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Congressman Charles W. Whalen, Jr. (R-Ohio) and four Republican colleagues today (Tuesday) criticized Lt. Gen. Lewis Hershey and the Administration as they introduced legislation to reform and erase inequities in the current draft system.

The five co-authors of "How To End The Draft" said the Administration or Hershey has "irresponsibly failed to deal constructively with an issue as important as the draft, especially in wartime when the draft imposes on young men the risk of death."

Whalen cited seven shortcomings which were contained in the sharply worded joint statement.

-- The President has allowed the recommendations of the prestigious Marshall Commission to be discarded summarily by a second group, headed by the very individual (Hershey) who administers the system being criticized by the Marshall Commission.

-- The President has not instituted reforms which received near unanimous support when the draft law was passed last year, particularly reversing the draft call to 19-year-olds.

-- The President has not pursued recommendations made in the book published by the five Congressmen which outlines a program to reduce draft calls, hopefully down to zero.

-- Hershey has refused to institute even those reforms which his own task force recommended.

-- Hershey has declined to make available the full text of the task force report to the public or the Congress, flaunting the spirit of "freedom of information" and attempting to hide the issue of draft reform in his files.

-- Hershey has acted irresponsibly in merely acknowledging the task force report some three months after its completion and then only through a casual comment to an inquiring Washington Post.

(MORE)
-- The task force report has failed to recognize the concept of uniform national standards suggesting that improvements could be made within the present Selective Service structure. Selective Service officials said not even these changes would be made in the 20-year-old system.

Whalen said today's (Tuesday) introduction of legislation shows that "draft reform is not dead -- in spite of the outrageous attempts of Selective Service Director Lewis Hershey to thwart all efforts to reform an outdated, ineffective and inequitable draft system."

The legislative package includes the following changes in the Selective Service law:

-- requires the drafting of the 19-year-old group first.
-- requires draft boards to conform to uniform national criteria for deferment.

-- requires the Selective Service System to abide by the recommendations made by the national Security Council on "critical skills."

-- removes any obstacle to the President to institute an equitable method of choosing those few who are needed from among the larger available manpower pool, including a system of random selection.

-- includes a statement of purpose that the government would attempt to meet its military manpower needs through adequate voluntary enlistment before resorting to compulsory conscription.

-- requires that entrance standards for enlistment be no lower than for the draft. Currently a young man can be turned down for enlistment and with the same qualifications be subsequently drafted.

-- allows deferments for students attending junior colleges, community colleges and similar institutions of learning on the same basis as baccalaureate candidates.

-- requires a 30-day period after notice before induction.

Whalen and his colleagues called on the Administration to release the task force report on the operation of the Selective Service System, along with the full 1964 Defense Department study and background paper and the working papers of the Marshall Commission.

"It is quite contrary to the interests of the nation to refuse information which is public by its very nature," he said.

The other Congressmen are Frank Horton (N.Y.), Richard S. Schweiker (Pa.), Garner E. Shriver (Kan.) and Robert T. Stafford (Vt.).

NOTE: The full texts of the joint statement and the legislation are attached.
STATEMENT ON DRAFT REFORM

Draft reform is not dead -- in spite of the outrageous attempts of Selective Service Director Lewis Hershey to thwart all efforts to reform an outdated, ineffective and inequitable draft system.

We are appalled by the role of the Administration in the scuttling of the Selective Service reform recommended by its own Presidential Commission. The Administration and especially Lt. Gen. Hershey have been irresponsible in failing to deal constructively with an issue as important as the draft -- especially in war time when the draft imposes on young men the risk of death.

We are disappointed with the President for allowing the recommendations of the Marshall Commission -- his own prestigious advisory panel, to be summarily discarded by a second task force -- with the latter group headed by the very person who administers the system criticized by the former.

We are disappointed with the President for his failure to institute the reforms which were assumed when the draft law was passed last June. Then it was practically unanimously agreed that the order of draft calls would be changed to the 19-year-old-age group -- a proposal supported by his own Marshall Commission, by the distinguished Clark panel appointed by the House of Representatives, by the Defense Department in its testimony before committees of both Houses of Congress, and on the floor by dozens of Members of Congress of both Parties.

We are disappointed with the President for his failure to pursue vigorously the recommendations we proposed in How to End the Draft -- a comprehensive program of reform in recruiting, in-service benefits, manpower usage and entrance standards which, if implemented, would lead to the reduction of draft calls, hopefully down to zero.

We are dismayed with Lt. Gen. Hershey for refusing to institute the reforms which even the second Presidential task force suggested in relation to operation of the Selective Service System.
We are dismayed with Lt. Gen. Hershey for refusing to release to the public and the Congress the task force report requested by the President. A document of such importance to everyone interested in the draft, especially those who must go to fight our wars, should not and cannot be kept from the public. It is simply unacceptable that such a report which condemns all reform recommended by a commission highly praised by President Johnson is merely filed away without explanation. The report must be brought to the attention of the public and a full and responsible discussion must be encouraged. Furthermore, it is unacceptable to suggest that lack of funds is responsible for its not being released. This report was requested by the President -- the Executive Office of the President has the means to publish the report if it desired to do so. In addition, the task force also included the Secretary of Defense and the Director of the Bureau of the Budget. Surely either of these offices could afford the publication expenses of this document. If the Administration refuses to reproduce it, we will gladly do so.

The Administration has made it quite apparent over the years that it does not consider the draft a public issue. There have been a number of items of concern which have not been released by the Administration -- the entire 1964 Defense Department study on the feasibility of a volunteer army, including the working papers; the working papers of the President's National Advisory Commission on Selective Service; and now the Task Force report on the operation of Selective Service.

It is quite contrary to the interests of the nation to refuse information which is public by its very nature. It flaunts any ideal of freedom of information which this nation so very greatly cherishes and which was reinforced so strongly by President Johnson just last year by the institution on July 4th of the Freedom of Information Act. We call upon the Administration to abide by the spirit of this law and to release the above documents immediately.

We are dismayed with Lt. Gen. Hershey for the irresponsible manner in which he has handled this entire report. Apparently it has been in his possession since January 23rd and the public was informed of its existence through a casual comment to the Washington Post.

We are dismayed with the recommendations of the study as they were reported through the press with respect to uniform national standards. The Washington Post reported the following:

"The Task Force concluded that 'an adequate degree of uniformity can be attained with the present structure.' It called on Selective Service headquarters to make some improvements in the present system and added that Hershey's organization 'has under consideration many measures to increase
further the degree of uniformity in classification.

"But Selective Service officials last week said any uniformity would have to come -- as it has for twenty years -- through the informational operations bulletins Hershey regularly fires off to his 4,000 local boards."

We can neither accept the conclusions that the present structure is satisfactory for "an adequate degree of uniformity" nor can we accept Lt. Gen. Hershey's refusal to implement even those few recommendations which the task force itself suggested. Uniform national criteria as a premise for equitable draft treatment has gained wide acceptance. The House of Representatives passed an amendment to the Selective Service law requiring uniform national criteria. The House-Senate conference committee changed that amendment to allow recommendations for national criteria. The case is a simple and obvious one. Why should one individual be exempt while another living across town and having the same qualifications and background is drafted?

Draft reform cannot be ignored, shunted aside, or hidden in the Director's files. It is an important issue which must be dealt with effectively.

We are today filing the Draft Reform Act of 1968. The legislation we are recommending will make eight changes:

1. It will amend the draft law to require the drafting of the 19-year-old age group first.

The existence of unanimity that the draft age should be reversed was the only basis for not requiring such action in legislation, thus allowing the military flexibility in accomplishing an agreed upon change. But the change never came. It is quite apparent now that flexibility serves only to delay progress.

2. It will remove the requirement that the President bring before Congress for approval a specific program of manpower selection from appropriate pools of available manpower.

This recommendation does not call for a lottery, but it allows the creation of a random selection process if the Administration can find no other viable method of selecting a few from among all the available men. The Defense Department's own estimates show a draft need of only 1 in 7.

3. It will amend the Selective Service law to require uniform national criteria.

The House of Representatives passed such a requirement. Uniform national criteria for classification would not impair the appropriate powers of discretion of local draft boards to consider each individual case on its merits. Rather they would provide a uniform framework of policy which would end the inherent discrimination
in a system where local boards are compelled to establish their own criteria for deferment.

4. It will amend the draft law to require the Selective Service System to abide by the standards set by the National Security Council on those positions which it feels are "critical skills or essential activities -- class 2-A" deferments.

The Director of Selective Service forwarded the recent National Security Council decisions to the local boards, but also took the opportunity to remind the local board that they had full discretion based on local need. The concept of equity can never be established if each local board can interpret National Security Council criteria in any manner it chooses.

5. It will amend the draft law by adding a statement of purpose that the government would attempt to meet its military manpower needs through adequate voluntary enlistment before it would resort to compulsory conscription.

6. It will amend the draft law to require that draft standards be no lower than enlistment standards.

It is abhorrent to realize that an individual can be refused enlistment into the services and subsequently be drafted. For example, a young man can be rejected for voluntary enlistment on the basis of a score on the Armed Forces Qualification Test which nonetheless qualifies him for involuntary induction through the draft.

7. It will allow deferments for students attending junior colleges, community colleges and similar institutions of learning.

It is rank discrimination to consider junior college, and similar students any less involved in their education than those going directly for a baccalaureate degree. Deferments should be extended to all full-time students but only on the understanding that with termination of the education program, attainment of the age of 24, or unsatisfactory pursuit of the degree the registrant is returned to the prime age group of draftables.

8. It will require a 30-day period after notice before induction.
IN THE HOUSE OF REPRESENTATIVES

May 7, 1968

Mr. Stafford (for himself, Mr. Horton, Mr. Schweiker, Mr. Shriver, and Mr. Whalen) introduced the following bill, which was referred to the Committee on Armed Services

A BILL

To amend the Military Selective Service Act of 1967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (c) of the Military Selective Service Act of 1967 (50 App. U.S.C. 451 (c)) is amended to read as follows:

"(c) The Congress further declares that in a free society the obligations of serving in the Armed Forces should be enforced through the provisions of this Act only when necessary to insure the security of this Nation, and the opportunities and privileges of serving in the Armed Forces and the Reserve components thereof should be shared generally in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy."

SEC. 2. (1) The third paragraph of subsection (a) of section 4 of such Act of 1967 (50 App. U.S.C. 454 (a)) is amended by striking out the first, second, and third provisos and inserting in lieu thereof the following: "Provided, That the minimum standards for physical and mental acceptability established pursuant to this subsection shall not be lower than those applied to persons who enlist in the Armed Forces of the United States, except that such minimum standards may be modified by the President, under such rules and regulations as he may prescribe, in time of war or a national emergency declared by Congress."

(2) Subsection (g) of such section 4 (50 App. U.S.C. 454 (g)) is amended by adding at the end of that section the following sentence: The Director of the Selective Service System shall direct all local boards to apply, in a manner consistent with the national criteria established under paragraph (3) of section 6 (h), the guidelines made by the National Security Council under this subsection.

SEC. 3. (1) Subsection (a) of section 5 of such Act of 1967 (50 App. U.S.C. 455 (a)) is amended --

(a) by striking out "(a)(1)" and inserting in lieu thereof "(a)"

(b) by amending the third proviso to read as follows:
Provided further, that the President shall provide, under such rules and regulations as he may prescribe for selection or induction of persons by age group, except that such rules and regulations shall provide that priority be given to the selection or induction (after selection or induction of delinquents and volunteers) to persons who have attained the age of 15 years and have not attained the age of 20 years. Furthermore, nothing herein shall be construed to prohibit the President, under such rules and regulations as he may provide from providing for the selection or induction of persons qualified in needed medical, dental, or allied specialist categories pursuant to requisitions submitted by the Secretary of Defense.

(2) Subsection (b) of such section 5 (50 App. U.S.C. 455 (b)) is amended by adding the following new sentence at the end thereof: "No local board shall order any person to report for induction for training and service in the Armed Forces of the United States on a date which is less that thirty days after the date on which such board mails the notice to report for induction to such person, and, except in time of war or a national emergency declared by Congress, quotas shall be determined under this section far enough in advance so as to permit local boards to comply with this sentence."

SEC. 4. Section 6 (h) of such Act of 1967 (50 App. U.S.C. 456 (h)) is amended --

(1) by amending paragraph (1) to read as follows:

"(h)(1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, junior college, community college, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person

(A) completes the requirements for his baccalaureate degree, or, in the case of a person not a candidate for a baccalaureate degree who is enrolled in a program of undergraduate study which is normally completed in less than four years, until such person completes the requirements of such program, (B) fails to pursue satisfactorily such full-time course of instruction, or (C) attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may not be restricted or terminated by the President except during a war or a national emergency declared by Congress. No person shall be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree,
except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall upon the termination of such deferred status or deferment, and if qualified be liable for induction as a registrant with persons for whom priority for selection or induction is prescribed under the third proviso of subsection (a) of Section 5 irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence.

(4) by striking out the last sentence of the second proviso of paragraph (2) and inserting in lieu thereof the following:

"(3) Notwithstanding any other provision of this title, the President shall, in carrying out the provisions of this title, establish, whenever practicable, national criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, require such criteria to be administered uniformly throughout the United States."

SEC. 5. Paragraph (2) of section 6 (i) of such Act of 1967 (50 App. U.S.C. 456 (1) (2)) is amended by striking out "college, university, or similar institution" wherever it occurs and inserting in lieu thereof "college, university, junior college, community college, or similar institution".
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