

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

3 FEB 1969

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Selective Service Reforms

At the January 25, 1969 National Security Council Meeting, you asked for two papers relating to Selective Service. The first paper was to concern itself with the possibility of a transition to an all-volunteer Army, or Armed Forces. I have provided a memorandum addressing that issue. The second paper was to provide you with my views on the draft. This memorandum treats the issues incident to the draft.

In a sense, the consideration of an all-volunteer force looks to the longer-range problem of service. We are glad to tackle that problem. I believe the study program as outlined in my memorandum on the all-volunteer force constitutes an effective approach to the longer-term issues. In the meantime, we do have the short-term problems of resolving draft inequities and improving draft procedures. Because I felt strongly that we should scrutinize the selective service system at an early date, I suggested to Henry Kissinger that the draft be posed as a study topic to the National Security Council.

This memorandum discusses the short-term problem, which principally grows out of the fact that the armed forces need only about half the young men who turn nineteen each year. After volunteers are accounted for, we need to draft only about a quarter of the remaining fully qualified men in the draft-liable manpower pool -- and the figure will become only one in seven if and when we revert to pre-Vietnam strengths.

A second part of the problem is that young men are now liable to be drafted until they reach their 26th birthday. This can cause years of uncertainty for them, make career planning difficult, and in general create tensions and vexations which are undesirable.

In 1967 a Presidential Commission chaired by Burke Marshall, a House Armed Services Committee panel chaired by retired General Mark Clark, the President and the Congress all agreed on the general proposition that men should be exposed to the draft for 12 months at about their 20th year. If a man was not inducted, his draft liability should then end, it was agreed, except in emergency situations. This is known as the prime age group system.. Such a procedure would reverse the

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present practice, which is to draft the oldest men first out of the 19-25 year old group forming the draft-liable manpower pool.

Adoption of the prime age group system foundered in 1967 when President Johnson and the Congress could not agree on how it should be implemented.

Because there are more fully qualified 19 year olds than the Armed Forces need each year, the President recommended a lottery of fair and impartial random (FAIR) selection system to determine which men would serve. I understand the House Armed Services Committee (HASC) opposed the FAIR system because:

- Some Congressmen publicly denounced it before they understood what the proposal was;
- The Director of Selective Service initially doubted its administrative feasibility and consequently gave only lukewarm support to the President; and
- Administration witnesses could not explain in detail exactly how the plan would work.

The HASC prevailed and the 1967 amendments to the Selective Service Act prohibit a departure from the "oldest first" system, while at the same time authorizing draft calls by age class or classes. The upshot is that the Secretary of Defense has standby authority under the law to state monthly draft requisitions in terms of so many 19 year olds, so many 20 year olds, etc., or all 19 year olds or any combination he wishes, but if he does, Selective Service must provide the oldest men first out of the specified age class or classes.

The big flaw in all this -- and the reason it has not been implemented -- is the "January-December baby" problem. A draft call using age classes must be administered by grouping men by 12-month periods, typically using the calendar year. Thus, if in July 1969 we were to call for 20,000 men specifying that they all be 19, General Hershey would draw from the group of men born in 1950. Since he must draw the oldest men first, the January babies are certain to be drafted while the December babies are certain not to be drafted -- and this situation would continue in succeeding months.

The Department has been unable, despite prolonged study, to find a solution to the technical problem just stated. A

change in the law is necessary if the prime age group system is to become administratively workable.

I believe that a reform of the draft selection system along these lines makes good sense and that you should support it. Establishing a system for reducing the period of uncertainty for young men subject to the draft is the most important single step which you could take, short of elimination of draft calls entirely. This approach has received widespread support by educators and by many members of the Congress. During the debate on the 1967 draft act amendments, Senator Russell and Congressman Rivers promised to hold prompt hearings on legislation to authorize a lottery plan once a detailed plan was submitted. However, it is likely that Chairman Rivers will not take any action on this legislation unless you give it your personal endorsement.

In addition to this needed reform, I have one further recommendation concerning Selective Service. The Selective Service System is an independent Executive Branch agency reporting directly to the President. It is a civilian agency performing a civilian function, i.e., determining which young civilian males shall be delivered to the Armed Forces for induction. Its employees, including the Director, are paid from the Selective Service appropriation and not by the Department of Defense. We have no control over, and no responsibility for, the policies and operations of Selective Service. Yet because it is run by a man who is technically on active duty as a Lieutenant General, most people think Selective Service is an arm of the Defense Department. The Armed Forces have enough of an image problem as it is without being blamed for the wrongs or apparent wrongs of Selective Service. I hope that when the time comes to select a new Selective Service Director, it will be possible for him to be a civilian.

A handwritten signature in dark ink, appearing to read "Daniel R. Ford". The signature is written in a cursive style with large, sweeping loops and is positioned at the bottom right of the page.