in Moscow this summer;
- o Sought, together with our allies, to deny the Soviets the benefits of western technology; and
- o Suspended consideration of SALT.
- o Announced his intention to revitalize the Selective Service System, including registration.

Additionally, the expansion of our defense budget, in real terms, by more than 5 percent in budget authority and by more than 3 percent in outlays continues the Administration's policy of taking major steps to strengthen our defense posture. More specifically, a number of diplomatic and military actions have been taken that relate to our presence in the region.

Through all these actions, we have made it clear to the Soviet leaders that they must pay a price for their aggression, in terms both of economic sacrifice and worldwide condemnation. These actions are of a piece. Together they are stronger as a signal of repugnance and as a sign of our appreciation of danger--than if they were taken separately.

We also believe that the context of the actions listed above is important in evaluating the costs and benefits of any one. All are part of a larger policy. All involve costs. They all call for an effort by American society, although they each affect different groups. The businessman and the farmer, no less than the student, are each asked to do his share. As the other measures in the President's program take hold, the question before this Committee is whether it should support the President's request for funds

to enable him to undertake this additional step--a step he is authorized to take under law. Congressional endorsement of the President's proposal through support of the appropriations request is vitally important to the overall policy. On the other hand, it should be obvious that a negative decision on this request will affect the other portions of the President's program and undercut the message the other steps have already conveyed.

We have stressed that registration is of a piece with the other major responses directed by the President, but it is worth pausing to note a major difference. Unlike the other responses, registration helps us. A refusal to sell wheat and technology, a suspension of SALT, a boycott of the Olympics all are costly to us. We undertake them because we believe that the USSR pays more heavily for them than we do. Registration, in contrast, helps our military posture.

The revitalization of our Selective Service System, particularly through peacetime registration, helps us to increase our preparedness, assure our ability to respond and demonstrate further our resolve. For these reasons, we do not understand those who say that registration is only symbolic. In our view that is wrong. It helps a great deal. Virtually every serious commentator agrees that in the event of a mobilization we would have to draft young people. The only question is whether we should register now against that contingency or defer it until a time of emergency. Registration now uncontestedly provides benefits because it eliminates one significant task we would otherwise have to accomplish during mobilization. In fact, it creates an assured data bank involving millions of transactions in a time of normalcy that would otherwise have to be accomplished in a state of emergency.

Over the last year we have learned a great deal about how difficult it is to mobilize in a state of emergency. Mobilization calls for a national effort of mammoth proportions under adverse conditions. Our experience in test exercises we have undertaken is that contingency plans repeatedly go awry.

Perhaps the speedy and efficient registration of millions of young people can be accomplished in the turbulence of mobilization, but we think it unarguable that their prior registration yields real gains--in certainty, in efficiency, in freeing our efforts for other activities, and even for the registrants themselves, in the order, equanimity, and equity with which the process is conducted.

Our proposal for revitalizing Selective Service includes:

- o Registration using the facilities of the U.S. Postal Service.
- o Key entry of registration data on the equipment of the Social Security Administration.
- o Computer processing on equipment dedicated to the Selective Service mission and sized to handle it.
- o Field structure improvements via the selection and appointment of local board members this year.

Registration for the draft is the key element. We believe strongly that this is an important and prudent step to minimize uncertainty and improve our mobilization capacity, should the need arise. We hope that no further steps will be necessary. If they are, we must have a large pool of registered young people from which to induct and train the forces needed rapidly in an emergency situation.

The President has the authority to register young men between the ages of 18 and 26. He has also requested the authority to register young women, a request which recognizes the reality that women are already providing all types of skills in every profession, including the military. There is no distinction possible, on the basis of ability or performance, that would allow the President to exclude women from an obligation to register. We hope that the Congress will agree ultimately to give us the additional authority to register women. In the meantime, we must obtain the necessary funding to go ahead and use the authority we clearly have to register men.

I want to emphasize that President Carter has called for registration only. He does not now have, nor are we seeking at this time, the authority to induct anyone. To carry out Selective Service revitalization, we have requested an additional \$21.9 million in supplemental appropriations for FY 1980 and an increase of \$24.5 million in the President's budget for FY 1981. Of this total \$8.6 million in FY 1980 and \$7.7 million in FY 1981 was to be used for the registration of women. Consideration of that request can be deferred until authorizing legislation is passed, hopefully later this year. To register men we will need only an additional \$13.3 million this year, and \$16.8 million additionally in FY 1981.

When the issue of peacetime registration was raised last September during the debate on the Defense Authorization Act in the House of Representatives, the Secretary of Defense and the Director of OMB said that registration was not necessary (and I highlight) at that time. There was no crisis that had the potential for an imminent threat to the vital interests of the United States. The situation is different now, and so is our position on the issue of peacetime registration. The Administration's position before this crisis in Southwestern Asia was that the President would not hesitate to use his present authority to require registration at any time he sees it as a necessary step to preserving or enhancing our national security interests. He is convinced that time has come.

Some reasonably ask then why we did not favor this step a year ago when some members of Congress proposed it. The answer is simply that anything we do before a mobilization has its costs--and registration is no exception. Here, beyond the thirteen million dollars that is requested, the costs are mainly psychological--but they are no less significant for that reason. We do not think it is an insubstantial thing to ask of the nation's youths that they register themselves or suffer penalties at law if they refuse to do so. We did not favor asking them to do this without reason for concern about the international situation. We did not favor asking them to do this in isolation--apart from any larger national effort.

Now the Soviet Union has taken steps which provide that concern. The President has taken steps which manifest our reaction and which establish the framework of a larger national effort. Our willingness--and we believe the nation's willingness--to pay the costs associated with all these steps is higher after the Soviet invasion of Afghanistan than it was before it.

It is in this light that the symbolic effect of registration also ought to be understood. We value registration not only in and of itself, but also because it dramatizes a psychological change. We want to crystallize that change for our citizenry and flag it to the USSR. We believe that support for this proposal from this committee, from the Congress, and--above all--from the American people will proclaim a willingness to do some hard things that will do our national security some real good.

Let me now give you some background information about our proposal to revitalize Selective Service and answer some of the questions that have been raised about the advantages of pre-mobilization registration at this time and the capacity of the Armed Forces to train inductees rapidly in a mobilization situation.

The Administration began studies to define the problems and develop solutions to SSS capability issues long before the Soviet invasion of Afghanistan. In 1977, President Carter commissioned a major review of the issue. Our studies made us very aware of the problems and difficulties involved in moving from a stance of low capability to one on which we could rely. The Administration program was directed toward long term improvement of data processing and other key elements of the SSS work flow.

In 1979, the Congress mandated a study of 10 issues related to military manpower, national service and Selective Service reform. In response to this request, we convened an interagency study team consisting of staff from the Departments of Defense, Justice, State, Labor and HEW, the Selective Service System, the U.S. Postal Service, the Federal Emergency Management Agency, the Internal Revenue Service and ACTION. This group performed its work between October 1979 and January 1980.

As part of this comprehensive effort, a Selective Service staff analysis in draft form (which we have made available to members of this Committee) included a recommendation for a post-mobilization registration capability. This was not, in any sense, a final or fully staffed recommendation.

That draft recommendation has attracted a lot of attention and raised a number of questions about the benefits of our proposal for pre-mobilization registration.

The changing world situation and further analysis of our present and future standby capacity to mobilize armed forces quickly, if necessary, have led us to different conclusions than those stated in the Selective Service draft. For example:

- o The Selective Service System does not now have the capability to enable us to mobilize as rapidly and efficiently as would be needed in an emergency situation. Last year, the Acting Director of

Selective Service told the Congress that the existing System did not have the capability to respond to the requirements of the Department of Defense. In the past several months, substantial changes were made in a number of Selective Service plans and policies. As a result of those changes, the draft paper on Selective Service reform stated that the Selective Service System now had a firm plan on how to proceed in an orderly manner. It also stated that, "immediate reactivation of the System . . . would be difficult and could not be accomplished in the minimum time suggested in this report." Given the information developed in subsequent efforts to plan for registration this year, including better estimates of the lead times required for many of the component activities, it is quite clear that Selective Service could not now meet either the M+30 or the M+60 day DoD requirements for inductees.

- o The projected timetable for registration in the draft is not accurate. The analysis presented in the draft report assumed that all the improvements except registration included in revitalization had been accomplished, and would work exactly as planned. Such a system does not exist today. Moreover, the assumptions in the draft report are questionable. For example, the draft report assumed that we could fully engage the U.S. Postal Service (USPS) in registration processing, distribute registration materials, undertake an effective public information program and receive an appropriation from Congress, all in three days. Our best judgment today, after intense work with the USPS, is that even under the best of circumstances it would take considerably longer to activate the system.

Another assumption that must be questioned pertains to the movement of completed registration forms from registration sites to data processing centers. The draft report assumed that in less than 24 hours, at least one million registration forms could be sorted, moved from 34,000 local post offices, through 300 regional centers and delivered to as many as 13 Social Security Administration (supplemented by IRS) keypunch facilities. Further consideration of transportation requirements, the possible impact of fuel shortages and the uncertainty of weather conditions, as well as other external constraints makes a substantial upward revision in these estimates necessary.

We now believe that the Selective Service System could not conduct registration in four days, start to issue induction orders in seven, or begin inductions in 17 days.

- o An operating system for registration is preferable to contingency plans. The uncertainty of a contingency plan for registration, not fully developed or tested, is not appropriate today. Not even the best standby registration plan can provide the assured capability of an up and running system.

We wish also to address a question that has been raised about the necessity of pre-mobilization registration in light

of the capability of the Department of Defense to train inductees. In fact, the size of the training base and the number of draftees which can be accepted will expand or contract depending on the nature of the crisis and on general readiness. Based on a recent review of the Army's training capacity, we now believe that more trainees could be accepted than we had thought earlier.

If one assumes a mobilization in response to a surprise attack or action, the training base would at that time be in its peacetime configuration. Congress would decide to authorize inductions and at the same time, Defense would be expanding its training base. But it is more likely that we will have some period of warning and the Administration will act to expand training capacity prior to declaration of a national emergency. For example, if the 50,000 Selected Reserve call-up authority were used a month before M-Day to call Army Reserve training divisions, not only could we start accepting inductees at M+13, but we could accommodate all 100,000 that could be made available by M+30.

The Navy, Marine Corps and the Air Force have sufficient expansion capacity now and will be able to accept a total of about 44,000 new trainees by M+30 days. The Department of Defense expects these Services to receive enough volunteers and individuals from the delayed entry pool to fill most of this capacity for the first month. To the extent volunteers are not available, these Services, like the Army, will be able to accept inductees. The key point is, for the reasons we have discussed above, we could not count on inductees being available during the first month after mobilization without peacetime registration.

Finally, we would highlight a very basic element of the President's decision to begin registration. Registration has no purpose other than to support conscription. But registration does not ineluctably lead to induction. The President said that he hopes we do not have to return to the draft; he has not sought authority from the Congress to do so. We would stress that the FY 1981 budget provides a \$500 million increase for maintaining the All-Volunteer Force. Moreover, in support of a volunteer military, the registration forms will contain a block that a registrant can check if he does not object to being contacted by a military recruiter and given information on available programs and opportunities. We believe this will assist us in keeping the All-Volunteer concept working.

We urge that this Subcommittee and the full Congress act with dispatch in providing the Administration with the necessary funds to exercise the authority the President already has to conduct registration for the draft. We believe this is imperative to maintain our national security and our readiness to protect it.

Thank you.

PREPARED STATEMENT

Senator PROXMIRE. Senator Stennis' statement will also be printed in full in the record.

[The statement follows:]

STATEMENT OF SENATOR JOHN C. STENNIS

Mr. Chairman, as chairman of the Armed Services Committee and speaking for the membership of that committee, I want to express appreciation to you and the subcommittee members for the spirit of cooperation and helpful attitude shown today in the setting of time for hearing fellow Senators on this important selective service matter. The Armed Services Committee has examined the issue of registration in some detail, including the reporting of a separate bill on this matter. Your setting a time, after the House appropriations bill on selective service is received, for members of the Armed Services Committee to appear and discuss this matter is very helpful. It is not an indefinite postponement or even a long delay, but simply allowing time for adequate preparation on a major matter. The whole question of providing enough quality military manpower is a major part of our whole military program which is currently under extensive review. In some ways it may have been better to have the selective service question come at the end of that review instead of at the beginning. But we all realize this is a very busy year and we just have to do the best we can. In conclusion, I want to again thank the Chair for their cooperation and helpful attitude on this matter.

A register of all males who might be conscripted when essential for national security; a system for selection of inductees; specific procedures for the notification, examination, and induction of those to be conscripted; and an organization to maintain the register and administer the procedures for induction—page 119, Report of the President's Commission on All-Volunteer Armed Force.

Senator MATHIAS. I have a conflict with the Judiciary Committee which is marking up a Constitutional Amendment in the room above this. I will be trying to run back and forth. I wonder if I could ask permission at this time to submit some questions in writing for the record and ask these witnesses to respond to them for the record?

Senator PROXMIRE. Very good. Respond when you correct your remarks for the record. We would appreciate that very much. In addition to my oral questions, I will have questions for the record, too.

Mr. White, go ahead.

MID EAST PEACE THREATENED

Mr. WHITE. Thank you, Mr. Chairman, we appreciate the opportunity to appear today to discuss the President's request for additional funds in fiscal years 1980 and 1981 to revitalize the Nation's Selective Service System. As you are all well aware, in late December Soviet armed forces invaded Afghanistan. For the first time since World War II the Soviets moved in force into the territory of a neighboring nonaligned country. In light of the steady buildup in the Soviet armed forces over the past two decades, the Soviet desire for a warm water port on the Indian Ocean and the instability in that region, the invasion of Afghanistan must be regarded as a serious threat to peace in an area of the world where we have vital interests.

President Carter expressed to the American people his determination to protect our interests in his State of the Union address on January 23. To underline our position and our resolve, the President placed an

embargo on the sale of grain to the Soviets; called for a boycott of the Olympic games, which are planned to be held in Moscow this summer; sought, together with our allies, to deny the Soviets the benefits of Western technology; suspended consideration of SALT; and announced his intention to revitalize the Selective Service System, including registration.

In addition, the expansion of our defense budget, in real terms, by more than 5 percent in budget authority and by more than 3 percent in outlays, continues the administration's policy of taking major steps to strengthen our defense posture. More specifically, a number of diplomatic and military actions have been taken that relate to our presence in the region.

Through all these actions, we have made it clear to the Soviet leaders that they must pay a price for their aggression both in terms of economic sacrifice and worldwide condemnation. These actions are of a piece. Together they are stronger as a signal of repugnance and as a sign of our appreciation of danger than if they were taken separately.

We also believe that the context of the actions listed above is important in evaluating the costs and benefits of any one. All are part of a larger policy. All involve costs. They all call for an effort by American society, although they each affect different groups.

The businessman and the farmer, no less than the student, are each asked to do his share. As the other measures in the President's program take hold, the question before this committee is whether it should support the President's request for funds to enable him to undertake this additional step—a step he is authorized to take under law.

Congressional endorsement of the President's proposal through support of the appropriations request is vitally important to the overall policy. On the other hand, it should be obvious that a negative decision on this request will affect the other portions of the President's program and undercut the message the other steps have already conveyed.

We have stressed that registration is of a piece with the other major responses directed by the President, but it is worth pausing to note a major difference. Unlike the other responses, registration helps us. A refusal to sell wheat and technology, a suspension of SALT, a boycott of the Olympics are all costly to us. We undertake them because we believe that the U.S.S.R. pays more heavily for them than we do. Registration, in contrast, helps our military posture.

The revitalization of our Selective Service System, particularly through peacetime registration, helps us to increase our preparedness, assure our ability to respond, and demonstrate further our resolve. For these reasons, we do not understand those who say that registration is only symbolic. In our view, that is wrong. It helps a great deal.

MOBILIZATION DIFFICULT DURING STATE OF EMERGENCY

Over the last year we have learned a great deal about how difficult it is to mobilize in a state of emergency. Mobilization calls for a national effort of mammoth proportions under adverse conditions. Our experience in test exercises we have undertaken is that contingency plans repeatedly go awry.

Perhaps the speedy and efficient registration of millions of young people can be accomplished in the turbulence of mobilization, but we think it unarguable that their prior registration yields real gains in certainty, in efficiency, in freeing our efforts for other activities, and even for the registrants themselves, in the order, equanimity, and equity with which the process is conducted.

The President has the authority to register young men between the ages of 18 and 26. He has also requested the authority to register young women, a request which recognizes the reality that women are already providing all types of skills in every profession, including the military. There is no distinction possible, on the basis of ability or performance, that would allow the President to exclude women from an obligation to register. We hope that the Congress will agree ultimately to give us the additional authority to register women. In the meantime, we must obtain the necessary funding to go ahead and use the authority we clearly have to register men.

When the issue of peacetime registration was raised last September during the debate on the Defense Authorization Act in the House of Representatives, the Secretary of Defense and the Director of OMB said that registration was not necessary—and I highlight—at that time. There was no crisis that had the potential for an imminent threat to the vital interests of the United States. The situation is different now, and so is our position on the issue of peacetime registration. The administration's position before this crisis in Southwestern Asia was that the President would not hesitate to use his present authority to require registration at any time he sees it as a necessary step to preserving or enhancing our national security interests. He is convinced that time has come.

Some reasonably ask then why we did not favor this step a year ago when some Members of Congress proposed it. The answer is simply that anything we do before a mobilization has its costs—and registration is no exception. Here, beyond the \$13 million that is requested, the costs are mainly psychological, but they are no less significant for that reason. We do not think it is an insubstantial thing to ask of the Nation's youths that they register themselves or suffer penalties at law if they refuse to do so. We did not favor asking them to do this without reason for concern about the international situation. We did not favor asking them to do this in isolation, apart from any larger national effort.

FRAMEWORK OF LARGER NATIONAL EFFORT ESTABLISHED

Now the Soviet Union has taken steps which provide that concern. The President has taken steps which manifest our reaction and which establish the framework of a larger national effort. Our willingness—and we believe our Nation's willingness—to pay the costs associated with all these steps is higher after the Soviet invasion of Afghanistan than it was before it.

It is also in this light that the symbolic effect of registration ought to be understood. We value registration not only in and of itself, but also because it dramatizes a psychological issue. We want to crystallize that

change for our citizenry and flag it to the U.S.S.R. We believe that support for this proposal from this committee, from the Congress, and, above all, from the American people will proclaim a willingness to do some hard things that will do our national security some real good.

Let me give some brief background information. In 1979 the Congress mandated a study of 10 issues related to military manpower, national service, and Selective Service reform. In response to this request, we convened an interagency group.

As part of this comprehensive effort, a Selective Service staff analysis in draft form—which we have made available to members of the committee—included a recommendation for a postmobilization registration capability. This was not, in any sense, a final or fully staffed recommendation.

That draft recommendation has attracted a lot of attention and raised a number of questions about the benefits of our proposal for pre-mobilization registration.

The changing world situation and further analysis of our present and future standby capacity to mobilize armed forces quickly, if necessary, have led us to different conclusions than those stated in the Selective Service draft. For example:

The Selective Service System does not now have the capability to enable us to mobilize as rapidly and efficiently as would be needed in an emergency situation.

The projected timetable for registration is not accurate.

An operating system for registration is preferable to contingency plans. The uncertainty of a contingency plan for registration, not fully developed or tested, is not appropriate today. Not even the best standby registration plan can provide the assured capability of an up-and-running system.

DRAFT REPORT

Let me comment, Mr. Chairman, and underline that that was, as are many other efforts in this administration and every administration, a draft report to be circulated, scrutinized, and argued about. It was not purported to be anything other than that. There is no implication here in terms of questioning and rejecting some of its assumptions and analysis that the Selective Service did not and is not doing a good job. Rather, the point is it was a draft and we looked at it in a larger context.

We wish also to address a question that has been raised about the necessity of premobilization registration in light of the capability of the Department of Defense to train inductees. In fact, the size of the training base and the number of draftees which can be accepted will expand or contract depending on the nature of the crisis and on general readiness. Based on a recent review of the Army's training capacity, we now believe that more trainees could be accepted than we had thought earlier.

Finally, we would highlight a very basic element of the President's decision to begin registration. Registration has no purpose other than to support conscription. But registration does not ineluctably lead to induction.

The President said that he hopes we do not have to return to the draft; he has not sought authority from the Congress to do so. We would stress that the fiscal year 1981 budget provides a \$500 million increase for maintaining the All-Volunteer Force. Moreover, in support of a volunteer military, the registration forms will contain a block that a registrant can check if he does not object to being contacted by a military recruiter and given information on available programs and opportunities. We believe this will assist in keeping the all-volunteer concept working.

We urge that this subcommittee and the full Congress act with dispatch in providing the administration with the necessary funds to exercise the authority the President already has to conduct registration for the draft. We believe this is imperative to maintain our national security and our readiness to protect it.

Thank you, Mr. Chairman.

SENATOR PROXMIRE. Mr. White, as I understand it, General Meyer is to speak next.

MR. WHITE. Yes; with your permission, Mr. Chairman.

SENATOR PROXMIRE. General Meyer.

HISTORICAL PERSPECTIVE ON NEED FOR PEACETIME REGISTRATION

General MEYER. Thank you, Mr. Chairman.

I volunteered to come here. I wasn't asked to come here. I volunteered because the Chiefs of each of the services and the Chairman of the Joint Chiefs of Staff have said consistently for the last 3 years that peacetime registration was necessary in order for this Nation to mobilize. I think there has been some confusion about what the basic issue is and I feel it important that I lay out clearly what I consider to be the military imperatives of the President's request.

There is a book entitled: "The History of Military Mobilization in the United States Army, 1775 to 1945," which I think everyone ought to read as they get into the details of this issue, and I would like to read just a few lines from it—on page 695—which speak directly to the lessons of many wars. In the summary, lessons of what has happened from the Revolutionary War through World War II, it says:

It can still be said that the United States never adequately and fully planned for mobilization before it occurred.

Regarding the responsibilities of Congress, it goes on to say that:

It has never been historically proven that Congress and the people of the United States cannot be told bad news in advance of war itself. It has been proven, however, that Congress has many times failed to enact mobilization legislation in good times because of the lack of adequate information that such legislation was necessary.

My charge here today is to explain to you that it is necessary that you pass mobilization legislation in peacetime. This is mobilization legislation we are talking about right now. It does not solve the problems of the near-term Army.

From as far back as the Revolutionary War, the lesson can be drawn that—

A mobilization accomplished during a war is wasteful, clumsy and potentially disastrous—page 22.

Further, the cumulative experience across all our wars is that—

Volunteering will not produce sufficient military manpower for a large-scale protracted war. A system of selective service is mandatory—page 695.

These are lessons learned from our history:

Manpower in a major war is so scarce that plans to utilize it must be comprehensive and must be prepared well in advance of mobilization—page 696.

That is what we are talking about. We are talking about mobilization. We are talking about the ability of this Nation to be able to mobilize when the national will indicates the clear need. And such a capability is not merely symbolic. The President's Commission on the All-Volunteer Force did as Senator Hatfield proposed—consider conscription. It laid out a format for an All-Volunteer Armed Force. And I would subscribe to all the things Senator Hatfield outlined as far as what we need to do with the volunteer force itself. But one thing that the Commission on the All-Volunteer Armed Force also did was to indicate that there was a need for legislation to provide, once an All-Volunteer Force is in effect:

A register of all males who might be conscripted when essential for national security; a system for selection of inductees; specific procedures for the notification, examination, and induction of those to be conscripted; and an organization to maintain the register and administer the procedures for induction—page 119, Report of the President's Commission on All-Volunteer Armed Force.

The All-Volunteer Force has a basic premise in the recommendation of the Gates Commission; namely, the requirement for machinery for affecting the draft in the event of a national emergency—to include registration.

If you look back over history, you would say, "Well, that is great, General, but we won all those wars; what is different now?" There are a couple of things different. First of all, we did win those wars, but we had soldiers, sailors, and airmen who died needlessly because we weren't able to reenforce them rapidly—Corregidor, and Wake Island, for example.

Today, in my judgment, the need for rapid mobilization capability is even greater. We have fully deployed in Europe 300,000 soldiers, airmen, and Marines; they need to have full confidence that if this Nation needs to mobilize, that it can, in fact, provide sufficient manpower to support them in time to make a difference. Clearly the cushion of warning is compressed greatly from what it was in World War II.

If you look at the fact we have forward deployed forces, that we do not have the luxury of time that once was on the side of this Nation—

REGISTRATION NEEDED FOR MOBILIZATION

Senator SCHMITT. Excuse me, Mr. Chairman.

General, if you could add to these remarks, you are talking about the Reserves and National Guard; you are not talking about draftees.

General MEYER. I am talking about the need to be able to mobilize—

Senator SCHMITT. When you talk about protecting or backing up

300,000 troops in Europe, you are talking about the Reserve and National Guard. The draftees are not going to back them up.

General MEYER. The Reserves and National Guard take care of the period until about mobilization day, plus about 130. I am talking about a 72-day insurance policy. It is a 72-day improvement over our current ability to be able to get replacements in to fill up the National Guard and Reserve, which are not full today.

Senator SCHMITT. Well, then, let's fill them up.

General MEYER. That is not the issue we are addressing here. The issue we are addressing here is whether or not we need registration. I am willing to address the other issues as well.

Senator SCHMITT. Let's make sure the registration issue addresses the real problem.

General MEYER. The registration issue is not addressing that problem you are talking to. I have said that at the start. It addresses the need of the Nation to be able to mobilize. That is what registration addresses, the need of the Nation to be able to mobilize when and if we go to war with a major power.

ADMINISTRATION SUPPORT FOR RESERVES AND NATIONAL GUARD

Senator SCHMITT. All I am saying is that the ability of the Nation to mobilize is more dependent on the volunteer force—Reserve and National Guard—than it ever will be on a registration today for mobilization that may occur sometime in the future.

General MEYER. It is as dependent today, I would contend. During this period in which we have shortfall in the Active force—National Guard, USAR—and in training manpower—registration—

Senator SCHMITT. But let's fix that.

General MEYER. That is not what you are addressing at this particular hearing.

Senator SCHMITT. General, every time the Congress tries to fix those things, we get no support from the administration and what do we get, we get a red herring called registration. That is all we get.

General MEYER. I believe you will find the Chiefs of Staff of the services, as members of the JCS, are pretty much on record in supporting fixes for the near-term requirements.

Senator SCHMITT. Then you had better talk to Mr. White and the White House because they are not.

Mr. WHITE. I beg to differ with you, Senator. We are, and have been on record on that. Senator Hatfield mentioned the issue with respect to—

Senator SCHMITT. Why didn't we get a pay increase through this Congress?

Mr. WHITE. They have a pay increase and we have legislation up here of just the sort Senator Hatfield mentioned, which we are ready to support.

We have legislation up here in terms of retirement reform, which we urge the Congress to support. We have extensive benefits in the 1981 budget.

Senator SCHMITT. Then why is everybody bailing out?

Have you gone out and talked with the officers and enlisted men on the various bases? They are bailing out, sir.

Mr. WHITE. I beg your pardon, there is no question that we have had some problems in that system. But we have had successes. The proportion of our force comprised of experienced career personnel is higher than it has ever been in our history in the Armed Forces. In fact, Senator Hatfield also mentioned—

Senator SCHMITT. I would like to take you out to Cannon Air Force Base and take you around to the maintenance group on the engines of the F-111B. We do not have experienced personnel maintaining those engines, we do not have experienced personnel maintaining electronics in the airplane itself. They are getting much better offers from the private sector and we are losing them.

Senator PROXMIRE. Gentlemen, this has been a very good exchange and very helpful. However, I think it would be useful to permit the General to complete his remarks.

NEED TO FILL LATE DEPLOYING UNITS

General MEYER. I think they highlight the basic issue that is before us today. Senator Hatfield and Senator Schmitt have both indicated the need to fix near-term problems within the military, both the Active component and the Reserve components. They serve the essential mission of immediate deployment to reinforce our forward units.

What I am telling you is there is another need for this Nation, which is the ability to fill up late deploying units and to provide an unbroken stream of replacement personnel to permit this Nation to go to war when it determines it must protect its essential interests.

Historically, it has been proven you cannot do it once you start to mobilize. It must be planned well in advance, and that is the issue before us today. Do we, as a nation, want to have a registration which provides us the insurance so that when we go to war we have sufficient manpower to support the Guard, to support the Reserve, to support the Active components in a timely manner. That is the issue before us. I submit it is essential that we have registration if we intend to act responsibly as a major power, capable of mobilizing quickly and effectively.

PUBLIC CONVICTION NEEDED TO WIN WAR

Senator PROXMIRE. General, and Dr. White, before I start my questioning, I want to point out—incidentally, will you run the clock on us so we know when we have 10 minutes? Let us know.

It is interesting, General, that you mentioned a whole series of wars that we won without an advance draft. When we go back through our history, I cannot think of any war where we had an advance draft except Vietnam, and we lost that war. That does not mean if we have a draft in advance, we will lose the war. What makes the difference is motivation. If our people are convinced we are in a just war, if you have the kind of morale in this country that comes from thinking a war is worth fighting and winning, we will win it. Otherwise, we will not.

General MEYER. That is why I believe registration is so critical. The

soldiers of the U.S. Army do not seek war. Registration provides them assurance that at the point in time when you in Congress, when the American people through you, make the decision that our vital national interests truly are at stake, that there is an assurance that the Nation as a corporate body will come to their support.

Soldiers need that support.

COST OF SSS REVITALIZATION

Senator PROXMIRE. Mr. White, if we were to disapprove the administration's request for registration support, how much would we need to appropriate?

Mr. WHITE. Let me ask Dr. Rostker to answer that.

Dr. ROSTKER. \$4.7 million in a supplemental appropriation in fiscal year 1980 and an increase in the fiscal year 1981 budget of \$11 million.

TIME TO IMPLEMENT POSTMOBILIZATION PLAN

Senator PROXMIRE. Dr. Rostker, your January 16 draft report said that your "analysis of the various face-to-face registration options suggests that the postmobilization plan is preferable." In a March 3 letter to Congressman Boland, you repudiated that statement.

However, your March 3 letter does state that, "given sufficient resources, and the time necessary to develop our operating procedures, train people and test our plans, we could be able to meet the 1977 DOD requirements with a postmobilization plan."

My question is, How much money and how much time would you need to implement a postmobilization registration plan that meets the 1977 DOD requirements?

Dr. ROSTKER. Those are the figures I gave you, \$4.7 million in the 1980 supplemental and \$11 million in fiscal year 1981.

Senator PROXMIRE. How much time would you need?

Dr. ROSTKER. It would take about a year to a year and a half before the system would be completely established and we would be able to deliver manpower in the timeframe established by the DOD requirements.

Senator PROXMIRE. There seems to be a popular belief that simply having the names of registrants on a computer would allow this Nation to meet its mobilization requirements, but that computer listing will be next to worthless if it isn't used properly. We will be fooling ourselves if we think registration alone improves our readiness posture.

If we could snap our fingers today and have all of our 19- and 20-year-olds magically registered, how long would it take to provide the administrative support needed to meet DOD's 1977 requirements?

TIME NECESSARY TO REVITALIZE FIELD STRUCTURE

Dr. ROSTKER. The plan that we have for registration this spring would put into effect the majority of the changes in terms of interim computer capability. What is still left to be done is the program to revitalize the field structure, the selection, and training of local board members. That would take a longer period of time.

Senator PROXMIRE. What do you mean by "a longer period of time"? How long would it take?

Dr. ROSTKER. The year, year and a half, that we were talking about.

With a spring registration, we would be able to respond substantially to the requirements of the Defense Department.

MEMORANDUM OF UNDERSTANDING WITH POSTAL SERVICE

Senator PROXMIRE. The January 16 draft report says, on page 16, and I quote:

The Selective Service and the U.S. Postal Service have entered into a memorandum of understanding which provides that the USPS will conduct a registration of up to 4 million draft eligible within 72 hours of notice.

Yet I notice you told the House Appropriations Committee, Dr. Rostker, that detailed plans have not been worked out with the Postal Service.

Dr. ROSTKER. That is correct.

Senator PROXMIRE. Can you tell us if there is such a memorandum of understanding?

Dr. ROSTKER. There is a memorandum of understanding, but that was based upon working out the plans. That was our agreed-upon goal with the Postal Service. Our work with the Postal Service since then clearly indicates that was overly optimistic. We could not, even in fact with a detailed plan, accomplish—

Senator PROXMIRE. What do you mean, overly optimistic?

Dr. ROSTKER. We have uncovered, as we worked with the Postal Service, a number of problems that deal with the distribution of forms. We have uncovered a number of problems that deal with the development of the orderly public information program leading up to registration.

Senator PROXMIRE. How could the Postal Service enter into that kind of memorandum if—

Dr. ROSTKER. There was a preliminary analysis completed based upon the capacity of the Postal Service. It was on that basis that we signed the memorandum of agreement. The memorandum of agreement clearly established a goal subject to the working out of detailed plans. We have undertaken a good deal of that planning which would lead us to date to revise that timeframe estimate.

MANPOWER REQUIREMENTS OF THE DEFENSE DEPARTMENT

Senator PROXMIRE. Mr. White, the January 16 draft report says the Armed Forces examining and entrance stations could accept registrants as late as 43 days after registration and still provide the required 100,000 inductions. Doesn't that mean that there could be 26 days of slippage in the post-mobilization registration plan set forth in the January 16 report without jeopardizing the delivery of 100,000 inductees within 60 days?

Mr. WHITE. No; I don't think it does, Mr. Chairman. First of all, I don't accept the assumption made in the January 16 report with respect to the response time of the Selective Service System for inductees.

In the second place—

Senator PROXMIRE. We don't accept it, either. We are saying you could have 26 days of slippage and still meet your goals.

Mr. WHITE. If the question is whether the arithmetic works out to 26 days in that report, I would have to go back and review the report. But I assume it does. The point is that, one, on the supply side, I do not think the assumptions those numbers are based on are correct, and two, on the demand side, the Defense Department, in reviewing its requirements, may find that it can accept more people considerably earlier and therefore have inducted the required number of people earlier.

Senator PROXMIRE. That is not a part of your 1977 requirements, is it?

Mr. WHITE. That is correct, Mr. Chairman. Those requirements are not necessarily the final objective; that is right, Mr. Chairman. What I am suggesting is it is not only a question of whether those requirements are the ones we would work against in a mobilization and whether they can be met, but also how early can the system accept the inductees.

Senator PROXMIRE. Let me ask Dr. Pirie a question. DOD's 1977 induction requirement, which is the basis for the calculations that have led the administration to call for premobilization registration, is premised on a worst case scenario, according to Dr. Rostker's January 16 draft report. That scenario is that "there are no volunteers or enlistments from the delayed-entry pool, and Selective Service provides the entire DOD requirement for untrained manpower." Isn't that an unrealistic scenario, as Senator Hatfield has so clearly emphasized.

Dr. PIRIE. In fact, Mr. Chairman, that requirement is premised on having both volunteers and individuals available from delayed—

Senator PROXMIRE. I am quoting a scenario—

Dr. PIRIE. Are you quoting a scenario from the draft report of January 16?

Senator PROXMIRE. That is right.

Dr. PIRIE. That is what drafts are all about.

Senator PROXMIRE. Is that report a completely erroneous document?

Dr. PIRIE. In that case it is erroneous.

NUMBER OF VOLUNTEERS EXPECTED

We also plan to have a number of volunteers in that number.

Senator PROXMIRE. What are your assumptions then?

Dr. PIRIE. The assumption with respect to volunteers is there might be as few as 9,000, which is the average monthly availability for 1979, or as many as 15,000, which reflect earlier recruiting experience.

Senator PROXMIRE. You are shooting for 100,000 inductions within 60 days of mobilization. How did you arrive at that figure?

TRAINING BASE CAPACITY

Dr. PIRIE. That was the basis of the plan when it was worked out and Dr. White, in fact, had my job when that was done. It was based on our assumptions then about the size of the training base and how rapidly it could be expanded. We now believe we can do better than that.

General Meyer can address how he thinks the training bases can be expanded.

Mr. WHITE. Let me make one comment, if I may, Mr. Chairman, first because, as Dr. Pirie said, I was involved in the development of those numbers. Those numbers were arrived at based on a military requirement. They are 1977 numbers and there is a good deal more that we have learned since then, in exercises, in sizing the training base, in looking at the various threats around the world.

With your permission, I would like General Meyer to comment.

Senator PROXMIRE. General Meyer?

General MEYER. Thank you, sir.

The Army has always contended that we have a greater capacity for expansion of training bases than OSD will grant us. Our view is based on the historical record. In order to come to some sort of agreement with OSD, some better understanding, we decided how many people we could train if we had all of the facilities in perfect condition—if you had all the equipment out there, all the training personnel, and so on. In a period of mobilization, of crisis—where there are many other risks—we estimate that we could handle a minimum of 133,000 by M-plus-30. We have whittled that down from what it has been in the past. That is our evaluation of what we can take in the Army. I can't speak for the other services—

Senator PROXMIRE. That is what you can handle. Is that what you need?

General MEYER. Yes; that is what we could handle. Ultimately we would need more than that.

Senator PROXMIRE. My time is up. Let me ask you how you determine your manpower requirements.

General MEYER. You simply decide what your total requirements are based on the sum of your desired Active, National Guard, USAR, and unit structure. To this you add the requirement for individual replacements and the time phasing of deploying those assets, if you had them and they were fully manned. Then you look at what you actually have in being over that timeframe, and you subtract one from the other.

Senator PROXMIRE. Submit those calculations in detail for the record.

General MEYER. Certainly.

[The information follows:]

ARMY'S WARTIME MANPOWER NEEDS

Since any non-prior-service individuals we put into the training base upon mobilization, whether they be volunteers or draftees, will not be trained and available for assignment for approximately 100 days, we use mobilization (M) day plus 90 days as a point at which to measure our demand for and supply of mobilization pretrained manpower. The demand for trained manpower includes the following: The structure strength of the Active Army, the Army National Guard, and the Army Reserve; the requirement to fill units not manned in peacetime; requirements to expand the support base in the United States; requirements for transients, holdees, and students; and requirements to replace net casualties (cumulative casualties—returns to duty). This is the total requirement for trained military manpower. Against this total we compare the total trained military manpower supply which consists of the following: the Active Army; the available Selected Reserve; the available individual Ready Reserve; the available standby Reserve; and recalled retirees. Using the data from the end of fiscal year 1979, the M-plus-90 computation is:

[In thousands]

Requirement:

Active, ARNG, USAR structure.....	1,437
Unmanned units.....	33
CONUS base expansion.....	40
Net casualty replacements.....	200
Transients and holdees.....	9
Total.....	<u>1,719</u>

Supply:

Active Army.....	748
Selected Reserve (95 percent show rate).....	497
Individual Ready Reserve (70 percent show rate).....	143
Standby Reserve (50 percent show rate).....	15
Recalled retirees.....	40
Total.....	<u>1,443</u>

Shortfall in aggregate 276

Let me further add that this reflects the requirement for a NATO-only war; if preceded by a contingency, the requirement for casualty replacements would increase the shortfall somewhat, unless the administration sought and the Congress approved induction authority in sufficient time prior to NATO M-Day. Also, the requirement for CONUS base expansion is under review. The figure above represents an interim estimate agreed to by Army and OSD; the final figure may be somewhat greater. Finally, the shortfall, or unfilled requirement, does not presume the slow rate of the source of supply.

Senator PROXMIRE. Senator Schmitt?

Senator SCHMITT. Thank you.

REGISTRATION AS A POLITICAL STATEMENT

Mr. Chairman, Dr. White's opening statement was a political statement and, to some degree, probably deserves a political response in placing the registration issue in the context of other administration actions. He neglected to say that the embargo was only on grain, was only a partial embargo, and that the Olympic boycott, which they are so proud of, included a deadline for a pullout in Afghanistan. Why, if a boycott is right, it should have a deadline—somehow it makes it all better if they pull out—is beyond me. The denial of benefits of Western technology to the Soviets is obviously incomplete and not working. The suspended consideration of SALT, which the administration seems to be proud of, has to be placed in the context of the administration's position which, as I understand it, is to live within the constraints that would have been imposed by the SALT II Treaty. Finally, this registration issue, as I indicated before, is a smoke screen that in my opinion diverts public and congressional attention from the real issues of the military and mobilization.

The volunteer concept is not working and the Reserves and National Guard are undermanned, underequipped, and undertrained, and this has largely been the result of administration policy over the last 3 years.

We need professional services, Mr. Chairman. We need a professional volunteer force, and we can have that. We need professional Reserves and National Guard forces, and we can have that.

In some particular instances, particularly in the Air Guard and Air Reserve, we have excellent units, but overall one would have to say that they are undermanned, underequipped, and undertrained, and they will tell you that. And everybody who has been out there knows it.

There have been 3 years of disincentives to get this thing back on track, in spite of all national indications that it had to be back on track. Raising the pay cap has been fought, benefits have been fought, equipment procurement has been fought, or not asked for, munitions have not been asked for training, local and worldwide training exercises have been deemphasized, and there has been a complete lack, in my opinion, of national leadership that goes to the heart of the problem—motivating young men and women to serve on a volunteer basis in a volunteer force in the Reserve and National Guard.

Now we are subjected to the suggestion that somehow registration is going to fix it. I just don't believe it. And I don't believe the rest of the budget is going to fix it, either. It is just not there. There are a lot of mirrors. The inflation rate which you have in your total defense budget is completely unrealistic. There is no adjustment for fuel costs. It is a ridiculous kind of budgetary shenanigan.

Last week the OMB supplied some written material to the committee discussing the training capacity of the Department of Defense, and you concluded in that material that DOD could handle a large number of draftees because it is likely "that a period of tension would precede the period to induct. In that period the training base could begin to expand."

This rationale about the likelihood of a warning period would seem to apply equally as well to the registration issue, in which case we could begin to consider registration when the situation warranted.

Dr. White, would you care to make any comment?

Mr. WHITE. Yes, Senator.

LIKELIHOOD OF A WARNING PERIOD BEFORE REGISTRATION

There are two parts to the question. One has to do with the planning going on now as to how fast we could train inductees.

Our estimates of those rates are on the record, and the rates are improving. The Department of Defense is continuing to reassess training base capabilities. In addition to that, in the event of a mobilization, they could also be expanded further.

The second part of the question has to do with time of warning, or buildup, before mobilization; could there be more? I think the answer is "Yes." Also, wouldn't it be possible to register if you had warning before mobilization? I can certainly conceive of scenarios in which you could. But I would emphasize that there are scenarios where there will not be adequate warning. There is another case to be mindful of. Even with warning, in a period of growing tension there may be factors in the whole scenario that would inhibit going to registration because of the signals that would send about our intentions to escalate the situation.

DAILY TRAINING CAPABILITY

Senator SCHMITT. Doctor, in the material you supplied us, which the staff has analyzed, it appears the rate of growth of the acceptance of draftees for training would be about 2,750 per day at M-plus-30, and if this rate continued for 180 days, we would be able to train or have in training about 495,000 draftees, or some 155,000 short of the number that would be drafted. So what is the rush to draft if we can't train?

Are we going to change those curves or is our analysis incorrect, or what?

Mr. WHITE. I am sorry; if you are looking at this chart, I am afraid you are extrapolating inappropriately beyond the 30th day.

Senator SCHMITT. You are saying the growth rate is going to be greater than that?

Mr. WHITE. Yes.

Senator SCHMITT. At what rate do you expect your training facilities to be able to accept trainees?

Mr. WHITE. I do not have it day-by-day. We can meet the DOD requirement under this—

Senator SCHMITT. Aren't you training over 300,000 people a day in that time frame?

Mr. WHITE. I am sorry, Senator, I am not tracking—

Senator SCHMITT. To meet DOD's requirement of 650,000 people in 180 days, it would require an average of 3,600 draftees a day. You are required to provide at least 12 weeks—that is, 84 days—of training unless you change that. If Selective Service provides 3,600 people per day for 84 days of training the training facilities will have to be able to handle, at maximum capacity, some 300,000 trainees on any one day. Otherwise we will have a surplus waiting to be trained.

I presume this capacity will then exist at the end of that 180 days.

Dr. PIRIE. I would like General Meyer to add to my comments. Let me tell you, at the height of the Vietnam war, in the Army training base, we were training about 240,000 people on a given day.

Senator SCHMITT. We are not talking about the height of any war.

Dr. PIRIE. That is simply the 11 Army bases that do basic training. That does not count all of the Army bases which, during a major emergency, would be vacated by the Active Forces and then available to be taken over by training divisions, and turned into a training base.

Senator SCHMITT. Where are those training divisions today?

General MEYER. The training divisions are in the Reserve. We have 11 training divisions in the U.S. Army Reserve.

They are trained to move onto bases and expand the training force to train new soldiers who come in. We train these units in peacetime. They are working today at Fort Sill. I saw some of them there last week.

We also have the capability, in my judgment, to expand the base to accommodate 300,000 trainees.

Senator SCHMITT. The Department of Defense indicated in this response that I mentioned earlier that the Army's training capacity in the first few weeks after mobilization will be somewhat higher than pro-

jected several months ago. Do you have more up-to-date numbers for that?

General MEYER. My numbers are, and have been, about 133,000. That is what we would be able to handle by M-plus-30.

Senator SCHMITT. 300,000—

General MEYER. 300,000 by about M-plus-90.

Senator SCHMITT. And at the height of the Vietnam war you were handling 240,000?

General MEYER. This gets back to the basic issue of what registration is for. Registration is for that instance in time when our Nation is at conflict with the Soviet Union, in a major conflict, when the survival of the Nation is at stake.

Senator SCHMITT. Mr. Chairman, I think this subcommittee and the other committees of jurisdiction are going to have to look very, very hard at whether these numbers make any sense. The original draft report, obviously, has been repudiated. There is a great deal of skepticism among a number of people outside of the Congress that the Army and the other military services will be able to reach that level of training in the time frame in which it is required, and that is another reason why I emphasize the Reserves and National Guard, because presumably they can be mobilized much more rapidly than a draft can be put into place.

I just frankly, as I guess has been obvious by my questioning, do not think that the case has been made. I am not saying the numerical case cannot be made, but I have not seen it made.

The more philosophical case Senator Hatfield has made, I think, is equally as important, and must be considered by this committee.

Thank you.

Mr. WHITE. May I make one comment, Senator?

Senator SCHMITT. Yes.

REGISTRATION NOT A SUBSTITUTE FOR STRONG NATIONAL GUARD AND RESERVE FORCE

Mr. WHITE. I think you are exactly right, that we should not consider registration as a substitute for a strong Guard and Reserve. At the same time, a strong Guard and Reserve is no substitute for having a mobilization base ready in the event of an emergency.

Senator SCHMITT. I think you will find this subcommittee, myself, and, I believe, Senator Hatfield, very sympathetic to being ready in the mechanical sense to handle registration and the draft when a national emergency exists.

The question is, What do you gain other than occupying a lot of our time by talking about registration at this point over what the volunteer force, Reserve and National Guard, and that mechanical preparation will give you at a lower cost?

General MEYER. Mr. Chairman,

Senator SCHMITT. General Meyer?

General MEYER. I would merely like to comment, if I thought, Senator Schmitt, that registration was a smokescreen which diverted attention from the needs of the Active National Guard and USAR, I would not be here supporting registration.

Senator SCHMITT. Then you ought to get up and leave because that is exactly what it is doing.

General MEYER. It only does it in the minds of those who are not able to understand——

Senator SCHMITT. That happens to be in the minds of the public, the press, and this Congress.

General MEYER. That is my job to try to explain it, and I would like to try to explain the need——

Senator SCHMITT. I hope we can get as much emphasis out of you and your colleagues when we start to get to the hard issues of our national defense.

JOINT CHIEFS OF STAFF RECOMMENDED REGISTRATION LAST YEAR

General MEYER. I contend you have, Senator SCHMITT. You have heard recommendations of my colleagues on this particular issue before, in contradiction to what the administration proposed last summer, on registration.

So the military is hard on line for registration for mobilization and we all came out in opposition to the administration on that issue.

We will come to Congress in our constitutional responsibility and give you the advice we feel you need.

I would like to comment on this 30 days advance that was raised and remind you in September of 1941, just less than 3 months before Pearl Harbor, Congress passed by only one vote the continuation of these forces in being at that time. So the more you leave that kind of decision to the last minute, the more difficult it makes the job of assuring the Nation that we have the capability to mobilize.

Senator SCHMITT. I am not sure the two situations are analogous, General.

General MEYER. I would propose for your reading the book where in 1939 and 1942——

Senator SCHMITT. I propose for your consideration the fact that we are confronted by a very different set of national and international conditions today versus those in 1939 and 1940. The only analogy is that we are in trouble.

General MEYER. The analogy is we are in trouble and have to be ready to respond to it. That is the analogy.

Senator SCHMITT. I assume we are not going to have a year or two to get ready, and that is what we had after Pearl Harbor. We are not going to have that luxury. That is why you have to have a volunteer force and Reserve and National Guard that is ready to move on a moment's notice in large numbers.

General MEYER. Plus registration to back them up.

Senator SCHMITT. Registration will be there, General, it will be there. If you depend on registration, you "ain't" going to make it.

General MEYER. That is what I said. I will go back to my initial comment, Senator, and that is if I thought registration would divert attention from this issue, then I could not support registration.

Senator SCHMITT. General, it is doing it. I would much rather be

discussing more pertinent issues than this one today about our national defense because it is atrocious, it is in terrible shape right now. We have an administration that somehow or another has just awakened after 3 years' fighting us tooth and nail to do anything about it. I realize you and others inside were trying to make it work, also, and you have done an outstanding job with what they have given you.

We just happen to disagree on this one subject.

Thank you.

Senator PROXMIRE. Senator Hatfield.

Senator HATFIELD. Thank you, Mr. Chairman.

NUMBER OF VOLUNTEERS INCLUDED IN 1977 DOD REQUIREMENTS

Mr. Secretary, did I understand you, a while ago, to say to the chairman of the subcommittee that the worst case scenario did contemplate volunteers?

Dr. PIRIE. Yes; that is correct.

Senator HATFIELD. Mr. Secretary, did you testify last week in the House of Representatives representing the administration?

Dr. PIRIE. I did.

Senator HATFIELD. It is my understanding last week the testimony given to the House stated exactly the opposite. Going back to the draft of January 16—on page 2—which says this change was based upon the worst case scenario in which there are no additional volunteers expected or enlistments from the delayed-entrance pool, based upon Senator Carl Evans' letter from Selective Service Director Robert Shuck dated July 10, 1979. My question is, Did the administration testify to exactly opposite in the House last week?

Dr. PIRIE. Not exactly.

It was in answer—

Senator HATFIELD. Is this another one of those political pirouettes of this administration vis-a-vis United Nations votes and a few other things we have seen; shifting sands? We have to have double vision to keep up with what your newest position is.

Dr. PIRIE. Not at all.

It was an answer to a different question. If the question is, What do we know now about the training base that tells us we can accept a number of inductees, the answer is we have made a set of assumptions with respect to volunteers.

We might have as many as 9,000 in the M-plus-30 time frame, possibly 15,000. If the question is, Did some number of volunteers get considered during deliberations that sized the 1977 requirement, which is a sizing requirement of the Selective Service, first inductee by M-plus-30 and 100,000 by M-plus-60, the answer to that is "No." During deliberations that formed those numbers, no discussions of volunteers took place.

I think those are two very different things.

Senator HATFIELD. I am not sure I understood the answer. Do you contemplate volunteers or no volunteers?

Dr. PIRIE. Volunteers.

Senator HATFIELD. How many?

Dr. PIRIE. We expect to get, for the Army, this is, we expect to get as many as 9,000 if our expectations are like our recruiting experience in fiscal 1979, or perhaps as many as 15,000 in the first month—

Senator HATFIELD. Within what time?

Dr. PIRIE. In the first 30 days.

Senator HATFIELD. What has changed since January 16 to make you now assume you will have volunteers?

Dr. PIRIE. Nothing has changed since January 16 with respect to that assumption. If you are referring to the draft report, I think that is an error in the draft report.

As I said before, that is what drafts are for, to smoke out errors.

Senator HATFIELD. What do you base your judgment on as contrasted to the study made by the Director of the Selective Service of January 16? This document contains a rather extended base of research and investigation by the Director of Selective Service. What do you base your judgment on?

Dr. PIRIE. He will have to tell you what he bases his on. I am saying the sizing assumption for calculating how many inductees a training base might take is, that we might get as many volunteers in the first month as we got over the average for fiscal 1979 or we might get somewhat more, as many as 15,000, which is an average for the 2 years before fiscal 1979.

VALIDITY OF ASSUMPTIONS IN DRAFT REPORT

Senator HATFIELD. I will reserve my observations.

You know, it is very difficult to make sound policy, as I am sure you appreciate, unless we can get some kind of firm foundation upon which to make judgments up here on the Hill. But instead, we get these constant shiftings of sands, changes of premises and assumptions. This report was ordered by the Congress to be sent to us by the President. The assumption is that the President's appointee has to carry out that request. You, in a rather cavalier manner, just reject the premises in that report without any other evidence, without any other study, without any other base upon which we can make a judgment.

Mr. WHITE. Senator, may I comment as Chairman of the Interagency Committee that was charged by the President to conduct that study?

What you are speaking of is what was asked by the Congress is a report from the President.

Senator HATFIELD. That is right.

Mr. WHITE. You have before you a 16th of January report of the Selective Service clearly marked "Draft Interagency Preliminary Assessment" done to be circulated to the study group, to be reviewed by the study group, and then for a final report, which involved input from all members of the study group, to be provided to the President.

Senator HATFIELD. I am quite aware that the administration excised the postmobilization registration option from the official version. But let me also ask the simple question, Upon what basis do you reject this thesis that was carried in the draft? A draft working copy, I assume, is looked upon as factual. I do not look upon it as fiction. On what basis do you reject it?

Mr. WHITE. In the first place, Senator, the Congress did not ask for a postmobilization analysis. That was not asked for by the Congress. That was something we did on our initiative.

In the second place——

Senator HATFIELD. Let me just correct the record there a moment. I refer back to Public Law 96-107, subsection (1), subsection 811, in which the Congress asked the administration to report on "desirability and feasibility of resuming registration under the military Selective Service Act as in existence on the date of the enactment of this act."

You remind me of those who say, "Well, you didn't ask that additional question." You know what the request of the Congress was. It is very clear. Now don't come before this committee and say, "You didn't specify subsection (a), (b), (c)."

Mr. WHITE. I am not suggesting that.

Senator HATFIELD. The Congress wanted a report on draft registration. It did not have to delineate between pre- and post-mobilization.

Mr. WHITE. Congress did delineate what it wanted, Senator, I beg your pardon. I read that very carefully because I had to respond to it.

With respect to the second part——

Senator HATFIELD. Just like you withheld this draft report.

Mr. WHITE. Sir?

Senator HATFIELD. I said that your reasoning has about the same basis as your decision to withhold the January 16 report.

Mr. WHITE. We did not withhold the information with respect to this report, Senator.

Senator HATFIELD. Why did Ms. Schroeder have to file a freedom of information request?

Mr. WHITE. She did not. She was provided with the report.

Senator HATFIELD. That is another argument. Shall we get on with this business?

Mr. WHITE. The question here, Senator, has to do with whether or not the assumptions in that report are valid.

CONSTITUTIONALITY OF ALL-MALE DRAFT REGISTRATION

Senator HATFIELD. If Congress does not approve an authorization or appropriation for the registration of women, would you support male registration only?

Mr. WHITE. Yes, sir.

Senator HATFIELD. Do you reject, then, this part of the report that indicates that there is a serious constitutional question? Again, I suppose that is another part you repudiate at this time?

Mr. WHITE. I did ask the Attorney General for advice with respect to that question, Senator. He has provided me with that advice.

I will be happy to provide it to you. It is inconsistent with what that report says.

[The memorandum follows:]

MEMORANDUM

MEMORANDUM FOR HONORABLE JOHN WHITE
Deputy Director
Office of Management and Budget

Re: Constitutionality of All-Male Draft
Registration

The President currently has the power under § 3 of the Selective Service Act, 50 U.S.C. App. § 453, to require males between the ages of 18 and 26 to register for possible induction into the military service. His power to induct registrants under that Act expired, with limited exceptions not pertinent here, on July 1, 1973. You have asked for our opinion whether the President may, by proclamation, constitutionally reinstitute a registration program otherwise authorized by § 453 in view of the fact that § 453 does not authorize the registration of females. For reasons stated hereafter, we believe that the congressionally mandated policy expressed in § 453 is constitutionally defensible. We also believe that because Congress is likely to reconsider the basis for this gender-based classification in the context of legislation reinstituting the President's power to induct registrants, the constitutional issues raised by it are generally ripe for a thorough review.

Although the treatment of gender-based classifications by the Supreme Court has not produced to date any general principles that are capable of easy application, we believe that two cases decided by the Court applying the equal protection component of the Fifth Amendment to federal action related to military affairs provide the most likely basis for assessing the constitutionality of the Selective Service Act. In Frontiero v. Richardson, 411 U.S. 677 (1973), the Court, without a majority as to rationale, held unconstitutional a statutory scheme under which male members of the uniformed services were permitted to claim their spouses as "dependent" for purposes of obtaining increased benefits whereas female members were obliged to demonstrate that their spouses were in fact "dependent." In 1975, the Court read its decision in Frontiero as standing for the proposition that administrative convenience, standing alone, was an insufficient justification under the Constitution for the gender-based classification at issue in that case, Schlesinger v. Ballard, 419 U.S. 498, 510 (1975). In Ballard, the Court upheld the constitutionality of a statutory scheme which at that time treated men and women naval officers differently for purposes of promotion. In reaching its conclusion, the Court stated:

"[T]he operation of the statutes in question results in a flow of promotions commensurate with the Navy's current needs and serves to motivate qualified commissioned officers to so conduct themselves that they may realistically look forward to higher levels of command.

This Court has recognized that 'it is the primary business of armies and navies to fight or be ready to fight wars should the occasion arise.' . . . The responsibility for determining how best our Armed Forces shall attend to that business rests with Congress, see U.S. Const., Art. I, Section 8, Cls. 12-14, and with the President. See U.S. Const., Art. II, Section 2, Cl. 1." 1/

We believe that the language from Ballard quoted above, while not necessary to the Court's holding in that case, strongly indicates a disposition on the part of the Court to apply the equal protection component of the Fifth Amendment with special circumspection in the context of military affairs. Indeed, the Court noted that in 1974 the Department of Defense, "[a]pparently believing that the need for a tenure differential has subsided," had submitted legislation to Congress to eliminate the gender-based distinction at issue in Ballard. Rather than suggesting that this position taken by the Department of Defense before the Congress undermined the Government's argument in that case, the Court stated:

"These developments no more than reinforce the view that it is for Congress, and not for the courts, to decide when the policy goals sought to be served . . . are no longer necessary"

419 U.S., at 510 n.13. The Government's power to require compulsory military service has historically been recognized as a prime object of the Constitution, see Selective Draft Law Cases, 245 U.S. 366, 378 (1918), and thus would logically command greater judicial deference than the governmental interests directly at stake in Frontiero and Ballard.

The circumspection with which the courts have applied equal protection principles in the military arena is nowhere more in evidence than in the context of litigation challenging the constitutionality of the gender-based

1/ 419 U.S., at 510 (emphasis added). We note that the language quoted in the text above from Schlesinger v. Ballard regarding judicial deference to Congress in the field of military affairs apparently reflects the Court's response in that case to the argument made by the Solicitor General:

[i]t is particularly important . . . that the courts accord to the legislature significant flexibility as to classification based on sex, because the issue here relates closely to the organization, maintenance, and effectiveness of the armed forces. In cases such as this the legislature's judgment as to military practicality requires deference.

Brief for the United States, at 9.

classification under the Selective Service Act. In United States v. Reiser, 394 F. Supp. 1060, 1066 (D. Mont. 1975), the District Court rejected arguments advanced by the Government that the gender-based classification in the Selective Service Act was essential to the "national security." 2/ On appeal to the Ninth Circuit, the Government prevailed. In a three-paragraph opinion, that court found "a clear rational relationship between the government's legitimate interest, as expressed in the [Selective Service] Act, and the classification by sex" United States v. Reiser, 532 F.2d 673 (9th Cir.), cert. denied, 429 U.S. 838 (1976). 3/

Although not extensively reasoned, we believe that the Ninth Circuit's opinion in United States v. Reiser, supra, is direct and persuasive support for reading Ballard to require especially deferential treatment by the courts of gender-based classification related to military affairs. In addition, the District Court for the District of Delaware has effectively interpreted Ballard in the same manner. See Kovach v. Middendorf, 424 F. Supp. 72, 79 (D. Del. 1976). 4/

2/ The Government's argument in Reiser, as restated by the District Court, was--in the main--as follows:

"Only a limited number of women would be as suited as men for combat assignments, and in order to assure that sufficient numbers of combat qualified soldiers were members of the armed forces, Congress would have to send most of the women of eligible age through the induction process in order to find the qualified few, and it would be unreasonable to disrupt the lives of millions in order to find a very few."

Id., at 1066-67.

3/ In Reiser, the Ninth Circuit cited as authority for its decision the case of Campbell v. Beaughler, 519 F.2d 1307, 1309 (9th Cir. 1975). In Campbell the Ninth Circuit read "recent Supreme Court decisions" as requiring "only a rational relationship between legitimate governmental interests and the sex classification" involved and singled out Schlesinger v. Ballard as being particularly pertinent without elaborating on Schlesinger. See 519 F.2d, at 1309.

4/ In Kovach, the District Court explicitly adopted the analysis of the court in United States v. Yingling, 368 F. Supp. 379 (W.D. Pa. 1973), stating in dictum that the Selective Service Act would satisfy even a "strict scrutiny" standard because of the "compelling" governmental interest in "providing for the common defense in a manner which would both maximize the efficiency and minimize the expense of raising an army." Analytically, we believe that the reasoning of both the Yingling and Kovach courts suggests that they were applying a classic "rationality" standard.

The Ninth Circuit's disposition of the constitutional attack on the Selective Service Act was not without precedent. Indeed, in a series of cases dating from 1968, various district courts and courts of appeals have upheld the constitutionality of the Selective Service Act against challenges directed to the same gender-based classification involved here. In United States v. Baechler, 509 F.2d 13, 14-15 (4th Cir. 1974), cert. denied, 421 U.S. 993 (1975), the Fourth Circuit, after acknowledging that females then were performing vital services in the armed forces, nevertheless concluded that: "considering the nature of the demands of military service, we cannot say that Congress had no rational basis for the distinction based on sex." The other cases noted in the margin are of similar effect. 5/ In addition to these cases, the constitutionality of the gender-based classification involved here is currently the subject of litigation in a federal district court. 6/

Notwithstanding the fact that the gender-based classification historically maintained in the Selective Service Act has been upheld on many occasions in the past by lower federal courts, it may be argued with some force that the Selective Service Act would no longer pass constitutional muster under recent Supreme Court cases which have

5/ United States v. Bertram, 477 F.2d 1329 (10th Cir. 1973); United States v. Camara, 451 F.2d 1122 (1st Cir. 1971), cert. denied, 405 U.S. 1074 (1972); United States v. Fallon, 407 F.2d 621 (7th Cir.), cert. denied, 395 U.S. 908 (1969); United States v. Offord, 373 F. Supp. 1117 (E.D. Wis. 1974); United States v. Yingling, 368 F. Supp. 379 (W.D. Pa. 1973); United States v. Dorris, 319 F. Supp. 1306 (W.D. Pa. 1970); United States v. Cook, 311 F. Supp. 618 (E.D. Pa. 1970); United States v. Clinton, 310 F. Supp. 333 (E.D. La. 1970); United States v. St. Clair, 291 F. Supp. 122 (S.D. N.Y. 1968).

In a memorandum filed in the Supreme Court opposing the granting of a petition for a writ of certiorari in United States v. Baechler, supra, the Solicitor General took the position that the Selective Service Act was passed:

to enable the government to raise an army for possible combat service and hence the disparate treatment accorded to males rests upon a ground of difference having a fair and substantial relation to the object of the legislation. Reed v. Reed, 404 U.S. 71, 76. Cf. Schlesinger v. Ballard, No. 73-776, decided January 15, 1975.

6/ A civil suit challenging the constitutionality of the Selective Service Act on a variety of grounds has been pending since 1971 in the Eastern District of Pennsylvania. Goldberg v. Tarr, Civ. No. 71-1480 (E.D. Pa., three-judge court). In 1973 the Court of Appeals for the Third Circuit vacated the judgment of the district court dismissing the plaintiffs' sex discrimination count, and remanded for a determination on, inter alia, the plaintiffs' standing to sue. Rowland v. Tarr, 480 F.2d 545 (3d Cir. 1973). In the fall of 1979 the government once again moved to dismiss on grounds of mootness and standing; the motion was argued in December, and is awaiting decision by the court.

articulated a standard of review to be applied to gender-based classification which appears to be more demanding than a mere "rational basis" test. For example, in Califano v. Webster, 430 U.S. 313, 316-17 (1977), the Court reiterated its position, articulated the Term before, that:

"To withstand scrutiny under the equal protection component of the Fifth Amendment's Due Process Clause, classification by gender must serve important governmental objectives and must be substantially related to achievement of those objectives. Craig v. Boren, 429 U.S. 190, 197 (1976)." 7/

Should the Court disagree with the lower courts' reading of Ballard and, instead, require the Government to demonstrate both an "important governmental objective" and a substantial relationship between the gender-based classification and that objective, the constitutionality of the Selective Service Act becomes considerably more problematical.

We have no doubt that the general objective of that Act involves an important governmental interest sufficient to pass muster under the first prong of the Boren test. As indicated above, the power of the Government to require compulsory service is a primary object of the Constitution. Cf. Owens v. Brown, 455 F. Supp. 291, 304-05 (D.D.C. 1978). As put in Owens, however, the remaining "question concerns the degree of co-relation that must be shown between the differences in treatment accorded to men and women and the objectives sought to be achieved." 8/

Establishing a correlation between the objective of the Selective Service Act and the gender-based classification found in that Act presents both practical and analytical problems that are not so easily overcome as they have proven to be under a lesser standard of review.

On the practical side, the absence of any specific congressional consideration of the statistical relationship between the number of persons subject to registration and conscription and the objective of obtaining sufficient combat troops--the primary argument historically advanced by the Government and accepted by the courts to sustain the Selective Service Act--would suggest the importance of considering current empirical evidence, which could be collected


7/ This language from Boren has since been repeated in Orr v. Orr, 440 U.S. 268, 281 (1979) and Caban v. Mohammed, ___ U.S. ___, 48 U.S.L.W. 4462, 4465 (1979).

8/ In Owens, plaintiffs successfully challenged the absolute statutory bar to Navy women's serving on any but hospital ships. In its opinion, which was not appealed, the court did not refer to the Kovach case, in which the same statute was held constitutional. See note 5, *supra*. The statute was subsequently amended by Congress to permit the assignment of Navy women to noncombat shipboard duties.

by the Department of Defense, of the existence of such a relationship. 9/ This evidence would presumably provide a basis for demonstrating both increased costs to the Government and substantial and unnecessary disruption to the lives of persons that would result from a draft of males and females.

Analytically, we believe the linchpin of a successful argument supporting the constitutionality of an all-male registration under a stricter standard is the proposition that Congress may, as a matter of substantive constitutional law, prohibit the service of females in actual combat based on either generalization regarding their physical characteristics or on psychological factors. We believe that this proposition, which would appear to be the underlying basis for most of the court decisions in this area, would be accepted by the courts. Once this proposition were accepted, and assuming the relationship discussed in the preceding paragraph had been established, we believe the Court would find that whatever incidental "burden" or stigma might be placed on females by virtue of the Selective Service Act itself would largely be neutralized by the ability of females to volunteer for service in the armed forces and justified by any substantial efficiency gained through that Act in producing persons for combat duty.

Viewed from the perspective of the constitutional rights of males, and assuming Congress' power to prevent females from filling combat positions, the constitutional injury suffered by a male under the Selective Service Act would be the burdens imposed by the registration requirement, and the greater probability that he would be drafted to fill a noncombat position. If a male subject to registration (and induction) under the Selective Service Act could convince a court that the Government could, with relative ease, fashion the registration/conscription process in such a way as to conscript separately for combat and noncombat positions, the rationale for the constitutionality of the Act might as a factual matter be reduced to one of administrative convenience. Thus, under the higher standard of scrutiny articulated in Boren, it would be necessary for the Government to produce contemporaneous evidence establishing substantial and unavoidable costs, financial and otherwise, in the administration of such a registration/conscription system in order to uphold the Act.


John M. Harmon
Assistant Attorney General
Office of Legal Counsel

9/ We understand that the Department of Defense is prepared to provide analyses to demonstrate that, on the best evidence available, conscription under the Selective Service Act would have to involve substantially greater numbers to achieve enough persons fit for combat were the gender-based classification in the Selective Service Act to be eliminated. We also note that current analyses suggesting a basis for the gender-based classification in the Selective Service Act are "entitled to consideration in litigation challenging the Act." See Owens v. Brown, 455 F. Supp. 291, 306 n.55 (D.D.C. 1978).

RETENTION OF SSS DIRECTOR QUESTIONED

Senator HATFIELD. I would suggest you might fire the Director of Selective Service for presenting to the President such——

Mr. WHITE. He didn't present that report to the President. He presented that report in the spirit in which it was asked, which was to prepare a draft report for review by an interagency study group.

Senator HATFIELD. Full of fiction.

Mr. WHITE. It is not full of fiction.

Senator HATFIELD. Well, you repudiate it.

Mr. WHITE. Senator, when people do draft reports, they do them in the rough. The fact is that the report is wrong in several instances.

Senator HATFIELD. Then I would get a better Director of Selective Service.

Thank you, Mr. Chairman.

DENIAL OF EXISTENCE OF DRAFT REPORT

Senator PROXMIRE. Mr. White, you were in my office about 2 weeks ago and I asked you directly whether there was a draft report that came to a different set of conclusions on registration, and you flatly denied there was such a draft report.

Mr. WHITE. No; I beg your pardon.

Senator PROXMIRE. My staff was there and they just reminded me of that.

Mr. WHITE. That is not true, Senator. I am very concerned about your statement. I talked with my staff and my colleagues who were in the room at the time. Your precise question on that occasion was whether or not a report with a contrary recommendation had been sent to the President. The answer to that question is "No." The draft Selective Service report was not sent to the President.

Senator PROXMIRE. I pursued that and said, "Was there such a report?" I was told there was no such report, there were working papers around but no such report.

Mr. WHITE. I am sorry——

Senator PROXMIRE. Mr. van der Voort, Mr. Mills, and myself say directly to the contrary.

Mr. WHITE. That report was around and widely known to be around.

NEED TO COUPLE EXISTING FORCES WITH A RAPID MOBILIZATION CAPABILITY

Senator PROXMIRE. General Meyer, there was an interesting article in the Sunday, February 3, 1980, edition of the Washington Post by Martin Anderson. I would like to read part of that article and get your reaction.

His premise is that what we don't need is registration and that what we do need is an important beefing up of the Reserves. Here is what he said, in part:

The passage of a draft registration law will only give a false sense of security to our people and to many of our political leaders. It will be used as a reason by some and as an excuse by others, for not taking the hard steps that will strengthen our Reserve forces to the point where they can effectively back up our Active Forces. . . The

Soviets . . . are fully capable of distinguishing between the military capability of computer lists as potential additions of young, inexperienced draftees and that of a significantly strengthened Reserve force. They will view registration more as a stamping of our feet than as a shouldering of arms. And they will act accordingly.

You have already told Senator Schmitt that you agree wholeheartedly that we need to strengthen our Reserves, National Guard, and our Regular military force but you say in addition to that we need a backup force through registration.

It is beyond me to understand why we need that backup force on a premobilization basis in view of all the testimony we have that premobilization would save very, very little time, and that we would have ample time to provide necessary manpower following mobilization in the event we need it.

General MEYER. Let me respond with three points. One, history proves those who say we can be as effective in planning in the post-mobilization phase are wrong; two, those who contend you can even do it in the short period of time available in those kinds of scenarios are wrong. I don't believe that—and I have made that statement prior to the time I became Chief of Staff of the Army last summer, before another committee. And third, the ability of the Nation to be able to mobilize effectively—and registration only relates to mobilization—is a deterrent to the Soviets. If my counterpart, sitting in the Kremlin, knows that this Nation willingly maintains not only the in-being Active Forces, but the backup Active Reserves and National Guard, and also the backup capability to sustain those forces, then he recognizes that he faces an effective deterrent. It is not simply the in-being forces, but all three together that are important.

Senator PROXMIRE. General, what history proves is, we were not prepared at all in World War I and World War II. I came in as a private in March 1941 in World War II. We were pitifully unprepared. The Regular Army was pitifully unprepared. We didn't have the Reserves, we didn't have the Guard, we didn't have the force that would have made the difference then. We didn't have anything like the 2 million-man Regular military force we have now. Under those circumstances, it seems to me that it was not the failure of registration that made us postpone for many months our ability to respond to the Hitlerian challenge, but it was our inability to have a Regular Army and a Reserve and a National Guard ready to act.

General MEYER. I contend it is a combination of both, and history contends it is a combination of both, the forces in being, and the ability to be able to mobilize rapidly to reinforce them.

CLASSIFICATION NOT NECESSARY AT THIS TIME

Senator PROXMIRE. I won't raise the argument many people make that if we have an all-out survival confrontation with the Soviet Union, that it is not going to go on for months and months or years and years. At this point in time it is going to go in a hurry.

My principal argument is postmobilization would serve us just as well. Let me go on.

Dr. Rostker, you say on page 11 and 12 of your justifications that,

"Court cases and the evolutionary change in the attitude on the part of the general public predict a much greater use of the alternate service option than ever before in our history." You go on to say that, "the problems of national standards, equity, and timeliness of placement could lead to court challenges that could impact the capacity to meet manpower delivery schedules." I understand that one possible court challenge may be that a registrant should be classified at the same time he is registered so that his due process rights can be protected.

Dr. ROSTKER. That is not—

Senator PROXMIRE. Let me finish.

If a court were to rule in his favor, that would mean that the Selective Service System might have to reestablish draft boards and area offices and start classifications. Wouldn't this seriously jeopardize your present registration-only plan?

Dr. ROSTKER. No. The question of classification addresses classifying as soon as practicable. It is the position of the administration that that is not necessary at this time.

As soon as it becomes practicable—

Senator PROXMIRE. Of course, the position of the court might not be the same as the position of the administration.

Dr. ROSTKER. The question you are addressing concerns alternate service. This refers to court cases that suggest we have to have a viable alternate service program so that a person who is found to be a conscientious objector can be placed in a job at approximately the same timeframe that it will take to induct a person into the armed services.

Senator PROXMIRE. Let's make the assumption you don't get that kind of court decision, that you have a court decision which says a registrant has to be classified.

Dr. ROSTKER. We don't believe that will be the case.

PLANS FOR ENFORCING PREMOBILIZATION REGISTRATION

Senator PROXMIRE. You don't believe it will be the case. That is your guess.

Let me ask Mr. White a question. One thing that has been kept under wraps so far on the issue of the President's plans to order pre-mobilization registration is how this new initiative will be enforced.

As we are all painfully aware, the draft during the Vietnam conflict sent some young people scurrying to Canada. Some people have announced now they will go to Canada rather than register.

How will the registration requirements proposed by the President be enforced, and what specific penalties will be imposed on those who fail to register?

Mr. WHITE. That is a very important part of this issue, Mr. Chairman. I would like to make a rather lengthy comment, if I could, on several elements of it. First of all, as Senator Hatfield noted earlier, as the law now stands the penalty for violation is not more than 5 years imprisonment or \$10,000. That was put in force by the Congress in 1946 and has been in force ever since.

Second, the Vietnam era saw a great deal of evasion of induction.

Our experience, over time, with registration—and we can submit numbers for the record—is that there has been practically no evasion, as it were, of registration.

Third, in the current situation we have asked the Attorney General to develop guidance for U.S. attorneys with respect to this issue; that is, if, in fact, people choose not to register and we are assuming, and hope all of them will, what our position will be.

We haven't finished that analysis at this time.

Finally, when we have assembled the data base after registration, we can compare the total number of men registered with the total number of men in those year groups as reported by the census aggregate numbers and other population estimates and data. At that time, we will know with some precision whether or not all those who should have registered in fact did so. Should many men fail to register, and we do not think they will fail, we will have a good sense of how many and of the problem in general. We are now looking carefully at the issue with respect to what to do about it should a problem develop.

Senator PROXMIRE. It is very difficult for the Congress to move on a registration system if we have no idea what will happen to our young people if they refuse to register. Why should we move ahead with this appropriations request in the absence of some clear indication as to how you intend to enforce the registration requirement?

Mr. WHITE. I do not think it will be an issue. I think young people will register as they have always done in the past. I don't think it is a problem.

Senator PROXMIRE. They didn't in the Vietnam situation.

Mr. WHITE. To a very large extent they did. We would be very happy to submit for the record the numbers. In the worst year of Vietnam, as I recall, 2 percent did not register.

USE OF EXISTING GOVERNMENT LISTS FOR REGISTRATION

Senator PROXMIRE. Dr. Rostker, in arguing against the Congressional Budget Office's suggestion that existing, computerized IRS or social security data files could be used instead of developing a new registrant data base, you say in your January 16 draft report that, "Unless a master list is updated regularly, approximately 25 percent of the addresses will be invalid by the end of a year." In other words, you are concerned about keeping up with registrant changes of address.

What specific safeguards have you built into your proposed, pre-mobilization face-to-face registration system that will overcome this problem of address changes?

Dr. ROSTKER. Several, Senator. The law requires individuals to keep us posted as to any change in their status, permanent address, current address. We will be sending to each registrant a confirmation letter to confirm his registration. It will have a send-back form to have him make any changes if the information is incorrect or if he moves, and there will be change-of-address forms in every post office in the United States.

It is a legal requirement. We expect people to abide by the law and we will expedite that to the extent we possibly can.

Senator PROXMIRE. Why couldn't that be done using computerized IRS or social security data?

Dr. ROSTKER. First of all, there is a Privacy Act problem. Second, that data is substantially out of date depending upon the times of the year inductions begin. The social security files have no address information. The Internal Revenue files are only accurate at the filing period. As the year progresses, the information becomes out of date.

Senator PROXMIRE. Have you looked at options that might make it possible to use that kind of data? It seems to me we would avoid a lot of problems if you could work that out.

Dr. ROSTKER. Yes, we have. For instance, we have looked at the State drivers license records.

There are many States in this country that do not require social security numbers. There are many States in which the information is not kept—

Senator PROXMIRE. Dr. Rostker, if you can give us that information in detail for the record, I would appreciate it very much.

Dr. ROSTKER. Yes.

[The information follows:]

SURVEY OF STATE EDUCATION AND MOTOR VEHICLE DEPARTMENT'S RECORDS

A survey of the records of State education and motor vehicle departments in six States—Ohio, Alabama, Idaho, Louisiana, New Hampshire, and New Mexico—was conducted.

That survey revealed that school records are not generally maintained above the school district level and release of information is governed by either State or Federal Privacy Act provisions. In only one instance were records in a school district maintained in an ADP medium; most were maintained in a manual mode and extraction would involve a labor-intensive program. In most instances records are maintained at the individual high school for graduates only and contain information current at the time of graduation. Not all of the information required by Selective Service; for example—sex, social security number—is captured in school records and, if releasable at all, is generally limited to name, date of birth, and address of record. Due to the number of students who drop out prior to graduation, information on all persons within the age groups of interest would not be included in school records. In one State only slightly over 56 percent of the students graduate from high school.

Motor vehicle department records in the States surveyed reveal that most are maintained in an ADP medium; are not generally covered by Privacy Act restrictions and are readily available for a fee. In none of the six States was an applicant required to supply a social security number. The information provided is not routinely verified for accuracy. Thus age data in the record may or may not be factual. Renewal requirements ranged from 2 to 4 years and despite regulations which require submission of change of address information, many drivers fail to supply that information as required.

In that neither of these source data bases were found to contain all required elements of information on all individuals within the ages of interest, establishment of a data base from these sources was determined to be less than a viable concept.

NEED TO INVENTORY NATIONAL TALENT

Senator PROXMIRE. Senator Mathias?

Senator MATHIAS. Mr. Chairman, in addition to the questions I have submitted, I am curious about one thing, and that is this: Any future war, long or short, is going to demand an array of talent unlike the kind of talents that have been necessary in the past. I am told General

Stewart's Cavalry, for example, were generally around 18 years old. If you got to be 21, you were overage for that duty. But on the rare occasions when I get on an airplane and look up in the cockpit, I do not find any 18-year-olds or even 19- or 20-year olds. It is more likely to be a 50-year-old captain and flightcrew—

Senator PROXMIRE. And a 60-year-old stewardess.

Senator MATHIAS. Well, that raises the question of women, which I think is an important question. You do find women on airplanes as part of the active crew of the plane. I think that is some indication to us just as a practical matter of the kind of talents we are going to need in a war if, God forbid, we have one.

If you are really serious about sending a message to the world, and if we are prepared to make an expenditure of millions of dollars in sending that message and at the same time accumulating some information, why isn't it sensible to make a more thoroughgoing inventory of national talent that may be needed in a conflict in the future?

Mr. WHITE. Senator, I think that is a very good question.

First of all, we obviously have on active duty an array of that talent. It is very good talent. Second, we have a backup array that is matched against the Reserve requirements, against the active requirements by the Reserves. The Reserves are formed to supply talent. Beyond that, we have an individual Ready Reserve which is a pool of people who have been trained for military service. Beyond that, we have military retirees who also could serve, if necessary. And then beyond that, we have the inductees.

I think we have a vast array of talent available, and I certainly think you are right that we ought to continue to assess what our talent needs will be in the event of mobilization.

General MEYER. May I comment? The only added thing you should put into the equation, Senator Mathias, is that today the shortfalls in the Active component, Reserve components—USAR, and the National Guard—are primarily are young combat arms men, infantrymen.

You don't see 50-year-old infantrymen running around out there. I am not saying they couldn't. I am saying that physical stamina is necessary. Many of the skill shortages we are talking about are principally in those areas.

While I agree completely with what you say about evaluating the total capability of the Nation to be able to support our needs of mobilization, and until we are able to fix the Active components—the USAR and the National Guard—that the need is principally in the area of combat arms men.

Senator MATHIAS. I suppose what I am really interested in knowing is whether you have been thinking about how you would get the kind of inventory of talent that might be needed in a war of the future. If we were granted the premise that we have a mechanism to take care of the problem that General Meyer talks about, of getting the physically active, young people, I think you would also agree that there are other skills that are going to be necessary, and if you are going to get one, it may be equally necessary to get the other.

RETAINING TALENT IN THE RESERVES

Dr. PIRIE. Senator Mathias, we generally think about this in the framework of retaining talent in the Reserves. And we have a number of things under way to encourage people to stay longer in the individual Ready Reserve, including a legislative proposal which will pay bonuses to people who will be willing to stay an additional 3 years in the individual Ready Reserve beyond their obligation.

This will allow us to keep on people whose skills we need and that kind of thing.

There are equivalent programs in the Selected Reserve for people in the skills we need. We do not have a program to inventory military skills beyond the military obligation point for the population at large.

Senator MATHIAS. Of course, Mr. Secretary, I have to bite my tongue to prevent myself from recalling the various attempts we have made in the Congress to strengthen, expand, or even maintain the strength of the Reserve components at various times. But I guess the record speaks for that, and we do not have to go into it today.

If we look at the career retention rate, both in the Reserve and the Regular, they are pretty discouraging. Are we making any attempt to follow these people once they leave, either the Regular or Reserve component, so we know where they are, so that you can resurrect them if you need to? That would be one method of following the talent that may be necessary.

Dr. PIRIE. We do, as I say, Senator, follow the people who have a residual military obligation.

Senator MATHIAS. That you obviously do; I am talking about the people who go out and cut all their ties, say, "We are through," and they may be through at that moment, but they are patriotic Americans, and they have skills, and they recognize a lot of those skills came from their military training and their military education. Is any effort being made to trace them, to follow them, to keep in touch with them?

Dr. PIRIE. With respect to retired personnel, there is, Senator Mathias.

Senator MATHIAS. Well, you send them a check. I am not talking about that.

Dr. PIRIE. Even retired Reserves, before we give them their checks, we keep some tab on them. Those who have completed their military obligation have no further connections; no, we do not have a program to keep track of them. I think it is an attractive idea.

CONCERN WITH ECONOMIC AND EFFECTIVE OPERATION OF AGENCIES

Senator MATHIAS. I don't want to belabor this. I would conclude by saying I think this committee, certainly under our chairman, has established a reputation for being concerned with economic and effective operation. I have heard him make the offer that he would adjust an agency's manpower in accordance with the work product of their departments. That is a kind of high standard of efficiency that we seek in this committee. If we are going to take steps in this direction, I think we ought to be assured the steps we are being asked to take are ones which will be effective, and we will be efficient and economical in the

broad sense of the word. If we are going to get started down this road, let's make sure we really do something, not just make a gesture which costs a significant amount of money and ends up as being a rather insignificant contribution to the national posture.

Mr. WHITE. Senator Mathias, if I may, I think it is very important to underline, from our point of view, that this is a real act in terms of military preparedness, something that is needed, something that we are deficient in. We have a Selective Service System which we all know is not in good shape. That is unfortunate. I think what we need to do in that regard is get on with the business of getting it into good shape so that it is a real asset in terms of our ability to respond in the event of a mobilization.

Senator MATHIAS. Thank you very much.

Senator PROXMIRE. Thank you, gentlemen, very much for most helpful testimony. I know it is a difficult morning for you. You have had strong counter-questioning but I think you responded extremely well. You have made a good record.

Mr. WHITE. Thank you very much, Mr. Chairman.

SUBMITTED QUESTIONS

[The following questions were not asked at the hearing but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR PROXMIRE

CBO REPORT

Question - On page XXI of the CBO Report, after summarizing three options for improving the mobilization readiness of the Selective Service System, CBO says: "regardless of the approach the Congress may choose for improving the responsiveness of Selective Service, it cannot be accomplished in a brief span of a time. To provide even minimal assurance that Selective Service can meet DoD's current wartime induction schedule will require at least a year and possibly two years of development and testing of equipment and procedures. If such development and testing is funded in fiscal year 1980 and 1981 appropriations for Selective Service, a capable System could be in place at the start of fiscal year 1982."

What this tells me is that even if we give you enough money to further revitalize Selective Service you wouldn't be in a position to effectively implement a registration system until fiscal 1982.

Why shouldn't you revitalize Selective Service first and then consider the registration possibilities rather than the other way around?

Answer - First it should be recognized that the CBO report was published in November 1978 based on information collected during the spring of that year. That was two years ago. This Agency has improved readiness considerably since that time. For example: We recognized that our combined MEPCOM - SSS computer center will not be operating until early CY 81, so we have made arrangements in the interim to use another Agency's computer, in the event of an emergency. Again because of the need to activate our field structure rapidly, we have completed agreements with the armed forces recruiting commands to take over some of their office space and to use temporarily some of their pretrained personnel early in mobilization, so that our area offices can be operational immediately. Further, we have completed the conversion and testing of our EMPS computer programs so that they are compatible with the ADP equipment which is available to us. We are proud of our progress and are firmly convinced we will be able to meet or exceed the DoD mobilization requirements.

Registration will give us added assurance that Selective Service plans can operate in an emergency. It will also help us ensure a fair, equitable treatment of registrants during the rush of emergency mobilization. These two benefits -- added confidence in plans to meet DoD's requirements and increased protection of individual rights -- seem to more than offset the modest increase in cost.

CBO REPORT ON SELECTIVE SERVICE

Question: Dr. Rostker, as you are aware, the Congressional Budget Office came out with a study of Selective Service's mobilization capabilities and options for improvement late in 1978. Many feel that their findings and options are still valid. One of the options that CBO discusses in some detail is a pre-mobilization face-to-face registration, which you are currently proposing. CBO estimates that, provided you do not reestablish a field structure to conduct peacetime registration -- and you don't plan to -- the additional annual cost of this option would be \$4 million-- \$2 million for actual registration and \$2 million for upgrading your computer capability. Your estimate for peacetime pre-mobilization registration and upgrading computer capabilities is \$12.3 million in 1980.

How do you reconcile your estimate of \$12.3 million with CBO's \$4 million estimate for doing essentially the same type of pre-mobilization registration? Is CBO just plain wrong or are your estimates overstated?

Answer: CBO's cost estimate of \$2 million to upgrade computer capability and \$2 million for actual registration omitted consideration of vital portions of the registration program and, as such, would have been unworkable. The table below shows the differences between the Selective Service cost of \$13.3 million and CBO's \$4 million. These amounts reflect the registration of men only.

<u>Registration</u>	<u>SSS</u>	<u>CBO</u>
Public Affairs	256	0
Telephones	54	0
Printing	658	0

<u>Registration</u>	<u>SSS</u>	<u>CBO</u>
Postage	638	750
Planning	275	0
USPS Reimbursement	5320	0
	7201	750

<u>Data Processing</u>		
Data Entry, Microfilm, Storage	1620	0
Data Management	1015	160
Computer Support	1880	2750
Software Development	1092	0
Funds from Base Program	600	
	5007	2910

Field Structure & Local Board Support

Local Board Recruiting/Training Program	654	0
Area Office Reconstitution Plans	100	0
	754	0

Headquarters Revitalization

Security and Equipment	138	0
Alternate Service Program	154	0
Analysis and Evaluation	90	0
	382	0
Total	13,344	3,660

JOINT COMPUTER CENTER

Question: As I understand it, you have entered into an agreement with the U.S. Army Management Systems Support Agency (USAMSSA) to provide interim computer capability to help Selective Service manage its registrant data file, process change of address notices, and enter its registration data into the Emergency Military Manpower Procurement System (EMMPS) in the event of a military mobilization. This arrangement will serve as a temporary measure pending the development of a joint Selective Service - DOD computer center in January of 1981.

Why is a joint computer facility necessary -- can't Selective Service continue to use the Army's Management Systems Support Agency computer capability under the existing agreement, and if not, what are the special capabilities that a joint facility would provide that the temporary facility cannot provide?

Answer: The agreement with USAMSSA does not provide interim computer capability for the processing of EMMPS. It provides only for emergency computer usage in the event a mobilization should occur before Selective Service acquires an interim computer capability. Our use of the USAMSSA computer in a mobilization would completely disrupt their regular services since they do not have the capacity to handle both their own processing and the EMMPS at the same time. The joint MEPCOM/Selective Service facility will have ample computer processing capability to service adequately the requirements of both MEPCOM and Selective Service.

It should be noted that the USAMSSA machine is not available for the peacetime data management function that is required to maintain accurate registrant files. Selective Service would need another facility in any case. During mobilization Selective Service and MEPCOM must work closely together to insure that the flow of registrants through the Armed Forces Entry Examination Stations is properly scheduled and coordinated. Placing these related functions on the same computer in peacetime and developing the capability to perform them efficiently and effectively, assures that we will be able to mobilize our manpower in an emergency.

JOINT COMPUTER CENTER: COST

Question: As far as I can tell, the cost of establishing the Joint DOD-Selective Service Computer Center will be \$500,000 in fiscal year 1980 and an additional \$1,491,000 next year.

What will be the total cost of developing this joint computer center?

What will be Selective Service's annual contribution to the center?

How does the cost of the joint computer center compare to the cost of continuing the DOD-SSS arrangement of using the Army's Management Systems Support Agency computer capability? Tell us briefly now and provide a detailed cost analysis for the record, highlighting any savings to be realized by the joint center approach.

Answer: The costs associated with establishment and operation of the collocated ADP facility in FY 80 and 81 are \$887,000 and 2.04 million respectively. During this time period Selective Service's contributions will cost of the collocated ADP facility after FY 81 will be \$1.35 million and Selective Service's contribution will be \$458,000.

The Army's Management Systems Support Agency computer will be used to support testing and development of the Emergency Military Manpower Procurement System (EMMPS) and to provide ADP resources for EMMPS only in an emergency. To accommodate Selective Service's mobilization requirements, a significant number of ADP applications currently executing on the United States Army's Management Systems Support Agency Computer (USAMSSA) would have to be deferred or processed elsewhere because this computer does not have the capability to support, concurrently, the existing and the mobilization ADP workloads. The mobilization arrangement is a contingency plan which will be exercised only if mobilization occurred prior to the establishment of the joint computer center. Additionally, the registration ADP workload cannot be processed on the USAMSSA computer because of its capacity limitations. Thus, a cost comparison between the USAMSSA computer and the joint computer center cannot be made.

Selective Service estimates that the cost to establish and operate alone its own ADP facility for FY 80 and 81 will be \$2.67 million and the annual operating cost from FY 82 and beyond is estimated to be \$1.5 million. The total cost through FY 83 is estimated to be \$5.7 million. In contrast, the FY 80 and 81 cost for the collocated ADP facility which supports both MEPCOM and Selective Service on an excess computer will be \$2.89 million, and the annual operating cost from FY 82 and beyond is \$1.35 million. The total cost through FY 83 is estimated to be \$5.6 million. Thus a cost savings of approximately \$74,000 over a four year period can be expected.

REESTABLISHMENT OF LOCAL DRAFT BOARDS

Question: On page three of your budget justifications, you say that classification of our young people would require the immediate reestablishment of local draft boards, and physical examinations would have to be repeated at the time of induction. You go on to say that the President has decided not to reinstitute classifications and examinations at this time, and that "neither of these additional steps was thought to be appropriate in the pre-mobilization context." Yet I notice on page 10 of your budget, you indicate that you intend to start recruiting local board members in fiscal year 1981 and train these members at 85 training conferences held across the country. Now I can understand the need to develop a training program for prospective local board members, accumulate the names of prospective board members, and develop some recruitment criteria. But by actually recruiting local board members aren't you, in fact, contradicting your statement that the reestablishment of local boards was inappropriate in the pre-mobilization context?

Answer: We do not believe that the statement that the classification and examination of registrants is not appropriate in a pre-mobilization context is inconsistent with efforts to select and train local board members. Classification and examination of registrants is a very costly process and does not improve the responsiveness of the System; thus the decision was made to proceed with only registration. Should an emergency occur and inductions authorized, registrants would be

classified and examined after receiving an induction order. In this situation, we would immediately reconstitute the local draft boards to process the claims. It is crucial that we select and train draft board members now so they can begin to function within a matter of days after mobilization. Local draft boards are a key element of the Selective Service System. They are at the basis of a system that decides in a fair and equitable manner who shall serve when not all serve. To insure that capacity even in a standby status, members must be recruited and trained as a part of the Selective Service revitalization.

PRESIDENT'S STATE OF THE UNION MESSAGE

Question: Dr. White, Dr. Rostker told the House Appropriations Committee that Selective Service's January 16 draft report was submitted to an inter-agency group, not to the President.

Did the President have a recommendation before him prior to his decision to call for registration in his State of the Union message and, if so, what was that recommendation?

Answer: The January 16 report Selective Service prepared for the inter-agency task force was not submitted to the President. The President had available to him prior to making the decisions he announced in the State of the Union message a variety of information sources and advice including that from his principal senior advisors. I am not at liberty to disclose the recommendations made to or considered by the President. But, I can assure you that his senior advisors were fully consulted.

HOW MUCH TIME WILL PRE-MOBILIZATION REGISTRATION SAVE?

Question: Mr. Rostker, when you appeared before the House Appropriations Committee, you were asked how much time you would save by pre-mobilization registration. Your response was: "If everything worked out as advertised, we would save seven days."

Now according to page 13 of your justifications, the costs associated with registration in your 1980 supplemental are \$13,552,000. Is it really worth \$2 million a day to buy those extra seven days?

Answer: We do not believe that the peacetime registration necessarily buys 7 extra days at \$2 million a day. As we noted in our statements, the projected timetable for registration in the draft report is not definitive. With the experience we have gained since January 16 planning the registration, we do not believe we could meet the timetable laid out in the draft report.

Most importantly, the additional funds buy an operating system for registration as opposed to untested contingency plans. We believe that the uncertainty of a contingency plan for registration not fully developed or tested, is not appropriate today. Not even the best standby registration plan can provide the assured capability of an up and running system. We believe the additional funds are well spent to provide that assurance.

TERMINALS FOR AREA OFFICES

Question: I notice that on page 8 of your justifications you are requesting \$4,550,000 in fiscal year 1981 for computer terminals in your area offices. At the same time, you are requesting \$2,320,000 in fiscal 1981 for personnel and equipment for the Selective Service Data Center.

Frankly, I can find no good explanation of why you need \$4,550,000 for computer terminals in your area offices next year, when you are beefing up the Data Center with staff, keypunch equipment, and microfilm services.

Could you explain to the Subcommittee why you need over \$4.5 million next year for computer terminals in your area offices?

Answer: Data Center cannot serve as a substitute for the terminal equipment. The computer terminals in the area offices will provide the means to communicate with the central computer. If the terminals were omitted all communications to the central ADP site and vice versa would have to be by mail. The criticality of registrant information, and the requirement for prompt consideration of their legal rights, in view of the slowness of the mails, necessitates a more rapid means of communication.

TRAVEL: Fiscal 1981

Question: I see that your fiscal 1981 amended budget request of \$24,500,000 includes an increase of \$1,773,000 for travel and transportation of persons, or nearly 9 times your initial 1981 estimate of \$200,000 for travel. That comes to almost \$9,400 for each of your 189 additional positions requested in fiscal 1981. Why the big jump in travel next year over your initial 1981 estimates? Surely, not all of the new slots will be travel-intensive.

Answer: The increase in travel has very little to do with additional personnel; only \$61,000 is related thereto. The travel funds requested in FY 1981 will be used to recruit and train over 8,500 local and appeal board members for almost 1,900 local boards. The training of members will take place at 85 training conferences held across the Nation. The amount of funds required was factored on an individual basis taking into consideration the average number of miles to be traveled and the time necessary to recruit and train each local and appeal board member. Average cost is \$201 each.

REGISTRATION DATE

Question: On page 4 of your budget justifications, you say that you intend to ask young men and women born in 1960 and 1961 to register this spring at a time and place, and in a manner yet to be prescribed by the President.

When do you anticipate making public the President's plans in this regard?

Answer: We have not yet developed a specific date for the registration. We anticipate that by Presidential proclamation the initial registration will be conducted over a two-week period in the late spring or early summer. To a great extent the registration dates are contingent upon the date Congress approves the appropriation request as we have significant lead times on many of the costly components of the registration, such as the printing of forms.

NIFTY NUGGET "80" AND OTHER MOBILIZATION TESTS

Question: On page 10 of your justifications you seem to be outlining a number of important steps that you must take before you would be able to react effectively to a national emergency. You indicate that you have to develop guidelines for the selection and training of local board members in 1980; recruit and train local board members in 1981; test Selective Service's ability to mobilize State Headquarters and re-establish area offices; and inventory equipment and personnel in Armed Forces Recruiting Offices which will be used in an emergency by Selective Service.

Wouldn't it make more sense to wait until you can be assured of these and other capabilities for mobilization before we go to a pre-mobilization registration?

Answer: No, these actions can, and should, progress concurrently. Criteria for selecting and plans for training local board members are being developed now. Selective Service and the Department of Defense recently signed an agreement whereby the Service recruiting commands will provide 1500 personnel and office space and equipment to Selective Service on M-day to help reconstitute area offices. We will train these people this summer. We also expect to test plans to reconstitute the field structure, including the State Headquarters, during summer training. In sum, the quickest way to develop a reliable mobilization capability, is to do the essential things concurrently. That is what we are doing.

REIMBURSEMENT TO POSTAL SERVICE

Question: According to your justifications, \$10,600,000 is being requested for 1980 and an additional \$9,240,000 in fiscal year 1981 to reimburse the United States Postal Service for their role in draft registrations. Yet you don't give us any detail as to how you arrive at those figures or what specific costs are being reimbursed.

Answer: The budget request was predicated on the registration of 8 million men and women during FY 80 and 7 million during FY 81. The cost estimates were developed by the postal service based on similar services provided to other agencies. Costs include reimbursement for clerk labor and supervision during the registration, training of clerks and supervisors, shipment of the forms and materials to the 34,000 post offices, return of completed forms to Selective Service System plus a contribution to USPS institutional costs. Actual costs will be determined by a systematic sampling of postal service during the registration period.

REGISTRATION PLANNING: TIME FRAME

Question: You are requesting \$275,000 in 1980 and \$125,000 in 1981 for registration planning, the development of detailed plans and procedures to carry out initial and continuous registration.

How long do you anticipate this planning will take and shouldn't this be carefully and thoughtfully developed and thoroughly tested well in advance of actual registration by 19 and 20 year olds.

Answer: Prudence dictates that the plans for registration be carefully and thoughtfully developed and tested prior to implementation. It is anticipated that the development and testing of detailed procedures will take about 4-5 months and will begin as soon as funds are made available.

Implementation of the registration program in FY 80 will most likely result in a requirement to refine the plans and modify the procedures to be used for the registration beginning in 1981. This we expect to accomplish in the first quarter of FY 81.

SYSTEMS OPERATIONS ANALYSIS STUDIES

Question: You are requesting a supplemental appropriation of \$95,000 and an increase of \$132,000 in 1981 for analysis and evaluation. These amounts would provide for a staff of five to perform systems and operations analysis studies of all aspects of the Selective Service System, including the development of a systematic program of operational testing. You say in your justifications that these studies are particularly important for Selective Service since many of its component systems are inactive and must operate smoothly upon mobilization.

When will these studies be completed and wouldn't it be better to complete these studies and have a program on line to test your operations before initiating draft registration?

Answer: Current and near term studies focus primarily on system aspects necessary to begin operations with initial registration during 1980. Those studies will be complete and a system will be on line and tested before registration begins. Future analyses and evaluations are expected for the change to continuous registration, the evaluation of the registration system after initial operating experience, and, for mobilization planning and exercises. Any proposed changes in the system will require analyses, test and evaluation of costs and benefits of those changes.

AGENCY SECURITY

Question: I note that you are requesting \$30,000 in 1980 and \$47,000 in fiscal year 1981 for Agency security.

Why do you need to increase Agency security in the current fiscal year and next year?

Answer: For the past several years Selective Service has operated in a deep standby mode with a limited budget and has received little public attention. With registration later this year, the Agency's operations have increased in sensitivity. The responsibilities it must carry out in a mobilization are vital. For that reason, we must take such measures as are necessary to assure SSS operations in peacetime are not interrupted. We believe it is necessary to increase the security of the National Headquarters. We are adding a guard station at the entrance, new door locks, and new locking mechanisms on the fire exits.

USE OF IRS AND SOCIAL SECURITY COMPUTER SERVICE: COST TO TRAIN STAFF

Question: According to your justifications, you intend to use the keypunch capacity of the Internal Revenue Service and the Social Security Administration to enter the initial registration data for the two, year-of-birth groups into a computer. On page 8 of your budget document, your table indicates that it will cost Selective Service \$3,200,000 in fiscal year 1980 for IRS and Social Security data entry services and an additional \$1,620,000 in fiscal year 1981. These services include keypunching, microfilming and storage. I assume that a certain degree of training will be required to familiarize IRS and Social Security personnel with Selective Service requirements.

What will be the training requirements of these personnel and has the cost of such training been included in the figures shown in your budget justifications? If not, why not?

Answer: It will be necessary to familiarize IRS/SSA staff with Selective Service requirements. Training costs have been anticipated and are included in the budget requests.

USE OF IRS AND SOCIAL SECURITY COMPUTER SERVICE: COST TO TRAIN STAFF

Question: What steps will you take to fully test your interface with SSA and IRS and what is your prognosis for the accuracy of the services to be supplied by these two agencies?

Answer: A working task group comprised of both Selective Service and IRS/SSA personnel will develop detailed plans and procedures for meeting the Selective Service requirements. An exercise will be conducted to test the procedures developed and to identify any modifications that might be required. Both IRS and SSA are well qualified to perform our registration keying tasks and to perform the data control required to do this accurately.

TRAINING AND RECRUITMENT: ATTRITION RATE

Question: You are requesting a supplemental of \$443,000 in fiscal 1980 and an increase of \$2,507,000 in 1981 for your training and recruitment activity, including development and implementation.

In your narrative on page 10 of your justifications, you indicate that approximately 8,500 local board members are needed for the 1,900 local boards and that you project an annual attrition rate of about 20 percent.

Why do you anticipate that 20 percent of your local draft board members will turn over every year? What are the root causes of this high attrition rate?

Answer: The census bureau estimates that, in the age range of 20 to 55, 12% of the population will move out of the county or state each year. In addition to the loss of members who move out of the local board area, others will be lost due to deaths and resignations. All of these factors were considered in the estimated 20% attrition rate.

PUBLIC AFFAIRS SUPPORT

Question: On page 5 of your justifications you indicate that a public affairs staff will be necessary, starting in 1980. This will include a public information program through which Selective Service will prepare and provide materials to the public affairs departments of electronic and print media announcing details of registration. To do this, you are requesting 3 new staff and \$56,000 to fund them; \$200,000 for contract support in 1980; and \$150,000 in fiscal 1981 for contractor support.

What type of contractor support will you need for your Public Affairs function in fiscal years 1980 and 1981 and why is this necessary to supplement the work of your three proposed staff?

Why do you need \$150,000 for contractor support in fiscal 1981?

Answer: The principal duties of the public affairs staff include answering the large number of media inquiries received daily; making presentations in various public forums; participating in the development of policies and procedures at the headquarters level; and coordinating an internal information program for Selective Service System employees and assigned members of the military Reserves and National Guard.

The support of an outside contractor is necessary for the production, duplication and distribution of materials to announce and explain registration schedules. Service provided will include scripting, recording, filming, editing, layout and design, duplication of finished approved materials, and distribution of materials and release schedules (to conform with registration periods) to more than 7,000 radio stations, 700 TV stations, and 2,500 daily and weekly newspapers. Selective Service does not have the technical capabilities to accomplish these tasks without outside support.

The additional contractor support for FY 1981 will be to produce, duplicate and distribute similar materials to announce different registration schedules, not only for a specific registration period but thereafter, continuously through the year. All materials will be distributed for use on a "public service" basis in the media; no funds will be used to buy space or time for these announcements.

MISCELLANEOUS EXPENSES

Question: The table on page 13 of your justification shows that you are asking for a \$66,000 increase in fiscal year 1981 for miscellaneous increases. What are these expenses and why are they essential to your operations next year?

Answer: The increase of \$66,000 is for telephone cost related to additional personnel and increased communications traffic generated by a higher level of agency activity. It covers both regular telephone lines and long distance Federal Telecommunication Service assessed by the General Services Administration and is the amount required to annualize the costs for a full year in FY 1981. This item is shown separately in Table 1 on page 5 of the budget justification document.

POSTAL SERVICE COST OF STAFF AND TRAINING

Question: What is your estimate of the cost of training postal workers to handle the face-to-face registration, how long will it take to complete the full training "package", and what specific measures have you taken to develop and test a plan to distribute and collect the registration forms through the postal service?

Answer: The preliminary USPS estimate of training program cost is \$320,000. That amount is envisioned to be adequate to train all levels of USPS employees having a role in the program.

Present planning calls for the program to use approximately a 90* day period ending at least 5 days in advance of registration day.

The distribution and collection procedures of the registration plan are based on everyday, routine procedures used by the USPS for the handling and transmission of mail and thus widespread "testing" is not anticipated to be required.

POSTAL SERVICE COST OF STAFF AND TRAINING

Question: You indicate in your justification that the Postal Service has agreed to undertake the task of face-to-face registration. You point out that they have 34,000 classified post offices, over 650,000 employees, a network of facilities that is accessible and widely known, and experience in handling similar services for the State Department as well as the Immigration and Naturalization Service.

Now, assuming that women are not required to register, you are talking about approximately 2 million young men going to post offices around the country to register. I assume that you will have to train the postal workers to perform this service and then test your pre-mobilization registration plan with the postal service, if you haven't done so already. Will additional postal service workers be needed and if so, how many?

Answer: Training of USPS employees connected with the registration program will be conducted by USPS based upon input provided by Selective Service. Training will be conducted by USPS supervisory personnel and will generally be standup, on-site training.

The USPS training plan includes designating and training Regional Coordinators at least 60-days prior to registration. MSC Coordinators will be trained at least 45-days in advance, and Postmaster/Station Managers will be trained at least 10-days in advance of the first registration day. Acceptance and Review Clerks will be trained on-site no less than 5-days in advance of registration.

The registration plan is based on procedures performed everyday, by USPS personnel. Likewise USPS routine mail-handling procedures will be used to transmit the completed forms. On that basis an elaborate test is not envisioned beyond that connected with the USPS training program.

APPROPRIATION PROVISIO DELETION IN 1981

Question: On January 31, 1980, I wrote OMB Director McIntyre asking why, for the first time in at least 5 years, the President has recommended deleting the proviso in our appropriation bill that would preclude the agency from spending money on the induction of young men into the Armed Services. In his letter of February 14th, Mr. McIntyre said that Section 623 of Title 31 USC requires OMB to eliminate unnecessary words and make uniform the language commonly used in expressing the purposes or conditions of appropriations. He went on to say that OMB did not rigorously enforce this provision but does try to comply whenever a specific example is brought to its attention. Apparently, some non-policy personnel at OMB brought this proviso and 49 others to his attention prior to the President's budget submission. Mr. McIntyre assured me that this proposed deletion did not reflect a conscious policy decision to eliminate an obstacle in the path to a peacetime draft and the induction of our young people.

What would be your reaction if we were to retain this prohibition?

*Includes training program development time of approximately 30 days.

Answer: As the OMB letter states, the deletion of this language in the President's 1981 Budget does not reflect a conscious policy decision to eliminate an obstacle in the path to a peacetime draft. Indeed, the President is clearly and strongly on record that he believes it is not now necessary to reimpose the draft.

Removing this restriction on funds is an action that the Congress would take in mobilization, along with providing an authorization for induction and the appropriation to pay for it. If the authorization passed without a concurrent appropriation and the restriction was still operative, the SSS could not reprogram funds to begin the emergency inductions.

Consistent with our policy to take appropriate actions in peacetime to facilitate mobilization should that ever become necessary, the Administration favors the removal of this restriction now. This is in no way inconsistent with the President's stated position that peacetime induction is not needed.

If this provision were in effect when mobilization occurred, the Administration would ask Congress to eliminate it at the same time it restored induction authority. Therefore, while we continue to believe the provision is unnecessary and should be dropped, we do not see it as a major obstacle. If, in your judgment its repeal would confuse the public about the Administration's plans for peacetime registration, we would not strongly object to its retention.

NIFTY NUGGET OPERATION

Question: Dr. Rostker, as you know, the Pentagon war game carried out in 1978 to test the nation's ability to mobilize for a sudden war in Europe, called "Nifty Nugget", showed that a number of our capabilities were inadequate to win such a war. According to a series of articles in the Washington Star in November of this year, our draft machinery flunked the mobilization test. Apparently, the Army assumed a data base of 100,000 draftees ready to go upon mobilization, but according to the article, even with pre-mobilization registration and the names of the prospective draftees in the computer, the head of Selective Service couldn't process them fast enough to deliver the Pentagon's current war-time requirements of 100,000 inductees within 60 days and 650,000 inductees within 180 days. Your predecessor, Mr. Shuck is quoted by the Star as saying: "If we had data coming in like we were simulating, we did not have the throughput capability for kicking out inductions within the shortened time frame. Our computers use one language and the ones we wanted to borrow used another". In other words Nifty Nugget showed that even with a simulated registration before mobilization, the processing by SSS was inadequate.

What has changed since the Nifty Nugget exercise to indicate that with pre-mobilization registration, you would be able to overcome the serious processing problems uncovered by the exercise?

Answer: A number of things have changed since NIFTY NUGGET-78 to indicate that Selective Service can overcome the potential ADP processing problems brought to light in the exercise. Significant changes have been made over the last few months in Selective Service plans and policies. EMPS has been converted, tested, and is now operating on a government machine. A number of agreements have been signed with other federal agencies to assist us in reconstituting our System and enhancing our ADP capability. An agreement has been signed with the United States Army Management Systems Support Agency (USAMSSA) to provide the computer capability for the peacetime testing of EMPS and the interim capability for use in a mobilization should one occur prior to the establishment of a new joint computer facility with the USA Military Enlistment Processing Command (MEPCOM). A firm agreement exists for the development of the joint SSS/MEPCOM ADP facility. It is anticipated that this will become operational early next year. We have held discussions and are nearing an agreement with the Department of the Interior to provide the ADP capability required for the peacetime registration program.

QUESTIONS SUBMITTED BY SENATOR HATFIELD

DEMONSTRATING NATIONAL RESOLVE

Question: On what evidence do you base your consistent statements that funding draft registration would show "National resolve" to the Soviets? How do you know that they feel this step is of consequence?

Answer: Most importantly it is clear that registration for the draft improves the capability of the United States to mobilize in an emergency situation. That fact will not be lost on the Soviet Union. Moreover, registration is one action in the context of several actions: The grain embargo, olympic boycott, denial of western technology, and suspension of SALT consideration. Together, those actions are a strong signal of repugnance and a sign of our appreciation of the threat to our vital interests. Many groups in the American Society, farmers, businessmen, and youth will have taken an explicit action to express our resolve. We are confident the Soviets have recognized these actions.

ENFORCEMENT PROCEDURES

Question: Could you describe the process by which you intend to locate non-registrants?

Answers: According to historical data, non-compliance has not been a problem in the past. More than 99% of the potential registrants registered from 1960 to 1974. Of course, this does not guarantee that all young people will register in the future. Insuring compliance is a responsibility that is shared between the Department of Justice and Selective Service. We are working with DOJ to insure that the law will be enforced, even though enforcement has not been a major problem in the past.

PUBLICITY FOR REGISTRATION

Question: Exactly what kind of public relations campaign do you plan to mount to explain to 19 and 20 year olds the details of their new obligation to register? How much will this publicity cost?

Answer: We plan to conduct a thorough public information program immediately prior to, and during, the days on which persons will be required to register.

To ensure that all eligible individuals are aware of registration schedules and of their responsibility under the law, a series of announcements will be prepared and distributed to print and electronic media for use on a "public service" basis. These announcements will be straightforward explanations of the registration process and schedules, timed for release prior to the first registration period, and thereafter for release during the several separate registration periods. The service of an outside contractor will be engaged for the production, duplication and distribution of these materials to approximately 7,000 radio stations, 700 TV stations and 2,500 daily and weekly newspapers. Selective Service does not have in-house capabilities to produce and duplicate these materials. Funds in the amount of \$200,000 for FY 80, and \$150,000 for FY 81 are requested for these services.

POST-MOBILIZATION VERSUS PRE-MOBILIZATION REGISTRATION

Question: You have stated that it is better under present circumstances to move from a contingency plan (post-mobilization) to a more fully operational system of pre-mobilization registration. Wouldn't the same logic lead you to advocate classification and actual induction, so as to remove the unknowns from the system altogether?

Answer: Certainly a fully functioning system that included classification, examination and induction in addition to registration would be more sure than a system that included only registration. However, the costs of each additional increment of registrant processing must be weighed and balanced against the benefits and in the final analysis, a judgment must be made. In this case, it is our judgment that an effective pre-mobilization registration program provides the best balance between cost and capability.

ADVISING REGISTRANTS OF THEIR RIGHTS

Question: What plans do you have to produce information material for young people advising them of their rights under the Military Selective Service Act?

Answer: At the actual registration in the post office, each registrant will be given a brochure which outlines his rights and responsibilities under the Military Selective Service Act. In the event inductions are ever resumed, each notice of induction will further explain the rights of individuals, particularly the conditions under which a request for postponement, deferment or exemption may be initiated.

As noted previously, we plan to conduct a thorough public information program immediately prior to, and during, the days on which persons will be required to register.

To ensure that all eligible individuals are aware of registration schedules and of their responsibility under the law, a series of announcements will be prepared and distributed to print and electronic media for use on a "public service" basis. These announcements will be straightforward explanations of the registration process and schedules, timed for release prior to the first registration period, and thereafter for release during the several separate registration periods. The materials will be distributed to approximately 7,000 radio stations, 700 TV stations and 2,500 daily and weekly newspapers.

LOCAL DRAFT BOARD AGE LIMITATIONS

Question: What would you think of restricting membership on local draft boards to persons between the ages of 18 and 26, so that decisions concerning the lives and possible deaths of young people are made by their peers?

Answer: Selective Service strongly believes that local draft boards must be representative of the community in terms of race, national origin, sex, and age. The difficult question of fact in the classification process will be answered most equitably by such a representative board. We believe this principle is a tradition of American politics and Government.

We would anticipate that individuals aged 18 to 26 will be members of local draft boards, but we believe restricting membership to this age group would violate long standing principles of American Government.

DUE PROCESS REFORMS

Question: You are proposing the reactivation of registration and procedures for selecting and training local board members under the 1967 Military Selective Service Act, yet you have not proposed any changes in the law or regulations to address the inequities so prevalent during the Vietnam era. I would like to know your thoughts and any legislative proposals you may make in the areas of: A registrant's right to counsel in any proceedings before a local board or appeal board, selective conscientious objection, the right to de novo review of any classification before being forced to commit a criminal offense, etc.,

Answer: We are aware of the inequities in the draft that occurred in the Vietnam era, and believe that adequate steps have been taken to prevent future problems.

As the Committee is aware, P.L. 92-129, signed on September 28, 1971 addressed many of the areas of concern during the Vietnam era. A uniform national call on the basis of random sequence numbers was established. Thereafter, registrants in the calendar year in which they attained age 20 were selected for induction by Random Sequence Number (RSN). Registrants in class 1-A with the same RSN were selected for induction at the same time throughout the country. The law also terminated exemptions for students, and would allow postponement until graduation for high school students or until the semester's end for college students. P.L. 92-129 also established certain rights to hearings for registrants before local boards and appeal boards and required a written statement of reasons for denying a requested classification. These changes brought the Military Selective Service Act into conformity with case law.

We have reviewed the issues in detail that you have cited, and we are now drafting updates to our regulations. We will publish the proposed regulations for public comment in the Federal Register in the near future.

The equality and fairness of the process of adjudicating claims for exemptions from induction, while based on law and regulations, will in large part be dependent on the quality of the local board members. As we have noted, we are planning for the selection of board members who are representative of their community. We also plan to conduct training for local and appeal board members.

 QUESTIONS SUBMITTED BY SENATOR BAYH

PRIVACY ACT STATEMENT

Question: Would you please tell us how you will safeguard the privacy of those individuals who are registered for the draft? Will you prohibit the use of these names by other agencies?

Answer: The Selective Service System is subject to all provisions of the Privacy Act of 1974. The privacy of Selective Service registrants will be safeguarded in accordance with Agency regulations. Those regulations are currently under revision. The use of registrant's names by other agencies will be limited to those routine uses described in the following Privacy Act Statement which will appear on each SSS Form 1, Registration Form:

PRIVACY ACT STATEMENT

The Military Selective Service Act, Selective Service Regulations, and the President's Proclamation on Registration require that you provide the indicated information, including your Social Security Account Number.

The principal purpose of the required information is to establish your registration with the Selective Service System. This information may be furnished to the following agencies for the purposes stated.

Department of Defense - for exchange of information concerning registration, classification, enlistment, examination and induction of individuals, availability of Standby Reservists, and if Block 8 is checked, identification of prospects for recruiting.

Alternate service employers - for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement and supervision of performance of alternate service in lieu of induction into military service.

Department of Justice - for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation - for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service - to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State - for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veterans' Reemployment Rights, United States Department of Labor - to assist veterans in need of information concerning reemployment rights.

General Public - Registrant's Name, Selective Service Number, Date of Birth and Classification, Military Selective Service Act Section 6,50 USC App.456.

Your failure to provide the required information may violate the Military Selective Service Act. Conviction of such violation may result in imprisonment for not more than five years of a fine of not more than \$10,000 or both imprisonment and fine.

NONPARTICIPATORY REGISTRATION

Question: I have heard that there are proposals to use either social security numbers or an individual's tax return to trace that person in the registration process. Is this true?

Answer: No, it is not true. Some studies (e.g., CBO report of November 1978, "The Selective Service System: Mobilization Capabilities and Options for Improvement") have suggested that the names of individuals required to register could be obtained from the Social Security Administration rolls and that current addresses for those individuals could be obtained from the Internal Revenue Service. This passive form of registration was examined and rejected for several reasons. It appears to violate the Privacy Act of 1974 and its implementation would require a change in the law. Most importantly, we believe it would violate the equal protection and due process clauses of the Constitution. Consequently, Selective Service does not support passive registration nor has it developed plans to "trace" registrants through either social security numbers or tax returns.

QUESTIONS SUBMITTED BY SENATOR MATHIAS

DEFENSE BENEFITS RESULTING FROM REGISTRATION

Question: The fact sheet issued by the White House on February 8 states that the President's decision on registration was intended to demonstrate the nation's resolve and strengthen our defense posture in light of Soviet aggression in Afghanistan. The President also cites the savings in time that would be realized in the event of mobilization. He states that the effectiveness of strengthening the Selective Service System and instituting the registration could increase our readiness "from several weeks to several months".

I would like to explore the effect registration will have on our defense capabilities and try to identify the specific national defense benefits resulting from registration.

Answer: The reinstatement of peacetime registration will increase our preparedness, assure our ability to rapidly expand our peacetime forces in time of war or national emergency and demonstrate further our resolve as a nation. Registration during peacetime provides great benefit because it eliminates a significant task that would have to be accomplished during the turmoil of mobilization. It will create an assured data bank involving millions of transactions in a period of peace that would otherwise have to be accomplished during a state of emergency. Registration in peacetime will yield real gains—in certainty, in efficiency, in freeing ourselves for other activities at mobilization and also for the registrants themselves, in the order, equanimity and equity with which the induction process is conducted at mobilization.

MEETING DOD MANPOWER NEEDS

Question: In your January 16 draft report, you describe five options that could be employed to meet DOD manpower needs. One of these options (Option 1) entitled "Post-Mobilization Participatory Registration" calls for registration via the postal service, just as in the President's plan except that registration occurs after a notification of mobilization. The draft report states that under this option, registration would occur at M+4 and induction notices would be issued on M+7. Inductions would begin on M+17 at a rate of 7,000 per day. With this sustained rate, the required 100,000 inductions could be made by M+35 and 650,000 inductions by M+125. Of all the options studied in this report, this option is recommended as the most acceptable.

Have there been any changes in the capability of the Selective Service System to achieve the induction rate specified for this option?

Even with no pre-registration, it appears that for both the short term (M+60) and the long term (M+180) will be well ahead of the DOD requirements.

You further conclude that this option presents the most cost effective method of meeting our requirements and that "The reduced delivery time provided by the other options is redundant and unnecessary."

What specific organizational or logistic factor could modify your conclusion relative to effectiveness and cost of this option?

Which of these factors, if any, have developed since January 16 to the extent that they now invalidate this plan?

Answer: I believe my letter of March 3 to Chairman Boland addresses these issues. As I stated in that letter, the projected timetable for the post-mobilization registration plan assumed that the system was completely established and that everything would work exactly as planned. The experience of working through the detailed plans for a spring registration this year has shown that a number of the assumptions on which the timetable was based were overly optimistic.

For example, the January 16th draft timetable assumed that with pre-positioned registration material we could fully activate the Postal Service, distribute registration materials, undertake an effective public information program and get an appropriation through Congress, all in three days. Our best judgment today, after intense work with the USPS is that even under the best of circumstances it would take considerably longer to activate the system.

Another factor which has come under close examination over the last several months is the movement of completed registration forms from registration sites to data processing centers. In the January 16th draft, we assumed that in less than 24 hours we could sort at least one million registration forms, move the forms from 34,000 local post offices, through 300 regional centers and deliver them to as many as 13 IRS/SSA keypunch facilities. Within 48 hours, we would have to process two million forms. Further consideration of transportation requirements, the possible impact of fuel shortages, and the uncertainty of weather conditions, as well as other external constraints makes a substantial upward revision in these estimates necessary.

I do believe that given sufficient resources, and the time necessary to develop our operating procedures, train people and test our plans, we could be able to meet the 1977 DOD requirements with a post-mobilization plan. Our experience since January 16th, however, shows that we could not register in four days, start to issue induction orders in seven, or begin inductions in seventeen days. Nevertheless, I cannot stress too strongly that even the best standby registration plan cannot provide the assured capacity of an up and running system.

Given the serious challenges to our vital interests that have arisen in Southwestern Asia, I believe that the desire to eliminate as much uncertainty as possible, at a reasonable cost, was foremost in the President's mind when he substituted actual registration for a contingency plan. In my judgment, the President's action was prudent and has my full support.

COSTS IN THE JANUARY 16 DRAFT REPORT

Question: Based on the analysis (Table 1) in your January report, registration is expected to save us seven days. That is, it will take seven days longer to get the first inductions (17 vs. 10), seven days longer to get the 650,000 (124 vs. 117). But in all three cases, we would be well within the DOD specifications.

As I understand it, this could be accomplished within less than half the funds required for the President's plan -- is that correct?

Answer: The cost estimates in the January 16 draft report did not include the direct costs of registration such as reimbursement of the Postal Service for the actual registration, postage for acknowledgement letters, data entry costs and data management costs. Moreover, the January draft report did not include funds for a complete revitalization of Selective Service such as the selection and training of local draft boards, expanded alternate service planning and modernized word processing equipment.

The January 16 draft report did not imply that registration could be accomplished within less than half the funds required for the President's plan.

RESOURCES REQUIRED FOR POST-MOBILIZATION REGISTRATION PLAN

Question: Mr. Rostker in your March 3 letter to Chairman Boland, you state:

"I do believe that given sufficient resources, and the time necessary to develop our operating procedures, train people and test our plans, we could be able to meet the 1977 DOD requirements with a post-mobilization plan."

Could you describe the resources and time necessary to develop a viable post-mobilization plan?

Answer: The resources required are \$4.7M in supplemental funds for Fiscal Year 1980 and an appropriation of \$19.3M for Fiscal Year 1981. With these resources, we would accomplish all activities listed in the budget justification except the actual conduct of the registration and the follow-on data entry and data management functions. We estimate that it would be 1 to 1-1/2 years before our ADP system will be fully operational and the local board members appointed and trained. We would stress that, at best, these resources would create only a contingency plan. In contrast, an operating system can be relied on to work if needed. Whether a contingency plan would work in an emergency is always open to debate and is questionable.

POST-MOBILIZATION REGISTRATION PLAN

Question: On that point, let me quote from Page 21 of the January 16 report. The report considered the effects of failures in the Postal Service (USPS) and the Armed Forces Examining and Entrance Stations (AFES) components of the registration System and concluded:

"That substantial combinations of failures in both systems could be sustained without compromising the delivery schedule. For example, if the USPS could not register until M+5 and data entry began not two days, but four days after registration (M+9) and induction letters did not go out one day, but two days after keypunching (M+11), and if we allowed fourteen days to report to the AFES, instead of ten days, the AFES would still provide a hedge in meeting DOD requirements. In sum, over a reasonable range of failures in both the Selective Service and the AFES, the system is capable of induction 100,000 people by M+60."

Under this failure scenario, registration would not begin until the fifth day after mobilization and the Postal Service would have four days to register and transport the forms. In addition, there is room for other slippage in the process, in fact eight days of slippage before the first inductee reports for training, and given all of this we still meet the DOD requirements.

Answer: Given the knowledge gained thus far from our efforts to plan for a spring registration, including a better determination of the lead times required for public affairs, printing, training, etc., and a more definitive description of the procedures required to move the completed forms from the post offices to data entry sites, transcribe the data, and correct the errors, it is clear that we were overly optimistic with the time estimates given in the January 16 draft report. In working out these details, it has become evident that there is ample opportunity for a slippage of eight or more days to become a reality. And, of course, the draft report assumed a Selective Service capability that does not exist.

The principal issues, however, concern more than the number of days assumed or deduced in previous calculations. Peacetime registration will give added assurance that a wartime mobilization system will work -- that is, peacetime registration helps to insure that DOD's needs can be met and that the system that meets those needs operates fairly and equitably.

PRE-MOBILIZATION VERSUS POST-MOBILIZATION REGISTRATION

Question: Last week you (OMB) supplied some written material to the Committee discussing the training capacity of DoD. You concluded that

DoD could handle a large number of draftees because it is likely

"That a period of tension would precede the decision to induct. In that period, the training bases could begin to expand".

This rationale -- of the likelihood of a warning period-- would seem to apply equally well to the registration issue. In which case we could begin to register when the situation warrants it.

Answer: Under many scenarios we would likely have sufficient warning to initiate registration and the expansion of the System. An example of this would be the background scenario upon which NIFTY NUGGET-78 was based. However, there are also several scenarios in which we would not have adequate time to rebuild the System and conduct registration.

Registration now is not only insurance against the latter -- but also is insurance against the possibility that we might not fully recognize the early warnings and act upon them.

REGISTRATION

Question: In any process, such as mobilization, there is always a pacing item -- that is, an element of the system that sets a limitation on the speed at which things can be accomplished.

What would you consider the pacing item in terms of providing 650,000 new service men -- is it the system of registration (i.e., pre-post mobilization) or another element, training?

Answer: The speed at which inductees can be trained is governed by three factors: (1) the Selective Service System's capability to start providing inductees, (2) the rate at which new inductees can be processed through the Armed Forces Entrance and Examining Stations (AFEES) and (3) the rate at which the Military Service training centers can accept individuals for training. Selective Service's capability to provide the initial inductees at mobilization is the first pacing factor. This capability is governed by the registration process. Until Selective Service is operational, processing and training of inductees cannot begin. However, the Selective Service System capacity will not be a constraint after the system becomes operational and it has provided the initial inductees to the AFEES. After this time, the pacing factor becomes the daily processing capability of the AFEES. The AFEES capacity, however is the pacing factor for only a short period of time. After a few weeks the pacing factor becomes the capacity of the military service training centers to accept inductees for training.

TRAINING CAPACITY

Question: The limitation imposed by our training capacity seems to make the issue of registration somewhat irrelevant.

Why should we be worried about saving a week, or for that matter several weeks in the registration process if the majority of draftees will be sitting waiting to be trained?

Answer: The training of inductees cannot begin, regardless of the numbers, until the registration process is completed and induction orders issued. Each week's delay in starting the training process causes a concomitant delay in output of trained individuals who may be used to replace casualties, fill late-deploying units or, if necessary, expand the force. Inductees must, by law, receive twelve weeks training. A week saved in the first month after mobilization may prove critical three months later when manpower shortages are expected to reach their most critical point.

We do not expect to have draftees sitting waiting to be trained. We will not call more inductees than can be accommodated in the training

bases at any given time. However, we expect the number called to reach about 650,000 by M+180 days.

TRAINING CAPACITY

Question: To meet DOD's requirements of 650,000 people in 180 days will require an average of about 3600 draftees per day. Now, you are required to provide at least 12 weeks, that is 84 days, of training. If Selective Service provides 3600 people per day for 84 days, the training facilities will have to be able to handle over 300,000 trainees on any one day otherwise we will have a surplus waiting to be trained. You state that this capacity won't exist at the end of 180 days.

What is the current estimate of an achievable goal for DOD training facilities at M+180 in terms of the number of people they can handle on any one day?

Given this level at M+180 and the lower capabilities before then, how many people will be in training or through training by M+180?

Then about _____ will be waiting to be trained. How long will it take to process them?

Answer: The military service training bases will be able to accommodate in excess of 330,000 trainees on any one day by M+180 days. Using this capacity, DOD expects to accept about 650,000 new trainees by M+180 days.

REQUIREMENT FOR INDUCTEES

Question: The proposed new standby Selective Service System will, according to your budget, substantially improve our ability to meet the DOD generated personnel requirements of 100,000 draftees within 60 days of mobilization and 650,000 inductions within 180 days.

What major functions or positions are the first 100,000 draftees expected to fill in the Armed Services?

What percent of these individuals will be required for combat positions?

How does this combat requirement affect the proportion of draftees that are women?

Answer: Nearly all the first 100,000 draftees will be used to fill combat-related positions. Most will be assigned to infantry or combat medical military occupational specialties. None of the first 100,000 draftees called will include women. However, after the first 100,000 inductees are called, the Department of Defense would be able to accept up to 80,000 female inductees or volunteers between M+60 and M+180 days.

MOBILIZATION READINESS: REGISTRATION TO INDUCTION

Question: On Page 3 of your budget justification, you describe six sub-systems which make up the registration-to-induction process.

The sub-systems are:

- * Registration process that is reliable and efficient.
- * An ADP system that can handle Selective Service pre- and post-mobilization requirements.

- * A system for the promulgation and distribution of orders for induction.
- * A claims process that can quickly insure all registrants' rights to due process are protected.
- * A field structure that can support the claims process.
- * A revitalization of National Headquarters in order to manage the registration and field structure.

Which of these six elements is currently in place -- that is, at the readiness level that would be necessary to respond to a mobilization?

What specific activities are necessary to develop these systems to the point of readiness?

How long will it take to get each sub-system in a completely operational mode?

How much of your total FY 80 and 81 budget is associated with developing each sub-system?

How much would be required solely to register and process applicants?

Answer: None of the six sub-systems is currently in place. Several activities are required to develop those sub-systems. Projected completion dates are dependent on the availability of funds.

1. The Registration Process: A public affairs program must be developed; the forms, posters, information brochures and other materials must be ordered, printed, and shipped to USPS; detailed procedures must be worked out with USPS and the postal employees must be trained. These actions should be completed by early June.

2. The ADP System: Procedures for IRS/SSA data entry and a data file management system for updating the master file must be developed and tested; the joint MEPCOM/SSS computer center and the Selective Service data entry center must be established, a terminal network for the area offices must be procured and installed; EMMPS registration and induction programs must be modified and updated to integrate them with the data file management system and the area office terminals. The entire system should be installed and completely operational by spring 1981. Activities relating to registration and file maintenance will be complete in early June 1980. The joint computer facility is scheduled for the second quarter of FY81. Procurement and installation of area office terminals will be in the 3rd and 4th quarters of FY 81.

3. Promulgation of Induction Orders: The programs to create an induction notice suitable for transmission by Western Union Mailgram have been developed. Details on the final format of the letter must be completed and further testing is required. Agreements with Western Union must be finalized. This element should be ready by June 1980.

4. Claims and Appeals Process: Each state's proposed local board structure must be approved by the respective governor. The criteria and guidelines for selection of the board members will be developed in FY 80. Recruitment and appointment is scheduled for the first quarter of FY 81 with training to occur in the second quarter. This activity should be complete by April 1981.

5. Field Structure: The individual recruiting office locations have been selected and within the next two months the recruiting personnel to be detailed upon mobilization will be identified. A training program must be developed and initial training will take place this summer. This program must be constantly maintained as changes will occur and there will be constant personnel turnover with new people to train and test.

6. National Headquarters Revitalization: The Headquarters revitalization consists of four parts: the updating of our word processing and telecommunications

capability, providing for increased security, and augmenting the staff in two areas, alternate service and analysis and evaluation. This element would be complete as soon as the equipment is purchased and the personnel hired. It is scheduled for FY80.

The budget associated with each element is as follows:

	(\$000)	
	FY 80	FY 81
Registration	13,552	12,119
ADP System	7,207	11,105
Promulgation of Induction Orders	0	0
Claims Process	654	3,425
Field Structure	100	250
Headquarters Revitalization	382	332

The costs in the FY 80 and 81 budgets associated solely with conducting the registration and processing the information are: \$17.2 million in FY 80 and \$16.2 million in FY 81.

POSTAL SERVICE FOR REGISTRATION

Question: Your proposal calls for the United States Postal Service (USPS) to undertake the task of face-to-face reestration. As you are well aware, the Postal Service employs over 650,000 people and maintains over 34,000 classified post offices.

How many of these individuals and how many post offices would you anticipate to be involved in the registration process?

What is the amount of lead time necessary in order to train the postal employees in the processing of registration forms?

Has the training package been developed yet?

What about a system for the distribution and collection of the registration forms from the post offices?

Has a system of postal service registration been previously tested by the Selective Service System and what were the results of that test in terms of error rates and unusable registration forms?

What specific verification techniques are included in the training package for postal service workers?

What plans does the Selective Service System have for a pilot test to assure that the postal service employees are properly trained and that the completed registration forms are error free?

Answer: Approximately 34,500 classified postal facilities will be used during registration. Contract facilities will not be involved in the program.

The number of USPS employees to be directly involved in registration will depend upon the number of persons appearing at a site. USPS has assured the Selective Service System that sufficient clerks will be available and trained so that there will be neither undue delays in registration nor inconvenience to other USPS patrons.

The USPS overall training plan is scheduled to commence at least 60 days prior to registration day and end no later than 5 days prior to registration. The training program will include all levels of employees having a direct part in the registration program. The USPS training plan is now being developed in detail.

The plan to distribute and collect registration forms includes several control features. Registration forms and materials will be distributed to classified sites through normal postal channels. Com-

pleted forms will be transmitted, together with a Registration Report control form, in separate sealed containers from each post office, branch and station, to the appropriate Management Sectional Center (MSC). Those containers will be consolidated at the MSCs and sent via registered mail to the data entry sites. Duplicate Registration Reports will also be forwarded to the computer center. These tentative plans are being firmed up with the USPS and DOJ.

USPS personnel will complete the registration form only in those instances where the registrant is unable to do so. Results of a previous mail-in registration program revealed that 85% of valid forms completed were acceptable without any type of follow up. 97.6% of forms received were valid registrations. USPS personnel will review forms for completeness and readability before accepting and data stamping the forms.

USPS personnel receiving registration forms will request personal identification of the registrant. The form will be annotated if identification has or has not been provided or if it was questionable.

Forms will be provided to USPS for use with a training program. A pilot test by USPS is not planned at this time. However, the SSS Form 1 and instructions are being tested by Selective Service. In spite of these efforts, completed forms will not be error free. It is for that reason, as well as to handle change of address forms, that contractor assistance will be requested to help in data management.

UPDATING ADDRESSES

Question: According to census data, 25 percent of the registrant population will probably move each year. This will require a periodic updating and verification of addresses.

What procedures, in addition to voluntary compliance, have been developed to update the address list?

How costly is this updating requirement?

I assume that by having a registration closer to the due date the need to make such corrections will decrease.

Answer: Registrants will be reminded at the time of registration, at the time they receive an acknowledgement of registration from the Selective Service, and periodically thereafter through publicity releases, of the requirement to inform Selective Service of their address changes. A part of the acknowledgement form which will be sent to each registrant can be retained and submitted to Selective Service when an address changes. Change of information forms (SSS Form 2) will be available at classified post offices, and can be filled out and mailed at any time.

We estimate that the annual cost of updating addresses would be \$384,000 if only men are registered and \$692,000 if both men and women are registered.

Although the initial registration will be for those who become age 19 and 20 during FY 1980, we plan to begin registering young men on a continuing basis, as they turn 18. Registrants will be required to inform Selective Service of their current address until their 26th birthday.

TRAINING LOCAL BOARD MEMBERS

Question: You anticipate that there may be 1,900 local draft boards consisting of 8,500 members. Furthermore your estimates indicate that there may be a yearly turnover of 20 percent in the local draft board membership.

Could you please indicate the criteria to be used for the selection of local draft board members/

How will a list of candidate names be developed?

Could you please list the training materials and/or packages necessary in order to train the local draft board members?

When will these materials be available?

Answer: The criteria to be used for selecting local board candidates have not yet been developed. We plan to work with the States to develop these criteria and selection procedures. The additional personnel requested in the budget justification would assist in this task. The budget supplemental also includes \$360K to develop the criteria for selection and the materials to use in a 1-1/2 day training conference tentatively planned for all 8,500 local board members.

RECRUITING AND TRAINING LOCAL BOARD MEMBERS

Question: You indicate in your February 11 report to Congress, it will be necessary to work with the Governors over a period of 18 months to develop a process for recruiting and training members of the local boards. Is this a realistic time estimate?

Answer: We feel that 18 months to develop the criteria, policies, plans, procedures to select and begin to train local and appeal board members is a realistic time estimate. We view it as absolutely critical that the system be completely revitalized within the shortest possible time frame. Accordingly, we are beginning to develop the selection plans and criteria, and the training concepts. We are seeking funds for an additional 6 employees in a policy development section which will have primary responsibility for the recruitment and training of local board members. Additionally, we are seeking funds for 5 employees to augment our administrative structure to handle the additional personnel workload and expanded administrative activities. We plan that the actual recruitment of local board members will begin early in fiscal year 1981 and are seeking funds for an additional 25 employees to be located in our six regional offices. These positions will assist in the recruitment and accomplish the actual training in a series of conferences.

Question: In the event of an emergency before the local boards can be put in place, you intend to reactivate the system with a cadre of military reservists and the use of 435 Armed Forces Recruiting Offices.

How will you assure that the registrant's due process is protected during such an emergency situation?

Answer: In the event an emergency occurs before local boards have been reestablished, we will seek expedited action by the Governors to nominate local board members. The Provisional State Directors of Selective Service would be expected to assist in these efforts.

Selective Service reserve officers would use the recruiting offices that would be made available for use as Area Offices and the personnel loaned by DOD to open Area Offices quickly. These people and offices would provide administrative assistance to the local boards. The usual procedures for assuring protection of due process would continue in force.

PRETRAINED INDIVIDUAL SHORTFALLS

Question: You conclude that the Individual Ready Reserve and other sources of personnel are inadequate to meet the Army's "worst case" needs for pre-trained personnel. In such a worst case situation, you indicate that a shortage of 200,000 to 300,000 trained personnel for the Army would likely develop in the first few months.

How would the drafting of 100,000 untrained individuals reduce this shortage?

Answer: Untrained draftees will not offset the shortfall of pre-trained individuals during the first few months after mobilization. However, draftees will be able to fill manpower requirements that are expected to occur later in the mobilization schedule.

REQUIREMENT FOR DRAFTEES

Question: Your report outlines a series of measures designed to increase the Ready Reserve size from 396,000 to 540,000 by the end of FY 81 and 680,000 by the end of FY 85.

How will these increases affect DOD's need for draftees and how will it affect the time when these draftees will be required?

Answer: The projected increases in Ready Reserve size will not decrease the need for inductees. The number of inductees required would still be unchanged because the projected increases in Ready Reserve strength are designed to correct pretrained manpower shortfalls that would occur during the first few months after mobilization. Inductees cannot help in this regard.

REGISTRATION POOL NEEDED FOR DOD REQUIREMENTS

Question: Your current plan calls for registering this Spring all young men and women born in 1960 and 1961. In January 1981, you intend to ask those born in 1962 to register and, at the same time, initiate continuous registration of 18 year olds.

Why do you believe that the registration of those individuals born between 1960 and 1961 will provide a sufficiently large initial pool to meet the needs of the Department of Defense?

Answer: Each year of birth group includes about 2 million men and 2 million women. Under current law, males who are 19 years of age or older could be called in an emergency. With a summer registration, therefore, about half of the men born in 1961 could be called and all of the men born in 1960 for total of about 3,000,000. The Defense Department estimates that up to 80,000 women could be requested in the first six months and that a total of 650,000 inductees would be needed during that period. Therefore, about 570,000 male inductees would be needed. Historical data indicates that 3.5-7 registrants are needed for each male inductee. For our planning purposes, we assume a ratio of 5:1. That is, 3,000,000 male registrants should yield at least 600,000 male inductees. Registration of other year groups would concurrently be accelerated.

REGISTRATION POOL NEEDED FOR DOD REQUIREMENTS

Question: Based on this plan, the Selective Service will register about eight million males and females in the near future and four million more by next January. It will register about four million people per year thereafter.

What are your expectations relative to the percent of registered individuals that would be qualified to serve in the Armed Forces?

Based on this percentage and the preference for 20 year olds, How many individuals would be available during any one year?

How does this compare to DoD's requirements?

Answer: The DoD requirements are for 650,000 inductees by M+180. Up to 80,000 could be women if women were included in a future draft. We expect that over a period of time nearly 50% of the male registrants, approximately 800,000 in each year group, will be available and qualified for induction. It is also expected that a similar percentage would apply to women.

However, less than half of the registrants are inducted without a delay due to claims and appeals processing or statutory student postponements. Therefore, at approximately M+100 it is necessary to begin induction processing of a second year group in order to meet the 650,000 requirement within the time limit of 180 days. Two year groups are sufficient to meet the 1977 DoD requirements.

PRESIDENT RECOMMENDS THAT WOMEN BE REGISTERED

Question: Your February 11 report concludes "it is doubtful that a female draft can be justified on the argument that war time personnel requirements cannot be met without them. The pool of draft eligible males (18 to 26) is sufficiently large to meet projected war time requirements. Furthermore, men, unlike women, can be assigned to any military position, including close combat jobs."

On the basis of this conclusion, why has the President recommended the registration of women?

Answer: The President's decision to ask for authority to register women is based on equity. It is a recognition of the reality that both men and women are working members of our society. It confirms what is already obvious throughout our society -- that women are now providing all types of skills in every profession. The military is no exception. Since women have proven that they can serve successfully as volunteers in the Armed Forces, equity suggests that they be liable to serve as draftees if conscription is reinstated.

Although the equity argument is important, it does not lead to the conclusion that men and women should be inducted in equal numbers. Equity is achieved when both men and women are asked to serve in proportion to the ability of the Armed Forces to use them effectively. The Administration's firm policy is that women will not be assigned to units in which close combat would be part of their jobs. Therefore, the Administration believes that the Military Selective Service Act should be amended to provide authority to register women as well as men.

It is in the interest of national security that, in an emergency requiring the conscription for military service of the nation's youth, the best qualified people for a wide variety of tasks in our Armed Forces be available. The performance of women in our Armed Forces today strongly supports the conclusion that many of the best qualified people for some military jobs in the 18-26 age category will be women. The Administration strongly believes they should be available for service in the jobs they can do, just as men will be available for jobs they can do.

LEGISLATIVE RESTRICTIONS ON WOMEN IN COMBAT

Question: There are now approximately 150,000 women serving successfully in the Armed Forces. Under current military policy, women are not assigned to jobs involving close combat. In addition, there are also legislative restrictions involving the use of women in the Navy, Marines and Air Force. In light of the President's request for the authority to register women, what changes in military policy and/or legislation will be proposed?

Answer: The Administration's request for authority to register women does not envision any significant changes to the policies which govern the utilization of women in the military. As the President stated on February 8, 1980, the Administration remains opposed to the assignment of women to close combat and the decision to register women does not represent a change in that policy.

The Department of Defense has had before Congress for some time legislation to repeal Sections 6015 and 8549 of Title 10 USC which place limitations on the assignment of women in combat. The Department of Defense supports the repeal of 10 USC 6015 and 8549 so that the Secretaries of the Navy and Air Force can set policy for, monitor, and review the assignment of women just as the Army does now. By lifting the current restrictions the Congress will enable the Department of Defense and the Services to gather and analyze additional data on the utilization of women while in a peacetime mode. Additionally, reducing utilization restrictions will enhance the career potential of women in the military. It is important to note, however, that this legislation was introduced long before the decision to request authority to register women.

TIMING OF ALTERNATE SERVICE AND THE CLAIMS PROCESS

Question: You indicate that the problems of developing national standards for the draft, the issue of equity and the timeliness of placement "could lead to court challenges that could impact the capacity to meet manpower delivery schedules."

To what extent can you anticipate the basis for these court challenges and develop procedures that would lessen their impact on meeting DOD personnel requirements?

Please describe what you consider to be the worse case situation and the extent to which it would impact the delivery schedule.

Answer: Selective Service believes there are two principal areas relating to "equity and the timeliness of placement" which, if neglected, could lead to court challenges which would adversely impact the System's capability to meet the manpower delivery schedules.

First, we believe it is absolutely mandatory that a structure to process claims and appeal be in place and able to function the day after a national mobilization is declared. Registrants will receive induction orders starting the second day after mobilization and must immediately have a place where they can file a claim for an exemption or postponement of their induction. If such a structure is not available, there would be serious legal challenges against the System. Selective Service will have a claims and appeals structure in place and functioning in the required time should a national emergency occur. The cadre of 715 military reservists assigned to Selective Service are trained to reconstitute the administrative structure to support the claims process. We are seeking funds to select and train citizens to serve on local draft boards. We do not believe we would be vulnerable to a court challenge in this area.

Potential court challenges also exist in the area of providing a program for alternate service for conscientious objectors in lieu of military service. If inductions are authorized, a program wherein conscientious objectors may perform alternate service must be available within a reasonable period of time. Once a registrant who received an induction order and has applied for and received a conscientious objector status, he should be issued an order to report for alternate service not less than 10 days later. Comparably, inductees are to report not less than 10 days after the order.

The alternate service program itself must be roughly comparable to military service. The work in the program must contribute to the maintenance of the national health, safety or interest. While all military service conditions cannot be met, the alternate service conditions must be comparable.

Selective Service is quite aware of the requirements for an alternate service program, and is taking steps to meet those requirements. We have initiated planning of an alternate service program. We are seek-

ing funds to augment our staff by four additional individuals to continue the development of an alternate service program. As part of the revitalization of Selective Service, we are confident we will have an alternate service program available and not be vulnerable to legal challenges in this area.

NONPARTICIPATORY REGISTRATION

Question: In the past the Congressional Budget Office and the General Accounting Office, proposed that Selective Service use existing IRS and SSA files to create a list of eligible individuals instead of planning on a face-to-face registration.

I understand that you foresee some problems with this approach in terms of equity, privacy and accuracy. I also understand that IRS has some serious misgivings about using its files.

Could you please explain your major concerns in these areas?

Answer: The Congressional Budget Office (CBO) and the General Accounting Office proposed that Selective Service consider relying on existing computer files to form a list of draft eligibles instead of planning on a traditional face-to-face registration. We have studied this proposal in terms of (1) our ability to construct a list of sufficient size and accuracy from which to induct the required personnel, and (2) the impact of such procedures on the Privacy Act, on other related statutes, on the MSSA, and on Constitutional questions of equal protection and due process.

The Selective Service, in order to carry out the draft, needs the name, address, and birth date of males subject to the MSSA. (If females are subject to the MSSA, we would also need to know the sex of the registrant.) At a minimum, we need valid data (correct addresses) on sufficient numbers of people to insure we can induct the required number of people; 5:1 order to induct/induction ratio is planned. A master list must be available no later than M+20 to insure that we can deliver the first inductees to Defense by M+30.

The most comprehensive data base available is the master Social Security Administration (SSA) file which contains all the needed data except current address. Based upon our survey of five Federal agencies (Agriculture, HEW, Justice, Commerce, and Treasury); and the Education, Motor Vehicle and Voter Registration agencies in six states, we found the most comprehensive source of "current" address is the Internal Revenue Service (IRS).

The Congressional Budget Office, using Department of Labor employment statistics, has estimated that 85 percent of the 19-to-20 year old population work some time during each year, and therefore probably file an Income Tax Return. The Bureau of Census reports that the mobility rate of the prime age group (18-26) ranged from 16 to 34 percent during the period 1975 to 1976. Our best estimate is that, unless a master list is updated regularly, approximately 25 percent of the addresses will be invalid by the end of the year. A merged SSA/IRS list will be most accurate immediately after April 15, and will become progressively less accurate until the following year's filing. Given our estimates of an 85 percent IRS coverage and 25 percent mobility rates, a master list with "valid" addresses may capture as little as 60 percent of the draft eligible population. This appears to be sufficient to meet DoD's induction requirements.

As noted, any registration system must be able to provide a list in about twenty days. CBO indicates that these agencies "already have a major tape exchange program in effect, and they estimate it would take about three days to merge the files. . ." However, in response to inquiries from Selective Service, Social Security indicated it would take a month to deliver the data, and IRS indicated two months to perform the match and create the merged file. It appears that in order to

insure a master file, we would have to merge SSA and IRS data in the pre-mobilization period.

While the construction of a master list from SSA and IRS computer files is feasible, questions have been raised on privacy and constitutional guarantees of equal treatment and due process. All Federal agencies surveyed advised that not only would the Privacy Act of 1974 have to be amended, but prohibitions on individual agencies would also have to be changed. (IRS has specific prohibitions in Title 26.) Moreover, IRS believes that, "to use the Internal Revenue Service system for the purpose suggested would adversely effect our extremely important mission in a number of ways. It may have a significant impact on compliance in the area of withholdings and return filings. . . if withholding records are used in the military induction process, draft protestors would be presented with an irresistible temptation to become tax protestors."

The Selective Service General Counsel has advised that non-participatory registration would require an amendment to the MSSA, and that in his view such an amendment would violate both due process and equal protection guarantees of the Constitution.

Under present plans, not everyone eligible to serve is likely to be called. A system in which induction into military service is systematically reserved for those who have social security numbers, can be located because they have filed an Income Tax Return, and have not moved, does not appear to be a reasonable means for the Congress to carry out its purpose. This is particularly true since there are other ways open to the Congress -- face-to-face registration -- which guarantee due process under the law. The argument that merged computer files will save money and avoid generational conflict does not appear compelling enough to violate Constitutional guarantees.

It is often argued that face-to-face registration will not provide more names and addresses than non-participatory registration, and, therefore, the two systems are equivalent. This does not appear to be correct. We estimate a face-to-face registration will provide a list over 90 percent complete compared to as little as 60 percent by means of computer merger. More importantly, as long as we give everyone a fair opportunity to register, we will legally account for 100 percent of the population eligible for military service under the MSSA, i.e., those who do not register are in violation of the law and subject to its penalties.

Non-participatory registration also appears to violate standards of equal protection because two people who are identical, except that one recently moved, would be treated differently in terms of the probability they would have to serve. The administration of such a scheme would produce disparity of treatment of persons similar in all legally recognized ways and thus violate standards of equal treatment.

Our analysis of non-participatory registration suggests that while the system is technically feasible it is not likely to be perceived as fair or equitable and would be subject to serious Constitutional challenge. For these reasons, the non-participatory registration concept is not recommended.

COMPLETENESS OF THE REGISTRATION

Question: Your currently estimate that a face-to-face registration will provide a list that is over 98% complete.

How do you define the term "complete" -- does this just refer to how accurate and up-to-date the information is or does it also include capturing the entire age group required to register?

Answer: "Complete" refers to the proportion of the eligible population that registered. ADP records for registrants born during 1955 and 1956 are summarized below. These registrations were accomplished in 1973 and 1974 when the Selective Service System last conducted face-to-face registration.

YOB <u>1/</u>	Potential Registrants <u>2/</u>	Actual Registrations <u>3/</u>	% Registered
1955	1,903,000	1,894,208	99.5 <u>4/</u>
1956	1,948,000	1,823,852	93.6 <u>5/</u>

- 1/ Registration required at 18th birthday
- 2/ Adjusted to reflect enlistments before registration, decedents, those incarcerated, and others not required nor available to register.
- 3/ Data for YOBs 1955 and 1956 is based upon actual ADP records.
- 4/ Shows the percent of 1955 YOB males registered during 1973, 1974, and January through March 1975. The percent as of March 1974, after 15 months of registration, was 92.34%.
- 5/ 93.60% is the incomplete return from 15 months of registration for the 1956 birth group. Registration was terminated in April 1975. Note that at a similar point only 92.3% of the 1955 birth group had registered. Eventually, over 99% of the 1955 group registered.

IRS/SSA STAFF FOR DATA ENTRY

Questions: In order to computerize the registration data, it is necessary to key punch the information on the registration forms. Your current plan calls for using the key punching capability of the Internal Revenue Service and the Social Security Administration to perform this task.

What are the training requirements for the IRS and SSA personnel and has this training package been prepared?

How many staff years will be required during FY 80 and 81 to perform this task?

What is the cost of securing the necessary personnel and services from IRS and SSA?

Based on IRA and SSA experience with a new data form, what error rate might be expected?

Have you considered developing a machine readable registration form that would be completed by the applicants?

Answers: The basic tasks involved in the keying of registration data are:

- Data preparation for keying.
- The keying process.
- Data control after keying.

Detailed procedures are being developed for these areas. Although the data format for keying will be new, internal procedures already in place at IRS/SSA will be largely utilized.

Preliminary discussions with IRS/SSA indicate that approximately two or three weeks of concentrated effort by a working task group of SSS/IRS/SSA personnel will be required to define the detailed procedures to accommodate the SSS requirement. It has been estimated that approximately two additional weeks will be required to include the detailed keying and handling procedures in a training guide. An actual training period of considerably less than one week will be required to train experienced keying operators prior to a test exercise. One brief training period will be necessary in FY 80 and another in FY 81.

Costs included in our budget request for securing personnel and services from IRS/SSA are \$2.4 million in FY 80 and \$1.2 million in FY 81.

There are two types of errors encountered in data entry keying: operator errors (approximately 1-2%), which will be corrected in the verification keying process and data errors, those entered incorrectly by the registrant on the form. A data error rate of approximately 5% is anticipated and will be corrected at the Selective Service Data Management site.

Two machine readable registration methods were considered: Optical Character Recognition (OCR) scanning of hand-printed registration information, and mark sense scanning of mark coded documents. Selective Service conducted an OCR handprint test and rejected this method for two basic reasons: the error rate was unacceptable and the handprint scanning rate was too slow. The mark sense scanning method was rejected because of the complexity of the coding required by a registrant. The data volume on a registration form was too large for this data entry method.

USAMSSA COMPUTER SUPPORT

Question: In order to provide additional computer support, you have entered into a formal agreement with the Department of Defense designating the U. S. Army Management Systems Support Agency to provide a temporary computer backup capability. I understand that this agreement is only temporary and that Selective Service and the Military Enlistment Procurement Command have agreed to develop a joint computer center by January 1981.

Why is it necessary to develop a separate computer center -- that is, what limitations are there on the temporary arrangements with the Department of Defense in terms of both availability and capability of the system?

What would be the cost of developing the joint computer center?

How much time will be necessary to put this system in place?

Answer: The United States Army Management Systems Support Agency (USAMSSA) computer will be used to support testing and development of the Emergency Military Manpower Procurement System (EMMPS) and to provide ADP resources for EMMPS only in the event of mobilization. To accommodate Selective Service's mobilization requirements, a significant number of ADP applications currently executing on USAMSSA computer would have to be deferred or processed elsewhere because this computer does not have the capacity to support, concurrently, the existing and the mobilization ADP requirements. The mobilization arrangement is a contingency plan which will be exercised only if mobilization occurred prior to the establishment of the joint center. Additionally, the registration ADP workload cannot be processed on the USAMSSA computer because of its capacity limitation.

The FY 80 and 81 costs to establish and operate the collocated ADP facility are \$887,000 and \$2.04 million respectively. The annual operating cost of the collocated ADP facility from FY82 and beyond is \$1.35 million. The total cost of the collocated ADP facility from FY80 and extending through FY83 is \$5.627 million.

The collocated ADP facility will be in place in the 2nd quarter of FY 81.

REGISTRATION OF ALL ELIGIBLES

Question: What procedures have been developed to assure that all of those individuals who are eligible register?

Answer: A concentrated public information program is planned and funding budgeted. The Registration Proclamation is likely to receive wide media attention as well. In addition posters announcing the details of the program will be located in all USPS offices.

Beyond this, the Department of Justice is developing plans to enforce registration.

PACING ITEM IN INDUCTION PROCESS

Question: You have not recommended that individuals be classified only registered. Your February 11 report states that classification would not result in a fast response time, but would result in a more orderly induction process.

Does this imply that the medical examination and classification process, including claims, is not the pacing item in the induction process and if so, what is the pacing item?

Answer: Under the Emergency Military Manpower Procurement System (EMMPS) that we intend to use in the event of mobilization, registrants are ordered for induction and upon reporting, are examined and if found acceptable, are inducted. Those who believe there is reason for not reporting would file requests for postponements or claims for deferment or exemption with their local draft board in lieu of reporting. Those claims would be adjudicated in the classification process and only if registrants' claims were to be denied would they be rescheduled for induction. A key point is that individuals would report for examination unless they have a claim for deferment, postponement or exemption. Those who are examined and found acceptable would be inducted. The classification and examination process therefore does not slow down the system in the induction of registrants.

The pacing item is the lead or notice time that is given to each registrant after receiving his induction order and prior to his reporting date. Under EMMPS, this is 10 days.

ASSURING A STRONG PEACETIME MILITARY FORCE

Question: In reviewing the status of the All Volunteer Force (AVF), you conclude in your February 11 report that:

- The services achieved a personnel level of 98.5% of the authorized active duty strength in 1979, which is in line with levels over the past five years.
- The Department of Defense remains concerned about its ability to continue recruiting enough people with fine mental ability and educational attainment, this is particularly true of the Army.
- First term re-enlistment rates have increased substantially, from 24% in 1973 to 34% in 1979.
- Retention of career personnel is a matter of great concern especially in the Navy.
- Selective Reserve strength increased over 19,000 during 1979, for the first net gain in total Selective Reserve strength since 1974.
- The Individual Ready Reserve strength of the Army increased by 16% in 1979, and it is expected to continue to grow.

Based on these conclusions, what would you consider to be the major actions that must be taken in order to assure a strong peacetime military force?

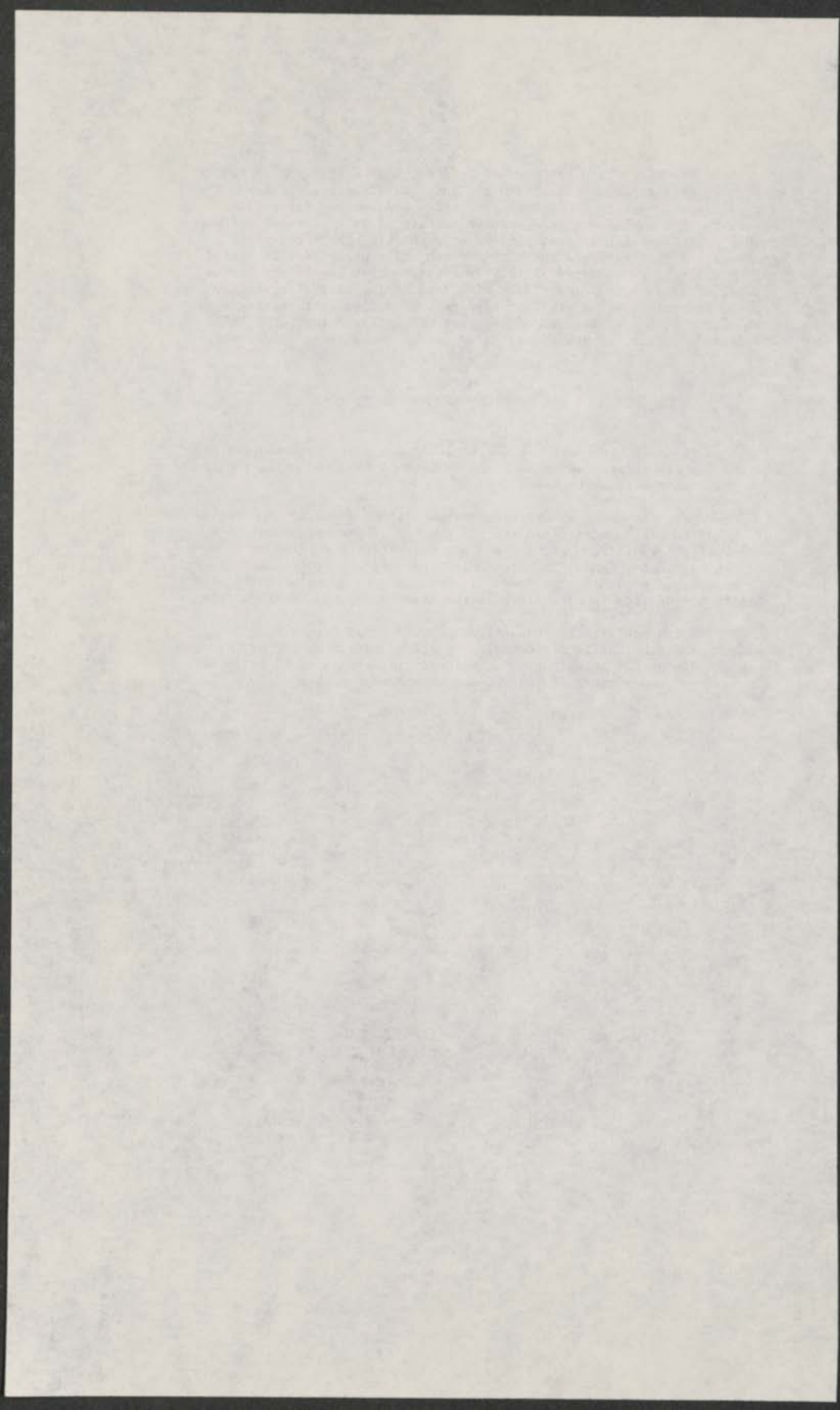
Answer: The Department of Defense, with Congressional support, has introduced various initiatives and incentives designed to improve recruiting and retention for both the active and reserve forces. Major attention must continue to be given to quality of life programs for our people. It is essential that they receive the training, treatment, and compensation that reflects their true worth and contribution to our nation's security. Additionally, such programs must enable service in the military to remain competitive with (and in the case of reserve forces, compatible with) civilian alternatives. Important progress has been made. With your support of the programs outlined in the FY 1981 President's budget, we are confident we can continue to make progress.

TIME SCHEDULE FOR PHYSICAL AND MENTAL EXAMINATION

Question: Is it true that the physical and mental examination required for classification could begin as late as M+43 and still provide the 100,000 inductions by M+60?

Answer: The physical and mental examinations given to each registrant before his induction are for the purpose of determining his acceptability for military service and are not directly related to classification. Under EMMPS (Emergency Military Manpower Procurement System), the system to be used in the event of mobilization, a registrant's acceptability for service is determined at the time he reports for induction.

The rated mobilization capacity of the 67 Armed Forces Examining and Entrance Stations is estimated to be 7,000 inductions per day based on a six day week. At this rate of delivery inductions could begin as late as M+43 and a total of 100,000 inductions made by M+60.



NONDEPARTMENTAL WITNESSES

Senator PROXMIRE. We will now receive testimony from a number of outside public witnesses who will present their views on draft registration.

Before we begin, I want to let the witnesses know I appreciate their testimony, and I am pleased we have both sides of the issue well represented today, although two of the witnesses who were going to favor registration unfortunately won't be here. Their statements will be filed for the record.

Due to the large number of witnesses to be heard I must ask each of you to limit your oral testimony to no more than 5 minutes—2 minutes, if possible—with the understanding that your complete written statement will be printed in the record.

I regret we have to do this, but the hour is late and we want everybody to have a chance to state their case.

Our first witnesses this morning at the table are David Landau, staff counsel, American Civil Liberties Union, and Mr. Barry Lynn, legislative counsel of the United Church of Christ.

AMERICAN CIVIL LIBERTIES UNION/OFFICE FOR CHURCH IN SOCIETY

STATEMENTS OF:

DAVID LANDAU, AMERICAN CIVIL LIBERTIES UNION, WASHINGTON, D.C.

BARRY LYNN, LEGISLATIVE COUNSEL, OFFICE FOR CHURCH IN SOCIETY, UNITED CHURCH OF CHRIST, WASHINGTON, D.C.

REGISTRATION OPPOSED

Mr. LANDAU. If we might, in the interest of time, share this statement and have a bit more than the 5 minutes together, it would be appreciated.

Senator PROXMIRE. All right. Let's make it 6.

Mr. LANDAU. I am pleased to appear before the committee. It is my firm belief that the request you have before you today for a 1980 supplemental appropriation for the Selective Service System would have very destructive social and legal ramifications. I would ask you to reject outright the \$13.5 million requested for the proposed processing of 8 million men and women this summer, and also not to appropriate the approximately \$750,000 for selecting and training potential draft board members.

I would like to focus my remarks almost exclusively on this question of nonregistration. I am baffled by what I have heard this morning. In fact, registration has been, and always will be, a socially divisive act, likely to polarize the nation again.

The plans call for a 5-day registration period this summer and would create an enormous number of difficulties. Enormous numbers of people failed to register during the Vietnam era. The former Attorney General told me personally that during his 10 years in office there was at least a 10-percent nonregistration rate.

Selective Service officials have argued there was a 6- to 8-percent nonregistration rate.

Senator PROXMIRE. That is interesting, because the prior witnesses said that they had no trouble with registration even during the Vietnam era. If you can document that, it would be helpful.

Mr. LANDAU. Most of the documentation is in the record here. I would like to point out what happened between March 1973 and March 1975. There were no inductions, but there was still a legal obligation to register. In 1973, there were 3,492 prosecutions for nonregistration. This is an extremely large number, up substantially over even those years toward the end of the Vietnam war itself. It is also interesting that the trial counsel in one of the important, final Selective Service cases—*Buscher v. the United States*—discovered that of the 76 registrations between March 1973 and April of 1974, in the defendant's local draft board, 100 percent of them had registered late; over 60 percent had registered later than the defendant's 7½-month tardiness; and, of course, the trial record is silent, predictably, on the question of how many people did not register at all.

So for Selective Service to stand up here and suggest there will be no registration problem is a complete violation, both of commonsense and of the historical evidence that is available.

In fact, I cannot imagine a Selective Service registration working successfully this summer, unless there is an extraordinary and expensive public relations campaign launched by the administration to promote this new legal obligation.

In fact, frankly, there are tens of thousands of Americans in this country who do not even know where their post office is, much less finding it in time to register in a 4- to 5-day period.

And beyond questions of nonwillful failure to comply, we find a new problem, since one cannot register as a conscientious objector under this system. Very little has been said about changes in the conscientious objector law envisioned by the administration, and we will have that problem. That is a serious, costly enforcement problem of social significance. In the last 2 or 3 weeks, since Senator Hatfield obtained a copy of what I called a suppressed report by the administration, young people are now having their nonregistration sentiment fueled. They were patriotic, but they resent, as I think any of us would, being used as pawns in what increasingly seems to be a purely political decision, and that, I think, must be in the minds of the entire Congress as they develop this whole issue.

There are just two brief points I would like to make in addition.

One is, I think that Americans are correctly perceiving the possibility of reinstituting draft registration as a commitment to a very questionable foreign policy. It looks like once again the President has made a unilateral decision to commit ourselves, this country, militarily, to a

whole new part of the world—in this case Southwest Asia, and the Persian Gulf. What I fear is that he is backing the country into a position where the draft itself becomes inevitable. Mr. Carter has done nothing to provide personnel for new bases or otherwise expanded presence in the area, unless he goes back to a draft.

We have heard about the sign that this would be to the Soviet Union. I have always asked the administration privately whether they have any evidence to support the notion——

Senator PROXMIRE. You and your colleague have only a minute and a half left.

Mr. LANDAU. All right.

DISCREPANCIES BETWEEN TWO REPORTS

Mr. LYNN. Mr. Chairman, I would like to thank you for the opportunity to testify.

I would like to point out the mobilization requirement differences between the draft report and the President's report, and the point you made earlier that there was a great deal of leeway in Mr. Rostker's report.

On the issue of volunteers, I think Senator Hatfield properly pointed out that the mobilization requirements do assume no volunteers, but what was talked about this morning was the training bases being able to accept volunteers. That is a different issue.

It still assumes no volunteers, and that goes to the issue of whether the Armed Services induction centers would be able to handle the draftees if they were getting volunteers at the same time.

I would like to list four legal issues concerning the ACLU. First is the problem of enforcement and a different aspect of that must be considered: How they investigate this. Are they going to use the FBI, or cross-correct IRS data and Social Security, driver's license, college yearbooks, or, as the administration stated, would they use census data for the first time?

What we are doing here is establishing a Government surveillance system of young people, 18 to 26 years old, who will be under legal obligation to inform the Government at all times of their whereabouts.

The other issue is the registration of women. Should a males-only registration pass Congress, I think the Supreme Court might invalidate that as a violation of the equal protection clause of the Constitution.

The third issue is the \$750,000 appropriation for the training of local draft board members.

Senator PROXMIRE. Could you wind up in about 30 seconds?

Mr. LYNN. Yes.

The President has made no recommendation for changing the Military Selective Service Act, but we believe that act is deficient. We think Congress ought to look at that act before they appropriate any money at all for the training of local draft board members.

Finally, I would disagree with General Meyer, who testified about constitutional history. As the chairman properly pointed out, the history in our country has been the All-Volunteer Force. That is our tradition,

consistent with our Democratic principles and notions of liberty in this country, and we would urge the subcommittee to reject the President's proposal.

PREPARED STATEMENTS

Senator PROXMIRE. Thank you very much, gentlemen. You have presented excellent testimony.
[The statements follow:]

STATEMENT OF DAVID E. LANDAU, STAFF COUNSEL, AMERICAN CIVIL LIBERTIES UNION

We appreciate this 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 severe infringements 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 stand-by status to an active mode signals a return to a system of conscription. We strongly object to the reactivation of the draft and its system in peacetime. We particularly object to it at this time as an unjustified and intrusive wartime national security measure unilaterally adopted by the President without an adequate opportunity for input from the American people.

We urge that Congress not rush to judgment and that a full set of hearings be scheduled to address the host of unanswered questions raised by the Presidential recommendations for draft registration. These questions have been greatly enhanced by the release two weeks ago of the draft report by the Director of the Selective Service which rejects the resumption of peacetime registration.

The immediate issue before the Subcommittee is whether peacetime draft registration is needed as soon as possible. President Carter would have us think so. But the facts about draft registration overwhelmingly point to a contrary conclusion.

Last September, the House of Representatives overwhelmingly rejected draft registration by a 2-1 margin. At that time, the Administration was adamantly opposed to registration. On June 8, 1979

Secretary of Defense Harold Brown said in a letter to Senator William Cohen:

"Our view and the view suggested in all studies of the question that I have seen, is that the critical step towards achieving our goals is not immediate collection of names through registration, but rather the immediate improvement of our ability to prepare for processing people, and in case of mobilization actually to process them, through the Selective Service System."

And, on July 23 Stuart Eizenstat wrote in a letter to Representative John Seiberling:

"The Administration opposes new legislation to reimpose peacetime registration for the draft. The President already has adequate authority to require registration if circumstances warrant. We do not believe it is necessary to impose this burden on our nation and its youth at this time when there are effective ways to improve the capability of the Selective Service System so that it can respond quickly in time of emergency."

At that time, Acting Director of the Selective Service Robert Shuck had developed a plan to upgrade Selective Service and increase its mobilization capabilities up to the Defense Department timetable without pre-mobilization collection of data, that is, without peacetime draft registration. In November, 1979 the President appointed Bernard Rostker as Director of the Selective Service. Mr. Rostker prepared a draft report and recommendations for the President pursuant to the congressional mandate to President Carter to make recommendations on Selective Service reform. This draft report, which was released by Senator Mark Hatfield on Monday, February 2, strongly recommended against peacetime registration. Instead, Mr. Rostker developed an efficient and highly credible plan for meeting DOD's emergency requirements without pre-mobilization registration. He stated that peacetime registration would be "redundant and unnecessary."

The President, without any basis in fact, rejected this plan and ordered the report redrafted so that it would recommend peacetime registration. The President then suppressed the original draft and attempted to generate the illusion that the Selective Service was in such a dire state of disarray that peacetime registration was the only route to improve our readiness to meet and deter perceived threats from abroad. In his February 9 report to Congress the President does not discuss why Mr. Rostker's recommendation was rejected. Furthermore, he fails to list it as an option. As I will

demonstrate below, this use of the draft and its system to effectuate ostensible foreign policy goals is dangerous and misleading.

Our emergency mobilization requirements are based on DOD's predictions about possible wars--predictions and assumptions which are very questionable. Assuming their validity, however, DOD needs its first inductees on the 30th day after mobilization, 100,000 inductees within 60 days after mobilization and 650,000 within 180 days or 6 months after mobilization. The President's plan would not only meet but exceed this timetable. His plan would deliver the first inductees on the 13th day, 100,000 within 28 days and 650,000 within 117 days. It would require the expenditure of an additional \$21 million this year.

The Rostker plan, on the other hand, also would not only meet but exceed DOD mobilization requirements. His plan would deliver the first inductees on the 17th day--thirteen days ahead of the DOD schedule--100,000 on the 33rd day--twenty-seven days ahead of schedule--and, 650,000 inductees within 124 days or nearly two months ahead of schedule, and all of this without peacetime draft registration. The President's plan saves a mere seven days over the Rostker plan. The chart below illustrates this point.

	DOD Requirements	Presidential Plan (pre-mobilization registration)	Rostker Plan (Post mobilization registration)
1st Inductees	M + 30	M + 10	M + 17
100,000 Inductees	M + 60	M + 28	M + 33
650,000 Inductees	M + 180	M + 117	M + 124

M = Mobilization day

Mr. Rostker's plan is a carefully constructed, well-structured and highly efficient approach to emergency mobilization. It even provides for safeguards for unanticipated breakdowns in the system.

I would like to make two other points about both the President's and Mr. Rostker's reports. First, both assume no voluntary enlistments. This assumption is contradicted by evidence from every other major conflict America has participated in. During the Vietnam War, volunteers provided 20,000 recruits a month. Today's peacetime volunteer Army recruits over 30,000 a month.

In the first month after Pearl Harbor, 111,000 volunteers entered the Army. Thus, in the early stages of a major conflict, draft inductions would probably not be necessary.

Second, DOD's emergency requirements, the basis of all Selective Service reform, have not changed since the crisis in Southwest Asia. And even if DOD were to increase its needs in the near future, Mr. Rostker's plan would still easily meet those upgraded requirements.

All of these facts point to one conclusion: draft registration is not necessary. Administration officials in recent days have all but conceded this point. They now claim draft registration is needed to demonstrate the resolve of the American people. Moreover, they claim that if Congress does not support it, the U.S. will appear weak in the eyes of the Soviet Union. This use of the draft and its system as an instrument of foreign policy is not only inappropriate, it offends the basic principles of freedom and liberty which this country represents. The draft and its system cannot be brandished about like the Olympic boycott or grain embargo. There must be more of a justification than demonstrating our resolve to the world. The moral and social implications of the draft are simply too great to permit any less than a conclusive showing that such a system is required today.

The President's move to reinstitute draft registration will have a harsh impact on the young people of this country. Citizens, who already fear a Big Brother government, will be further alienated by this massive surveillance system. By 1985 all young people ages 18-26 will be under a legal obligation to notify the government of their whereabouts at all times. Those who fail to do so will be subject to up to five years in jail and \$10,000 fines.

In 1972, according to statistics of the Selective Service and HEW, we had over 112,000 non-registrants or 4% of those eligible. That number could easily double. The Rostker report predicts compliance to be within 90%. But if just 10% of 19-20 year olds do not comply, that means 400,000 potential draft felons. Does the Administration seriously intend to investigate, prosecute, and fill our jails with that many young people? And how will this be

done--through the FBI, through the cross-checking of IRS and Social Security data, or through the combing of high school yearbooks, college entrance lists and drivers' licenses? Is this the price we must pay for the foreign and domestic policy failures of the President?

Enforcement is just one of a number of issues in the President's recommendations that have not been adequately addressed. The President has also proposed selecting and training local draft board members. Yet, he has made no recommendation for changes in the MSSA. The MSSA is seriously deficient in the kinds of procedural rights and safeguards that citizens have a right to expect as part of any government action affecting an individual's liberty. For example, counsel who would advise on rights and procedures should be provided free of charge. There should be a civil trial de novo in district courts to challenge the denial by a draft board of conscientious objector or any other status requested prior to induction. The law should require that stenographic or tape recorded transcripts be provided for all draft board meetings and procedures. These are just a few of the due process issues. Local draft board members should not be trained at least until these issues are resolved by Congress.

Another area which raises significant constitutional questions is the exclusion of women from the MSSA. The President has recommended that MSSA be amended to include women. The Department of Justice, however, has concluded that a male-only draft registration would be constitutional. Moreover, the Rostker report states that even if women were registered, none would be drafted in the first 60 days after mobilization and only 80,000 out of a total 650,000 would be drafted after six months. Is the Administration serious about erasing one of the types of discrimination currently in the MSSA or is the President's proposal for registering women merely an attempt to divert Congress' and the public's attention away from the issue of draft registration?

In the judgment of the ACLU, if Congress appropriates money for registration without first amending the Military Selective Service Act to include women, such a registration would be an unconstitutional sex-based classification. The ACLU will go to court to stop a males-only registration. Considering the issue of women

after the issue of draft registration will likely result in a judicial invalidation of the entire system. Beyond the issue of registering women, the ACLU believes that the entire system of conscription is unconstitutional in peacetime.

Constitutional history demonstrates that the Founding Fathers were sensitive to the evils of conscription and accordingly never expressly authorized it. As one constitutional historian has written, "the American Colonial leaders were steeped in an anti-military tradition; the available evidence indicates that they were extremely sensitive to the dangers of a professional Army and they saw clearly the distinction between regular forces and the armed citizenry composing the militia. They were also conscious of the fact that no general compulsory conscription law for the regular army was in force in England during the 18th Century." (See, Leon Friedman, "Conscription and the Constitution: The Original Understanding", 67 Michigan Law Review, 1493 (1969)). In England, only idle and disorderly persons were pressed into service, and then only as punishment.

Throughout the Revolution, Congress was never given any power to conscript soldiers directly into the Continental Army. It relied upon the militia of the various colonies for its fighting men. The individual writings and statements of the framers of the Constitution evidences a strong dislike of a conscripted military.

In 1812, when the nation was invaded and the Capitol captured and razed, Congress refused to authorize the draft. Military conscription was eventually authorized on a temporary basis during the Civil War and World War I but only because there was a dire national emergency and the nation's military manpower needs could not be met by less onerous means. Not until after World War II was the draft authorized in peacetime. For thirty Cold War years the draft was a habit of mind for this country, winning a lazy acceptance from adults beyond its reach, but creating havoc and hostility from young men whose lives it disrupted and too often took. A few years ago this nation returned to its historical aversion to this institution.

Whether Congress has the constitutional authority to conscript in peacetime is an open question. The constitutionality of

the draft without a declaration of war has never been squarely addressed by the Supreme Court. (See Justice Douglas' dissent in Holmes v. United States, 391 U.S. 936 (1968) (petition for certiorari denied)). When the Supreme Court has spoken of the constitutionality of a draft, it has always been in the context of a declared war. Chief Justice White in a 1918 opinion upholding the World War I draft, enacted after a congressional declaration of war, recognized the "obligation of the citizen to render military service in case of need," Arver v. United States, 245 U.S. 366 (1918). And Mr. Justice Sutherland, in the famous Macintosh case of 1931, referred to the draft as a power which could be executed only "in the last extremity." United States v. Macintosh, 283 U.S. 608 (1931). The constitutionality of the World War II draft law was never ruled on by the Supreme Court, but in an analogous case, the Court upheld other World War II emergency statutes as "part of a national policy adopted in time of crisis in the conduct of total global warfare...".

A system of conscription should be a last resort when our security is imminently threatened. It must rest upon what James Madison called "the impulse of self-preservation." Americans have historically recognized that an institution such as conscription which imposes total controls on the citizen should not exist in peacetime.

The citizen who is drafted loses most of his or her individual rights. Free speech and expression are severely limited in the military. Privacy is unknown. The right to reside where one wishes; to pursue an education; to select one's own employment and to negotiate working conditions through collective bargaining; to travel or not as one desires and can afford; to marry and raise a family--all of these are destroyed by a draft. Most important, the draft compels a citizen to confront the perils of serious injury, physical and mental permanent disability and loss of life.

The impact of a draft upon a citizen who is conscripted is alone sufficient to bar its imposition absent a compelling justification. But since it is an integral part of the national security state, the draft also has a broad adverse impact on society. Unless the nation is imminently threatened the draft and draft

registration will create hostility in the general population. It breeds contempt of the government for abridging the rights of its citizens and engenders militant opposition which is not afraid to take direct action against the system. The government, in turn, cannot permit this disruption. It therefore not only must enforce the system against those who resist it, but also must take costly steps to prevent disruption and in some cases even to silence its critics.

During the Vietnam War, anti-draft activity became one of the excuses for widespread political surveillance and disruption programs. The CIA investigated anti-draft groups to determine if they were being run by foreign governments. The FBI had to investigate criminal violations of the draft laws. The Army looked into the potential of the groups for disrupting the war effort. Some of the surveillance was legal, much of it was not. Law enforcement and intelligence agencies were drawn into the political arena because the draft in the absence of an imminent threat to the nation fermented widespread hostility, particularly when draftees were used to wage an unpopular war. Powers that were intended to weed out saboteurs, espionage agents and criminals were directed at anti-draft and anti-war activities. If these powers remain unchecked, as they have been for the last thirty years, law enforcement and intelligence systems have a tendency to operate outside the Constitution, stifling dissent.

The imposition of the draft at this time would begin the resurrection of wartime national security measures when the nation's security is not imminently threatened. As during the Vietnam War, hostility towards this system would grow rapidly and old enforcement mechanisms would be thrown into gear. Even in the absence of war, individual liberties would begin to erode in the name of national security as if we were waging war.

Moreover, the peacetime military draft invites the President to take wide unilateral military action without first obtaining the consent of the American people. In the end, the distinctions between peace and war will be erased as in the society George Orwell described in his book 1984.

A return to draft registration at this time will be a signi-

ficant retreat from the foundation of human liberty upon which this nation was built. As Daniel Webster said about the draft on the floor of the House of Representatives in 1814, "the question is nothing less than whether the most essential rights of personal liberty shall be surrendered and despotism embraced in its worst form." The ACLU believes that nothing short of the preservation of the nation can justify the draft. If we move toward it for any other reason we have not learned the lessons of history and we have forgotten the differences between freedom and totalitarianism.

We urge this Subcommittee to reject the President's FY 1980 supplemental and 1981 appropriations request to conduct registration.

Thank you.

STATEMENT OF BARRY W. LYNN, LEGISLATIVE COUNSEL, OFFICE FOR CHURCH IN SOCIETY
OF THE UNITED CHURCH OF CHRIST

Senator Proxmire and Members of the Subcommittee:

My name is Barry W. Lynn. I appreciate the opportunity to convey my views to this committee. Currently, I am serving as legislative counsel for the Office for Church in Society of the United Church of Christ. I am an ordained minister in the United Church of Christ and a member of the District of Columbia bar. I do not claim to speak for all members of this denomination, but our most representative body, the General Synod, has consistently reaffirmed (most recently in 1979) opposition to peacetime draft registration. I also chair the Committee Against Registration and the Draft (CARD), the national anti-registration coalition which now contains 45 peace, religious, womens', student, and civil rights organizations. I have been working actively in the areas of Selective Service, military and veterans benefit law for the past six years.

It is my firm belief that approval of the request you have before you today for a 1980 Supplemental Appropriation for the Selective Service System would have profound negative social and legal ramifications. A vote in favor of funding a registration program will not be viewed by the public as a vote simply on whether to collect a few million names and addresses. It is perceived by many to be a vote endorsing the reactivation of one of the most inequitable and capricious bureaucracies established in the last century and even affirming President Carter's so-far largely unilateral commitment to defend militarily the entire Persian Gulf area and Southwest Asia.

The President's decision to link very real public concern over events in Iran and Afganistan with a call for draft registration is misleading and destabilizing. It does not substantially improve military preparedness. It does, however, generate a new system of surveillance for our young people and likely will lead to a renewal of national polarization around the same issue divided Americans 15 years ago. Although polls still show majority support for draft registration generally, majority sentiment from 18, 19, and 20 year

olds is now clearly opposed to the President's proposal. This alone should suggest great caution on the part of the Senate.

I would ask you to reject outright, at the very least, the \$13.5 million requested for the proposed processing of 8 million young men and women this summer. This includes the costs directly attributable to the post office registration, certain of the automatic data processing improvements necessary only if we actually conduct a registration, and the cost of printing registration forms. I would also urge that no funds be appropriated to begin a process for selecting or training potential draft board members. These costs are approximately \$750,000.

This funding should be rejected for the following reasons:

- (1) Draft registration is not important for military preparedness,
 - (2) Registration is a socially divisive act likely to polarize the nation,
 - (3) Registration now is tacit support for a questionable foreign policy,
 - (4) Registration is inconsistent with basic Constitutional principles, and
 - (5) Registration is not a meaningful sign of our national resolve regarding the Soviet Union.
- (1) Draft registration is not important for military preparedness

The personnel requirements for Selective Service depend upon a mobilization timetable generated by the Defense Department. In 1976 the Defense Department accelerated its mobilization timetable. The timetable below purportedly outlines the previous and current needs from Selective Service in the event of a major emergency mobilization:

	<u>Current requirements</u>	<u>Previous requirements</u>
1st delivery of inductees	M+30 days	M+100 days
100,000 inductees	M+60 days	M+150 days
480,000 inductees	Not applicable	M+230 days
650,000 inductees	M+180 days	Not applicable

This new timetable makes certain assumptions, however, which are subject to considerable question.

- (1) This timetable is based on a questionable "worst case"

scenario which includes all of the following:

(a) Massive early casualties. (A GAO estimate in June, 1979 projects over 200,000 casualties in the first 4-5 months of NATO-Warsaw Pact confrontation.)

(b) Simultaneous preparation for fighting "one and one half wars" -- a lengthy conventional war against the Soviets and a conflict in the Third World.

(c) No warning or preparation time before the outbreak of the major conflict.

The bases for such assumptions have never been explained. The closest thing to a publicly acknowledged explanation for the casualty rate, for example, is that the projected conflicts will have the "intensity" of the Yom Kippur Arab-Israeli War. Casualty rates for the Arab-Israeli conflict were for unknown reasons multiplied by a numerical factor (the exact figure is still classified) to project possible American losses in a European confrontation.

(2) The timetable assumes there will be virtually no voluntary enlistments. The former Selective Service Director Robert Shuck wrote a letter to Senator Carl Levin (July 10, 1979) indicating: "The requirements for Selective Service deliveries envision very limited volunteers or possibly no volunteers. If there is a surge of volunteers, the number of inductees needed would be lowered to prevent the overcrowding of the AFEES or training bases." This same assumption was repeated by the current Selective Service Director Bernard Rostker and Mr. John White, Deputy Director of the Office of Management and Budget in testimony on February 26, 1980.

This assumption is contradicted by evidence from every other major American conflict. (For example, approximately 290,000 persons volunteered in the two months following Pearl Harbor. Projecting this trend with today's population base yields 394,000 volunteers.) There is no data to support the presumption that young people would not come forward if the national security were truly threatened. Even the highly unpopular war in Vietnam generated 20,000 "true volunteers" per month. To assume a "zero volunteer rate" for a major international crisis is an affront to common sense. It does, however, help justify the extraordinarily stringent mobilization timetable above.

What is crucial to remember is that these requirements have not been changed since the Russian invasion of Afghanistan. The timetable, because it is based on "worst case" planning already, includes exigencies like those in Iran and Afganistan. Nothing has changed in these technical requirements before or subsequent to President Carter's decision to reinstitute registration.

There are also practical reasons for not needing inductees prior to 30 days after mobilization. Given the present training base capacity of the U.S., it is unlikely that vast numbers of draftees could be used prior to M+30. U.S. Army documents I received from Congressman John Sieberling (dated July 13, 1979) indicate that Army Reserve training units are apparently not to be manned, equipped and organized until at least M+19. Any volunteers would utilize this early training capacity. Additionally, persons in the Delayed Entry Program (DEP), numbering 50-100,000, would also be trained first during the early days of a mobilization.

Within the past few weeks Administration officials have indicated that training base capacity is now being expanded. However, I believe it is important for this committee to be convinced that the persons the President wants to have registered promptly so that they may be inducted rapidly will not be standing in line for several weeks waiting for buses to take them to the training centers.

Even if one accepts the DOD mobilization timetable for Selective Service as accurately reflecting military needs (and believes that it would be possible to train these numbers of draftees), there is clearly a way to meet, and even exceed, this timetable without pre-mobilization draft registration.

On February 11, 1980 President Carter issued Presidential Recommendations For Selective Service Reform, a report to the Congress prepared pursuant to P.L. 96-107. This document outlines many of the reasons the President chose to request the funding of a registration program this year.

In this report is a "Calendar of Events In The Event of a Military Mobilization". With a pre-mobilization, the first inductees report to their assigned military training bases on M+13 and 100,000 inductees are available by M+28. This, of course, vastly exceeds

the DOD timetable. This report is silent on whether there is any other way to meet or exceed this timetable.

A second document, however, is far from silent on this question. Although Mr. David E. Landau, serving as attorney for the Committee Against Registration and the Draft (CARD), had filed a request under the Freedom of Information Act to obtain this document, the Administration only met that request after it had been both leaked to the Washington Post and otherwise obtained by Senator Mark Hatfield, from whom I received it on February 25. The document is entitled Improving Capability to Mobilize Military Manpower: A Report By the Director of the Selective Service and is dated January 16, 1980 (several weeks after the Russian invasion of Afghanistan).

The Selective Service report argues quite eloquently against any pre-mobilization registration: "The post-mobilization option is by far the most cost effective, and least intrusive, and is the option chosen by Selective Service." Pre-mobilization registration is labelled "redundant and unnecessary". These conclusions are backed by considerable detailed evidence and analysis.

The plan proposed is much more sophisticated than that developed last year by SSS Acting Director Robert Shuck. This involves registration of one birth group, 4 million men and women, 4 days after notification of mobilization (M+4). US Post Office employees would review completed forms, witness the registrant's signature, and provide the registrant with a copy of the form as a receipt. Two weeks later USPS would begin continuous registration of 18 year olds. Selective Service would conduct a lottery on the evening of M+4. The USPS would sort registration cards by lottery number and forward sorted data to IRS and/or SSA regional offices. Selective Service reserve officers would be located at IRS/SSA regional offices and would receive and ensure the security of the registration forms. The IRS/SSA would keypunch registrant data which would be transmitted to a central computer center. The Director of Selective Service, acting for the President and using EMMPS, would issue induction orders starting on M+7.

Concurrently, 434 area offices would open at predesignated recruiting office locations. Fifteen hundred pre-trained personnel

would transfer from the Armed Services Recruiting Commands to Selective Service to augment reserve officers already assigned to Selective Service. Area offices would provide administrative assistance to local boards. State Headquarters would also be reestablished to provide administrative assistance to area offices. Regional offices would continue to support both.

Under this option, Selective Service expects to exceed the current DOD requirement for inductees. Registration would occur at M+4 and inductions notices would be issued starting on M+7. Inductions would begin on M+17 at the rate of 7,000 per day, the estimated capacity of MEPCOM. With this sustained rate, 100,000 inductions could be made by M+35 and 650,000 inductions by M+125.

The chart below summarizes the differences between the post-mobilization and pre-mobilization timetables:

	<u>DOD Requirement</u>	<u>Carter Proposal (Pre-M Registration)</u>	<u>SSS Proposal (Post-M Registration)</u>
1st Inductees	M+30	M+13	M+17
100,000 Inductees	M+60	M+28	M+35
650,000 Inductees	M+180	M+117	M+125

All that is gained by pre-registration, then, is a few days. Inductions could begin a mere 4 days sooner with pre-registration than without it. The Selective Service's plan costs roughly \$9.7 million per year; President Carter's solution costs nearly \$24 million each year (see chart on page 14 of the SSS document).

The Selective Service report even indicates that with significant breakdowns in the Postal Service, Selective Service, and the Armed Forces Entrance Examination Stations (AFEES), the plan would still meet the DOD requirements (see discussion on page 21).

The process of registering people after a decision to mobilize has occurred several times in our history. They were extraordinarily successful -- under genuine national security emergencies -- even before the advent of advanced computer technologies. On June 4, 1917, ten million men were registered. October 16, 1940, sixteen million men were registered.

In the past few weeks, however, the Administration has been alleging that it has new concerns about the Selective Service

plan. The House Appropriations Sub-Committee on HUD and Independent Agencies was told that Selective Service found unforeseen problems since drafting their report. Yet the only problem I heard specified was having fewer registration forms in stock than they had anticipated. Only at Selective Service would that be viewed as a crisis. The Administration also warns that one-day registrations in the past were preceded by "months of preparation". One can legitimately ask what the Administration has been doing for the last three years. Every system -- including that of President Carter for registration this summer -- requires serious preparation. A need for preparation time hardly invalidates a system.

The truth is that nothing has significantly changed since January 16, 1980. Draft registration was not necessary for military preparedness then; it is not any more necessary now. It is the obligation of the government of a free society to take the path least intrusive upon individual freedom when it goes about solving problems. Since there is a way to avoid imposing registration and still be prepared, it is incumbent upon Congress now to take that route.

I want to stress that I am not endorsing the plans developed by Selective Service, largely because I am extremely skeptical of the DOD timetable itself and the assumptions which underlie it. However, what is abundantly clear is that this Administration has, with the decision for registration, taken a step which cannot be justified even if we accept that timetable as valid.

(2) Registration is a socially divisive act likely to polarize the nation.

The Administration plans a registration of at least men this June or July. Present plans call for a 5 day registration period for those persons born in 1960 and a separate 5 day period for those born in 1961. Registration will occur at post-offices. Official spokespersons for the Administration have consistently stated that they expect no significant problem with non-registration. Such vacillate statements notwithstanding, recent history suggests otherwise.

For example, enormous numbers of persons deliberately or erroneously failed to register during the Vietnam-era. Studies com-

paring live male births with draft registrations 18 years later show sizeable discrepancies virtually every year. (Deaths alone do not account for this difference. In addition, many resident aliens were registered.) The chart below is indicative:

LIVE MALE BIRTHS AND DRAFT REGISTRANTS

Live male births, 1953	2,034,000
Draft registrants, 1971	<u>1,990,234</u>
Difference	43,766
Live male births, 1954	2,090,000
Draft registrants, 1972	<u>1,977,720</u>
Difference	112,280

(Sources: National Center for Health Statistics of the Dept. of Health, Education, and Welfare, and public record of the Selective Service System.)

Selective Service officials who served in the 1960's and early 1970's have been quoted as believing the non-registration rate may have been 8-12%. Former Attorney General Ramsey Clark has told me he believes a non-registration rate of 10% was routine during his tenure.

It is also important to examine the evidence on non-registration from the period between January of 1973 and March of 1975 -- the period when there were no inductions, but a continuing legal requirement of registration. Unfortunately, this period has not been studied intensively. I have, nevertheless, written to a colleague, Mr. Thomas P. Alder, publisher of the Military Law Reporter (and formerly of the Selective Service Law Reporter) to obtain some information from this period. I would like to submit his response for the record when received.

Preliminary data I have seen suggests a sizeable non-registration problem. For example, there were 3492 prosecutions for non-registration or late registration commenced in 1973, for example. This represents a substantial increase over the 856 prosecutions the previous year and is in part attributable to the DOD policy prohibiting enlistment in the AVF as a pre-trial diversion for draft law violators.

It is also interesting that trial counsel in U.S. v. Boucher 509 F. 2d1102 (8th Cir. 1975) discovered that of the 76 registrants between March 1973 and April 1974 in the defendant's local board 100% had registered late, and over 60% had registered later than the defend-

ent's 7½ month tardiness. We can only guess at the numbers who never registered at all.

It is also clear that non-registration is viewed as a serious potential problem by many agencies of government. The Defense Department's study of the AVF, America's Volunteers (1978) indicates:

"Enforcement is a key issue in peacetime registration... Should the registration meet widespread resistance and strict enforcement be ordered, costs could be very high. The FBI is not eager to enforce SSS registration, absence without leave, or other SSS or military regulations.

"Major resistance to registration could adversely effect voluntary enlistments and seriously aggravate AVF recruiting difficulties. More importantly, signs of public hostility to the US military could seriously degrade the deterrent value of our forces and could invite adventurism by potential adversaries."

Similarly, the Congressional Budget Office issued a study of Selective Service in 1978 which indicates that between 100,000 and 250,000 men from any age group would fail to register on time or at all.

In the January 16, 1980 report from Selective Service we also find that "a face-to-face registration will provide a list over 90 percent complete..." (page 12). Mr. Rostker has now stated that "over 90%" could be "98%".

I frankly find it very difficult to believe that a 1980 peacetime registration will be anything short of a fiasco. There is no recent history of draft registration in the minds of today's 19 and 20 year olds. It is not now (if it ever was) a part of the entrance into adulthood. I cannot imagine a successful public relations campaign being launched by the Administration in time to make a June or July registration feasible, unless astronomical sums are spent on promoting this new legal obligation. I am sure that there are tens of thousands of young people in this country who don't even know where their post office is. (Non-willful non-registration may not be interpreted by the Federal courts as a violation of the statute. See Klotz v. U.S. 500 F. 2d 580 (8th Cir., 1974) (conviction overturned because although the government had proved that Selective Service posters publicizing the continuing duty to register had been posted in prominent places in the defendant's home town, no evidence introduced that he was personally aware of his obligation)).

Beyond questions of non-willful failure to comply are concerns for those who will not comply out of moral principle. Since a person cannot register as a conscientious objector, there are religiously motivated individuals who will not be able to become a part of a conscription program even to the extent of registration. In the past, persons from many religious persuasions knew that C.O. status would be forthcoming from their local boards. Since there are no guarantees now because decisions have not been made about the availability of C.O. classifications (or possible work assignments), the religiously-based non-registration rate may also increase.

The Administration presently claims it has no prosecutorial policy in regard to non-registrants, willful or otherwise. They have done nothing to suggest any interest in reducing the present penalties of up to 5 years in prison and up to a \$10,000 fine. The same kind of prosecutorial disparity will occur now as occurred during the Vietnam-era draft, with some U.S. attorneys ignoring all but the most flagrant abuses, while other zealous prosecutors go to great effort to track down non-registrants.

Any method used to locate non-registrants will substantially affect the privacy of individuals and/or their existing government files. The President's Report notes that the Social Security Administration's computers contain "the most comprehensive data base available" (but not current addresses) and the IRS has the best list of current addresses. Initial processing will use these computer facilities (no reference is made to the data bases). It appears quite likely that these files will be used through cross-checking to identify and locate non-registrants. (The registration form at the post office will even contain a space for the optional insertion of one's Social Security number.)

Even more intrusive possibilities include use of high school records (voluntarily or otherwise), scrutiny of high school year-books, or wide-spread use of peer group informants. Every invitation is present for the kind of massive surveillance campaigns used against anti-draft groups in the 1960's, where the CIA, FBI and even Army Intelligence used intrusive surveillance on both persons also arguably violated broad Federal statutes and those merely exercised protected First Amendment rights.

The bottom line of all of this analysis is that a decision to fund registration is a decision with more than usual negative reaction likely. I am not here to promote non-registration; I am likewise not so naive as to believe significant levels of resistance will not occur. If Mr. Rostker is right and all but 2% of 19 and 20 year old men fail to comply, we still have the far from trivial question of locating and prosecuting 80,000 people. More likely we will be dealing with 400,000 non-registrants.

The attempted suppression by the Carter Administration of the Selective Service Director's report has already fueled non-registration sentiment. Young people are patriotic and sincerely interested in their role as citizens. However, they resent -- as do all other Americans -- being used as pawns in what increasingly appears to be a purely political decision. They feel totally misled by their President about the need for registration.

(3) Registration is a tacit endorsement of a questionable foreign policy

The President has chosen to link his decision to begin draft registration explicitly to international events in Iran and Afghanistan. Prior to those occurrences, Mr. Carter was opposed to draft registration.

One gets the uncomfortable feeling that a President is again asking Congress to validate a foreign policy commitment made by him alone. The President simply announced in his "State of the Union" address that the Persian Gulf area is to be protected by any means necessary. What I fear is that he is backing the country into a position where a draft itself is inevitable. Mr. Carter has done nothing to provide personnel necessary for new bases, or an otherwise expanded presence, in that part of the world.

The President could have called for the redeployment of troops from the Western Pacific or Europe; he did not. The President could have announced major new initiatives to improve living conditions, pay, or benefits for voluntary military service; he did not. The President could even have called up the Reserves or begun to at least better locate Individual Ready Reservists; he did not. Soon he may find that there is only one other path to back up his military commitment -- conscription. Should Mr. Carter be re-elected, I believe

it quite likely that he will return to the Congress next year for draft induction authority itself.

Frankly, there are many of us who doubt whether a substantial military commitment to the Persian Gulf is wise. There are even more that are certain that a land troop commitment of draftees would be a positive catastrophe. Yet it appears that this is in the mind of the President somewhere; otherwise it seems odd that he would link the registration decision so directly to the crisis in that part of the world.

Since there has hardly been widespread debate on the "Carter Doctrine", I am extremely worried about Congress providing the funds for one tool to aid implementation of that "doctrine."

(4) Draft registration is inconsistent with basic Constitutional principles

There are few organizations established within the Federal government which have such a direct and intrusive effect on individual citizens as the Selective Service System. The President is asking Congress to appropriate funds to register persons under the existing Military Selective Service Act. That statute, both as drafted and more so as applied, has already proven to be wholly inadequate and inequitable. Even if one believes that a peacetime registration or draft is permissible if designed equitably, it is impossible to view the present act as acceptable. To revitalize this shabby statute through the funding of registration would be a tragic error.

The present act is riddled with "due process" violations. No counsel is provided. Transcripts of draft board meetings are not provided. There are only very limited appeal rights to the Federal courts for challenging the denial by Selective Service of conscientious objector or hardship defendants and resolving other such classification questions.

When the Framers of the Constitution considered the issue of a national military force, they agreed that Congress should have the power to "raise armies". They never intended for those armies to be conscripted. It was controversial enough just to give Congress the power to pay for a national army of volunteers, not beholden to

any state. Our Constitutional forebears were fully aware of the colonial experience where conscription (where practiced at all) was limited to a compulsory training in musketry and a few weeks duty defending the borders of the colony from direct attack. It would be unthinkable that men like Thomas Jefferson could have supported a national conscription campaign which would raise men or women to be sent to a front 10,000 miles away from the U.S. See Leon Friedman, *Conscription and the Constitution: The Original Understanding* 67 *Michigan Law Review*, 1493 (1969).

There is simply no "duty" of military service imposed by our Constitution. There is nothing unpatriotic or un-American about opposition to the draft and Selective Service. When Mr. Carter mentioned at a recent press conference that 55 nations have conscription, he conveniently omitted two salient examples: every right and left-wing dictatorship has a draft, and Great Britain, our principal philosophical ancestor, does not.

In addition, registration and corollary duties existing under the Selective Service Act currently to keep Selective Service notified of address changes and other alterations of lifestyle impose a formidable barrier to incipient ideas of privacy under the First, Fourth, and Ninth Amendments.

The constitutionality of a peacetime draft registration has never been decided by the Supreme Court. Challenges to Selective Service statutes have invariably come during a time of war or declared national emergency. All cases upholding emergency registration and conscription echo the holding in the challenge to the 1948 Selective Service Act that found a wartime draft "is a valid exercise of the war power. It is calculated to function -- it functions today -- in time of peril." *U.S. v. Nugent* 346 U.S. 1 (1953). The emphasis is on a present state of peril which clearly requires additional personnel for the defense of the nation's interests. Such an exigency does not exist today.

Compulsory registration to meet what I believe to be an unconstitutional end, peacetime conscription, is itself a violation of both due process and our Constitutional history.

It should also be clear that if this subcommittee appropriates the funds for any registration, it may end up being a registration of both men and women or it will be a nullity. Under current inter-

pretations of law, male-only registration cannot withstand Constitutional scrutiny and would not survive a Fifth Amendment challenge on "equal protection" and "due process" grounds. To withstand such scrutiny, "classifications by gender must serve important governmental objectives and be substantially related to achievement of those objectives" Califano v. Webster 430 U.S. 313, 316-317 (1977).

A merely rational justification will not suffice under developing case law in this area. Statutes which have a grossly disparate effect, beneficial or burdensome, on one sex are subject to the requirement that strong, demonstrable reasons for the difference exist. Elimination of women from the registration requirement appears to run afoul of the Supreme Court warning 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." Orr v. Orr, 99 S. Ct. U.S. 1102, 1113 (1979).

Registration of women would recognize the considerable evidence that women, both in the past, and increasingly in the present All-Volunteer Force, have done exemplary service in the many technical, administrative, clerical, logistical, and medical areas which constitute 80% of military jobs.

A vote for the FY 1980 Supplemental Appropriation is indeed a vote for equality of the sexes -- but it is a vote for equal injustice under law.

A final issue in this area is funding for the training of potential draft board members. Local boards were notoriously unrepresentative of their communities during the Vietnam era, in spite of a statutory mandate to the contrary. The power to appoint members still rests with state Governors. Had Selective Service seen it appropriate to seek legislative changes to remove that much-abused power from the control of state politicians, I would feel much more comfortable about the funding of new appointees.

- (5) Draft registration is not a meaningful sign of our national resolve regarding the Soviet Union.

In recent weeks the Administration has consistently championed the notion that registration is a sign of "national resolve", a sign directed to the Soviets. I feel confident that

the Soviets fully recognize and understand how miniscule the preparedness gained by draft registration really is. They are not distressed about the collection of several million names and addresses on a computer list. Lately, the Administration has tried to promote the new corollary idea that not funding registration will be viewed as a "sign" of weakness. A decision by this committee to reject funding is no sign of anything but fiscal responsibility and a rational examination of the issues.

* * * *

This subcommittee will make the critical initial decision on whether to waste millions of tax dollars and disrupt millions of lives when in fact, the defense of our country will not be strengthened by these enormous fiscal and human costs.

I urge you to reject the Carter Administration's request for funding a registration this year.

ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

STATEMENT OF FREDERICK H. COHN, COMMITTEE ON MILITARY JUSTICE
AND MILITARY AFFAIRS, THE ASSOCIATION OF THE BAR OF THE
CITY OF NEW YORK, N.Y.

PREPARED STATEMENT

Senator PROXMIRE. Our next witness is Frederick Cohn.

Mr. COHN. I apologize because the committee did not have our testimony before today's hearing. Nevertheless, I would appreciate having our complete statement included in the hearing record.

Senator PROXMIRE. Without objection, so ordered.

[The statement follows:]

STATEMENT OF FREDERICK H. COHN, ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

Thank you, Mr. Chairman, for giving the Association of the Bar of the City of New York this opportunity to present the views of two of its committees on the Administration's request for a supplemental budget to resume Selective Service registration. The Association's Committee on Federal Legislation and Committee on Military Justice and Military Affairs are jointly studying the legal issues raised by Selective Service registration and possible resumption of the draft, with a view to submitting to Congress one or more comprehensive reports on these issues. In the meanwhile, however, we do appreciate this opportunity to address the questions presently being considered by this Subcommittee, namely, allocation of funds and the supplemental budget for resumption of Selective Service registration and, as a very important part of that allocation, funds for the registration of women.

I wish to make it clear that the Association is not taking a position at this time on whether or not registration or a draft per se is appropriate. What we address ourselves to, by way of this testimony, is the President's proposal as reflected by his report to Congress, prepared pursuant to Public Law 96-107 and submitted on February 11, 1980, and the options that the Congress has, if it should choose to allow registration at this time, by allocating funds for that project.

The President's plans assuring that draft board members are representatives of their communities and for advance training of draft board members and other Selective Service officials are laudable. However, our Committees feel most strongly that the President's current registration plan, which requests funds only to register people at the Post Office by their names, addresses, and Social Security numbers without classification, is totally insufficient, from either the standpoint of its effectiveness as posited by the President for a quick mobilization in time of national emergency or, as importantly,

from the standpoint of the individual citizens who are ultimately to be processed for conscription into the armed services.

We take no position at this time on whether there should be any exemptions or deferments or what form any such exemptions or deferments should take if the draft is resumed. We will be reporting to Congress on these issues in the near future. Assuming that there is to be some recognition of conscientious objector status and some exemption or deferment in cases of hardship, as the President's proposal contemplates, there must be a classification procedure that permits fair and dispassionate consideration of registrants' claims to such classifications.

A most serious defect in the Administration's present proposal is the delay of classification until the time of mobilization and induction rather than at the time of registration. While early classification will be substantially more expensive, it is essential both from the standpoint of effective mobilization and, even more clearly, from the standpoint of affording due process to registrants who will be facing induction during a period of national emergency.

We do not see how the Administration can meet its stated objective of raising a fairly large army in a short period of time if, during that short period, registrants are given their first opportunity to claim classifications that may be matters of legislative entitlement or administrative grace, such as conscientious objector status or the hardship deferment that is contemplated by the President's proposal. The President's proposal envisages sending notice of induction to 500,000 registrants in order to induct the first 100,000 into the military, which the President hopes to complete within 16 days after mobilization. The President's proposal further seems to contemplate sending over 3,000,000 induction notices to draft 650,000 individuals within 108 days after mobilization. We are concerned that the inevitable rash of claims for whatever deferments and exemptions the law may provide will so inundate

the Selective Service System as to make the fair and just processing of these claims impossible under the time constraints and pressures imposed by a rapid emergency mobilization of our armed forces. Conscription under these circumstances, which might very well be in a crisis atmosphere because of an either real or imagined need for military action, is virtually guaranteed to make the procedural processing and substantive consideration of registrants' claims slipshod and possibly biased.

Furthermore, conducting the administrative classification process in the haste of an emergency mobilization will mean that the registrants most likely to receive any due process at all are those who can afford it quickly. The inequities during the draft for the Vietnam War, where the middle class with access to lawyers and counseling went largely undrafted, while the poor, undereducated and minorities were conscripted, may become even more invidious in a scheme that does not permit consideration of registrants' claims under a legislative and regulatory system that is well conceived and fairly administered. It is the opinion of our Committees that under the scheme for registration at the Post Office with no classification information or requests given or made, the current plan is unsatisfactory.

Another serious flaw in the Administration's proposal is that it contemplates that, in the event of a national emergency, Congress will enact legislation authorizing the resumption of induction within one day. If Congress is to reinstitute the draft, which was a cause of national divisiveness but a few years ago, it should not be rushed. A draft must be fair and, in a pluralistic society, fairness cannot be achieved in haste. Comprehensive and dispassionate consideration should be given to questions of what, if any, exemptions and deferments should be permitted before a national military crisis makes such consideration impossible. Although this Subcommittee may not have direct jurisdiction over legislation authorizing induction, if Selective Service registration is funded, we urge the Congress through our testimony here to begin immediate consideration of

the provisions that would be included in comprehensive Selective Service legislation if the draft were resumed.

Finally, we believe that no draft or registration scheme should be effectuated without the full participation of women. Women have never been required to perform service to this country through Selective Service, although women have served in an important way as volunteers in the Army, Navy and Air Force since World War II. Women have been assigned in virtually every military specialty except actual combat, and are stationed on the German-Russian border, in missile silos and in jobs of importance and responsibility. Therefore, it is apparent that women can perform and are performing important roles in the military. This being the case, we believe that women should share in the burdens and responsibilities of Selective Service.

True equality of the sexes under law means that both rights and obligations are shared equally. No group can achieve the full benefits of citizenship without assuming all of the burdens that citizenship entails. Certainly one of the most onerous and yet most important of these burdens is the interruption of one's civilian life to participate in the nation's defense.

Furthermore, there is certainly reason to fear that, under recent constructions of the Constitution, giving different treatment to young men and women by excluding women from registration based solely upon their sex might constitute an impermissible sex-based discrimination. It is clear that the constitutionality of a men-only registration would be challenged in the courts. The American Civil Liberties Union has already announced that it will mount such a challenge.

It may be tempting for this Subcommittee to avoid facing this issue now on the ground that funds can be allocated later if the President is granted induction authority for women. It makes no sense, however, to set a tone of constitutional indecisiveness that will surely be reflected in the courts and generate resentment among the very people who must fully support the law if registration is to be an effective reality.

SUMMARY OF STATEMENT

Senator PROXMIRE. I will ask you to abbreviate it.

Mr. COHN. I will do my best.

I wish to make it clear that the association is not taking a position at this time on whether or not registration or a draft per se is appropriate. What we address ourselves to, by way of this testimony, is the President's proposal as reflected by his report to Congress, prepared pursuant to Public Law 96-107 and submitted on February 11, 1980, and the options that the Congress has, if it should choose to allow registration at this time, by allocating funds for that project.

The President's plans assuring that draft board members are representatives of their communities and for advance training of draft board members and other Selective Service officials are laudable. However, our committee feels most strongly that the President's current registration plan, which requests funds only to register people at the post office by their names, addresses, and social security numbers, without classification, is totally insufficient, from both the standpoint of its effectiveness as proposed by the President for a quick mobilization in time of national emergency and, as importantly, from the standpoint of the individual citizens who are ultimately to be processed for conscription into the armed services.

We take no position at this time on whether there should be any exemptions or deferments or what form any such exemptions or deferments should take if the draft is resumed. We will be reporting to Congress on these issues in the near future. Assuming that there is to be some recognition of conscientious objector status and some exemption or deferment in cases of hardship, as the President's proposal contemplates, there must be a classification procedure that permits fair and dispassionate consideration of registrants' claims to such classification.

A most serious defect in the administration's present proposal is the delay of classification until the time of mobilization and induction rather than at the time of registration.

While early classification will be substantially more expensive, it is essential both from the standpoint of affording due process to registrants who will be facing induction during a period of national emergency.

We do not see how the administration can meet its stated objective of raising a fairly large army in a short period of time if, during that short period, registrants are given their first opportunity to claim classifications that may be matters of legislative entitlement or administrative grace, such as conscientious objector status or the hardship deferment that is contemplated by the President's proposal. The President's proposal envisages sending notice of induction to 500,000 registrants in order to induct the first 100,000 into the military, which the President hopes to complete within 16 days after mobilization.

The President's proposal further seems to contemplate sending over 3 million induction notices to draft 650,000 individuals within 108 days after mobilization. We are concerned that the inevitable rash of claims for whatever deferments and exemptions the law may provide will so

inundate the Selective Service System as to make the fair and just processing of these claims impossible under the time constraints and pressures imposed by a rapid emergency mobilization of our Armed Forces.

Conscription under these circumstances, which might very well be in a crisis atmosphere because of either a real or imagined need for military action, is virtually guaranteed to make the procedural processing and substantive consideration of registrants' claims slipshod and possibly biased.

DRAFT INEQUITIES CITED

Furthermore, conducting the administrative classification process in the haste of an emergency mobilization will mean that the registrants most likely to receive any due process at all are those who can afford it quickly. The inequities during the draft for the Vietnam war, where the middle class with access to lawyers and counseling went largely undrafted, while the poor, undereducated, and minorities were conscripted, may become even more insidious in a scheme that does not permit consideration of registrants' claims under a legislative and regulatory system that is well conceived and fairly administered.

It is the opinion of our committees that under the scheme for registration at the post office with no classification information or requests given or made, the current plan is unsatisfactory.

Another serious flaw in the administration's proposal is that it contemplates that, in the event of a national emergency, Congress will enact legislation authorizing the resumption of induction within 1 day.

If Congress is to reinstitute the draft, which was a cause of national divisiveness but a few years ago, it should not be rushed.

A draft must be fair and, in a pluralistic society, fairness cannot be achieved in haste. Comprehensive and dispassionate consideration should be given to questions of what, if any, exemptions and deferments should be permitted before a national military crisis makes such consideration impossible. Although this subcommittee may not have direct jurisdiction over legislation authorizing induction, if selective service registration is funded, we urge the Congress through our testimony here to begin immediate consideration of the provisions that would be included in comprehensive selective service legislation.

We finished at some length on the question we believe most wrong, that if there is any kind of registration, women should be given the obligation and the privilege that men have, or may not have. It may or may not be a privilege, but they cannot achieve the kind of equality necessary unless they build a base, Mr. Chairman, of sharing the responsibilities with men.

Senator PROXMIRE. Thank you very much. Your testimony is very helpful.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION

STATEMENT OF JAMES E. BRISTOL, FRIENDS COMMITTEE ON NATIONAL
LEGISLATION, WASHINGTON, D. C.

PREPARED STATEMENT

Senator PROXMIRE. Our next witness is Mr. James Bristol, Friends
Committee on National Legislation, Washington, D. C.

Mr. Bristol, it is good to have you with us today. Your prepared
statement will be inserted into the record at this point.

[The statement follows:]

JAMES E. BRISTOL, FRIENDS COMMITTEE ON NATIONAL LEGISLATION

We appreciate this opportunity to express specifically our opposition to any funds for draft registration. 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. I am currently Director of Special Projects for the American Friends Service Committee.

Last May we appeared before the Senate Armed Services Committee to oppose draft registration as unnecessary and as a first step toward reinstitution of the military draft in the United States.

You now have before you an Administration request for an additional \$21.9 million in FY1980 supplemental and \$24.5 million for FY1981 to begin registration of those under twenty-one.

Last year the Administration opposed draft registration beginning in 1981. Now it favors registration beginning in 1980.

It seems clear to us that the Administration reversal was caused by several factors: the Soviet invasion of Afghanistan, which came during a period of intense public frustration over U. S. diplomatic personnel being held hostage in Iran, all as a Presidential and Congressional election year began.

The draft registration issue, which was decisively defeated last September in the House of Representatives and, because of deep-seated opposition, not even voted on in the Senate, has now become mired in a host of extraneous considerations.

We urge you to consider this issue on its merits. We ask you seriously to question arguments to support registration for "symbolic" or "message-conveying" reasons.

Draft registration is not a vote on whether one is a patriotic American. If patriotism is being tested, all citizens should be asked to stand up and be counted--not just those under twenty-one. An effective demonstration of national will and resolve would call for sacrifice by a much larger and more representative group--perhaps a "draft" surtax on personal incomes, compulsory energy conservation, and imposition of an excess profits tax on corporations.

Nor is the draft registration vote a measure of whether one opposes the Soviet invasion of Afghanistan. Draft registration as a response is remarkably unimpressive. Peacetime draft registration saves only seven days in total mobilization time and is unnecessary in order to meet the stringent mobilization timetable of the Department of Defense. It would provide inductees faster than training camps could absorb them. In fact, prior to President Carter's January 23 address, Selective Service had recommended to him against registration prior to mobilization as being "redundant and unnecessary," far more costly than post-mobilization registration, and less efficient. And, amazingly, Selective Service assumes there will not be any volunteers in a national emergency.

Nor should draft registration be seen as an endorsement of the Carter Doctrine. Unfortunately the Administration has firmly linked the two. The President's reversal on draft registration was first made public in his January 23 "State of the Union Message," in which he announced the Carter Doctrine:

An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America. And such an assault will be repelled by any means necessary, including military force.

The President said February 8 that draft registration would be a "further demonstration of our resolve as a nation. . . . Our objective is plain: to deter Soviet aggression." Stuart Eizenstat, a chief Carter aide, said registration "will send a strong message to the Soviet Union."

If Congress in this context votes for draft registration, the Administration may assume implicit or explicit support for the Carter Doctrine. This would be dangerous. There are many serious questions about the possible use of United States military forces on a unilateral basis in areas immediately adjacent to the U.S.S.R. when U.S. "vital interests" are "assaulted." These should be extensively discussed and debated. There should be--but there is not now--a legislative vehicle like the Gulf of Tonkin resolution which could provide a focus for discussing these basic issues. But whether or not there is a Congressional resolution spelling out the Carter Doctrine, we urge members of Congress to separate these issues and focus on the precise issue of draft registration.

Draft registration should be examined on its merits, not on symbolism. Last September that examination resulted in an overwhelming defeat in the House and failure by the Senate even to vote on the measure. The only thing which has changed significantly since September is that the Selective Service System representatives have improved their post-mobilization plan to cut almost in half the time when the first person would be inducted--from thirteen to seven days.

We reiterate our own position:

We oppose draft registration as unnecessary and as a first step toward reinstitution of the military draft in the United States. President Ford ended registration because without the induction authority it was a waste of money. Registration is an integral part of the draft.

We oppose conscription because in peacetime 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 our nation's youth. It denies American history and tradition, which favor volunteerism over compulsion.

We oppose conscription because it is an integral part of the war system, which makes deliberate destruction of human life a national policy tool. The draft stockpiles young people to supplement our already horrendous stockpiles of grisly weapons. 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.

Moreover, peacetime conscription weakens democratic control over United States foreign 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 reinstitute 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 Hershey--long head of Selective Service--said flatly, "No draft

can be fair"), and "pernicious" since by instituting minor changes and holding out false hopes the reforms are intended to make a draft more palatable to the public.

We hope this Subcommittee will also consider the hidden costs involved in draft registration. Registration is only the first step. It seems highly likely it will be followed by much more expensive steps: classification, examination, lottery, Draft Board reinstitution, and induction.

Even before some of these steps are taken, there will be other more important costs. History shows that a number of young people would refuse to register for the draft because they are conscientiously opposed to participation in the war system. Indeed, the number of non-registrants promises to be higher because of heightened sensitivity following the Indochina War and because there would be no other way to evidence their conscientious objection to the conscription system.

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 conjunction with the amassing of names on a computer list in preparation for an emergency which does not exist. This is a great waste of taxpayers' money. Moreover, it would lead to acute disruption of the lives of these young men and women, many of whom are highly motivated and are currently devoting their lives to the service of their fellow human beings. Even a highly conservative estimate of 2% non-registrants on a 4,000,000 base (2-year age group of men, or one-year for men and women) means 80,000 non-registrants--more than three times the average federal prison population of 25,000. Nor will the possibility of seeking sanctuary in Canada and Sweden be the option it was in the Vietnam era, due to the changed policies of those two governments.

This year the question of women and the draft has been directly raised by President Carter through his request to revise the Military Selective Service Act to permit registration of women, and the inclusion in the money request before your Subcommittee to register women.

We oppose the registration and induction of women as well as men. It seems clear to us that if Congress attempts to register men without registering women, that legislative act will be challenged in the courts and subjected to lengthy legal attack as in violation of the equal protection provision of the Fifth and Fourteenth Amendments. We believe wholeheartedly in equal rights for women--equal rights along with men not to be drafted.

In conclusion, we urge this Subcommittee to reject the President's present request for funds to register either young men or young women for the draft.

This is a symbolic gesture, taken against the advice of Selective Service officials, with an eye to the fact that this is an election year. It communicates a sense of war fever to the American public, without conveying an impressive sense of resolve to the Soviet Union. It could be readily interpreted as Congressional support of the still undefined Carter Doctrine, an open-ended commitment to United States military action in the Persian Gulf.

The Senate refused to support draft registration last fall. It should reject it decisively this year.

STATEMENT HIGHLIGHTED

Mr. BRISTOL. Thank you, Mr. Chairman. Thank you for the opportunity to testify.

What I am going to do is just take some beautifully selected passages of this testimony.

We urge you to consider this issue on its merits. We ask you seriously to question arguments to support registration for symbolic or message-conveying reasons.

Draft registration is not a vote on whether one is a patriotic American. If patriotism is being tested, all citizens should be asked to stand up and be counted, not just those under 21.

Perhaps a draft surtax on personal incomes, compulsory energy conservation, an imposition of an excess profits tax on corporations.

If Congress, in this context, votes for draft registration, the administration may assume implicit or explicit support for the Carter doctrine. This would be dangerous. There are many serious questions about the use of U.S. military forces on a unilateral basis in areas near the U.S.S.R. when U.S. vital interests are assaulted. These should be extensively discussed and debated. There should be, but there is not now, a legislative vehicle like the Gulf of Tonkin Resolution which could provide a focus for discussing these basic issues. But whether or not there is a congressional issue spelling out the Carter doctrine, we urge Members of Congress to separate these issues and focus on the precise issue of draft registration.

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 reinstitute 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.

PROBLEM OF NONREGISTRATION

History shows that a number of young people would refuse to register for the draft because they are conscientiously opposed to participation in the war system. Indeed, the number of nonregistrants promises to be higher because of heightened sensitivity following the Indo-Chinese war. We know about the failure, the penalties, rather, for failure to register. The Department of Justice would be compelled to pursue, arrest, try, and convict nonregistration. This is a great waste of taxpayers' money. Moreover, it would lead to the acute disruption of the lives of these young men and women, many of whom are highly motivated and are currently devoting their lives to the service of fellow human beings.

Regarding nonregistration, a 2-year age group of men or 1 year for men and women, means 80,000 nonregistrants—more than three times the average Federal prison population of 25,000. Nor will the possibility of seeking sanctuary in Canada and Sweden be the option it was in the Vietnam era, due to the changed policies of those two Governments.

Then, Senator Proxmire, I wanted to just add, out of my own experi-

ence here, in view of the discussion in this chamber this morning, it happens that I have been related for 40 years to the draft. I have been opposing the draft for that length of time. I am a nonregistrant myself, as far as my own experience is concerned. But I have had a lot of experience and have counseled young people as I got older, and so on, over this period of time.

It seems very clear that during the Second World War and the Korean war, nonregistration on the whole was overt. People who took this position came forward and declared it as a matter of principle and took the consequences.

With the development of the reaction to the Vietnam war, there were an increasing number of young people who simply did not bother to register, and there will be a large number of such young people, unquestionably, if draft registration is reinstituted.

Now, I don't say that just out of thin air. I am now back working against this draft registration proposal. I have talked with a great many young people, and I have met with groups of them, and so on, and I know that—I was brought up in a situation in which, on the whole, we felt you either obeyed the laws of the country or you overtly disobeyed them as a matter of principle.

Because of the Vietnam experience, there are a sizable number of young people who believe that there is a third option, and that is just to ignore the laws of the country and that is going to be a factor in any draft registration that comes along now. I thought, perhaps, I should just add that out of my own experience.

Senator PROXMIRE. Very good.

Thank you very much.

Mr. BRISTOL. In conclusion, we urge you not to vote the funds for draft registration.

Senator PROXMIRE. Thank you, Mr. Bristol.

CLERGY AND LAITY CONCERNED

STATEMENT OF JOAN ELBERT, MAYWOOD, ILL., CLERGY AND LAITY CONCERNED

Senator PROXMIRE. Our next witness is Ms. Joan Elbert, representing a group called Clergy and Laity Concerned.

Go right ahead, Ms. Elbert.

Ms. ELBERT. My name is Joan Elbert and I have been asked today to speak on behalf of 36,000 members and supporters of Clergy and Laity Concerned.

I live in a suburb of Chicago, am married and the mother of four children. I went back to work 5 years ago when my children were approaching college age and the cost of education continued to rise.

The military draft directly affected my life for the first time when my husband graduated from the University of Illinois and was unable to get a job until he had fulfilled his military service.

Employers did not want to hire and train someone only to have them drafted. Learning that his draft number would not be called for 2 or 3 months and being in limbo as far as his career was concerned, he felt

he had no choice but to have his number pushed up and volunteer for the draft.

He served 2 years in the Army and 7 years in the Inactive Reserves, always fearful that they would be activated such as during the so-called Cuban missile crisis.

Most of the men in his unit were in similar circumstances, men whose lives were interrupted by the Army. This was a peacetime draft. The Korean war was over. I am sure he learned many things from the experience, but two things stand out in my mind: First of all, my gentle, easy-going husband was taught to kill, and second, he was daily warned of some new enemy or trouble spot in the world where he may be called on to do just that.

We both come from families of ministers and church workers and we, too, became active in our local congregation, teaching Sunday School, singing in the choir, and serving on various boards and committees. It was through this involvement that the military draft next touched my life when young men from our church and community began raising questions about the war in Vietnam. There was such a growing need for some kind of counseling about this that one day I received a call from the minister at a nearby church inviting me to a meeting to discuss opening a draft counseling center.

DRAFT COUNSELING CENTER OPENED

We did open the center and I took part in the counseling. I learned that under the law young men did have other options, but draft boards were traditionally made up of pro-military people and often even these legal alternatives were not granted. Now that my own children have reached this age, I realize how very young these men were who were being called on to make such a serious decision. They had barely experienced life, let alone death. Some of them decided to go to war, some of them went to jail, some of them went to Canada, but for all of them it was a struggle. Families were torn apart and for many the wounds of that struggle have not healed yet. That was only 12 years ago. I cannot believe it is happening again. And this time it is my own children, all four of them, who would need counseling.

I am opposed to registration because it is a prelude to the draft. In this country every registration has been followed by a draft and every draft followed by a war. Selective service is not fair, no matter who is selected. There are always some who go and some who stay. As long as that is true, it can never be fair. And this time President Carter is talking about taking the very youngest, kids barely out of high school. Why? For what reason? I cannot help but believe it is to create the illusion that our country is in danger, that we are facing a crisis of such magnitude that the President of the United States feels this step is necessary.

If we are indeed faced with such a crisis, then the American people must support the President. However, I would feel a little less skeptical about this if it were not an election year and if it weren't coming from a President who last July said that registration was not necessary—a

President who only 6 months ago the polls indicated did not stand a chance of reelection.

Is the crisis, then, the President's reelection? Doubling our Armed Forces would have no effect on crises such as Iran and Colombia. Is the crisis the invasion of Afghanistan? The President made it clear in his State of the Union address that our interests there have to do with oil.

POSSIBILITY OF NUCLEAR WARFARE

Secretary of Defense Harold Brown stated recently that he would not rule out the use of nuclear weapons in the Persian Gulf. This is not defense of our country, this is unleashing a holocaust—thinking the unthinkable because of oil that doesn't belong to us in the first place. Our young people are patriotic; they love our country. I believe then that they would be willing to register for gas coupons rather than war. I, and the people I represent, the mothers and fathers of the Midwest, would be willing to sacrifice a consumptive life style rather than our sons and daughters. We get only 6 percent of our total energy from the Persian Gulf. Last year's Harvard Report estimated we could save as much as 40 percent of our energy by simple conservation. It seems to me we are exercising poor stewardship of our natural resources, not only in terms of energy but people as well.

Throughout the history of civilization, the security of a nation lies in the well-being of all its people. This means jobs, health care, adequate food, housing, and education.

The ever-increasing military budget is robbing us of funds for these basic things that mean security to young and old alike. At the same time, the buildup of conventional and nuclear weapons threatens the survival of the whole world. A renewal of registration for the draft will only escalate this madness.

Exactly 1 year ago, Clergy and Laity Concerned adopted this statement signed by hundreds of religious leaders across the country. I would like to read a portion of it:

We strongly oppose the renewal of draft registration and the draft. Compulsory registration and conscription are incompatible with our commitment to human rights and to international peace and justice. . . . We believe that a vast U.S. military presence abroad led to the debacle in Vietnam and to the repression of human rights under many Third World dictatorships. We believe that this presence is a vast waste of our Nation's resources which could be better applied to our domestic needs. Our national security will be increased, not by a draft system, but by a foreign policy based on the requirements of justice.

Since President Carter's call for registration we have circulated over 2,000 petitions endorsed by over 57 prominent religious leaders in the Midwest alone. The signers of this petition pledge, among other things, not to vote for any candidate who does not oppose peacetime registration and the draft.

I implore you not to fund peacetime registration and the draft.

Senator PROXMIRE. Thank you, Ms. Elbert.

[The statement follows:]

STATEMENT OF JOAN ELBERT, CLERGY & LAITY CONCERNED

My name is Joan Elbert and I've been asked today to speak on behalf of 35,000 members and supporters of Clergy & Laity Concerned. I live in a suburb of Chicago, am married and the mother of four children. I went back to work five years ago when my children were approaching college age and the cost of education continued to rise.

The military draft directly affected my life for the first time when my husband graduated from the University of Illinois and was unable to get a job until he had fulfilled his military service. Employers did not want to hire and train someone only to have them drafted. Learning that his draft number would not be called for two or three months and being in limbo as far as his career was concerned, he felt he had no choice but to have his number pushed up and volunteer for the draft. He served two years in the army and seven years in the inactive reserves...always fearful that they would be activated such as during the so-called Cuban missile crisis. Most of the men in his unit were in similar circumstances...men whose lives were interrupted by the army. This was a peacetime draft. The Korean war was over. I'm sure he learned many things from the experience, but two things stand out in my mind...first of all, my gentle, easy-going husband was taught to kill, and secondly, he was daily warned of some new enemy or trouble spot in the world where he may be called on to do just that.

We both come from families of ministers and church workers, and we too became active in our local congregation...teaching Sunday School, singing in the choir and serving on various boards and committees. It was through this involvement that the military draft next touched my life when young men from our church and community began raising questions about the war in Vietnam. There was such a growing need for some kind of counseling about this that one day I received a call from the minister at a nearby church inviting me to a meeting to discuss opening a draft counseling center.

We did open the center and I took part in the counseling. I learned that under the law, young men did have other options, but draft boards were traditionally made up of pro-

military people and often even these legal alternatives were not granted. Now that my own children have reached this age, I realize how very young these men were who were being called on to make such a serious decision. They had barely experienced life, let alone death. Some of them decided to go to war, some of them went to jail, some of them went to Canada, but for all of them, it was a struggle. Families were torn apart and for many, the wounds of that struggle have not healed yet. That was only 12 years ago. I can't believe it is happening again. And this time it is my own children...all four of them...who would need counseling.

I am opposed to registration because it is a prelude to the draft. In this country every registration has been followed by a draft and every draft followed by a war. Selective Service is not fair, no matter who is selected. There are always some who go and some who stay. As long as that is true, it can never be fair. And this time, President Carter is talking about taking the very youngest...kids barely out of high school. Why? For what reason? I can't help but believe it is to create the illusion that our country is in danger...that we are facing a crisis of such magnitude that the President of the United States feels this step is necessary. If we are indeed faced with such a crisis then the American people must support the President. However, I would feel a little less skeptical about this if it were not an election year and if it weren't coming from a President who last July said that registration was not necessary...a President who only six months ago the polls indicated didn't stand a chance of re-election.

Is the crisis then, the President's re-election? Doubling our armed forces would have no effect on crises such as Iran and Columbia. Is the crisis the invasion of Afghanistan? The President made it clear in his State of the Union address that our interests there have to do with oil. Secretary of Defense Harold Brown stated recently that he would not rule out the use of nuclear weapons in the Persian Gulf. This is not defense of our country...this is unleashing a holocaust. Thinking the unthinkable because of oil that doesn't belong to us in the first place. Our young people are patriotic...they love our country. I believe then that they would be willing to register for gas coupons rather than war. I, and the people I represent, the mothers and fathers of the midwest, would be willing to sacrifice a consumptive life style rather than our sons and daughters. We get only 6% of our total energy from the Persian Gulf. Last year's Harvard Report estimated we could save as much as 40% of our energy by simple

conservation. It seems to me we are exercising poor stewardship of our natural resources, not only in terms of energy but people as well.

Throughout the history of civilization, the security of a nation lies in the well-being of all its people. This means jobs, health care, adequate food, housing and education. The ever increasing military budget is robbing us of funds for these basic things that mean security to young and old alike. At the same time, the buildup of conventional and nuclear weapons threatens the survival of the whole world. A renewal of registration for the draft will only escalate this madness.

Exactly one year ago, Clergy & Laity Concerned adopted this statement signed by hundreds of religious leaders across the country. I would like to read a portion of it:

"We strongly oppose the renewal of draft registration and the draft. Compulsory registration and conscription are incompatible with our commitment to human rights and to international peace and justice.....We believe that a vast U.S. military presence abroad led to the debacle in Vietnam and to the repression of human rights under many Third World dictatorships. We believe that this presence is a vast waste of our nation's resources which could be better applied to our domestic needs. Our national security will be increased, not by a draft system, but by a foreign policy based on the requirements of justice."

Since President Carter's call for registration we have circulated over 2,000 petitions endorsed by over 75 prominent religious leaders in the midwest alone. The signers of this petition pledge, among other things, not to vote for any candidate who does not oppose peacetime registration and the draft.

Gentlemen, while the wounds of Vietnam are still with us...while many of our sons and daughters are still in exile...while men of four wars lie wasted in veterans' hospitals, I implore you not to repeat history's tragic past. I implore you not to fund peacetime registration and the draft. Thank you.

CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

STATEMENT OF JON LANDAU, STAFF ATTORNEY FOR CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

PREPARED STATEMENT

Senator PROXMIRE. The next witness is Jon Landau, Central Committee for Conscientious Objectors.

Are you any relation to the other Mr. Landau?

Mr. LANDAU. No relation.

Senator PROXMIRE. Go ahead.

[The statement follows:]

STATEMENT OF JON LANDAU, STAFF ATTORNEY, CCCO

Mr. Chairman and Members of the Committee: Thank you for this opportunity to appear before you today. I am Jon Landau, attorney for CCCO, a national draft and military counseling agency. CCCO strongly opposes resumption of registration and bases testimony primarily upon the staff's recent contact with draft-age Americans. Since the President's State of the Union Address we expect that CCCO has been in touch with as many young Americans on the issue of registration as any other organization in the country, so we feel particularly qualified to speak on this issue.

CCCO was founded in 1948 as the Central Committee for Conscientious Objectors. During the past decade we have expanded our services to help all young Americans facing the prospects of military service. Throughout the Viet Nam era, CCCO was primarily responsible for organizing the national draft counseling community; training counselors, editing the Draft Counselors Newsletter and Manual, and publishing the Handbook for Conscientious Objectors, the largest selling book on the subject of the draft.

Today we face the sad but real threat of a return to an active draft system. The President's contention that an active registration would be militarily significant has been substantially undercut by the recent revelation that his own Selective Service Staff disagreed with this contention in a report the President later suppressed.

The President's remaining argument for an active registration is that it would provide a demonstration of American resolve in the Persian Gulf. Yet the registration can only be viewed as a demonstration of American resolve if one assumes that young Americans will go quietly off to be registered - something young Americans, historically, rarely have done. From all indications at CCCO, in so far as the President anticipates a quiet registration he is seriously misjudging the mood among American young people.

On the basis of the response CCCO has received to date, we anticipate massive and mounting opposition to a registration this year that would surely negate any minor military advantage. An active registration will demonstrate a resolute unwillingness

among draft-aged Americans to fight in the Persian Gulf. CCCO Board member, Jim Bristol, who has been working against the draft for 40 years, describes the present level of opposition to the registration as the greatest level of opposition to a draft or registration system that he has ever experienced.

Since the President's January Address, CCCO has received an average of about 800 letters and phone calls each day from people expressing concern about the proposed registration. In the past six weeks, CCCO has then received about 24,000 inquiries. We are a small agency with a total annual budget around \$125,000, but our mail arrives daily by the mail sack, and our notoriety with the post office has reached the point where we receive letters addressed only to CCCO, Philadelphia. Those of us who worked at CCCO during the Viet Nam era cannot remember a single period in which our mail and phone calls came even close to these 1980 levels.

While the thousands of inquirers we have received still involve only a miniscule percentage of the draft-aged Americans, the implications of the response CCCO has received are substantial. There are forty other national organizations and countless local groups devoting major energy to the registration issue. For every letter received by CCCO there are doubtless dozens more received around the country opposing the registration, and we are certain from our draft counseling experiences that there are many more young people who feel equally strongly, but have no idea yet where to turn.

CCCO has quite frankly been surprised by the outpouring of opposition to registration exceeding even Viet Nam draft opposition levels. While we don't pretend to fully understand the intensity of opposition, undoubtedly, part of the heightened opposition stems from the climate in which young people find themselves. The Viet Nam legacy remains very much a factor. While the young people themselves may have only vague memories of the war, the people the young people rely on for guidance are now often members of the Viet Nam generation.

Everywhere CCCO representatives travel throughout the country, we find large audiences of Americans anxious not only to learn about the registration, but to work actively against it. Already more than one thousand draft counselors, many of them active

during the Viet Nam years, have signed up to help young Americans concerned about the registration.

Viet Nam veterans are everywhere apparent in anti-registration efforts, anxious to prevent another Viet Nam situation. Where 15 years ago there were many areas where the subject of conscientious objection could simply not be raised, there now seem no limits on opportunities to raise concern about the draft.

The calls and letters arriving at CCCO expressing concern about the draft and registration have come from all over the nation. A survey of 200 randomly selected letters included mail from 35 states throughout the United States. 44% of the letters surveyed were from young women. Among the approximately 24,000 letters and calls we have received in the past six weeks, there is a definite pattern to the expressed positions.

First, the young people CCCO is hearing from are not simply expressing a preference on registration, they generally appear intensely committed to opposing the President's registration. Already more than 10,000 have requested information from CCCO about declaring themselves conscientious objectors. Ever since the President's Address, at our talks at high schools and colleges we are frequently asked about immigration to Canada, and about conditions in federal prisons.

A young lady from New York City writes:

I do not wish to run to Canada or any other land, and know within myself that I would go to jail before I would go to war.

A young man from Harrison, New York states:

After all we (people 18 years to 26 years) didn't start this whole thing. Americans are sick and tired and disgusted with war, we want peace. And who wants to get killed while President Carter sits behind his desk. I am sorry for acting a little mad but me and my friends are scared, no one wants this draft stuff around.

A girl from Atwater, California writes:

I, Esther Ruth _____, am 14 years of age, born July 7, 1965. Time passes quickly, I am 14 years old right now, but in a few years I will be 18. I never will go into the military.

A college student from Skidmore in New York writes:

If women as well as men are required to register for the draft, I will not register and will do all that I can to dissuade my peers from registration also.

In addition to holding their convictions intensely,

young people writing comment again and again that they do not accept the President's new Persian Gulf doctrine as a justification for registration and a possible war. A young woman from Greenwood, Ohio writes:

I am, as are many others of draftable age, alarmed at President Carter and Mrs. Carter's willingness to send the youth of America into a war in which possibly a million or more of us would be killed. I don't think the U.S. is in grave danger of being overrun by the USSR as it would be preposterous for them to do so.

A girl from St. Louis, Missouri writes:

I cannot see the sense in fighting a war because we as Americans cannot alter our lifestyles. Oil is not important, human life is.

A young man from Missoula, Montana writes:

I feel that if this country itself was in mortal danger and my family and others close to me were in mortal danger in a literal sense, then I would not hesitate to defend them and use all means at my disposal to do so. But I feel fighting and destroying my fellow human-beings in combat for . . . some imagined national purpose . . . at some place no one ever heard of before, is woefully unjust and wrong.

And a young man from Bloomington, Indiana writes,

I sincerely fear the U.S. will get involved in yet another war for the wrong causes, as in Viet Nam.

The single reason cited most frequently for opposing registration by the draft-aged Americans writing is a skepticism about the type of wars the President might use them in once they are registered.

Finally, the young Americans writing to CCCO perceive the President's proposed registration as a precursor to a draft and perhaps a war, and they are in many cases terrified by the prospects. A young man from Ann Arbor, Michigan writes:

From there it's a small step to bringing back the draft. The tide of world affairs this past year seems to point to some sort of war.

A student from Oberlin College in Ohio says:

I also feel strongly that the registration will lead to the draft, which will lead to war, which leads ultimately to vast destruction of the most precious resource on earth . . . life.

A boy from Lawton, Oklahoma writes:

I am completely against militarism and have been terrified at the thought of the draft and the possibility of killing my fellow man.

A woman from Huntington, Pennsylvania begins her letter:

I am a woman in today's society who fears the draft as many do.

And a student from Forest Grove, Oregon adds:

I am certain that registration will lead to return to the draft - after the November elections.

In summary, the nature and volume of messages to CCCO and related organizations is a clear indication of overwhelming opposition to the proposed registration among draft-aged Americans. The President's State of the Union Address has created a climate of fear among many young Americans, but it is not the enemy they fear. Instead the threat they perceive to their peace and security is from the President's new American militarism and its attendant registration. They fear being drafted away from their families and life plans for service in foreign wars without just cause.

With such a perception of American militarism among hundreds of thousands of young Americans, an active registration is certain to meet with intense opposition. The President's proposed 20 million dollar demonstration of resolve will result in a demonstration of deep division between a generation of Americans who would send their sons and daughters off to war for resources, and a generation of young Americans who in increasing numbers will not fight.

STATEMENT SUMMARIZED

Mr. LANDAU. I am Jon Landau of the CCCO.

Our organization opposes resumption of registration.

Since the President's State of the Union address, we have been in touch with many young Americans on the question of registration, so we feel particularly qualified to speak on this issue.

The President's primary remaining argument, when one considers the suppressed Selective Service report for active registration, is that it would provide a demonstration of American resolve in the Persian Gulf. If the registration can only be viewed as a demonstration of American resolve, if one assumes young Americans will go off quietly to be registered, something young Americans rarely have done, from all indications to CCCO, as long as the President anticipates a quiet registration he is seriously misjudging the mood among American young people.

We anticipate mounting and massive opposition to registration this year.

An active registration, in fact, will illustrate the unwillingness among draft-age Americans to fight in the Persian Gulf.

Since the President's January address, CCCO has received an average of 800 letters and phone calls a day from people concerned about the registration.

In the past weeks, CCCO has received about 24,000 inquiries.

We are a small agency with a budget of \$125,000, but our mail arrives daily by the mail sack and our notoriety at the post office has reached a point where we receive letters addressed only to CCCO, Philadelphia.

Those of us who worked at CCCO during the Vietnam era cannot remember a period when our mail came close to the 1980 levels. The inquiries we receive involve only a miniscule percentage of the draft-age Americans.

There are 40 other national organizations and countless local groups devoting major energies to the registration issue. For every letter received by CCCO, there are doubtless dozens more received around the country opposing the registration, and we are certain, from our draft counseling experience, that there are many other young people who feel equally strong, but have no idea yet where to turn.

The calls and letters arriving at CCCO expressing concern about the draft and registration have come from all over the Nation. A random sample included mail from 35 States. Forty-four percent were from young women.

PATTERN OF OPPOSITION EMERGES

Among the approximately 44,000 letters and calls we have received in the last 6 weeks, there is a definite pattern of expressed opposition. First, the young people are not simply expressing a preference on registration, but appear committed to opposing the President's registration. Already 10,000 have requested information about declaring themselves conscientious objectors. We are frequently asked about immigration to Canada and, sadly, about conditions in Federal prison.

A young man from Harrison, N.Y., states:

After all we—people 18 years to 26 years—didn't start this whole thing. Americans are sick and tired and disgusted with war. We want peace. And who wants to get killed while President Carter sits behind his desk. I am sorry for acting a little mad but me and my friends are scared. No one wants this draft stuff around.

A girl from Atwater, Calif., writes:

I, Esther Ruth . . . am 14 years of age, born July 7, 1965. Time passes quickly. I am 14 years old right now, but in a few years I will be 18. I never will go into the military.

Second, in addition to holding their convictions intensely, young people comment again and again that they do not accept the President's new Persian Gulf Doctrine.

A young man from Missoula, Mont., writes:

I feel that if this country itself was in mortal danger and my family and others close to me were in mortal danger in a literal sense, then I would not hesitate to defend them and use all means at my disposal to do so. But I feel fighting and destroying my fellow human-beings in combat for some imagined national purpose . . . at some place no one ever heard of before, is woefully unjust and wrong.

A young man in Bloomington, Ind., writes:

I sincerely fear the United States will get involved in yet another war for the wrong causes, as in Viet Nam.

Finally, the young Americans writing perceive the President's proposed registration as a precursor to a draft, and they are in many cases terrified by the prospects.

A young man from Ann Arbor, Mich., writes:

From there it's a small step to bringing back the draft.

A student from Oberlin College in Ohio says:

I also feel strongly that the registration will lead to the draft, which will lead to war, which leads ultimately to vast destruction of the most precious resource on earth—life.

Finally, these letters are a clear indication of overwhelming opposition to proposed registration among draft-age Americans. The President's State of the Union address has created a climate of fear among many young Americans, but it is not the enemy they fear. Instead, the threat they perceive to their peace and security is from the President's new American militarism and its attendant registration. They fear being drafted away from their families and life plans for service in foreign wars without just cause.

With such a perception of American militarism among hundreds of thousands of young Americans, an active registration is certain to meet with intense opposition. It will result in a deep division between generations of Americans who would send their sons and daughters off to war for resources, and a generation of young Americans who in increasing numbers will not fight.

Senator PROXMIRE. Thank you. I appreciate your testimony.

AMVETS

Our next witness, Gabriel Brinsky of AMVETS, couldn't be here, but we will take his statement for the record and be sure that it is called to the attention of the members of the committee.

[The statement follows:]



STATEMENT OF GABRIEL P. BRINSKY, NATIONAL SERVICE AND LEGISLATIVE DIRECTOR, AMVETS

Mr. Chairman, distinguished members of the Committee. AMVETS feels privileged to be able to express its views on the most important issue of registration. As a major National Service Organization, we are deeply concerned with the welfare of this country. The question of its security is our major preoccupation.

In our opinion, the matter of registration cannot be divorced from the issue of our national security. It is for this reason that we feel it important to review where our nation stands vis-a-vis the voluntary army.

While the final tally has not been made, it would appear that the volunteer army which was begun in 1973 has not worked. The strength of two and one-half million men envisioned in 1970 did not achieve reality. There is a severe shortage of Army and National Guard Reserves which is the sole source of the replacement of combat losses. There are indications that during the last 5 years, since the end of the military draft, that the numbers of standing and back-up forces have been seriously reduced. It is reliably estimated that the United States ground forces may have been thinned to as much as 50,000 below authorized strength. The Individual Ready Reserve has 500,000 fewer persons on its rolls than is considered desirable. The National Guard is understrength. The Army Reserve is understrength.

It would appear, therefore, that in the absence of conscription, the Reserve force would be unable to fill its personnel quotas or to adequately provide the support for the regular forces.

It is realized that the issue being considered by this Subcommittee is not that of conscription but of registration. But we respectfully suggest

to this Subcommittee that the two are interrelated. For no one can say when conscription may again become necessary. And given the need to be ready, the greatest possible level of preparation should be undertaken.

In view of the context of being prepared, of having machinery established, which would provide us with an immediate response to the question of mobilization, it is difficult to comprehend the objections of those who would oppose registration. Certainly, the act of registration imposes no physical pain. We have, as a nation, resorted to draft registration for a period of 30 years prior to 1975. It has left no visible scars on the nation.

The cost factor? Various estimates have been made. But in the final conclusion this becomes irrelevant. For whatever the cost may be, the security of this country is foremost. But it may be added that from the figures which have been furnished it should be a negligible consideration.

In our opinion, without registration it would be impossible to provide the necessary number of troops and other staff Reserves in the event of a major crisis. Without registration, the Department of Defense could not swiftly locate people if a grave military crisis requiring rapid mobilization were to arise.

We are aware of the reasons advanced by those who would oppose registration or draft. The argument goes that registration is a first step to a war mongering draft. It we have a draft, the argument goes, we will have another Vietnam.

Much has been made of the January 16 estimates of the Selective Service System that peacetime registration once operational would only save a week as compared to the delivery of inductees to the Defense Department in comparison to a fully operational system relied on during mobilization registration. The selective service draft report that it would register young people at post offices requiring only four days and that selected registrants would receive letters of induction shortly thereafter was based on certain premises. It failed to take into account certain demands imposed on the postal system. For example, how fuel shortages or power outages would effect the capacity of the

people and machines to do their work. It did not take into account any problems encountered should a snowstorm or other natural catastrophe occur. Or for that matter, what would happen should the crisis arise during a holiday season such as Christmas. And there is precedent in history of such attacks. In our opinion, the time for registration is during peacetime and not when a war has begun. For certainly mobilization registration conducted under conditions of general national turmoil may lead to large movement of conventional forces, disruption of the economy and possibly even to nuclear attack. This estimate of a week has already been proven to be overly optimistic as the Selective Service begins more detail planning with the other Federal Agencies.

More importantly, registration in peacetime provides an assured capability than may be realized in the time of national emergency. It is obvious that the nation should prefer to have registration before a declaration of national emergency rather than after the emergency occurs. It would therefore appear that while the Selective Service Contingency Plan appears plausible, there is no way to be certain that the system would work under the conditions under which we might be faced.

It is the AMVETS fervent hope that conscription should never become necessary but given the need to be ready we must prepare for what is to come. And at this stage, all that is necessary is obtaining the names and addresses of perspective draftees. This certainly isn't asking too much.

We wish to thank the Committee for affording us this privilege to appear before it and I stand ready to respond to any questions which you may have. I thank you.

AMERICAN LEGION

Senator PROXMIRE. Mr. James Hubbard and Mr. Philip Riffin of the American Legion were scheduled to be our next two witnesses. However, they will not be appearing today, but did ask that their joint statement be included in the record.

Therefore, their statement will be placed in the hearing record, filed, and made available to the members of the committee. Of course, the American Legion supports draft registration.

[The statement follows:]



The American Legion

STATEMENT OF E. PHILIP RIGGIN, AMERICAN LEGION

The American Legion is 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 61st National Convention in Houston in August 1979.

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 first 100,000 inductions 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 reinstitution 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 will be a very formidable undertaking.

The Administration has recognized the difficulty in revitalizing the System in light of aggressive Soviet behavior in several areas of the world, notably Cuba where they maintain MIG 23 nuclear capable aircraft and a combat brigade, and in Afghanistan where an outright invasion and governmental take-over has been accomplished.

Accordingly, the Administration has requested an additional \$45 million in FY 1980 supplemental appropriations and FY 1981 appropriations to remove the Selective Service System from its "deep standby" status and make it operational to the point of registering all males of the ages 19 and 20.

The American Legion supports these efforts to revitalize the Selective Service System as being the minimum necessary to support the manpower needs of our armed forces.

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.

We are not aware of a single precedent-setting court ruling declaring registration, which is all the Administration is requesting at this point, or even peacetime conscription unconstitutional.

Religious groups 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 action to initiate classification 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 possible 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 our citizens--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.

People who wish to apply for deferments based on religious convictions are entitled to do so under the law. A panel of representatives from each applicants community, we believe, is the most equitable method of judging each application on its merits.

Mr. Chairman, in October 1971, a Select Committee on 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 until last November had 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.

61st NATIONAL CONVENTION OF THE AMERICAN LEGION
HELD IN HOUSTON, TEXAS
AUGUST 21-23, 1979

RESOLUTION 25

COMMITTEE: National Security

SUBJECT: UNIVERSAL MILITARY TRAINING AND SELECTIVE SERVICE

WHEREAS, The American Legion has long supported a system of universal military training, which would insofar as possible require every citizen of our nation to share his equitable portion of the burden of defending our country and a system of military manpower procurement sufficient to meet the needs of present and foreseeable defense commitments including wartime demands; and

WHEREAS, the effectiveness of the present all-volunteer military service program has fallen short of expectations in its ability to meet our nation's requirements on a vital and continuing basis; and

WHEREAS, the Selective Service System has proven itself to be fully effective in meeting the vital defense needs during all wars this nation has been engaged in during its history, as well as the requirements of the peacetime army since World War II until the all-volunteer program was instituted; and

WHEREAS, The American Legion believes that a revitalization of the Selective Service System to include registration, classification, physical examinations and other aptitude examinations would have the secondary effect of stimulating interest in our National Guard and Reserve programs; now, therefore, be it

RESOLVED, by The American Legion in National Convention assembled in Houston, Texas, August 21-23, 1979, that while complimenting our fine men and women now engaged in the military programs of our country, we reaffirm our continued support of: (1) the principle of universal military training which will require insofar as possible every person to share his or her patriotic obligation to support the national defense of our country; (2) that we support the re-establishment of a completely operational independent Selective Service System, including registration, classification, physicals and presidential induction authority to be effective upon an individual's 18th birthday, and if not called to service by the 22nd birthday, then released, believing same to be essential to correct the current shortage of manpower in our active armed forces and Reserve components; (3) that annual registration of 18 year old men and women be resumed as soon as feasible; that annual conscription of up to 200,000 men and women for the Army's Individual Ready Reserve be instituted as soon as practicable; (4) that we call upon Congress to enact laws which will re-establish the Selective Service System to accomplish the purposes of this resolution, with no deferments for educational purposes, but with educational benefits for service concurrently provided, and that we support budgetary support of these mandates in order to make them viable and effective.

AFL-CIO

STATEMENT OF STEPHEN KOPLAN, LEGISLATIVE REPRESENTATIVE,
DEPARTMENT OF LEGISLATION, AFL-CIO

Senator PROXMIRE. Next we will hear from Stephen Koplan, AFL-CIO.

We are happy to have you here. Go ahead with your statement.

Mr. KOPLAN. Thank you.

Mr. Chairman, the AFL-CIO is pleased to present its views before this subcommittee on consideration of the President's request for funds to allow for registration and revitalization of the Selective Service System.

The AFL-CIO supports the President's decision on this important issue. On February 25, the AFL-CIO Executive Council adopted a statement in support of "registration as an appropriate response that will demonstrate this Nation's commitment to defense preparedness." In its statement, the council called also for the reinstitution of a standby Selective Service System. The full text of the AFL-CIO Executive Council's statement is attached to my testimony.

Events in Iran and Afghanistan have demonstrated the need for our Nation to increase its readiness to respond to foreign intimidation or aggression. Earlier we saw the Soviet-Cuban military intervention in Angola and the Horn of Africa. The present events create an impression of indecision on the part of America.

This situation cannot be reversed by quick fixes or by precipitous actions. It requires long-term, firm, and consistent policies. Having a Selective Service System functional in peacetime improves our capability to respond to an emergency and is a clear signal of a national policy of resolve against any aggressor.

We recognize that registration alone is not a simple solution to our country's defense preparedness problems. In 1979 the AFL-CIO Executive Council established a Special Subcommittee on Defense Manpower Needs. In its statement last month, the council requested that subcommittee to study and make recommendations on such issues as: the inequities created by systems of classifications and deferments; equitable procedures to minimize individual hardships; appropriate inducements to encourage reenlistments of trained personnel; remedies to correct discrimination against women in the armed services; and concerns created by the all-volunteer force.

SUPPORT FOR ADMINISTRATION'S PROPOSAL

At the present time, the President's request provides for overall revitalization of the Selective Service System and registration of both men and women. The AFL-CIO supports the administration's proposal. However, we urge that not only should people be trained to serve on local selective service boards, but that the boards be reinstituted on a standby basis. If that is done, then registrants' names compiled on a national computerized file can be disseminated to the local boards, resulting in further saving of time in the event of emergency.

Our support is based on the premise that our Nation should not wait until an emergency to begin to improve our defense manpower readiness. Improved standby capability is a necessity, while the more intricate and complex issues of defense manpower needs and problems are studied.

While the President has the legal authority to order registration, classification, and examination, his request calls only for registration. This would be accomplished with the assistance of the U.S. Postal Service. There are over 34,000 classified post offices extending to every corner of the country.

Simple forms would be available at post office locations and would be checked at postal windows to insure that they are legible and complete. Once that process is completed, the forms will be sent to the Selective Service where the information will be entered into computers. Each registrant would then receive an acknowledgement accompanied by a request that the Selective Service System be kept informed of any change of address.

The second phase of the proposal will be to select and train local board members for availability should an emergency occur. Those people are to be representative of their communities as a whole and receive the training needed to provide for consistent application of the law nationwide. Approximately 8,500 local board members are needed for almost 1,900 local boards.

The proposal is based on the premise that the international situation demands an improved U.S. military posture and that part of this posture should be the credibility of the Selective Service System to respond in an emergency. In that context, an operating registration system is necessary. However, at present the Selective Service System has been reduced to a planning and training organization of less than 100 full-time personnel supported by Reservists.

At current levels, the individual Ready Reserve and other sources of personnel are inadequate to meet the Army's worst case needs for trained personnel. It has been estimated that if such a situation were to develop, a shortage of 200,000 to 300,000 trained personnel for the Army would likely develop in the first few months.

Thus, the immediate course of action is a program of registration to permit the Selective Service System to establish a pool of the names and addresses of young people. To this basic step forward, the AFL-CIO gives its full endorsement.

Senator PROXMIRE. Thank you very much.

I very much appreciate your statement, and the statement by the AFL-CIO Executive Council will be printed in full in the record.

Mr. KOPLAN. Thank you.

[The statement follows:]

STATEMENT OF STEPHEN KOPLAN, LEGISLATIVE REPRESENTATIVE, DEPARTMENT OF
LEGISLATION, AFL-CIO

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This situation cannot be reversed by quick fixes or by precipitous actions. It requires long-term, firm and consistent policies. Having a Selective Service System functional in peacetime improves our capability to respond to an emergency and is a clear signal of a national policy of resolve against any aggressor.

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At the present time, the President's request provides for overall revitalization of the Selective Service System and registration of both men and women. The AFL-CIO supports the Administration's proposal. However, we urge that not only should people be trained to serve on local Selective Service Boards, but that the boards be reinstituted on a standby

basis. If that is done, then registrants' names compiled on a national computerized file can be disseminated to the local boards -- resulting in further saving of time in the event of emergency.

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Thus, the immediate course of action is a program of registration to permit the Selective Service System to establish a pool of the names and addresses of young people. To this basic step forward, the AFL-CIO gives its full endorsement.

Statement by the AFL-CIO Executive Council
on
Registration for Military Service

A strong America and peace throughout the world are based in large part on U.S. military readiness to respond to foreign intimidation or aggression. Current defense manpower capabilities would not be sufficient in the event of a national emergency.

President Carter has asked the Congress to appropriate the funds necessary to permit the Selective Service to process the names and addresses of young people. While not calling for the induction of these registrants, the President has pointed out that simple registration would save valuable processing time in the event a national emergency necessitated a draft.

We support a program of registration as an appropriate response that will demonstrate this nation's commitment to defense preparedness. Such a program should provide for an effective mechanism for identification of individuals in a fair and equitable manner, and the reinstitution of a standby Selective Service System.

We support the registration of women as consistent with our belief in equal rights.

Registration alone will not solve defense manpower needs and problems. At the same time, current national debate on defense and foreign policy issues has raised concerns about the possible re-institution of a draft.

These issues are of such gravity that this Council desires to study them in greater detail. Therefore, the Special Subcommittee on Defense Manpower Needs, which we established in August 1979, is requested to study and make recommendations to the Council on such issues as:

- * The inequities created by systems of classifications and deferments which place an unfair burden of military service on certain economic and social classes.
- * Equitable procedures to minimize individual hardships and assure the right of individual appeals.
- * Appropriate inducements to encourage re-enlistments of trained personnel and to restore the ready reserve to appropriate levels.
- * Remedies to correct discrimination against women in the armed services in pay, promotions and assignments and the question of appropriate assignments of women in the military.
- * Concerns created by the all volunteer force and proposals to establish alternative systems such as national service.

America's labor movement must be prepared to fully participate in the national debate on defense policy issues, and to express the concerns of young workers, women workers and working parents.

STATEMENT OF ARTHUR I. WASKOW, EDITOR, MENORAH

Senator PROXMIRE. Our next witness is Arthur I. Waskow, editor, Menorah, Washington, D.C.

Go right ahead, Mr. Waskow.

Mr. WASKOW. Mr. Chairman, I will submit the written version of my remarks and summarize them now. My testimony is based on reading and struggling in the Jewish tradition on these questions.

Jewish tradition is equally concerned that one generation may be prepared, literally, to murder its children. The story of Isaac and Abraham is one such example.

I want to say that Jewish tradition, in worrying about the danger that the old may not care about the lives of the young, is not soft-minded about dealing with oppression, aggression, injustice, and threats, international threats. The question is, how to deal with it, and the question is, whether the mobilizing of the young to die and to kill is the way to deal with it.

The Bible teaches that even on the very moment of battle no one shall be allowed to fight who has built a new house but has not yet dedicated it, who has planted a vineyard but not yet harvested it, and has been betrothed a wife but has not yet made love to her.

The rabbis ask why were there two words, "afraid" and "tender of heart" and they answered, afraid that he might be killed, or tender of heart, afraid that he might become a killer.

The question out of Jewish tradition would be, How is it, in fact, that we should be dealing with aggression, with the danger of more aggression from the Soviet Union, and I would suggest that the teaching of exactly those commands, to care about the vineyard, the family, and the house, the teaching of those commands is to seek life more effectively in order to deal more effectively with aggression and war.

For example, instead of putting the young in the draft system and instead of petrifying our society to a higher military budget, we could ask the young to mobilize around the danger we fear, that the oil would be cut off. We could be asking the young, for example, to spend 6 months out of that 2 years of their lives when they are 19 and 20, mobilizing around conservation of energy in the United States, mobilizing around the solarization of American houses, mobilizing around the cutting, as someone mentioned earlier, the 40-percent cut that would be possible in use of American energy.

We would have them doing the work of weatherizing houses and office buildings, et cetera. We would be doing that, and I would raise the question whether if we did, the payoff that we would get in less dependence on Persian Gulf oil, in the increased versatility of our economy, the new skills and training of our young people, and a deeper sense of shared community in the United States, whether that would be greater or less than the believed gains of military buildup.

DEALING WITH CLOSED SOCIETY

The supporters of the Soviet Jews and their supporters in the United States have shown it is not impossible to deal with a closed society, to raise questions and encourage people who disagree with it, and I wonder whether out of the experience of the Jewish people in the last decade, along those lines, if we should be developing the people-to-people techniques to decrease the ability of the Soviet Union to mobilize and send its armed forces into Afghanistan.

Should we be trying to have direct telephone calls to Muslim leaders in the Soviet Union?

Should we be offered most-favored-nation status in our trade relations if the Soviets withdrew their troops? Should we be offering, in other words, the possibility of life? These specific ideas may not be good enough. It took the Soviet Jewry movement to develop ideas that have, in fact, brought considerable success, but it is not true that the only conceivable way to deal with the closed society using military force is to send our children to die on our behalf to resist that military force. There are other ways of resisting it.

What we need as the most important facts for the Congress to keep in mind as it considers the proposal for the registration and the draft, the most important points are the fiscal facts of what it means. We were talking about legs lost, arms mangled, the very genitals that are the recipient of the holy circumcision, being blown to shreds and ashes. We are talking about people in this city. The Executive and the Congress have said they are ready to talk about thermonuclear war in the Persian Gulf.

We are talking about a fire storm that encompasses all of greater New York, an area the size of Pennsylvania in radioactive waste, and people who have been talking this way have been talking about calmness and coolness.

Senator PROXMIRE. Could you wind up in about 30 seconds?

Mr. WASKOW. The draft and registration for the draft are the first stages. The administration has testified that it was a psychologically important act; I, too, think it is a psychologically important act in paving the way toward that kind of physical destruction. It is that physical fact, what it would mean in fact, for our young men and young women and all our citizens that the Congress should be keeping in mind as it makes these decisions.

Senator PROXMIRE. Thank you, Mr. Waskow, for a very moving statement.

[The statement follows:]

STATEMENT OF ARTHUR I. WASKOW, EDITOR, MENORAH

As we consider whether to register our children in contemplation of drafting them for war, the most important facts for us to hold in mind are the physical facts--the bodily facts of what we are planning.

Jewish tradition teaches us this in two graphic ways. One is the briss--the Jewish ritual of circumcision that welcomes a son into the world. The briss hallows the genitals that will give life to the next generation. So it reminds us of the living chain that goes back to Abraham and Sarah, back even to Eve and Adam--and forward to Messiah.

And the bris is painful--to remind us that even in the love between the generations, there is pain. The pain of misunderstanding, anger...

But not the pain of death. Not murder. We do not kill our children...God forbid. God forbade.

Except when we send them off to war. Our sons and now perhaps our daughters, too.

Let us be clear: that is what it is all about. Legs lost. Arms mangled. Genitals that bore the holy delicate sign of the mohel's holy knife, blown to shreds of flesh and ashes.

The bodies of Afghans, of Russians, of Americans. Of men and women. Of Jews and Muslims, Christians and Marxists. Mangled.

And other manglings, less terrible, but terrible enough. More of the Bronx lost to fire, rats, and desolation while sleek new missiles slide from our factories.

And manglings still more terrible, God help us. In Washington, these last few weeks, some responsible people in Congress and the Executive have been saying coolly, calmly, that of course the Persian Gulf is worth a thermonuclear war. Even such statements might be bearable if they were being said in agony, in tears. Manhattan a ball of fire. Greater New York a firestorm, all of Pennsylvania a radioactive waste...all this deserves a tremor in the hands, some vomiting, some tears. Not calmness.

The second way in which Jewish tradition teaches us the physical realities of war and peace is that the Bible commands (Deut. 20:1-20) that even at the very moment of battle, no one shall fight who has built

a new house but not dedicated it, planted a vineyard but not yet harvested it, betrothed a wife but not yet made love to her. The act of creation, of building new life, comes first. And if there was anyone who was "afraid and tender of heart," he too was sent back home. Said the rabbis, "Why not just 'afraid'? Why 'afraid and tender of heart'? 'Afraid'--that he may be killed. 'Tender of heart'--lest he may become a killer."

None who are committed to life--to their own lives, to the new lives they can create, or to the lives of others--shall be forced into battle, into the Kingdom of Death.

What are our choices? On the one hand, we can take the direct, living, fluid indignation of the young at the Soviet invasion of Afghanistan--and petrify it in the draft. We can take all their desire to act, and channel it into the bureaucratic compulsion of a tax on their life-time. We can create a rigid bureaucracy of conscription to administer this life-time. We can strengthen the rigid institutions of the military so as to control this life-time. We can pour more money into the hardware of ships, planes, tanks, that armies need.

And so we would petrify the young--who otherwise would flow and change as their life-patterns grew, as they grew new interests and new skills, as they deepened their world-views. And we would further petrify both our government and our economy--which are already too locked-in to rigid patterns and large-scale useless hardware. For it is true that all bureaucracies are rigid--but the stoniest of all are the bureaucracies of death, as death itself is the ultimate petrification.

Or on the other hand, what could our youth do with our help--if we wanted to help them live instead of ordering them to die? For example: the chief "external" reason for our war fever is the fear of a Soviet attack on the Gulf--and of our losing oil. What if our government were to call for a real "moral equivalent of war" on the energy front? What if we were to ask our youth to put in six months of their time during the next eighteen months in applying conservation techniques: weatherizing houses and office buildings, putting up "solar walls" that conserve heat, replacing cars with bikes? What if we were to do this on a voluntary basis--to pay decent salaries for those who entered the Conservation Campaign, and

to mobilize for them all the rewards of media attention and approval? Would the payoffs in reduced dependence on Gulf oil, increased versatility in our economy, new skills and training for our youth, and a deeper sense of shared community be more--or less--than the gains we imagine from a military build-up and a draft?

Another example: We want to weaken the Soviet's ability to move militarily. Could we use some of the direct people-to-people techniques that the Soviet Jewry movement has pioneered in? For example: direct citizen-to-citizen telephone calls to Muslim leaders in the southern Soviet Union? Efforts to reach the parents and wives of the Russian soldiers now patrolling Afghanistan--and being shot at? An offer of most-favored-nation status in our trade relations if the Soviets withdrew their troops?

Are these specific ideas good enough? They may not be. Just as it took the Soviet Jewry movement years to invent approaches that brought some success, so we may have to experiment. What we can learn from the Soviet Jewry movement is that it is possible to use techniques like these in a closed society--even though it is hard. And every time they are used successfully, they help open up the Soviet Union a little more.

These are the choices of life--the choices of dedicating the house, harvesting the grapes, procreating the children. They are the choices of seeing the next generation as holy in life, not in death. The other choice is the path of killing our children. What society wants to murder its children? Only one that fears the future, that is furious at those who ave the future, that would rather destroy the future than face it.

The bris is not a murder, not a war. In the midst of the pain that cuts across the generations, at every bris there is the "chair of Elijah." Why? Because in the midst of pain and anger, Elijah comes to "turn the hearts of the parents to the children and the hearts of the children to the parents." At that heart-stopping moment when the knife descends, Elijah comes to melt the frozen heart that would plunge the knife into the hearts of children.

If we will stop our hatred of the future, if we will stop our war against our children, we can make sure there is no war between the super-powers.

LIBERTARIAN NATIONAL COMMITTEE

STATEMENT OF WILLIAM D. BURT, NATIONAL DIRECTOR, LIBERTARIAN
NATIONAL COMMITTEE

PREPARED STATEMENT

Senator PROXMIRE. Next we will hear from Mr. William Burt, national director of the Libertarian Party in Washington, D.C.

Go right ahead, Mr. Burt.

Mr. BURT. Thank you, Mr. Chairman.

My statement might run to 7½ minutes. I will try to hit the high points for you.

Senator PROXMIRE. We will have the whole statement printed in full in the record.

[The statement follows:]

STATEMENT OF WILLIAM D. BURT, NATIONAL DIRECTOR, LIBERTARIAN NATIONAL COMMITTEE

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE,

Thank you for allowing us the opportunity to comment upon the 1980 supplemental appropriation request for the Selective Service. Our comments will be directed to the primary issue confronting the Subcommittee in this request, draft registration.

The Libertarian National Committee, by resolution adopted February 3 (see attached), stands opposed to any move toward registration and the draft. Our opposition stems from a respect for the right to liberty for all people, and from our recognition of the fact that we cannot destroy liberty in order to save it.

President Carter's request for \$45 million over the next two years to implement registration should be flatly denied. Further, we demand that the Selective Service System be abolished forevermore.

Even for those who do not share Libertarians' commitment to our American freedoms, there are several questions, almost embarrassingly obvious, which have yet to be answered by registration proponents.

- 1.) Should the U.S. maintain military might sufficient to police the world? We believe not. If the current rationale for draft registration is to maintain a force capable of fighting one-and-a-half wars in foreign lands, then it is this rationale, and not our liberties, which must be questioned. The U.S. government has no business maintaining a

military for any purpose other than the defense of the United States itself. A worldwide presence aimed at defending "American interests" overseas inevitably means forcing all Americans to bear the risks of that privileged minority who have investments in foreign lands. "Showing our resolve" to the Soviets by increasing this foreign presence has not been demonstrated to be the best way of defending the United States itself.

There is widespread agreement that the bulk of our so-called "defense needs" in reality are "needed" only because of our ill-considered foreign presence. (See attachment.) Between \$75 and \$110 billion of our military dollars go for our presence in the NATO countries and Asia. The administration's 1979 proposals for a 2,049,000-person military could have been cut to 1,250,000 persons, even after an expanded strategic nuclear deterrent force, by shifting the burden of defending Europe's and Asia's governments to themselves.

These are not the shattered, weak nations that emerged from World War Two. The largest NATO countries enjoy an inflation rate lower than the United States, higher rates of productivity, and a combined wealth that is a match for the Soviet Union. The Islamic governments of the Asian subcontinent can hardly be regarded as poor. Instead, our \$100 billion, 1,200,000 person military presence in these areas permits these nations to indulge in welfare state economic policies and in some cases tyranny. Our military policy subsidizes their industrial research and development, and stimulates an artificial outflow of investment and jobs from the American economy.

Our role as "policeman of the world" actively de-stabilizes and threatens the security of the United States proper.

- a.) Our foreign forces serve as a trip-wire for war.
- b.) Emphasis on the bottomless pit of foreign military "needs" detracts from true defense preparedness.
- c.) Our foreign presence provides the ready-made basis for Soviet propaganda about "U.S. imperialism," so essential to keeping Soviet citizens in line behind leaders' calls for more sacrifice.
- d.) Research and investment in the American economy is diverted into military channels, weakening the country and heightening international tensions due to trade imbalance.
- e.) High military spending leading to unbalanced federal budgets causes inflation. Using President Carter's proposed 1981 budget, a cut of \$110 billion would permit a balanced budget, an end to inflation, and federal tax cuts of \$94.2 billion.
- f.) A constant war posture permits Administrations in political trouble to avoid confronting difficult decisions. The threat of war in the Persian Gulf has arisen in part because President Carter refuses to make the tough decisions which would free this country from its artificial dependence on OPEC oil; namely, energy deregulation.

- 2.) Are the Islamic nations asking for the United States to help? Here the answer is clear. In early February the Islamabad, Pakistan conference of 34 Islamic lea-

ders soundly rejected the idea of U.S. military intervention in either Iran or Afghanistan, and expressed the commitment of the Islamic governments to oppose Soviet and U.S. intervention.

Similarly, the NATO nations have met Carter's hysterical reaction to the Afghanistan situation with consternation and appeals for calm--this from countries far more conceivably threatened by Soviet advances and far more dependent on Arab oil than the U.S.

- 3.) Should we intervene in foreign countries without invitation if we perceive "U.S. interests" to be threatened? Let's put this more simply: Shall we kill for oil? Shall we revive the robber baron doctrine of Manifest Destiny, with U.S. markets and U.S. suppliers maintained by brute force?

We suggest that when this question is brought out into the open, it answers itself.

- 4.) What is the seriousness of the Soviet threat?

Starting with influence in nine percent of the world's nations in 1945, the Soviet Union increased their influence (to 14%) until 1950, and today have influence in 12% of the world's nations, according to the Center for Defense Information. Of the 155 countries in the world today, say the Center's researchers, the Soviets have significant influence in 19.

These admittedly crude numerical measures are confirmed by a number of qualitative assessments of Soviet influence. The Soviet Union's setbacks in

China, Indonesia, Egypt, India, and Iraq outweigh advances in smaller, poorer nations. Russia's foreign adventures have proved unable to establish lasting hegemony since 1945.

Proponents of greater American militarism have not fully considered the possibility that Soviet military spending and Afghanistan-type moves represent last-ditch moves by a communist leadership anxious to reverse its declining influence both externally and internally.

Even less have these proponents considered the extent to which the Soviet government's available resources are contributed by American taxpayers through subsidized transfers of technology and food.

Draft registration advocates have not answered these questions because there exists no answer that would justify reinstitution of the draft. Their "answer" has been to foment a war hysteria unparalleled by anything this country has seen since the 1950's.

Level heads were embarrassed after the Cold War ended in the 1960's. And we will be embarrassed by the current bout of war fever after it passes--if we survive without barbequeing the human race.

We can prevent slipping down the slippery slope into total war only if elected officials on the Subcommittee and throughout the Congress stand up for what is right, instead of merely following those loud voices who speculate, manipulate, and connive us into war without ever responsibly considering the consequences.

The Libertarian National Committee has made the larger point that the draft has no place in our free

society. Just as draft proponents have avoided addressing the more pragmatic issues, so have they missed this main moral point by talking about the "need to restore a sense of obligation" among American citizens--control for the sake of instilling obedience to control.

The Libertarian National Committee does wish to express our sense of obligation. We pledge our unceasing opposition to assaults upon our liberties as American citizens. We pledge ourselves to stop the draft.

Attachment

Libertarian National Committee

Resolution adopted February 3, 1980.

Whereas the Libertarian Party has a long-standing opposition to registration and conscription, as stated in the national platform, and

Whereas registration for the draft is nothing more than a prelude to military conscription, and

Whereas conscription is slavery and poses the greatest threat to the survival of a free society in this decade,

Therefore Be It Resolved That the Libertarian National Committee opposes any form of compulsory registration or the draft, and

Be It Further Resolved That we endorse civil disobedience as an appropriate moral and practical means of resisting mandatory registration and the draft.

Attachment

What leading authorities say about the impact of the U.S. military's foreign presence on U.S. military spending.

Brookings Institution "General purpose forces for Asia will cost more than \$27 billion in fiscal 1980." Defense Monitor, May 1979.

Center for Defense Information "The costs of NATO in this fiscal year are more than \$50 billion." Defense Monitor, May 1979.

Earl C. Ravenal (Summary of article, "How to Cut the Defense Budget," Inquiry, May 1, 1978 and more recent estimates.)

For FY 1981 \$83 billion of the total \$142.7 billion military spending budget goes for NATO, and \$25 billion for activities relating to Asia.

A total of \$108 billion, or 76% of the total budget, goes to deployment of U.S. forces abroad.

In 1978 Ravenal considered an alternative "Non-interventionist" DOD budget of \$71 billion (in 1979 dollars) which would support the following:

- 8 land divisions (6 Army, 2 Marine)
- 19 tactical air wing equivalents (11 Air Force, 2 Marine, and 4 Navy)
- 6 carrier task forces
- an addition of a dyad of strategic nuclear deterrent forces (submarines and standoff bombers).
- Manpower needs of 1,250,000 total
 - 390,000 Army
 - 360,000 Air Force
 - 370,000 Navy
 - 130,000 Marine Corps

Ravenal's non-interventionist military budget contrasts to Carter's FY 1979 request:

- 19 land divisions
- 44 tactical air wing equivalents
- 12 carrier task forces
- 2,049,000 persons
- \$126 billion budget

Inflation rates. From Economic Indicators Weekly Review, Joint Economic Committee, February 29, 1980.

<u>Nation</u>	<u>Inflation Rate(%)</u>
Japan	4.2
West Germany	9.2
France	11.2
United Kingdom	14.1
United States	18.0

Attachment

% GNP of military expenditures for various countries - 1977
(Handbook of Economic Statistics, 1979, CIA)

<u>Country</u>	<u>% of GNP</u>
Belgium	3.2
Canada	2.0
Denmark	2.5
France	3.9
Greece	4.6
Italy	2.7
Japan	0.9
Netherlands	3.6
Portugal	3.3
Spain	2.7
Switzerland	2.1
Turkey	5.7
United Kingdom	4.8
W. Germany	3.4
United States	5.0
OPEC countries	7.7
Iran	10.5
Nigeria	4.2
Saudi Arabia	15.7

SUMMARY OF STATEMENT

Mr. BURT. Our committee has taken a stand against the draft. We obviously stand opposed to appropriations for that purpose and call for the abolition of the Selective Service System.

The reasons that we do this stems from the right to liberty of all people and from our recognition of the fact that we cannot destroy liberty in order to save it.

I would like to make a more specific contribution to the discussions today by referring to points that I think were missed in the talks this morning.

The question arises, Should the United States maintain military might sufficient to police the world? We believe no. We believe the U.S. Government has no use of the military other than for defense of the United States.

The \$75 billion to roughly \$110 billion that go to our presence in NATO countries and Asia represent, really, a subsidy to people who have an unusual interest in oil or other national resources.

That same commitment results in an army of 1,250,000 persons. We believe this should be questioned before our constitutional liberties are brought into question.

Our role as policeman of the world actively destabilizes and threatens the security of the United States rather than enhances it. I think no clearer indication of this can be seen than the recent refusal of Pakistan to accept U.S. aid on the ground that it would destabilize Pakistan's relationships with the great powers and undermine that country's independence.

Now, we come to the question of, Are the Islamic nations asking for the United States to help? Here the answer is clear. It is "No."

KILLING FOR OIL

I think we could put this more clearly, Should we kill for oil? Should we revive the robber baron doctrine of manifest destiny? When it is put in this way, I think the question answers itself, and it has been put very eloquently this morning.

The idea of killing for oil rather than riding bicycles to work strikes me as ludicrous in the extreme.

So the questions about the seriousness of the Soviet threat to the United States proper have not been discussed in this discussion, but they do arise in the matter of this appropriation.

Now, in summary, draft registration advocates have not answered these questions, because there exist no answers that would justify the reinstitution of the draft. Their answer has been to foment a war hysteria in this country.

I believe we will be embarrassed by the current bout of war fever after it passes.

We can prevent slipping down the slippery slope into total war only if elected officials and Members of Congress stand up for what is right.

I have one contribution in particular that I would like to make to the discussions today. There has been an aura of idealism and practicality about those who oppose the draft, while the military representatives, the proponents of the draft, seem to claim for themselves the idea of practicality and pragmatism. I think this is exactly reversed.

The sentiment of the U.S. taxpayer, the U.S. citizen and voter has changed radically in the last 20 years, and we are mistaking something that we believe, that the Proposition 13 movement, the taxpayer revolt, and all the rest is somehow disconnected from the feeling among youth today that they should not want to be involved in a war. It is indeed connected. It is part of a larger disaffection with the kind of stupid bungling and irresponsible actions which lead us into things without considering them responsibly, such as the war crises that we are talking about, incredibly, killing for oil.

If you have any questions, I would be glad to answer them.

Senator PROXMIRE. Thank you, Mr. Burt.

We appreciate your excellent statement. It is very helpful.

UNIVERSITY OF MARYLAND STUDENT GOVERNMENT ASSOCIATION

STATEMENT OF MICHAEL A. FEKULA, LEGISLATOR, STUDENT GOVERNMENT ASSOCIATION, UNIVERSITY OF MARYLAND

Senator PROXMIRE. Our next witness is Mr. Michael Fekula, student legislator at the University of Maryland.

I am sorry Senator Mathias had to leave. He wanted to be here for your testimony. He had another committee meeting he had to attend.

Go right ahead.

Mr. FEKULA. I would like to start off by saying that I believe the young people of this country have a real concern for the safety of our Nation and the security of its interests.

There is no doubt in my mind that if our country or its vital interests were in danger, that our young people would readily respond by offering themselves for military service. I am concerned, however, that we may be getting ourselves into an international crisis that has been potentially avoidable; that furthermore is potentially divisive here at home.

The Persian Gulf region has been identified as an area of vital concern for many years. Much of the industrialized world depends on that area's resources of oil. Interestingly enough, every American President since Richard Nixon has advocated a national energy policy to put us on the road toward energy resource independence.

Knowledgeable people have agreed for a long time that we must become independent of this volatile region. We, the young people of this country, have heard these words and have waited for you to put them into action.

Young people have been hearing about the myriad of alternative technologies available for development. We hear about solar power, wind power, biomass conversion; about our resources of offshore oil and coal in the West. We have heard so much promise and so little performance.

It appears to us that America does have options in the energy field. They are not easy ones, to be sure. However, if solving the energy crisis is "the moral equivalent of war" as President Carter has stated, then it appears that we had better get on with making the necessary sacrifices domestically. If we follow our present course, failing to make sacrifices at home, we will soon be making sacrifices on the battlefield.

SACRIFICES MISPLACED

Currently, the sacrifices are not being made where it really counts. The typical American cuts back on his driving, waits in line for gas, and turns down his thermostat. Yet our leaders in the public and private sector do not act in accordance. Petroleum corporations reap over 100-percent increases in yearly profits despite the shortages, yet they cannot seem to make the investment for a major effort to develop and market one of the available energy options.

Apparently, anything less than a 100-percent increase in profit would be tragic to the industry. Meanwhile, our political leaders have argued back and forth over energy policy for years.

All that we have gotten from this is an underfunded solar power program, a dangerous nuclear power program, and a highly flawed synthetic fuel program.

The Government does not want to take a firm position on energy that will determine where sacrifices are to be made and which options we should invest in for the future.

What we are beginning to see is that our national leadership is not prepared to make decisive steps at home that might cost dollars or votes. However, the leadership does seem prepared to draft thousands of young men into fighting in the Persian Gulf. In the minds of many of us who would have to fight and die in that conflict, our leadership has decided to take the easy way out. Those who run this country have not taken any steps that would jeopardize their leadership status or their comfort. Instead, they produce empty rhetoric about patriotism and sending a message to the Russians, rhetoric that scores big at election time but which assuredly does not provide us with a way toward energy independence.

LEADERSHIP LACKING

Under these circumstances, many of us will resist the draft. We, the young people, expect our leadership to carry out its mission. We do not want an energy supply that is controlled by the Ayatollah Komeini or Leonid Brezhnev, nor do we want national politics that constantly bring us into conflicts abroad. We believe in defending our country; however, we will not fight for the big oil companies or political hacks.

I do not gainsay the fact that the Soviet Union is an imperialist nation. It is clear, though, that without the matter of Persian Gulf oil, the events in that area become less crucial. I certainly can support the arming of Afghanistan rebels and the modernization of the Pakistan army. However, there are other powerful nations in that area such as the People's Republic of China and India that have a greater regional responsibility. America's young people do not want to be the world's policemen.

I am aware that these hearings have been convened to discuss only registration and not actual draft. However, the President has said we must "send them a message" that we intend to be firm. If we are a country that backs up its words—that is not a paper tiger—then we must consider the strong possibility of draft calls. It is but a small step from registration to the draft.

In conclusion, I must say that the possibility of conflict abroad is due to the failure of leadership at home. If we continue on this course, there is a risk that the youth of this country will become alienated from America and its system of government in far greater numbers and with far more intense feelings of disillusionment, anger, and rebelliousness than this country experienced during the Vietnam era or during any other time in our history.

The young people want a war of energy independence to be fought at home. We demand that our leadership do the utmost to make us a free and independent nation. We will tolerate no foreign adventures that detours that course.

Senator PROXMIRE. Thank you very much, Mr. Fekula, for a very strong statement. We appreciate it very much.

Mr. FEKULA. Thank you.

[The statement follows:]

STATEMENT OF MICHAEL A. FEKULA, LEGISLATOR, STUDENT GOVERNMENT ASSOCIATION,
UNIVERSITY OF MARYLAND

Gentlemen,

I would like to start off by saying that I believe the young people of this country have a real concern for the safety of our nation and the security of it's interests. There is no doubt in my mind that if our country or it's vital interests were in danger, that our young people would readily respond by offering themselves for military service. I am concerned however, that we may be getting ourselves into an international crisis that has been potentially avoidable; that furthermore is potentially divisive, here at home.

The Persian Gulf region has been identified as an area of vital concern for many years. Much of the industrialized world depends on that area's resources of oil. Interestingly enough, every American President since Richard Nixon has advocated a national energy policy to put us on the road toward energy resource independence. Knowledgeable people have agreed for a long time that we must become independent of this volatile region. We, the young people of this country have heard these words and have waited for you to put them into action.

Young people have been hearing about the myriad of alternative technologies available for development. We hear about solar power, wind power, bio-mass conversion; about our resources of off-shore oil, and coal in the west. We have heard so much promise and seen so little performance.

It appears to us that America does have options in the energy field. They are not easy ones, to be sure. However, if solving the energy crisis is "the moral equivalent of war" as President Carter has stated, then it appears that we had better get on with making the necessary sacrifices domestically. If we follow our present course, failing to make sacrifices at home, we will soon be making sacrifices on the battlefield.

Currently, the sacrifices are not being made where it really counts. The typical American cuts back on his driving, waits in line for gas, and turns down his thermostat. Yet our leaders in the public and private sector do not act in accordance. Petroleum corporations reap over 100% increases in yearly profits, despite the shortages, yet they cannot seem to make the investment for a major

effort to develop and market one of the available energy options. Apparently, anything less than a 100% increase in profit would be tragic to the industry. Meanwhile, our political leaders have argued back and forth over energy policy for years. All that we have gotten from this is an under-funded solar power program, a dangerous nuclear power program, and a highly-flawed synthetic fuel program. The government does not want to take a firm position on energy that will determine where sacrifices are to be made and which options we should invest in for the future.

What we are beginning to see, is that our national leadership is not prepared to make decisive steps at home that might cost dollars or votes. However, the leadership does seem prepared to draft thousands of young men into fighting in the Persian Gulf. In the minds of many of us who would have to fight and die in that conflict, our leadership has decided to take the easy way out. Those who run this country have not taken any steps that would jeopardize their leadership status or their comfort. Instead, they produce empty rhetoric about "patriotism" and "sending a message to the Russians." Rhetoric that scores big at election time but which assuredly does not provide us with a way toward energy independence.

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intend to be firm. If we are a country that backs up it's words - that is not a "paper-tiger" - than we must consider the strong possibility of draft calls. It is but a small step from registration to the draft.

In conclusion, I must say that the possibility of conflict abroad is due to the failure of leadership at home. If we continue on this course, there is a risk that the youth of this country will become alienated from America and it's system of government in far greater numbers and with far more intense feelings of disillusionment, anger, and rebelliousness than this country experienced during the Vietnam era or during any other time in our history. The young people want a war of energy independence to be fought at home. We demand that our leadership do the utmost to make us a free and independent nation. We will tolerate no foreign adventures that detours that course.

HOPKINS COMMITTEE AGAINST REGISTRATION AND THE DRAFT

STATEMENT OF ROBERT G. ANDERSON, CHAIRMAN, HOPKINS COMMITTEE AGAINST REGISTRATION AND THE DRAFT

Senator PROXMIRE. Our next witness is another of Senator Mathias' constituents, Robert Anderson, chairman of the Hopkins Committee Against Registration and the Draft.

Go right ahead, Mr. Anderson.

Mr. ANDERSON. Thank you.

Mr. Chairman, members of the Senate Appropriations Committee, ladies and gentlemen, I am proud to be able to speak to you and present my opinions on military registration for the draft. In his State of the Union address President Carter proposed the reinstitution of registration of the American people. I am not here to consider his motives, since I am not qualified to discuss such, but rather I wish to address the moral aspects of such a plan.

The supreme ideal of the United States of America is freedom; freedom of thought, freedom of speech, freedom of conscience, and freedom of choice. I cherish these rights, having been taught as an American citizen that these rights will be guaranteed and protected by the Federal Government.

The Government has endeavored to perform this role for over 200 years. Each American citizen is represented and his rights are duly protected by this illustrious group of leaders. You, the leaders of America, have a duty to serve and protect the citizens whom you represent. It is your duty to guarantee the freedom of each individual.

The citizens of America believe that their Government represents public opinion. We, therefore, merge our expression of freedom with a

dutiful respect and obedience to the laws and decisions legislated here. In this light, a recent opinion poll on registration and the draft was circulated at the Johns Hopkins University of Baltimore, Md. Although the results of this poll are not as yet officially released, I feel that I must share some of them with you.

On the question of registration, 59 percent of the university community favored the registration of men and 56 percent favored the registration of women. Yet, of these, greater than 50 percent were in favor of educational deferments which implies an unwillingness by these individuals to personally participate in a registration.

On the other hand, 79 percent believed that men should not be drafted and 81 percent believed that women should not be drafted.

Of the minority group that favored a draft, we again found that greater than 50 percent favored educational deferments leaving an extremely small group actually willing to participate.

REGISTRATION PRECURSOR OF A DRAFT

These results should point out that the American populace doubts the need and importance of a registration. And what use can a registration possibly serve but as a precursor of a draft? Otherwise, the expenditure that you are considering is a questionable usage of precious American tax dollars, which certainly can be applied to more effective programs.

I wish to amplify an earlier point. Every American citizen is reserved the right of freedom by our priceless Constitution. That means that anyone who wishes to serve his Nation through military service has that right protected by Federal law.

It also means that anyone who believes that he can best serve his nation through other means has that right protected by law.

I emphatically believe that I can best serve my country as a civilian. I do not believe that I can be as useful in the military. Please protect my right to serve my country, the United States of America, to the best of my ability. Do not appropriate funds for the reinstitution of a registration for possible military service.

Senator PROXMIRE. Thank you, Mr. Anderson. That was a very interesting statement. I have seen the fact that a majority of the people favor registration, but as you point out, they also favor educational deferment.

Mr. ANDERSON. If you are interested, I would have these results sent to you when they are finished.

Senator PROXMIRE. We would like to get that.

[The information follows:]

STATEMENT OF ROBERT G. ANDERSON, CHAIRMAN, HOPKINS COMMITTEE AGAINST REGISTRATION AND THE DRAFT

Mr. Chairman, members of the Senate Appropriations Committee, ladies and gentlemen, I am proud to be able to speak to you and present my opinions on military registration for a draft. In his State of the Union address, President Carter proposed the reinstitution of registration of the American people. I am not here to consider his motives, since I am not qualified to discuss such, but rather, I wish to address the moral aspects of such a plan.

The supreme ideal of the United States of America is freedom; freedom of thought,

freedom of speech, freedom of conscience, and freedom of choice. I cherish these rights having been taught as an American citizen that these rights will be guaranteed and protected by the Federal Government.

The Government has endeavored to perform this role for over 200 years. Each American citizen is represented and his rights are duly protected by this illustrious group of leaders. You, the leaders of America, have a duty to serve and protect the citizens whom you represent. It is your duty to guarantee the freedom of each individual.

The citizens of America believe that their government represents public opinion. We, therefore, merge our expression of freedom with a dutiful respect and obedience to the laws and decisions legislated here. In this light, a recent opinion poll on registration and the draft was circulated at the Johns Hopkins University of Baltimore, Md. Although the results of this poll are not as yet officially released, I feel that I must share some of them with you. On the question of registration, 59 percent of the university community favored the registration of men, and 56 percent favored the registration of women. Yet, of these, greater than 50 percent were in favor of educational deferments which implies an unwillingness of these individuals to personally participate in a registration.

On the other hand, 79 percent believed that men should not be drafted and 81 percent believed that women should not be drafted. Of the minority group that favored a draft, we again found that greater than 50 percent favored educational deferments leaving an extremely small group actually willing to participate.

These results should point out that the American populace doubts the need and importance of a registration. And what use can a registration possibly serve but as a precursor of a draft? Otherwise, the expenditure that you are considering is questionable usage of precious American tax dollars, which certainly can be put to more effective programs.

I wish to amplify an earlier point. Every American citizen is reserved the right of freedom by our priceless Constitution. That means that anyone who wishes to serve his Nation through military service has that right protected by Federal law. It also means that anyone who believes that he can best serve his Nation through other means has that right protected by law.

I emphatically believe that I can best serve my country as a civilian. I do not believe that I can be as useful in the military. Please protect my right to serve my country, the United States of America, to the best of my ability. Do not appropriate funds for the reinstitution of a registration for possible military service.

STUDENTS FOR A LIBERTARIAN SOCIETY

STATEMENT OF TOM G. PALMER, BOARD MEMBER, STUDENTS FOR A LIBERTARIAN SOCIETY

Senator PROXMIRE. Our next witness is Tom Palmer, Students for a Libertarian Society in Washington, D.C.

Mr. PALMER. Thank you, Senator.

This committee has the responsibility of analyzing the costs of the proposal before it. I would like to see that done in the budget that the President has set forth.

Recently, members of SLS initiated the formation of the National Resistance Committee—NRC—a single-issue group dedicated to making any new registration or conscription program, whether for military or civilian servitude, break down under the weight of noncompliance.

The NRC has attracted a large number of activists of many different ideological viewpoints, but most importantly, we are involving thousands of people who have no previous political experience or strongly held ideological world view. The issue of registration and the draft is fast becoming the catalyst for a tremendous repoliticalization of America's young people.

Like their elders, young people tend to become politically involved to the extent that the State increases the burdens and impositions it places upon them. The tax revolt, for example, was going nowhere until a significant number of people found themselves simply unable to pay their taxes—Proposition 13 was the happy result.

Now, in the face of a tax revolt, certain politicians have proposed spending more stolen money to register young people for the draft—for slavery. The motivations behind this proposal are grossly political. Just a few months ago the President found himself with an absurdly low approval rating in the polls, brought about in large part by his inability to put a lid on the budget, his inability to get a single major legislative proposal through Congress, a rapidly accelerating rate of inflation, and soaring taxes.

Not long thereafter, his political fortunes made a dramatic turn, thanks to the Islamic militants in Tehran. The American people became frightened by the embassy takeover—for their fellow citizens, their country, and their own well-being. I will set aside the fact that it was years of U.S. support for the despotic Shah that led to this state of affairs. The point is that the President learned an important lesson; when people are frightened, they will generally rally behind whoever happens to be the leader of the state, no matter how unpopular he or she was immediately prior to the emergency.

POLITICAL ADVANTAGE SOUGHT

The President milked this for all it was worth. No debates, no campaign confrontations, no criticism of the President. His State of the Union address was a direct outgrowth of this lesson. William Shakespeare recognized that politicians often look toward sabre rattling and war measures—indeed toward war itself—as a means to escape domestic political problems and dissatisfaction.

In Henry IV, the old king is dying and spends his last moments imparting political advice to his son. He tells him that he was all ready to lead a crusade to the Holy Land because his enemies were looking "too near unto my state. Therefore, my Harry," he continues, "be it thy course to busy giddy minds with foreign quarrels, that action, hence borne out, may waste the memory of the former days."

To some extent that strategy has worked, but not all of America's minds are giddy. The lessons of Watergate, Vietnam, Koreagate, Ab-scarn, and other examples of political perfidy are not so easily unlearned. The case before us is no different. We even have some unearthed political chicanery—the case of the two reports; one against registration that was suppressed, and one released after the President's State of the Union address that was, conveniently enough, for it.

We know that we are viewed as mere pawns in the game of politics and power. We know it and we do not like it.

SLS and the NRC intend to destroy any registration system, face-to-face or computerized. The costs of enforcement will become enormous, much, much more than the amount the President has requested for the SSS. The prospects for an effective resistance movement are tre-

mendous. The Government will have to begin from a base of zero registrants. Unlike previous registrations, any moves by the Government will be countered by a dedicated, knowledgeable, and well-established organization of people who will refuse to register and who will urge others not to sign their lives away.

Post offices will be peacefully disrupted. I think that Dr. Rostker is well aware of the potential for such a movement. When asked recently whether he foresaw any problems with enforcing mandatory registration, he replied, "We expect everyone to register." I don't think he does, and I know I don't.

In conclusion, we believe that there is no difference between what we plan to do and what the abolitionists did over 100 years ago. Resistance to chattel slavery is a moral obligation regardless of whether the particular instance of slavery is enforced by the plantation owner or the national state. As the abolitionist Frederic Douglas stated, "Those who profess to favor freedom and yet deprecate agitation, want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. This struggle may be a moral one or it may be a physical one; or it may be both moral and physical. But it must be a struggle. Power concedes nothing without a demand. It never did and it never will.

Find out just what people submit to and you have found out the exact amount of injustice and wrong which will be imposed upon them, and these will continue until they are resisted with words, or blows, or both. The limits of tyrants are prescribed by the endurance of those whom they oppress."

Senator, the limits, as you may find, will be very narrow indeed.

Thank you.

Senator PROXMIRE. Thank you, sir, very much, for a fine statement. [The statement follows:]

STATEMENT OF TOM G. PALMER, BOARD MEMBER, STUDENTS FOR A LIBERTARIAN SOCIETY

Thank you for the opportunity to address this committee. As you may know, Students for a Libertarian Society, with over 250 campus chapters nationwide, has been in the forefront of the emerging movement against resumption of draft registration or the draft. Last spring we organized approximately 80 college and high school rallies and went on to set up hundreds of local anti-draft coalitions in high schools, colleges, and communities across the nation. We are very active in the Committee Against Registration and the Draft (CARD) and are also deeply involved with the upcoming march on Washington.

Recently, members of SLS initiated the formation of the National Resistance Committee (NRC), a single-issue group dedicated to making any new registration or conscription program, whether for military or "civilian" servitude, break down under the weight of non-compliance. The NRC has attracted a large number of activists of many different ideological viewpoints, but most importantly, we are involving thousands of people who have no previous political experience or strongly held ideological world view. The issue of registration and the draft is fast becoming the catalyst for a tremendous re-politicization of America's young people. Like their elders, young people tend to become politically involved to the extent that the state increases the burdens and impositions it places upon them. The tax revolt, for example, was going nowhere until a significant number of people found themselves simply unable to pay their taxes -- Proposition 13 was the happy result.

Now, in the face of a tax revolt, certain politicians have proposed spending more stolen money to register young people for the draft -- for slavery. The motivations behind this proposal are grossly political. Just a few months ago the President found himself with an absurdly low approval rating in the polls --brought about in large part by his inability to put a lid on the budget, his inability to get a single major legislative proposal through Congress, a rapidly accelerating rate of inflation, and soaring taxes. Not long thereafter, his political fortunes made a dramatic turn, thanks to the Islamic militants in Tehran. The American people became frightened by the embassy takeover -- for their fellow citizens, their country, and their own well-being. I will set aside the fact that it was years of U.S. support for the despotic Shah that led to this state of affairs. The point is that the President

learned an important lesson; when people are frightened they will generally unite behind whoever happens to be the leader of the state, no matter how unpopular he or she was immediately prior. The President milked this for all it was worth. No debates, no campaign confrontations, no criticism of the President. His State of the Union address was a direct outgrowth of this lesson. William Shakespeare recognized that politicians often look toward saber rattling and war measures -- indeed toward war itself -- as a means to escape domestic political problems and dissatisfaction. In Henry IV, the old king is dying and spends his last moments imparting political advice to his son. He tells him that he was all ready to lead out a crusade to the holy land because his enemies were looking "too near unto my state." "Therefore, my Harry," he continues, "be it thy course to busy giddy minds with foreign quarrels, that action, hence borne out, may waste the memory of the former days."

To some extent that strategy has worked, but not all of America's minds are "giddy." The lessons of Watergate, Vietnam, Koreagate, Abscam, and other examples of political perfidy are not so easily unlearned. The case before us is no different. We even have some unearthed political chicanery -- the case of the two reports; one against registration that was suppressed and one released after the President's State of the Union address that was, conveniently enough, for it.

We know that we are viewed as mere pawns in the game of politics and power. We know it and we don't like it.

SLS and the NRC intend to destroy any registration system, face-to-face or computerized. The costs of enforcement will become enormous -- much, much more than the amount the President has requested for the SSS. The prospects for an effective resistance movement are tremendous. The government will have to begin from a base of zero registrants. Unlike previous registrations, any moves by the government will be countered by a dedicated, knowledgeable, and well-established organization of people who will refuse to register and who will urge others not to sign their lives away. Post offices will be peacefully disrupted. I think that Mr. Rostker is well aware of the potential for such a movement. When asked recently whether he foresaw any problems with enforcing mandatory registration, he replied, "We expect everyone to register." I don't think he does and I know I don't.

In conclusion, we believe that there is no difference between what we plan to do and what the abolitionists did over one hundred years ago. Resistance to chattel slavery is a moral obligation regardless of whether the particular instance of slavery is enforced by the plantation owner or the national state. As the abolitionist Frederic Douglas stated, "Those who profess to favor freedom and yet deprecate agitation want crops without plowing up the ground. They want rain without thunder and lightening. They want the ocean without the awful roar of its waters. This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical. But it must be a struggle. Power concedes nothing without a demand. It never did and it never will. Find out just what people submit to and you have found out the exact amount of injustice and wrong which will be imposed upon them, and these will continue until they are resisted with words, or blows, or both. The limits of tyrants are prescribed by the endurance of those whom they oppress." Senators, the limits, as you may find, will be very narrow indeed. Thank you.

NATIONAL TAXPAYERS UNION

STATEMENT OF JULE R. HERBERT, JR., DIRECTOR, NTU'S TAX ACTION COMMITTEE

Senator PROXMIRE. We are pleased to have with us, Mr. Herbert, director of the National Taxpayers Union's Tax Action Committee.

You represent quite a fine organization, Mr. Herbert. Go right ahead with your statement.

Mr. HERBERT. Thank you, Senator Proxmire.

The issues we are working on, that the NTU is working on are: efforts for a constitutional amendment to balance the Federal budget and lower the tax burden; for an end to automatic tax increases caused by inflation; for across-the-board tax cuts on the Federal and State levels; for State and Federal educational tax credits to reduce wasteful education spending and to give taxpayers a choice in education; against the wasteful and counterproductive energy programs embodied in the Department of Energy; and against any new or higher taxes. At the same time, NTU is fighting for reforms which will save the taxpayer money in the long run.

But all these positions are interrelated and are made consistent by a basic philosophical vision of what America can and should be—a beacon of hope and of liberty to all the peoples of the world. As expressed in NTU's statement of principles, we believe in "an America where free people can work together to build a better life."

America today is at a critical period in its history. Everyday the lines are being drawn more clearly; lines between personal liberty and government control, between national centralized planning and the free market.

Huge runaway Government budgets, financed by high taxes and inflationary deficits, overpower the options of private citizens and make the average American worse off.

And now, in an apparently partisan move, the same administration which has courted favor with Communist China in order to show resolve to the Soviet Union, wants \$21.9 million in supplemental 1980 funds to register men and women born in 1960 and 1961 for possible peacetime conscription. But there has not been a showing that this move would add one iota to the security of the United States.

In fact, the administration has been advised by its own experts that its plan is redundant and unnecessary. It should be clear that this proposal is being pushed to scare and unite the voters behind the President. After all, this is an election year.

LIMITED RESOURCES

The time has come to face the fact that the Federal Government does not have unlimited resources, that resources consumed by the Government come at the expense of the people, and that wasteful spending does not somehow become magically transformed by labeling it "national defense."

The National Taxpayers Union believes in a strong defense, able to withstand any threat to the security of the American people. We believe that we can have this defensive strength only if we have a vibrant, free economy. The total of Government spending must be reduced, not supplemented.

We urge you to vote to defeat the registration money bill now before your subcommittee. A defeat will show the administration that the attention of the American people has not been diverted from 18-percent inflation and high taxes. There is still time to cut the 1980 budgetary appropriations and we urge you to do that.

NTU believes that the American people would always respond to any true national emergency. However, the present emergency comes, not from foreign military powers thousands of miles removed, but from our own free-spending Government. It is this emergency that we urge this committee to address.

Since before its recent about-face, the Administration opposed pre-mobilization registration, and since a recently leaked Selective Service report argues that a postmobilization registration is the most cost-effective and least intrusive alternative, the only argument one is hearing for the expenditure of these millions of dollars is for a Gulf of Tonkin style message from Congress to show resolve and national strength.

We believe that any move toward involuntary conscription cuts the other way and is an admission by the U.S. Government to the world that it does not trust its citizens to voluntarily respond to a legitimate national security threat. In fact, the mobilization timetable relied on by the proponents of these expenditures assumes that no one would volunteer in a crisis. It is this type of reasoning that leads one to wonder what uses the executive plans for our next conscript army.

How much national strength was shown by the Soviet-controlled

Afghan Government when it began drafting the entire male population over 21 this last weekend? Are not such moves the sign of weakness, not strength?

In any event, it is certain that the Soviet Union understands exactly that the present appropriation requests are for domestic political purposes—of the administration's top-down approach to restoring national unity and which add precisely nothing to our military strength.

Article I, section 8 of the U.S. Constitution gives Congress the power "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years." It is well known that the constitutional role of Congress with regard to the war-making power has been seriously eroded since World War II. The last two wars engaged in by the United States, involving the loss of thousands of American lives, were never declared, except indirectly through the appropriation process. It now appears that Congress has only two basic ways to check military adventurism by the executive branch—by withholding money and by withholding military manpower.

It is Congress' responsibility to act in a cautious, deliberative manner when it makes decisions which will involve the use of U.S. troops abroad. Approval of this supplemental appropriation bill will put the stamp of Congress on whatever follows.

In 1963 when Congress extended conscription for 4 more years, it, in effect, abdicated its constitutional responsibility and it allowed the executive to send thousands of draftees to a winless land war in Asia. But no rule of law or lawmaking requires, or could rationally require, that we must consecrate the mere blunders of those that went before us, and stumble every time we come to the place where they have stumbled. This is a mistake that Congress need not make again.

This subcommittee has the obligation to make the critical initial decision in this matter. This country has been sidetracked before from facing up to important domestic problems, such as inflation and runaway Government spending.

Congress has an obligation to the American people not to allow this to happen again. For this reason, and because peacetime conscription is inconsistent with the ideals of a free society, the National Taxpayers Union urges you to reject the administration's request for a supplemental appropriation to fund draft registration this year.

Senator PROXMIRE. Thank you, Mr. Herbert, for a fine statement.

[The statement follows:]

STATEMENT OF JULE R. HERBERT, JR., DIRECTOR, TAX ACTION COMMITTEE,
NATIONAL TAXPAYERS UNION

Jule Herbert serves as Director of NTU's Tax Action Committee, which involves itself in grassroot taxpayer activity including using the initiative process to propose tax cuts or limitations on the state and local level. On the federal level the committee is presently sponsoring a comprehensive study of the present tax structure and will be issuing a report of recommendations for tax reform in the eighties.

I. Introduction

Senator Proxmire and Members of the Subcommittee:

My name is Jule R. Herbert, Jr. from The National Taxpayers Union. We appreciate this opportunity to express our views to this committee. The National Taxpayers Union was founded in 1969. It is a non-partisan, non-profit organization which now has over 150,000 dues-paying members. It is affiliated with over three hundred local taxpayer groups which have well over one million members.

Among current issues NTU is working on are: efforts for a constitutional amendment to balance the federal budget and lower the tax burden; for an end to automatic tax increases caused by inflation; for across-the-board tax cuts on the federal and state levels; for state and federal educational tax credits to reduce wasteful education spending and to give taxpayers a choice in education; against the wasteful and counter-productive energy programs embodied in the Department of Energy; and against any new or higher taxes. At the same time, NTU is fighting for reforms which will save the taxpayer money in the long run.

But all these positions are interrelated and are made consistent by a basic philosophical vision of what America can and should be -- a beacon of hope and of liberty to all the peoples of the world. As expressed in NTU's statement of principles, we believe in "an America where free people can work together to build a better life."

II. Summary of NTU Position on a Supplemental Appropriation for Draft Registration.

America today is at a critical period in its history. Everyday the lines are being drawn more clearly. Lines between personal liberty and government control. Between national centralized planning and the free market.

Huge runaway government budgets, financed by high taxes and inflationary deficits, overpower the options of private citizens and make the average American worse off.

And now, in an apparently partisan move, the same Administration which has courted favor with communist China, in order to show "resolve" to the Soviet Union, wants \$21.9 million in supplemental 1980 funds to register men and women born in 1960 and 1961, for possible peace-time conscription. But there has not been a showing that this move would add one iota to the security of the United States.

In fact, the Administration has been advised by its own experts that its plan is "redundant and unnecessary." It should be clear that this proposal is being pushed to scare and "unite" the voters behind the President. After all, this is an election year.

The time has come to face the fact that the federal government does not have unlimited resources -- that resources consumed by the government come at the expense of the people -- and that wasteful spending does not somehow become magically transformed by labeling it "national defense."

The National Taxpayers Union believes in a strong defense, able to withstand any threat to the security of the American people. We believe that we can have this defensive strength only if we have a vibrant, free economy. The total of government spending must be reduced, not supplemented.

We urge you to vote to defeat the registration money bill now before your subcommittee. A defeat will show the Administration that the attention of the American people has not been diverted from 18% inflation and high taxes. There

is still time to cut the 1980 budgetary appropriations, and we urge you to do that.

NTU believes that the American people would always respond to any true national emergency. However, the present emergency comes not from foreign military powers thousands of miles removed, but from our own free-spending government. It is this emergency that we urge this committee to address.

III. The Phony Issue of "National Resolve".

Since before its recent about-face the Administration opposed pre-mobilization registration, and since a recently leaked Selective Service report argues that a post-mobilization registration is the most "cost-effective and least intrusive" alternative, the only argument one is hearing for the expenditure of these millions of dollars is for a "Gulf of Tonkin" style message from Congress to show "resolve" and "national strength".

We believe that any move toward involuntary conscription cuts the other way, and is an admission by the U.S. government to the world that it does not trust its citizens to voluntarily respond to a legitimate national security threat. In fact, the mobilization time-table relied on by the proponents of these expenditures assumes that no one would volunteer in a crisis. It is this type of reasoning that leads one to wonder what uses the Executive plans for our next conscript Army.

How much "national strength" was shown by the Soviet controlled Afghan government when it began drafting the entire male population over twenty-one this last week-end? Are not such moves the sign of weakness, not strength?

In any event, it is certain that the Soviet Union understands exactly that the present appropriation requests are for domestic political purposes - of the Administration's top-down approach to restoring "National Unity" and which add precisely nothing to our military strength.

IV. Congressional Abdication of Authority.

Article 1, Section 8, of the U.S. Constitution gives Congress the power "to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." It is well known that the constitutional role of Congress with regard to the war-making power has been seriously eroded since World War II. The last two wars engaged in by the United States, involving the loss of thousands of American lives, were never declared, except indirectly through the appropriation process. It now appears that Congress has only two basic ways to check military adventurism by the Executive Branch - by withholding money and by withholding military manpower. It is Congress' responsibility to act in a cautious, deliberative manner when it makes decisions which will involve the use of United States troops abroad. Approval of this supplemental appropriation bill will put the stamp of Congress on whatever follows.

In 1963 when Congress extended conscription for four more years, it in effect abdicated its constitutional responsibility and allowed the Executive to send thousands of draftees to a winless land war in Asia. But no rule of law or law-making requires, or could rationally require, that "we must consecrate the mere blunders of those that went before us, and stumble every time we come to the place where they have stumbled." This is a mistake that Congress need not make again.

This subcommittee has the obligation to make the critical initial decision in this matter. This country has been sidetracked before from facing up to important domestic problems, such as inflation and runaway government spending. Congress has an obligation to the American people not to allow this to happen again. For this reason, and because peace-time conscription is inconsistent with the ideals of a free society, the National Taxpayers Union urges you to reject the Administration's request for a supplemental appropriation to fund draft registration this year.

PARENTS AGAINST REGISTRATION AND THE DRAFT

STATEMENT OF JOHANNA M. BREWER, COORDINATOR, ATLANTIC REGION, PARENTS AGAINST REGISTRATION AND THE DRAFT

Senator PROXMIRE. Our final witness is Johanna Brewer, representing Parents Against Registration and the Draft.

We are pleased to have you with us. Go right ahead, Ms. Brewer.

Ms. BREWER. Thank you very much for the opportunity to testify.

I represent Parents Against Registration and the Draft. I am a parent. We are a national grass roots movement of parents who are calling for no registration, no draft.

We feel that the \$20 to \$45 million cost of a mass registration without classification is an extravagant and unwise use of tight Government dollars supporting a superfluous gesture.

We further believe that an accumulation of a large body of recruits in the military could tempt either simplistic, militaristic responses to complex, delicate world problems, or undebated acts of aggression. We therefore urge all of our representatives, in both the Congress and the Senate, to vote against funds for this purpose.

We also deplore and deny the validity of the word "patriotism" to describe a war fever that is being foisted on the American people, and are dedicated to the need, in these extremely dangerous times, for a foreign policy that will stress mutual needs of rivaling nations in order to help build the foundations for a sane and safe future.

I believe it was General and President Dwight D. Eisenhower who said, "In view of the types of modern weapons we now have, war is not only tragic, but preposterous." We heartily agree.

That is the end of my statement, but I would also like to address the question of the punishment for nonregistration.

We all know that for the nonregistrator, a \$10,000 fine and 5 years in prison is the penalty. However, we are wondering what the punishment would be for parents who counsel their young not to register. Juvenile court systems across America have long wondered how to hold parents responsible for the acts of juveniles. If parents voluntarily assume responsibility for their young nonregistrants, it would open a Pandora's box.

I think a letter sent to Congressman Weaver says it well:

I have two children. I deliberately limited my family in order to enjoy fossil fuel in my old age. Now they want my son. I will give up my auto, I will give up anything, but I will not give up my children.

Thank you.

Senator PROXMIRE. Thank you, Ms. Brewer, for an appropriate final statement.

PREPARED STATEMENTS

[CLERK'S NOTE: The statement of Ms. Brewer, together with the following statements that were submitted for inclusion in the hearing record subsequent to the hearing, will be inserted in the hearing record at this point:]

STATEMENT OF JOHANNA M. BREWER, COORDINATOR, ATLANTIC REGION, PARENTS AGAINST
REGISTRATION AND THE DRAFT

RE: S125

I represent Parents Against Registration and the Draft. We are a national grass roots movement of parents who are calling for "no registration, no draft." We feel that the \$20-45M cost of a mass registration without classification is an extravagant and unwise use of tight government dollars supporting a superfluous gesture. We further believe that an accumulation of a large body of recruits in the military could tempt either simplistic, militaristic responses to complex, delicate world problems, or undebated acts of aggression. We therefore urge all of our representatives, in both the Congress and the Senate to vote against funds for this purpose. We also deplore and deny the validity of the word "patriotism" to describe a war fever that is being foisted on the American people, and are dedicated to the need, in these extremely dangerous times, for a foreign policy that will stress mutual needs of rivaling nations in order to help build the foundations for a sane and safe future. I believe it was General and President Dwight D. Eisenhower who said, "In view of the types of modern weapons we now have, war is not only tragic, but preposterous." We heartily agree.

WITNESS: Johanna M. Brewer
Coordinator, Atlantic Region
Parents Against Registration
and the Draft
ADA, 1411 K Street NW
Washington, D.C. 20036

STATEMENT OF BELLA ABZUG, PRESIDENT, WOMEN USA

I am pleased to appear before you today to testify on the issue of draft registration. I am presenting testimony on behalf of Women USA, which was founded by myself, former Congresswomen Patsy Mink and Yvonne Brathwaite Burke, Maggie Kuhn, head of Gray Panthers, Gloria Steinem, editor of Ms. Magazine, and Brownie Ledbetter, a southern human rights activist to provide educational information and action

services to grassroots women throughout the country. On January 31, 1980 Women USA held a press conference to which we invited women leaders to join us in opposing compulsory draft registration for men and women. Among those who stated their opposition to draft registration for men and women alike were representatives of the National Organization for Women, the National Women's Political Caucus, the U.S. Student Association, Rural American Women, the Gray Panthers, the IWW Conference Continuing Committee, the National Congress of Neighborhood Women, the ACLU Women's Rights Project, the American Friends Service Committee, and the Women's International League for Peace and Freedom.

Women USA adamantly opposes draft registration for men and women. It is an unnecessary gesture which will do nothing to increase our country's capability for self-defense, may in fact foster the "appearance of national disunity" which Mr. Carter has said he's so anxious to avoid, and will only contribute to a national war climate that appears to have political overtones.

Mr. Carter has said that draft registration "is needed to increase our preparedness and is a further demonstration of our resolve as a nation." As this Subcommittee is aware, the Selective Service's Jan. 16 draft report to the President recommends against registering young people and maintains that "we now have a capability to respond in an emergency." The report effectively refutes President Carter's contention that registration will "increase our preparedness" in noting that 'pre-registration' would save only seven days over 'post-mobilization' (registering people after an emergency is called), and in concluding that 'pre-registration' is not cost effective and is "redundant and unnecessary."

But Mr. Carter apparently has chosen to ignore this recommendation, and has called for a plan to require all 19 and 20 year olds beginning this summer and 18 year olds beginning in 1981 to report to their local post offices and enter their names onto computerized lists for possible induction into the Armed Services. This plan is hardly likely to scare the Russians out of Afghanistan; it would be much more productive to continue the discussion of neutralizing Afghanistan through diplomatic means.

President Carter has said that there has been "a gross overreaction" to his call for registration. He apparently would like us to believe that registration is an important enough symbol to intimidate the Russians but not important enough to warrant national attention and debate. Those few of us

who warned against deeper U.S. involvement in Vietnam during the Gulf of Tonkin scare in the sixties know that the best time to stop a war is before it begins.

Any realistic discussion of draft registration must be based on the recognition that registration is a prelude to the draft, and the draft is a prelude to war. There has never been a time in our nation's history when we have had registration without also having a draft.

Feeding our sons and daughters into the draft registration machinery can only have detrimental, divisive effects on our country. The terrible events in Iran and Afghanistan are not sufficient justification for the shift from Mr. Carter's Moral Equivalent of War campaign--which was supposed to make us self-reliant in energy--into a new cold war campaign that would sacrifice American lives to back up our dependence on foreign oil and the shamelessly profiteering American oil monopoly. We should not be talking about sending teenagers to die in the Persian Gulf or using tactical nuclear weapons there, as the Pentagon reportedly has said would be necessary in that area. We should instead be using this period to press hard for energy conservation and the development of policies that will lead to energy self-sufficiency.

If anything, the Iranian hostage crisis shows that military power and nuclear warheads cannot protect American citizens, and what is needed are basic changes in our foreign policy so that we don't wind up siding with dictators who are hated by their people, or taking uni-lateral actions that alienate our allies in Europe or the oil-producing nations and that can lead us closer to nuclear war. Calling for registration is another example of the Administration's wrongly-based foreign policy which has us making new commitments to dictators like President Zia of Pakistan just because he is anti-Russian and despite his violation of human rights, his nuclear plans, and his contemptuous dismissal of \$450 million in proffered U.S. aid as "peanuts."

The Administration's policies are taking us down a dangerous path, and draft registration is one of the steps down that path. Women have always led anti-war movements, and we are speaking out now against efforts to make another war thinkable and acceptable. As feminists, we reject the male establishment's war reflex as the solution to international problems, and suggest that this is the time for serious and delicate diplomacy rather than threats of military force. We must never give up on peace.

The preoccupation with events abroad, important as they are, has directed attention away from domestic issues, and has obscured the departure from the 1976 Democratic party platform evidenced by President Carter's FY81 budget.

Women know that when military spending goes up, the programs we care about most get lost. The FY81 budget puts a freeze on the number of public service jobs (which were already slashed in last year's budget) while anticipating that unemployment and inflation will continue to rise. Programs for education, health, child care, nutrition, housing, and nurses training are underfunded or even reduced. And women -- who have higher unemployment rates than men and earn less when they work -- will again bear the brunt of wrong government policies.

Spending in the military budget itself is misdirected. Pouring billions of dollars into costly, long-range programs of questionable effectiveness, such as the MX mobile missile system, which Congressman John Anderson has described as "\$55 billion of lunacy", and the Nimitz nuclear aircraft carrier, and increasing the Research & Development area of the defense budget by 22% will do little to ensure our "preparedness." A carefully targeted military budget could increase military effectiveness and still redirect billions of dollars to vital social programs, thereby demonstrating real "resolve" while improving and strengthening our country.

The issue of whether women should be registered along with men has been used as another diversion from the real debate. The President's statement that women must register for the draft to show that they deserve equal rights is as specious as his whole registration ploy. Women are not looking for special privileges on the basis of gender; if we have registration, regardless of whether or not we have the ERA, then clearly both men and women should be included. Women have made sacrifices, fought and died in every war our country has been engaged in. It is insulting to suggest that we must prove our patriotism or our dedication to equal rights by blindly accepting this ill-advised draft registration proposal. We insist on our right to debate and reject the premise that registration is necessary or desirable. Women, as well as men, have an equal right to refuse to be drafted, just as women have an equal right to volunteer for the armed services, if that is what they choose to do.

It is ironic but typical that the President wants to force young women into a system in which they meet the same kind of discrimination they encounter as civilians. We deplore the unequal treatment of women in the military, and call on Congress to pass legislation removing quotas on women volunteers in the military. We also urge the military to undertake intensive sex discrimination training of its troops, similar to the race relations training employed when blacks began enlisting in large numbers. But we do not endorse draft registration of women as the road to equality in the

military, just as we do not endorse draft registration of men as the solution to male unemployment. The question we should all be asking is not whether women should be registered, but whether anyone should be registered. Women USA's answer is an emphatic no.

Should the Congress and the President institute registration for men and not for women, it is inevitable that there will be a court challenge, and we believe that on the basis of previous court decisions, exclusion of women on the basis of gender will be found unconstitutional. We repeat our belief, however, that neither men nor women should be required to register.

The issue of draft registration must be carefully considered and fully debated before any decision is made by Congress. The contents of the recently revealed Jan. 16 Selective Service report provides additional compelling evidence that this Subcommittee should continue with extensive hearings on registration, and finally, reject the President's request for funds for draft registration for men as well as for women.

STATEMENT OF NAOMI GOODMAN, PRESIDENT, JEWISH PEACE FELLOWSHIP

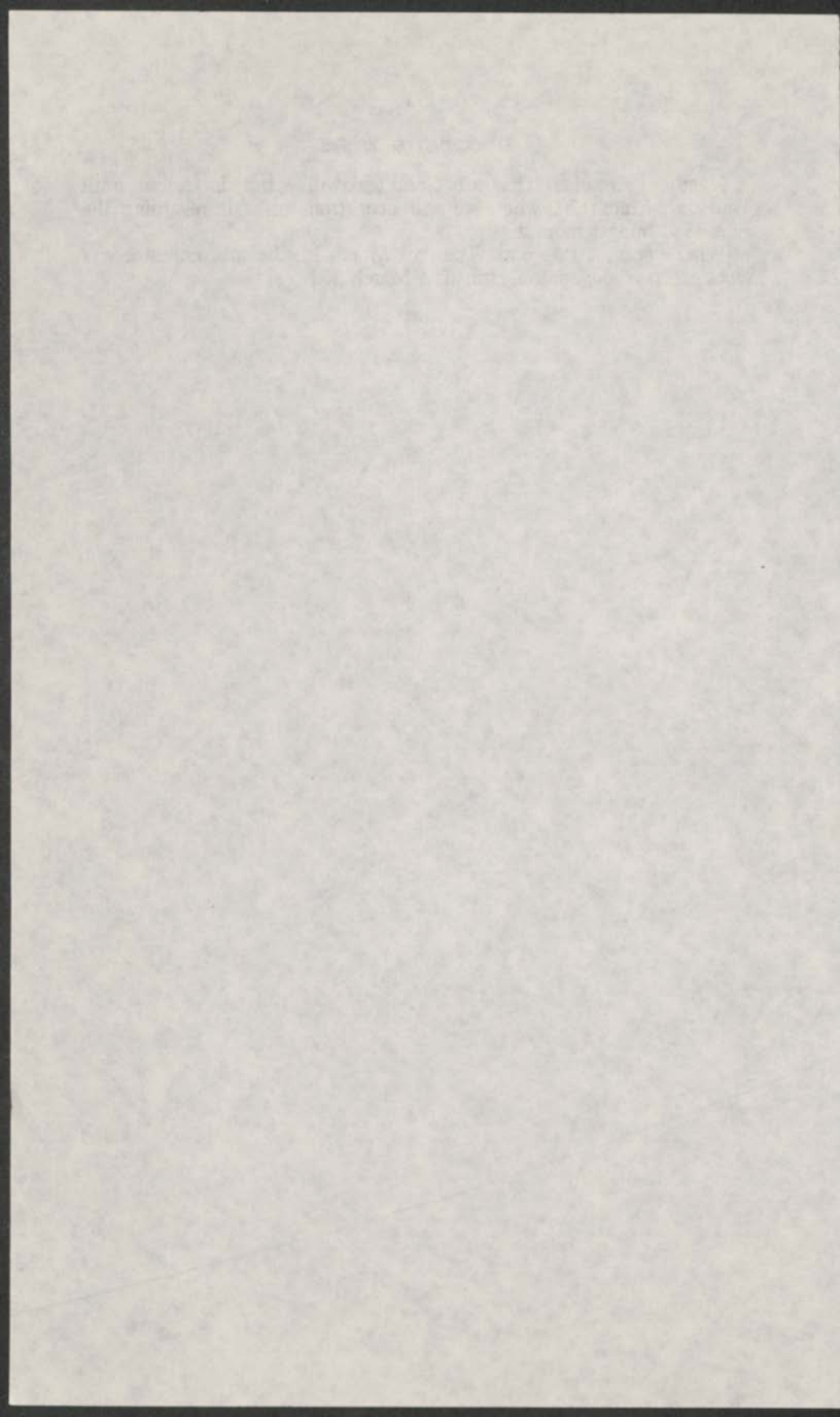
The Jewish Peace Fellowship regrets that it was not possible to have a representative testify at the March 11 hearings, but would like to testify on May 15th or 16th. Meanwhile, we wish to submit the following statement for the written record of the May 11 hearings:

The Jewish Peace Fellowship is opposed to any appropriation for selective service. We know of no instance where registration of available manpower, or manpower, has not led to conscription, which we regard as unconstitutional, undemocratic, and against the moral teachings of the Judeo-Christian tradition. We are disturbed that military means are contemplated, and military threats are offered as justification (threats on our part), for registering young people. We believe that political, social and ecological problems cannot be solved by irrelevant actions, which this would be. Any appropriation for registration would be a blow to the personal liberties of countless young people and would be an effort to make them the scapegoats for the mistakes of their elders. National Service for an entire citizenry would be recognized immediately as fascistic. Yet an appropriation to reinstate registration would curtail the rights and liberties of a section of our population, would not solve any of our basic problems, and would be a dangerous step towards making war thinkable and ending civilization as we know it.

SUBCOMMITTEE RECESS

Senator PROXMIRE. The subcommittee will stand in recess until Thursday, March 20, when we will hear from officials regarding the EPA 1981 budget request.

[Whereupon, at 1:35 p.m., Tuesday, March 11, the subcommittee was recessed, to reconvene on Thursday, March 20.]



MILITARY DRAFT REGISTRATION

TUESDAY, APRIL 29, 1980

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

The subcommittee met at 10:05 a.m., in room S-128, the Capitol, Hon. William Proxmire (chairman) presiding.

Present: Senators Stennis, Huddleston, Durkin, Mathias, Bellmon, Weicker, Laxalt, and Schmitt; also present: Senators Tower, Nunn, and Warner.

CONGRESSIONAL WITNESSES

STATEMENT OF HON. JOHN TOWER, U.S. SENATOR FROM TEXAS

OPENING REMARKS BY SENATOR PROXMIRE

Senator PROXMIRE. The subcommittee will come to order.

Today we are considering House Joint Resolution 521, which would provide \$13,295,000 to the Selective Service System by transfer to initiate draft registration. I understand that in addition to Senator Stennis, Senators Tower, Nunn, and Warner wish to testify today on the House-passed resolution. We will then act on the resolution in subcommittee after all of the subcommittee members have had a chance to speak their minds on the issue. Senator Tower, we are glad to have you.

Senator TOWER. Thank you, Mr. Chairman. I want to thank my distinguished colleague, Senator Stennis, for yielding to me because of my schedule.

I am here in my capacity as ranking minority member of the Armed Services Committee. I want to express my support for the views that Senator Stennis advanced. I have a complete statement which I will submit for the record and I will summarize.

Senator PROXMIRE. Your prepared statement will be printed in the record in full.

Senator TOWER. What we seek is funding for registration, which will enable us to meet our military obligations in the event of crisis. I think that registration is a prudent course to take. It does not automatically result in the draft. It is prudent step for us to take.

We have had the all-volunteer service for about 7 years and in the initial stages it worked out pretty well. There is some question about meeting our manpower requirement, both for the Active Force and Reserves. That is the question to be answered later. I do think we should

take that step. I think it demonstrates our determination in the face of the Soviet threat. I don't think they are going to be very impressed with America's will if we don't even fund the registration of people for mobilization requirements. So, I would urge favorable action by the committee.

I may say, Mr. Chairman, that I have been very close to the manpower situation for a number of years. I happen to have the honor of being the only enlisted reservist in the entire U.S. Congress. I am a chief boatswain mate in the U.S. Naval Reserve. I spend a great deal of time with enlisted men and I think I understand what their concerns are. I think I understand what is necessary to maintain the proper manpower level.

We have another problem now with trying to retain people in the military. That is one we have to resolve in another way. For the time being I suggest that we proceed with this registration.

I would hope that the Appropriations Committee and the subcommittee will yield to the earnest pleas of my distinguished friend, the chairman of the Armed Services Committee, Senator Stennis. When he makes his presentation I want to assure the committee of my full support for his request to you.

Thank you very much.

[The statement follows:]

STATEMENT OF SENATOR JOHN TOWER

Mr. Chairman, last year the Senate Armed Services Committee reported to the Senate S. 109, a bill sponsored by Senators Harry Byrd of Virginia, Robert Morgan of North Carolina, and Sam Nunn of Georgia. If enacted, S. 109 would have directed the President of the United States to begin again the registration of young men for selective military service, authority which the President already has. Registration for selective service has not been required since 1975 when registration was suspended pending a review of selective service policy and organization. S. 109 would also have suspended for 1 year the provision in current law which requires classification pending a study of such procedures.

During an historic debate, the Senate met in closed session to consider classified information and statistics which made clear the difficulties our Nation would face meeting its wartime mobilization requirements without peacetime registration. This year, President Carter, who opposed S. 109 last year, has come to see that peacetime selective service registration is, indeed, necessary.

Peacetime registration for wartime military mobilization is not a step to be taken lightly. As Americans, we are proud of the individual freedoms we have—freedoms which we, as a nation, have fought to maintain. Requiring the youth of America to register for selective service must, of necessity, bring some infringement in the freedom of the individuals involved, especially if they should be called to serve. Still, it must be remembered that during those periods of international turmoil when the United States has found it necessary to initiate selective service inductions, it has done so to promote greater freedom for all. Military service brings with it personal sacrifice and great danger, but it also brings its own honors and rewards, including the satisfaction of having defended our Republic and its Constitution.

The selective service registration debate has brought with it much confusion. The issue now before the Senate is not whether or not to return to a peacetime draft. Nor is the issue whether or not peacetime registration will mean the end of the all-volunteer force.

When the all-volunteer force was established in 1972, it was done so because we believed that adequate active duty manpower levels can be maintained in peacetime without resorting to conscription. No one ever expected that the all-volunteer force could meet all wartime mobilization requirements, and peacetime selective service registration for possible wartime mobilization was continued until 1975.

By law, the President still may require young men to register for the draft, but he cannot draft them into the military unless Congress enacts legislation permitting him to do so. At present, the Congress has no plans to enact draft legislation. The President has no authority to register or draft women, and I do not believe that Congress should or would ever give him that authority.

The issue now before the Congress, therefore, is whether or not to provide money to allow peacetime registration of young men for possible wartime mobilization into military service. President Carter has linked his decision to return to selective service registration with recent events in Iran and the Near East. Through registration, the President hopes to send a signal of American resolve to nervous allies and potential aggressors. Personally, I doubt that the requirement for young Americans to fill out an address card at the post office is viewed by the Soviet Union, fully committed to its invasion of Afghanistan, as a powerful shot across their bow. But I do believe that the existing military balance, which increasingly favors the Soviet Union, requires a return to the peacetime registration of young men.

Today, the Armed Forces of the United States are experiencing difficulty recruiting and retaining military personnel in sufficient numbers to fill its minimal active duty requirements. Our Reserve and National Guard forces are under strength also, and the once giant, trained manpower pool known as the Individual Ready Reserve is now some 500,000 soldiers below mobilization levels for the Army alone. The military is looking into ways to call up additional trained personnel to fill immediate needs, should a war start.

These are only stop-gap measures, however, designed to prevent the collapse of our defenses in Europe before newly trained personnel, drafted into military service at the beginning of the war, could arrive at the front.

When the Armed Services Committee approved legislation last year requiring the President to begin registration—legislation he then opposed and successfully blocked—the Selective Service System could not guarantee the arrival of significant numbers of trained inductees in forward units before as much as 7 months, long after our ground forces would have run out of replacements. Without peacetime registration, beginning a fair and efficient induction process could take between 2 and 3 months. With peacetime registration and the strengthening of the Selective Service System, the first inductees could be called in as little as 2 weeks.

It may be that draft registration now is a means for proving America's resolve, but the real issue is more stark. Without peacetime registration, we cannot guarantee that ground forces in Europe will not run out of combat manpower before the first draftee arrives.

STRONG ARGUMENT MADE

Senator PROXMIRE. I thank you very much for a very forceful appeal which agrees with the House position. I happen to disagree with that position, but I think that you make a strong argument as a member of the Armed Services Committee and, as you say, the only enlisted Reserve member of the Armed Forces in the Congress of the United States. I think you represent an overwhelming majority of people in the military. I spent more of my time as an enlisted person in World War II than as an officer, and I think you do get a much better feel for exactly what is going on.

Senator TOWER. I tried to be an officer. I was a naval aviation cadet and I washed out with flying colors and ended up on the deck of a gunboat.

Senator PROXMIRE. I know you have another meeting, Senator Tower, and I want to thank you very much.

Senator TOWER. Thank you again, Mr. Chairman.

Senator STENNIS. Thank you very much for coming around here.

Senator PROXMIRE. We will take a short recess until other members arrive.

[A short recess was taken.]

STATEMENT OF HON. JOHN C. STENNIS, U.S. SENATOR FROM MISSISSIPPI

Senator PROXMIRE. Senator Stennis, why don't you present your testimony?

Senator STENNIS. Thank you, Mr. Chairman.

Members of the committee, as I told the chairman—by the way, I have seen Senator Nunn, who is chairman of our subcommittee on Armed Services in Manpower, he wanted to and I will yield to him when he arrives.

I have the privilege of coming today as a fellow Senator who had this subject on his mind and has followed it for several years. Now I handle, as chairman of the subcommittee, what I call a big appropriation bill. It is our money for the Department of the Defense. We work on it 15 months out of every 12.

I finally am the one that turns the bill in at the desk and we have debated every major phase. The weakest point in the bill is this manpower problem. All the machinery and missiles and everything else does not make up for it. There is no substitute for the manpower. It is not money, we have thrown money at this thing repeatedly—inducement, bonus, schooling, everything. I have not held back on those. But that doesn't cure the need.

In a broad sense we get some mighty good men but we don't get enough of those.

Senator Nunn is here, may I yield to him?

Senator PROXMIRE. Senator Nunn, we are delighted to have you with us today. Go right ahead.

STATEMENT OF HON. SAM NUNN, U.S. SENATOR FROM GEORGIA

Senator NUNN. Thank you very much, I apologize for being late. I had two meetings I was presiding over and I just left one and I couldn't get here any sooner. I am sorry, Mr. Chairman.

Mr. Chairman, I have a short statement. I think it is pertinent and I will go through it very hastily, but I will be glad to answer any question you might have.

I am very pleased to be here this morning to outline the reasons why the Manpower and Personnel Subcommittee of the Armed Services Committee supports the President's proposal to reinstitute peacetime registration.

Our subcommittee has held several days of hearings last year and this year and has heard from a variety of witnesses representing the military and civilian leadership of the Armed Forces and from other individuals and organizations. The subcommittee believes that the President's request for a transfer of funds to begin the registration of young men under the Military Selective Service Act should be approved.

MOBILIZATION PROBLEMS

Testimony before our subcommittee 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. The military services are encount-

ering increasing difficulty in recruiting sufficient manpower to meet active duty levels. The Selected Reserve—the units that would augment active military forces in a mobilization—are below authorized strengths. According to testimony, the Individual Ready Reserve, the primary source of trained individuals for replacement and augmentation in emergencies, is 500,000 below mobilization levels for the Army alone. There are shortages of doctors and other critical skills, in both Active and Reserve components.

Specifically, if an emergency occurred, the Army indicates it would not have sufficient combat manpower in combat units even if it pulled people out of units scheduled to deploy at later dates and used them for individual augmentation and replacement earlier. Combat manpower would fall short by substantial amounts and these shortages would be especially acute in the most critical, large combat skills: infantry, armor, and chemical specialists. The results of mobilization exercises conducted last year show that 90 days after a mobilization occurred, the Army would only be able to fill: 52 percent of its infantry positions; 73 percent of its artillery positions; and 28 percent of its armor positions. In sum, we would not have enough people to operate weapons in the most critical, large combat skills.

Under the current capabilities of the Selective Service System, these shortages at M-day-plus-90 would get worse until the first draftees started arriving in units at about M-day-plus-210. With peacetime registration, these shortages would still occur, but draftees could start arriving shortly after M-plus-90.

Testimony is unanimous that the Selective Service System cannot meet the Department of Defense stated requirements for the delivery of inductees in mobilization. It should be noted that Department of Defense plans have never included reliance on an all-volunteer force in case of mobilization, and the delivery of inductees under a military draft is an important part of our mobilization capabilities.

LONG-TERM MOBILIZATION NEEDS

In a report by the Department of Defense on the all-volunteer force on December 31, 1978, the Department states:

If deterrence fails and a major conventional conflict continues beyond the initial engagements, the ability to rapidly mobilize, train, and arm these previously untrained personnel may be the difference between victory and defeat or between staying conventional or being forced to shift to the awful specter of international nuclear war.

The current Department of Defense stated requirements for the delivery of personnel are for the first inductees by 30 days following the decision to mobilize—M-day—100,000 inductees by M-day-plus-60, and 650,000 inductees by M-day-plus-180. Currently the Selective Service System is capable of delivering the first inductees 3 to 4 months after M-day; less than 60 percent of induction requirements would be met by 6 months after M-day. At M-day-plus-60, when defense requires 100,000 inductees, the Selective Service System currently will not be able to deliver any and would still be in the process of organization.

The implications of the current inadequate capabilities of the selective service are most serious. The Joint Chiefs of Staff unanimously support the need for peacetime registration.

According to Air Force Chief of Staff, General Allen:

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.

PEACETIME REGISTRATION

Peacetime registration will help assure that the Department of Defense mobilization requirements for inductees can be met. With ongoing registration, the Selective Service System will be able to begin inductions in 30 days, which it cannot do now and is unlikely to be able to do under alternatives that would delay registration until an actual emergency. This means that trained manpower would enter units about 3 months earlier than under current capabilities.

In addition, peacetime registration would enable the Selective Service System to meet more stringent delivery requirements and begin induction in 13 days. Given the most severe shortages that would exist in combat units in the event of mobilization and the reassessment of Army training base capacity as a result of recent mobilization exercises, we should plan to meet shortages as soon as possible.

Peacetime registration is not a cure-all for all the serious mobilization deficiencies that we face. The large combat manpower shortages that could be expected in the early stages of mobilization will still occur. These shortages are in pretrained manpower available at mobilization, primarily the Individual Ready Reserve. Inductees will still have to receive training before being assigned to units, but peacetime registration assures that these individuals can be assigned 3 months earlier than under present conditions and will enhance the security of the Nation.

Peacetime registration does not include a return to involuntary induction for military service. Peacetime registration does not alter the fact that there is no authority in law for induction and that specific legislation would have to be enacted before any inductions could occur.

In addition to enhancing the capability to meet mobilization requirements, some witnesses believe the reinstitution of registration will enhance the viability of a volunteer force by reminding citizens of their basic obligation, providing useful recruiting information to recruiters, and inducing Reserve enlistments. Certainly the recommendations of the President's Commission on the All-Volunteer Force included an effective standby draft. It is clear that registration is needed and that this bill does not permit conscription. Whether further changes with respect to the all-volunteer force will be necessary must be addressed, based on a continuing assessment of manpower requirements, including the effects of registration.

Mr. Chairman, a review of the testimony before our subcommittee also indicates that peacetime face-to-face registration is the only method for insuring that we can be prepared to meet emergency manpower requirements. Last year, we reviewed the plan of the then-acting Selective Service Director to conduct a postmobilization registration. The plan was infeasible. Now, another postmobilization plan similar to last year's, except that it would use post offices instead of election sites, was written by Selective Service and has already been disavowed. Other

proposals have included using Internal Revenue Service and social security data, but none of these plans can meet the requirements as well as the simple registration of young men face-to-face before an emergency.

ARGUMENTS AGAINST REGISTRATION

Mr. Chairman, I would like to refer to two arguments that have been made against peacetime registration.

First, some of those who oppose this measure seem to believe that our present lack of preparedness will keep us from fighting the wrong war, in the wrong place, at the wrong time. The theory seems to be that a prepared America is dangerous to itself and to the world. This theory should be rejected. By seeking to protect our young men from the hazard of just signing their name and address, our Nation is creating a weakness that could lead to the very war that we all seek to prevent.

Second, some oppose peacetime registration because it makes reinstatement of the draft a less formidable task. Indeed, we need to make reinstatement of the draft a less formidable task in time of emergency. The fact that peacetime registration does that is the principal reason why it is needed. Again, peacetime registration contains no authority for any induction, in peacetime or in an emergency.

In sum, I urge this subcommittee to support the President's request for a transfer of funds to begin peacetime registration of young men. This simple registration process will not solve all problems, but it will add significantly to our mobilization capability and shorten the delivery of inductees, should that be necessary, by about 3 months. It is not a return to the draft. Rather, it is a realistic and necessary step to improve military mobilization capabilities.

TIME SAVED BY PREMOBILIZATION REGISTRATION

I want to say one thing about the plans being prepared, that everybody talked about you are going to save 12 days of registration. Those figures come from the select service plan they submitted last year in our committee. Our committee had hearings, we looked into it in detail, we came up with the conclusion—and John Warner can comment on this—my own personal conclusion was that at best, that plan was wishful thinking and at worst it was total outright fraud. You can choose in between. It was either a naive group of people that didn't have anything to do but push pencils and came up with some kind of dream wish plan because they didn't think the executive branch and the Congress had the courage to do what ought to be done.

It was a plan that anyone with any knowledge of previous selective service experience would contend, and did contend before our committee, was nothing short of outright fraud.

Senator LAXALT. Would the Senator yield?

Senator NUNN. Certainly.

Senator LAXALT. Was this put together purely within Selective Service?

Senator NUNN. Yes. And the Chief of Staff of the Army testified last year, 6 or 8 months before Afghanistan and before the President advocated registration, that plan would not work.

Senator LAXALT. Was it the finding of the entire subcommittee that this plan had no basis whatsoever factually?

Senator NUNN. It was not a unanimous opinion of the subcommittee. I can get you the vote.

Senator LAXALT. You came to that conclusion yourself?

Senator NUNN. Yes.

Senator LAXALT. So the 12-day finding, in your opinion, has no validity. And, in fact, we are talking about picking up 3 months?

Senator NUNN. You are talking about picking up 3 months from where we are now. That plan was based on buying a lot of computers, it was based on doing a lot of things that are not in place now. It would take about a year to get in place. So, at best, even if the plan would work, we are a year away from it.

Our finding was that the plan wouldn't work if you gave them every bit of money they wanted. If you can imagine the situation where the President gets on television in an emergency situation and says for everybody to report to the local draft board in 10 days and you have a war going on, so you have the worst of all circumstances to try to organize anything, and you have the Vietnam era court decisions on the books that say if any significant group of people are left out of the registration procedure, the whole thing is subject to legal challenge.

So, you are trying to do that in a wartime situation, or at least an emergency situation under conditions in which it would be almost impossible to meet the legal requirements. If we don't do this registration in advance, the whole process is going to fall, based on the clear legal precedents, because anybody can bring a lawsuit, and I think recent history will show that anybody will bring a lawsuit.

Senator Warner can go forth on this point.

REINSTITUTION OF THE DRAFT

Senator WARNER. I endorse what my subcommittee chairman has said. I am of the opinion we shouldn't go to the draft. This would be a very helpful step to forego the draft and it would bring to the attention of the millions and millions of young people the necessity to serve their country and stimulate volunteers.

Senator LAXALT. Why don't we go to a draft?

Senator NUNN. Senator, in my opinion I think that is going to be necessary at some point in the future. If we had to go to the draft, I think it ought to be in the Reserve. I don't think we ought to go back to any kind of draft like we had at the time of Vietnam. If we do, I would like to see 3 to 6 months' active service in peacetime and then go into a Reserve unit. Those who go into active duty 2 or 3 years would receive some sort of educational benefit.

Our committee is coming up with a pilot program where we are going to try to give the Department of Defense all the education money they can use for 1 year to test every form of scholarship. I consider this the last resort in trying to make the volunteer force work. If that does not work, and work very well, then I think we are going to have some sort of draft.

This registration bill is needed even if we never go to a draft. It is needed even if the volunteer force is working perfectly, which it is not.

POSITION OF ARMED SERVICES COMMITTEE ON SELECTIVE SERVICE ESTIMATES

Senator PROXMIRE. Senator Nunn, in your presentation you put a great deal of emphasis on what you seem to feel is a completely invalid Selective Service estimate of the time involved in the postmobilization registration process. The Selective Service figure I have as to the time to be saved by premobilization registration isn't 12 days, but 7 days.

I am told that you had a divided vote on your subcommittee on that issue. The vote was only 4 to 3. The majority felt that the Selective Service estimate was invalid. Is that correct?

Senator NUNN. That was the vote last year. This year it is 5 to 2. I think Senator Cohen is also very skeptical about that plan. He has his own reasons. I do believe that he would be the first to tell you that Selective Service plan is not what he thought it was. I think he ought to speak to that.

Senator PROXMIRE. Senator Weicker.

REGISTRATION OF WOMEN

Senator WEICKER. Am I correct, is this the first year that women have graduated from the service academies?

Senator NUNN. To my understanding, that is true. I think that is true of the naval academy and I believe it is true of the others.

Senator WEICKER. So, in fact, you established 4 years ago the policy that women were quite capable of serving in the U.S. Armed Services at the highest level. Why, then, does this plan not include women?

Senator NUNN. I think it is important, Senator Weicker, to distinguish between this argument and the registration argument. I had also hoped they would be distinguished so we can study the women issue in 6 months and come back and separate them.

Whether we have women or don't have women, we still need a registration. I am against including women and our subcommittee came to the conclusion, for rather simple reasons: women aren't compelled to go into combat under current law.

Senator WEICKER. Neither are men.

Senator NUNN. Yes.

Senator WEICKER. Not all men.

Senator NUNN. Men who are drafted are exposed to going into combat.

Senator WEICKER. It seems to me the women issue was resolved 4 years ago.

Senator NUNN. That was a volunteer system. It is different from drafting women.

Senator WEICKER. I don't see the distinction. If a person is capable of serving as an officer in the Armed Forces, that person should be capable of doing anything.

Senator NUNN. I think we can debate the women issue for a long time. I would be perfectly willing to do so. I believe we need registration.

Senator WEICKER. I agree. I am going to vote for it. I want to know why women were excluded, except for the fact that we make it more palatable in a political sense.

WOMEN IN COMBAT

Senator NUNN. They are precluded by law from going into combat. If you are not going to put them in combat, then I don't see any reason for drafting them. The critical shortage is in the infantry and artillery. If you took women on a 50/50 percent basis in the draft, you so overload the training camps that you wouldn't get but 50 percent as many men as you needed for combat. What you have to do is take a lot less women in the draft in an emergency situation, unless you are going to repeal the law and say women are going to go into combat.

Senator PROXMIRE. Would you yield on that point? As I understand it, the law prohibits combat by women who are in the Navy and Air Force, but not those who join the Army and most draftees, as I understand it, would probably be in the Army. The Army's restriction is in the form of a regulation, not a law.

Senator NUNN. A regulation.

Senator PROXMIRE. Isn't it also true that an overwhelming majority of the positions in the Armed Forces today are noncombat positions?

Senator NUNN. That is true; but a large part is very close to combat and have to be prepared in combat under any kind of emergency situation, and if there is any kind of overrunning of the front lines.

Senator WARNER. If I might add, obviously, throughout the history of the United States, women have served admirably and will continue to do so. But if we start and pass the first law which treats them coequal with men, then there is a basis for a Federal court case to strike down the flexibility of the military command in excluding them from certain combat training and combat-related positions. And we don't want to start that train of legal cases.

At the present time the commanders have absolute flexibility under Supreme Court cases to preclude them from serving in combat positions and that is basically the will of the Nation. Once we open up equality on any basis for a registration and/or a draft law, a Federal court could leap in that and carry it right straight through and say, from the very first moment a woman enters military service, subject to draft registration throughout the entire career, they should be treated equally as men and, therefore, combat commanders can no longer exclude them from combat assignment.

SPECIAL EXEMPTIONS FOR WOMEN

Senator NUNN. I was going to add one thing. We have a report coming out, Senator Weicker, on this. You may not agree with it, but we are going to have the foundation in the report as to why we turned down registration of women. Even if you are for registering women, you have to decide such things as exceptions for mothers of young children before you go into this issue.

The present proposals would not exempt any woman, even if they

have small children. If you all of a sudden went into some sort of draft, you would immediately have a situation where young mothers were being shipped off to the military and young fathers may not have been drawn under the random lottery and they would be staying home with the children. I don't believe our country has marched down that road yet.

Senator WEICKER. Obviously there are certain situations that have to be addressed, more so in the case of women than in the case of men. When a man gets drafted, that doesn't automatically make him eligible for combat. That is no different with a man than it is with a woman.

I don't mean to mix these two issues. I just find it strange that those who are qualified to be officers in our services are not qualified for the lesser duties. The fact is, that certain intelligence is attached to those who are officers, certain quality of leadership. All that is fine, but nothing below. It makes absolutely no sense unless you happen to know of certain other attitudes present relative to the capability of men and women.

Senator NUNN. There are a lot of women in the service in lower levels. We are all in favor of volunteers. It is a different step when you start drafting women. There is not a country in the world that puts women in combat.

Senator WEICKER. Who is advocating that? I am not. All I am saying is that they should be subject to registration as everybody else.

Senator NUNN. You can distinguish that. I am not in favor of that. I hope we can distinguish those two issues. One of the big problems all along is the women issue has gotten so emotional.

JANUARY 16 SELECTIVE SERVICE DRAFT REPORT

Senator PROXMIRE. You referred in your presentation with a great deal of emphasis to last year's Selective Service report. I understand that this year's January 16 draft report is far more detailed and extensive. Your argument against this year's report might not apply. As I say, it is a draft report. It was never finalized. But it is more up to date, it is more detailed and it argued that only 7 days would be saved by premobilization registration.

Senator NUNN. The Director of the Selective Service testified that his plan won't work. What I think happened is that the bureaucracy saw the President marching in the direction of opposing registration and they gave him a plan to justify the previous position which opposed the registration. And then the bureaucracy couldn't shift gears because the President is coming in a different direction.

Senator LAXALT. May I ask Senator Nunn a couple of questions?

Senator PROXMIRE. Senator Schmitt has a question as does Senator Laxalt.

REGISTRATION-TO-INDUCTION PROCESS

Senator SCHMITT. We had asked a question of the Selective Service sometime ago in which they, on page 3 of the budget justification, say that six subsystems make up the registration-to-induction process, and we asked when will each of these components be in place. And you have in front of you the answer.

Can you scan that and see if you agree with their assessment?

Senator NUNN. I had not seen this, Senator Schmitt, to be frank with you. I had absolutely no confidence in the Selective Service System plan last year and I have no confidence in them this year. I have seen them fire people because they disagreed. They tried to commit one man and they fired him from from civil service on a psychiatric examination. This organization has been stripped down to almost nothing. The Department of Defense has disagreed with them. They are not a viable agency.

Senator SCHMITT. Do you think we ought to start over?

Senator NUNN. I don't know if there is enough foundation to be built on or not. It leaves a lot to be desired. They certainly need to be revitalized. I am not blaming the individuals involved. They have been through a period of time where Selective Service was cut and cut and anybody left over there in the Selective Service organization didn't have anything else to do.

Senator SCHMITT. Mr. Chairman, the answer to this question, I think, is important to our committee's full deliberation.

I wonder if the staff of our committee and the staff of the Armed Services Committee could get together and see how they feel about these dates?

For example, the last one, an ADP system that can handle Selective Service pre- and post-mobilization requirements they say won't be in place until September 1981. I think what those dates mean—we had better know what the consequence of us approving or disapproving registration is.

SELECTIVE SERVICE READINESS

On page 3 of your budget justification, you describe six subsystems which make up the registration-to-induction process. When will each of these components be in place?

[The information follows:]

Subsystems	Ready date
Registration process that is reliable and efficient.....	June 1980
A system for the promulgation and distribution of orders for induction.....	June 1980
A field structure that can support the claims process	Sept. 1980
A revitalization of national headquarters in order to manage the registration and field structure.....	Sept. 1980
A claims process that can quickly insure all registrants' rights to due process are protected.....	April 1981
An ADP system that can handle selective service pre- and post-mobilization requirements	Sept. 1981

Senator NUNN. I think we have a very serious problem right now. I think as soon as we get some registration in place the better prepared we will be.

Senator SCHMITT. I am not going to argue on that. I don't think anybody on this table knows the contents in which this registration will be implemented. I think we ought to start over from scratch, create some new process by which this thing is going to work. If we have to wait until 1981 to implement registration, there is not much point in it.

Senator PROXMIRE. Senator Laxalt.

VALUE OF TIME SAVED BY PREMobilIZATION REGISTRATION

Senator LAXALT. I have the same basic problem. I agree completely with your contention that we have a serious manpower problem. I think we got to go to some form of draft reserve. I welcome whatever you come to.

What bothered me about this initially, I felt that the Selective Service report—I wondered about the 3 months. Is the 3-month lead time that we pick up so meaningful that we should get into this exercise? We got a lot of youngsters in this country. I don't know that is a healthy perception unless this is a meaningful exercise.

Is the 3 months a meaningful time pickup that makes all this worth it?

Senator NUNN. I think it is. I don't think we should be in the position that if we can't solve all the problems we won't solve any of them.

Senator LAXALT. I hate to fool around with this thing. We have been fooling around with our national security for the last few years. I think it accounts for the difficulties we find ourselves in. If you people make the assessment that we are in a critical period, then we should bite the bullet and not fool around with something of this kind.

Senator NUNN. If we don't get a bill for people to put down their names and addresses, we don't have a prayer of getting the draft through.

Senator LAXALT. I am not sure of that.

Senator NUNN. But the Commander-in-Chief says a volunteer force is working, the Secretary of Defense says it is working, the Secretary of the Army says it is working. They are wrong, but as a result you can't muster public opinion in this country to go to something like the draft no matter what Sam Nunn or Paul Laxalt say.

Senator PROXMIRE. Senator Durkin.

FOREIGN POLICY INCONSISTENCIES

Senator Durkin. Thank you, Mr. Chairman. I share some of the concerns expressed around the table. We seem to be on the odd-even foreign policy plan, one policy in the morning, a different one at noon, and a comprehensive policy on the evening news. I think it is a sorry state of affairs when you have to get up and watch the Today Show to find out the foreign policy plan of this country. I think if the President was sincere in his belief that we needed registration, then he should have signed an executive order to that effect and announced his decision in the State of the Union message. But he didn't. Why? I don't know. But had we had this before in Appropriations, we wouldn't have the issue now of whether we are going to register women, whether we are going to have women in combat—all that would have been behind us.

It would have been a stronger signal to the Kremlin if the President had signed the executive order. Now what we have is a mixed signal going out to the world that the United States is in doubt and split over whether there will be registration or not.

I have serious and deep-seated concerns that we may be drifting into

a situation that we are not prepared for. We may be drifting into a situation that causes us serious problems at home and around the world. They say registration will save only 7 days or 20 days or 30 day. If I were on a beachhead somewhere, or my son was waiting for reinforcements, it would make a hell of a lot of difference whether it was 7 or 20 or 30.

I am going to vote in favor of registration because I think to do otherwise would send the absolute wrong signal around the world, to our friends as well as to our adversaries. I think the President could have handled it much better, but he didn't, and we are stuck with the mixed signal that the President sent.

I think we can change that today by sending a strong, clear signal, and to do that I intend to vote for registration.

Senator PROXMIRE. Senator Stennis has been very patient. I think we should let him go ahead.

WOMEN IN THE MILITARY SERVICES AND REPEAL OF THE DRAFT

Senator STENNIS. Mr. Chairman, I will say one word on the women issue. We do not now have a need for more women in the service. All the services in the present situation are getting their needs. I think the key to this question here is as to the demand. We do have the need, but it is going to be so obvious before this fiscal year that we appropriated for that, we must have more and I have no doubt about that.

I was handling the bills on the floor when the full Selective Service Act with the power of induction was, in effect, repealed and we had a real debate, and we had some close votes on it, and when the real question came up, it was agreed to with 2 more years. The record will show that I was the one that offered the amendment to make it 4, which was the normal number of years. That was defeated.

Finally, it turned out General Westmoreland, then Army Chief of Staff, came out with a statement more or less in favor of the position of repealing the power of induction. I told him that he might compete with the Congress, but he said he didn't need it. He later saw what happened and changed his position.

That was the setting. As Senator Nunn pointed out, no one proposed the repeal of this machinery, it was left on the books for registration. That was a very persuasive point in the argument in favor of the bill in the final form. That has laid intact and has been all through the years a safeguard. And you are not called on now to change.

I have no thought of introducing a bill nor do I expect one to be considered giving that power of induction. That is what the draft is. There are no plans like that, although I would personally favor it because I am convinced in my mind we need it. Legislativewise, it doesn't preclude us from getting up something that we do like that meets the situation here.

COST OF THE ALL-VOLUNTEER FORCE

Here is why I feel that this thing has been given a try. That appropriations I don't know what it would be, but it would be the largest appropriation bill that the Congress has ever passed in peacetime or

wartime when it is finally passed. That was true last year and the year before. This is going to plague us all the way through—I want your attention on this—all the way through this question, on the appropriations bill now, if it comes up it goes to the floor, it will be up in the House, it will be up in the conferences, and it will be up—the final word is said. So, let us settle this now and complete the task we started, and now. When are we going to stop? Facts have not changed any. This thing has got to be settled sometime this year to go with the 1981 budget. This doesn't change the law, it just provides Selective Service with a relatively small amount of money.

NEED FOR AN IN-DEPTH LOOK AT INDUCTION LEGISLATION

I was pleased when I saw that we introduced such a simple thing. I think we are going to have to have a new selective service induction law, not the only one by any means, not any means, and I hope you never have to go through more torture in the Senate as I did and many of us did in the operation of that old law. I don't think we should pass one until there is in-depth hearing—I mean in-depth, to the bottom of the whole problem—and then a building up to a solution which the American people have to understand is necessary, fair, impartial, is going to be administered in the right way, and is needed, absolutely needed.

We are in a relatively easy position here to accomplish a significant necessary fact. I followed up on this volunteer issue. I went to Fort Jackson after it became law. I interviewed these people that were coming in then as volunteers, no one in the room except them and me, and I went to Fort Lewis and did the same thing. I talked to the officers also.

Senator PROXMIRE. I understand Senator Nunn has to leave.

CURRENT MILITARY FORCE LEVELS

Senator BELLMON. I only have a few questions to ask Senator Nunn.

Some of the things he said don't square with some of the information I have. As I understand it, the military pay now in real dollars is about 20 percent less than it was when the volunteer concept was adopted. In spite of that, the military manpower, when you take all the services into account, is 1½ percent under the authorized strength.

I can't understand all the screaming that we can't get people, if those facts are true.

Senator NUNN. The authorized strength comes down dramatically. We are cutting the Army about 25,000 because we can't get people. We cut the Marine Corps.

Senator BELLMON. Why can't we get people?

Senator NUNN. Because authorized strength is what we have every year. They have lowered authorized strength.

We are recommending reductions this year, not because we don't need the people but because if you don't lower the authorized strength they start going for quantity rather than quality. This wrecked the Marine Corps. Until we started cutting them down they went for numbers. The Army is doing that. They have taken 45 percent category 4.

Senator BELLMON. Yesterday we had testimony by Secretary Quench and that wasn't what he told us. He said that the Army was like 8-percent category 4 and the other services were even less than that.

Senator NUNN. He is absolutely dead wrong. That contradicts the Assistant Secretary of Defense for Manpower.

Senator BELLMON. Why did he tell us that?

Senator NUNN. I can't speak for him. That contradicts everything we have in our records. Mr. Pirie testified—and what they say they found out, the tests were inflated and instead of 10 percent category 4, they had 45 percent category 4 in the Army.

Senator BELLMON. That is not what the record here said.

Senator NUNN. He contradicts the Assistant Secretary for Defense for Manpower. He may be using outdated information. Even if they have only 3 percent category 4, we still have a critical shortage of mobilization capability. If there were no quality problem in the Active or Reserve components, you would still need a registration.

Senator BELLMON. That is your opinion.

How long has it been since President Carter pardoned the draft dodgers? It has been 3 years. Now we come along with a meaningless registration.

Senator NUNN. I don't think on this point we ought to criticize President Carter's pardon.

Senator BELLMON. I think we've got to go another route. We can't use compulsion.

Senator NUNN. If that is the case, we wouldn't have fought World War I and World War II.

Senator BELLMON. The only thing conscription means is that we are too cheap to pay a fair salary to the people who serve.

Senator NUNN. There are proposals which would cost large amounts of money but may not solve the problem. Melvin Laird has a proposal. It costs \$12 billion for the Active Force and the Reserve cost doesn't even touch that.

Senator BELLMON. The Budget Committee has recommended a \$20 billion increase this year.

Senator NUNN. I think it would cost \$12 billion to \$20 billion and I don't think you can buy patriotism.

Senator BELLMON. I do not agree you can buy patriotism.

Senator STENNIS. I think the civilian Assistant Secretary of Defense, Mr. Pirie, has testified before the subcommittee that those records are incorrect to which you recall, that they have been torn down and rebuilt and showed results.

I looked into this myself after you called it to my attention and they are testifying from the old records and Pirie said that is not correct. I don't know whether they built up those figures on Pirie's testimony.

Senator PROXMIRE. Senator Mathias.

ADEQUATE PAY FOR MILITARY PERSONNEL

Senator MATHIAS. My thought is in the same line as Senator Bellmon. I question whether we ought to be talking hiring new people when we are not feeding and clothing and taking care of the people we do have.

I went the other day to one of the service academies, talked to the students there that I had appointed, and I was shocked by the kind of concerns that they have about their professional future, about their ability to stay in the service and be professional officers of the United States of America, their capacity to get married and to have families and be able to educate their children. They are not even out of the service academies yet and they are sitting down figuring out what it cost to live in today's environment and if they figure their pay and their housing allowance and what they are going to have to pay for medical care for their kids, they are not going to stay in.

And the reason I was particularly anxious to have the distinguished Senator of the Armed Services Committee stay here is to discuss what are we going to do about paying allowance for the people we already have before we talk about putting anybody else on the table? That is really very central to the decision I have not yet made on the subject.

Senator NUNN. If you assume you have adequate pay and allowances to retain everybody in the service today, Mr. Mathias, you still do not have enough people to mobilize the force in an emergency.

The question we have today would be the same question even if we had all the people which are being retained. They are two different things. You do not have the mobilization capability and that is why you need registration.

On pay and allowances, Senator Warner and I sponsored the bill which would help some, would cost about \$700 million, and is now pending before the House Armed Services Committee but which is opposed by the administration. There has been an erosion of pay and benefits of the career force in the last 5 years. But since the volunteer force started, there has been a tremendous increase in the front end. First time pay has gone up higher than the rate of inflation.

Historically, the lower grades had low salaries. But now most of the new money for manpower has been put in the bottom end of the force for pay and benefits. You have a higher percentage of money going into manpower today, between 56 and 60 percent than before Vietnam. We are increasing the amount we spend on manpower but are putting it in the lower end. That means that the career force is having an erosion.

It used to be sergeants made two and a half times what an E-1 and E-2 made. Now you front-end it so much that the E-2 makes about 60 percent. We have had a fundamental change in the whole pay system under the volunteer force. I think that we have had an erosion in terms of the career force. They don't made a lot of progress from E-3 to E-9.

Senator STENNIS. This bill partly corrects the situation there.

Senator Mathias. I think it is very critical to our vote here to know what our national policy is going to be.

Senator NUNN. We shouldn't be in a position of trying to take action here to retaliate against what the President is doing.

Senator Mathias. I am not going to try to retaliate.

Senator NUNN. We have a constitutional responsibility to protect the national security, like the President.

Senator Mathias. If the President wants this bill we can find out what

he is going to do on that bill before we decide what we are going to do on this bill.

Senator STENNIS. I believe that bill is the same as the law——

Senator Mathias. With the greatest respect, they are tied together in the facts of life. If you can't retain your sergeants and your first lieutenants, then your ability to use draftees is severely curtailed.

Senator NUNN. I would not try to dissuade my distinguished friend from Maryland from using a little leverage with his vote, if you would care to do so.

VOLUNTEERS IN THE EVENT OF AN EMERGENCY

Senator BELLMON. Mr. Chairman, I am just as concerned about the statement as anyone.

Has there been any calculation made about what would happen if there was an emergency, if there was need for manpower and if the President put out a plea for volunteers? I remember in World War II I was one of the first ones to sign up at the age of 17. It seems to me the country would be flooded with volunteers and this problem about needing people completely——

Senator NUNN. I think we do have patriotic young Americans. I think the country is coming around on national security. We have gone through a bitter period in our history. I believe there is a tremendous debate on what part of the world would be in our vital interest. If the Soviets were to land in Oklahoma, I think we would get a lot of volunteers, but if it was a NATO call for someplace out in the Persian Gulf or somewhere else, it would be different. I believe it depends on the circumstances. I don't believe you can determine that. It depends on the leadership, the circumstances, who took the initial action.

But the important thing is for us to avoid a war. I hate to have to get into war. I think we ought to prove we can mobilize in advance and try our best to prevent a war.

CONCLUSION OF HEARINGS

Senator PROXMIRE. That concludes our hearings on House Joint Resolution 521 which would provide funding for the Selective Service System.

[Whereupon, at 11 a.m., Tuesday, April 29, the hearings were concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

