

**THE MILITARY DRAFT AND THE ALL-VOLUNTEER FORCE:  
A CASE STUDY OF A SHIFT IN PUBLIC POLICY**

by

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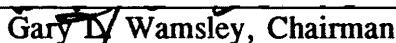
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**ABSTRACT**

This dissertation is a case study of a public policy decision, the decision to shift the military manpower policy of the United States from conscription to a policy of complete volunteerism--the all-volunteer force. The case study approach is largely historical and is concentrated on the turbulent period between 1965, when the United States' combat role in South Vietnam escalated sharply, and 1973, the year of American withdrawal from the war and the last Selective Service System draft call. A brief history of the military manpower policy of the United States is outlined in order to set the case study period within the proper context and to permit a fuller understanding and appreciation of the policy decision.

In order that the case study may have potential application to the study of other public policy decisions, a theoretical model for changes in public policy-making is

developed based on the research of public policy-making theorists. This model, which is largely adapted from the theoretical work of the Agenda-Building Theorists, is compared to the events and inter-actions of key players in the case study. Although conclusions about a wider applicability of the model is not possible, it can be concluded that the theoretical model does fit the events and circumstances contained in the case study.

In addition to attempting to derive a working theoretical model of change in public policy-making, a secondary purpose of the research is to address the normative aspects of the shift in policy from conscription to volunteerism. Based on the pattern of American military manpower policy, it appears that Anglo-Saxon liberalism, rooted in the freedom of the individual, is an extremely strong strain in American thinking, and that the relatively long period of conscription in the United States after World War II was an anomaly in the history of American military manpower policies.

## **ACKNOWLEDGEMENTS**

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(Manpower and Reserve Affairs), Dr. Steve Sellman, was kind enough to review and comment on my Prospectus and to steer me toward persons who were in key positions at the time of the all-volunteer force policy decision and transition. Dr. Brian Waters of the Human Resources Research Organization (HumRRO) was particularly helpful in assisting in my search for the records of Mr. Gus Lee, who at one time was the Director of Manpower Procurement Policy and the Staff Director of Project Volunteer in the Department of Defense.

I am especially thankful to two individuals at the Hoover Institution on War, Revolution and Peace at Stanford University, Stanford, California. Dr. Martin Anderson, Senior Fellow, was kind enough to discuss this period of his career with me and share with me his views on this military manpower policy decision and his role in the policy-making process. Dr. Anderson's Administrative Assistant, Ms. Brenda McLean, was also most helpful to me. I was particularly gratified, but stunned, when she led me to some fifty-seven boxes of material from the collection of Stephen Herbits which were in the Archives of the Hoover Institution.

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## **CHAPTER 1**

### **INTRODUCTION**

...democratic communities have a natural taste for freedom; left to themselves, they will seek it, cherish it, and view any privation of it with regret. But for equality their passion is ardent, insatiable, incessant, invincible; they call for equality in freedom; and if they cannot obtain that, they still call for equality in slavery.

Alexis de Tocqueville<sup>1</sup>

### **Background**

In his classic work The Soldier and the State, Samuel P. Huntington stated:

The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security and a societal imperative arising from the social forces, ideologies, and institutions dominant within the society. Military institutions which reflect only social values may be incapable of performing effectively their military function. On the other hand, it may be impossible to contain within society military institutions shaped purely by functional imperatives. The interaction of these two forces is the nub of the problem of civil-military relations. The degree to which they conflict depends upon the intensity of the security needs and the nature and strength of the value pattern of society.<sup>2</sup>

The military manpower procurement policies of a nation are shaped by these same forces. The size and composition of a nation's military forces are a result of policies

adopted based on the nation's perception of the external military threat which is confronted and the international political and economic conditions which the nation must meet. Similarly, a nation's military manpower policies are a result of internal societal factors, its ideologies, culture, and values.

In terms of the external environment and the perception of military threat, the United States has grown from a backwater confederation of separate colonies, an extremely minor player on the stage of international political and economic affairs, and with little need for military forces due to its remoteness from the centers of power. Military manpower policies of the young nation centered around an extremely small standing army and militia forces which could be called upon to defend remote border outposts from external powers and internal Indian attacks. As the young nation grew so too did its military forces. Voluntary forces were called upon to supplement the militia and standing army from time to time, and military conscription was adopted as military manpower policy only as a last resort when large numbers of personnel were required and military needs could not be satisfied through volunteerism. World War I was the first United States' conflict in which conscription was used exclusively as a means to build its forces, and due to this policy's success it was used again in World War II. As a result of World War II the United States suddenly found itself to be a world power and requiring sufficient military forces for both small, isolated conflicts around the world as well as a global war on multiple fronts. In order to maintain such forces, the United States continued to use the wartime conscription policy of World War II, and the

struggles in Korea and Vietnam were largely supported as a result of this policy.

In terms of American cultural values and ideology, the United States has constantly struggled with two ideological strains of thought in its development of military manpower policies. These are Anglo-Saxon liberalism and democratic egalitarianism.<sup>3</sup> Liberalism has been the dominant political philosophy in the United States since its birth, to the near exclusion of all other strains of thought which can be seen in other societies. The liberal position on military service has consistently proclaimed an ideal--volunteerism--and has always found compulsory military service in a free state to be repugnant. The American egalitarian strain of thought, on the other hand, has often viewed military service as a duty of citizenship that should be borne by all equally. The holders of this view are repulsed by the escape from military service by the more fortunate wealthy or educated. They are concerned that a voluntary system for obtaining military manpower will ultimately mean that the lower strata of our society, the minority races and poor, will shoulder an unfair burden in any military conflict--"a rich man's war, but a poor man's fight."

These mixes of forces in American society--the perception of the external threat and our internal, often conflicting ideologies--have resulted in the United States never having settled on a single durable system for procuring manpower for military service. Our view of the external threat has changed radically in over 200 years, requiring great changes in our policies for raising military forces. Internally, our society's cultural and ideological underpinning demands a military manpower system that adheres to both

liberal and egalitarian principles.

The military manpower procurement system used during World War II--the draft, or Selective Service System--was accepted by the American people at that time, not because conscription itself was accepted but because the military threat to the United States was perceived to be grave and the Selective Service System was believed to be administered fairly. At the end of the war the System was generally recognized to have been effective and it had become a successful institution. The draft authority was extended intermittently in the years following the war, and in 1948, President Truman asked for and obtained from Congress America's second peacetime conscription law, the Selective Service Act of 1948. The Act was extended in 1950 and the System was used to mobilize American manpower for the Korean War, expanding the armed forces to a strength of over three and a half million personnel. After the Korean War neither Congress nor succeeding administrations in the Executive Branch undertook a serious evaluation of military manpower policies, and the authority of the Selective Service System was reenacted into law without much debate or questioning when the current legislation was about to expire. The Selective Service System provided adequate numbers of draftees and, more important, larger numbers of draft-induced volunteers. It was not until the Vietnam War that the military draft as an institution was seriously challenged.

With the exception of the Civil War years most of America's history has reflected long periods of relative internal calm and satisfaction with the policies of government.

The period of the 1960s, however, was particularly turbulent and it seemed at times that our society was tearing itself apart. The American people were divided over a number of public issues and government policies. The Great Society policies of the Johnson Administration, particularly the War on Poverty and civil rights reforms, sought to redistribute the benefits of American society to encompass the long neglected underprivileged. The demonstrations of American Blacks sought support for a rekindling of the American dream of equal rights for all, and were resisted strongly by the fanatical right. Unrest in the cities sparked riots, looting, and destruction. As added shock, America's sudden escalation of the Vietnam War and the war's mounting toll in deaths and casualties touched off an increasing crescendo of protests from a widening spectrum of the American people. The 1960s indeed was a period of internal turbulence and challenges to the government's authority--and to the legitimacy of a number of public policies.

In many ways the Vietnam War became a symbol of America's dissatisfaction with itself, and the most obvious target for protest. The government's chosen policy for raising the military forces to fight the war--the draft--became a symbol within a symbol for protest. Protests and collisions with the police and military over the draft became a nearly daily occurrence, resulting in arrests, deaths, and even young men fleeing the country to avoid induction into the military. The rights and obligations of citizenship were debated more in the 1960's than probably at any previous period. The issue of the Vietnam War, and to a lesser extent the military draft, so weakened President Johnson

that he declined to run for office in the 1968 election. The Democratic Party nominee, Hubert Humphrey, was incapable of overcoming the taint of the war and succeeding President Johnson in the White House. The man who won the Presidency, Richard Nixon, promised in his campaign to end the war and to end the draft, contributing to his political success. President Nixon's assumption of office in January 1969, however, did not mean an immediate end of the draft. It was not until January 1973 that the last draft call was issued, and it was not until July 1973 that the draft as a public policy officially died and was replaced by the All-Volunteer Force (AVF) as the policy mechanism for procuring military manpower.

### **Statement of the Problem**

The decision to adopt an All-Volunteer Force as the policy to satisfy America's requirement for military manpower was merely the latest solution to an enduring problem. Although it is now twenty years later, it is by no means certain that the AVF policy will satisfy permanently the conflicting demands and constraints imposed on such a policy by our society. At the time the policy decision was made, the military draft had become thoroughly institutionalized and eclipsed all other policy options, such as the AVF, a reform of the existing Selective Service System, universal military training (UMT), or some form of national service. As a policy option, the All-Volunteer Force concept was a relatively obscure policy choice when compared to the apparent political strength of its alternative policy options. Since its adoption, the AVF has been the subject of much debate in military, political, and academic circles. It has attracted its

own set of supporters and has gained considerable strength as the policy has become institutionalized, but it still has many detractors. The debate continues today, over twenty years since President Nixon's decision and the beginning of the AVF policy. As the United States entered into a major military confrontation in the Middle East--Operations Desert Shield and Desert Storm--the military manpower procurement debate was ignited once more. For example, some leaders of the American Black community raised concerns about an over-representation of Blacks and other minorities in American combat units. In other quarters, some military analysts voiced their concerns about the sustainability of an All-Volunteer Force in a widened war which would require a major increase in military personnel.

The shift in military manpower policy from conscription to one of volunteerism was a major change within the American military, requiring an overhaul of personnel recruitment practices and significant increases in funding levels from Congress. Despite the magnitude of this policy shift and its many ramifications within the military, the literature on this policy decision is relatively void of details. One would assume that such a major policy shift would have engendered much debate within government circles as it was being formulated. Little trace of such debate is visible in the literature. The central problem presented by this research is that the processes by which the AVF policy decision was reached are largely unknown. Those policy-making processes which occurred leading up to this policy decision ought to be the subject of serious research for two basic reasons. First, the processes involved in arriving at this policy decision should

be illuminating in terms of the contribution their study would make to the theory of public policy making. Second, as a major shift in military manpower procurement policy the decision had, and still has, a deep impact on America's fighting forces and how they are viewed by the American people. There are cultural, normative, and philosophical underpinnings to this decision which need examination and edification.

### **Purposes of the Study**

This dissertation has a two-fold purpose, both of which are intertwined. The first and primary purpose for this research is to gain a fuller understanding of this particular policy decision in order to contribute to the literature of the theory of public policy-making. The analysis of the details of the making of the policy decision as it evolved should contribute to the body of theory of public policy-making in the fields of public administration and political science. It is not intended that this will be historical research, although the policy decision's history will act as a general framework. This research addresses the decision-making processes. How were the forces of power, influence, or bargaining used to dampen disagreement among the key players? Were there external environmental activities which affected the course of the policy decision? What were the relationships between the elements and groups supporting the All-Volunteer Force alternative and other pressure groups which supported their military manpower policy choice? How does a policy issue, just one of many that political decision-makers have to consider and deal with, come to be decided upon? These strands will be analyzed to explain how and why the AVF policy came to be made and to

determine if the pattern of this decision matches the patterns of policy-making theory which are current in the literature.

A secondary purpose of this research is to explore and explain how the AVF policy decision came to be made in terms of the cultural values and philosophical approaches of the key decision-makers. In any organization, its people are its very life blood, affecting its culture and its ability to survive and compete with other organizations. Manpower procurement within the Department of Defense and the armed forces is an acute issue in that these organizations must recruit personnel who are sometimes faced with personal hardships and hazards, even in peacetime. In periods in which the United States is involved in armed conflict, the hazards to personnel are increased significantly, making recruitment to fill the ranks more difficult. Military manpower policies, therefore, are of particular concern to the armed forces when compared to other government departments and agencies. The shift in manpower procurement policy from one based on conscription to one of complete volunteerism occurred over a period of time in which the United States was at war in Vietnam and to which a significant and vocal portion of the American people was opposed. To switch manpower policies at that particular time, within the Department of Defense, must have been extremely disturbing. This particular policy decision, therefore, is somewhat unique because of the stress and pressures under which it occurred. More significant, however, are the threads of normative values which might be behind the decision. It is intended that this research will probe as deeply as possible into the actions of key

players, uncover their reasoning and motives, and search for patterns of values which can illuminate this decision. Who were the significant actors and their frames of reference--their backgrounds, personalities, biases, and motivations? Why was the AVF selected as policy rather than other policy options which were being considered and debated at the time? What inherent advantages did this option appear to have over others? What were the values which were considered in the decision, and what criteria were used to judge the respective merits of contesting policy options? This research attempts to distill some sense of these issues and questions which affected the key players as they took part in this decision.

### **Significance of the Problem and Justification for Investigation**

The subject of this dissertation is significant in several respects. First, the dynamics of policy decision making has long been a significant area of research and study within the field of public administration. Administrators within government can learn from case studies of policy decisions and apply lessons learned to current and future policy issues if the case studies can be told fully and accurately. We know from previous research that policy options tend to wax and wane in acceptance by the people and political leaders. Proponents of competing policy options tend to gain and lose their influence and political power depending on the needs and environments confronting policy decision makers. The All-Volunteer Force was only one of several policy choices available at the time, and a relatively obscure policy option at that. The dynamics of how this particular policy decision was made and the processes which occurred prior to

the decision is the first significant area of research in this dissertation. The AVF policy decision should point to the significance of one or more theories in public policy-making which can be applied to the larger fields of public administration and political science.

A nation-state has the right and obligation to ask, and demand if necessary, its citizens to defend the state if the survival of the state is threatened. To support the state as a member of its military forces is a high calling of citizenship, often requiring sacrifices and sometimes even personal injury or death. How a nation chooses those citizens who will bear arms in its defense speaks to its values as a regime and to the citizens' obligations to his or her nation. The nation's system of procuring military manpower must be consistent with the nation's culture, ideology, and values. In the United States of America, as in other democratic nations, if consistency is lost--if the military manpower system loses sight of the nation's ideological underpinning--then acceptance by the people and legitimacy will be lost. The policy implementing the system will then be resisted by the people. It appears that this was the case with the Selective Service System in the 1960s; the system failed over time to represent the values that Americans required of it. Additionally, in the United States any military manpower procurement policy must be reconciled with the conflicting ideologies of liberalism and egalitarianism, striking some form of balance between the two strains in American thought. This is an important secondary area of investigation in the story of the shift in policy from the military draft to the AVF.

The field of military manpower is rich in its literature. Both the military draft

and the All-Volunteer Force have been researched and written about extensively. Interestingly, however, there is a blank or the merest sketch available when the AVF policy decision is investigated. The full story of the AVF policy decision has never been told. This dissertation will contribute to knowledge of the field of public administration by filling in blanks in existing literature on the subject. This is a significant contribution in its own right.

### **The Delimitations of the Study**

The period of this research will concentrate on the years between 1965 and 1973. The existing military manpower procurement system, the draft, was put into high gear in 1965 with President Johnson's decision to escalate sharply the American combat role in South Vietnam. By mid-1973, the draft was in disuse and had been replaced by the All-Volunteer Force. Of necessity, however, the historical setting for the 1965-1973 period will be included in order to set the stage for the policy shift.

The proposed research is qualitative in nature rather than quantitative. Conclusions resulting from the research must be considered exploratory. The historical approach and case study method rely heavily on the integrative powers of the researcher, the ability to draw together diverse pieces of information into a unified interpretation. The researcher's judgement, predispositions, and analytical skills serve as delimitations in the proposed research.

### **Review of the Literature**

The literature on American military manpower procurement is extensive and rich.

The major significant works in this area are described in the following paragraphs.

Martin Anderson's Conscription: A Select and Annotated Bibliography is the major bibliography on this subject. It provides invaluable references to works on military history, the All-Volunteer Force, Selective Service, universal military training, national service, the law and the Constitution, conscientious objection, and political philosophy. It is limited to works published prior to 1976, but this is not a severe weakness due to the period of study in this research. It is extremely comprehensive; it has over 1,300 entries.

The works of Samuel Huntington, Morris Janowitz, and Charles Moskos are classics in the field of sociological studies of the military and the military's role in American society. All have written books and journal article on the draft, the AVF, and national service. Eliot Cohen, in his Citizens and Soldiers: The Dilemmas of Military Service, appears to have been a protege of Huntington at Harvard University; his work provides valuable philosophical insight into American military service. The prescience and insight into American society of Alexis de Tocqueville, as meaningful today as in the 1830s, is called upon as needed to point out the unique role of the soldier in our society and the struggle between liberalism and egalitarianism which was apparent even in America's early years.

There are several works which have made strong contributions to the literature on Selective Service. James Gerhardt's The Draft and Public Policy: Issues in Military Manpower Procurement is the standard work on this subject. It traces the evolution of

American military manpower policy over a 25-year period, from the end of World War II to the height of the Vietnam War. Gary Wamsley's Selective Service and a Changing America, and James Davis' and Kenneth Dolbeare's Little Groups of Neighbors, both written in the late 1960s, provide in-depth analyses of the Selective Service System at the local board and state levels.

National service, in all of its various guises, is covered by the works of Morris Janowitz, Charles Moskos, and Don Eberly. Eberly has been a life-long champion of national service and a prolific writer for this cause. Charles Moskos' latest book on the subject, A Call to Civil Service, published in 1988, illustrates that national service is not dead as a military manpower policy option should the AVF policy option falter or fail. The area of conscientious objection, in the 1960s, is dominated by two writers. Michael Walzer's Obligations: Essays on Disobedience, War, and Citizenship is a series of penetrating essays based on his lectures at Harvard in the late-1960s. Walzer's later work, Just and Unjust Wars: A Moral Argument with Historical Illustrations, provides a thorough analysis of this subject. John Rohr's Prophets Without Honor: Public Policy and the Selective Conscientious Objector, based on his doctoral dissertation at the University of Chicago, presents a balanced, unemotional analysis of conscientious objection as a policy issue, as well as the duties of citizenship.

The works by the proponents of an All-Volunteer Force in the 1960s and early-1970s are largely those of economists. Dr. Walter Oi and Dr. Milton Friedman wrote a number of periodical and journal articles which advocated the AVF in layman's terms.

The works of Steven Canby and Richard V. L. Cooper, both of the Rand Corporation and who followed Friedman and Oi, are cast in the arcane language of economists and econometrics. One of the most useful works for this research is the book by Gus Lee and Geoffrey Parker, Ending the Draft: The Story of the All Volunteer Force, a history which details the inner workings manpower policy development in the Department of Defense at the time of the Gates Commission and leading up to the 1973 implementation of the AVF policy. Gus Lee spent most of his civil service career in the Office of the Assistant Secretary of Defense for Manpower, and was a key player in AVF policy planning. His book, written just before his death, provides unique insight into the AVF policy decision as it was being staffed within the Department of Defense.

Walter Millis' Arms and Men: A Study in American Military History is a classic work in military history and the evolution of American military policy. Equally important is Russell Weigley's History of the United States Army, a thorough treatment of U.S. military policy through our country's history. These two works are supported by C. J. Bernardo and Eugene H. Bacon's American Military Policy. John Whiteclay Chamber's To Raise an Army: The Draft Comes to Modern America provides an excellent history of the draft in World War I, and Edward Fitzpatrick's Conscription in America, written in 1940, covers the history of the draft during the Civil War and World War I.

The views of the proponents of differing policies for American military manpower during the 1960s can be seen in a number of periodical and journal articles. However,

the best collection of these differing views is in Sol Tax's The Draft: A Handbook of Facts and Alternatives. This book details the papers and arguments presented at the December 1966 Conference on the Draft at the University of Chicago, and is invaluable for an understanding of the various policy positions as well as the identification of the key personalities supporting the competing policy options. Generally, there is no lack of secondary source material which supports this research.

There also is a wealth of primary source material in the form of Congressional hearing reports and other government documents. Dr. Martin Anderson's files from his tenure on the White House staff during the early Nixon administration have been opened to the public by the National Archives, and provide rich primary source material. Additional primary source material has been plentiful in the archives of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Department of Defense, which are maintained at the Washington National Records Center by the General Services Administration. A third, and surprising, source of primary source material was the collection of files belonging to Stephen Herbits by the Archives of the Hoover Institution, Stanford University. Stephen Herbits was deeply involved in the effort to promote an all-volunteer force policy for many years and Hoover Institution Archivist maintains nearly sixty boxes of his files.

The literature of public policy-making theory is equally rich and varied. I purposefully researched literature of public policy-making theory which would lead to a promising theory, or combination of theories, which might be applicable to case study

research of this particular policy decision. The works of David Easton, the quintessential political scientist theoretician, contain the major foundation stones on which to build a public policy-making theoretical model, particularly his The Political System: An Inquiry into the State of Political Science and his A Systems Analysis of Political Life. David B. Truman's The Governmental Process and Arthur F. Bentley's The Process of Government also contributed to the foundation, particularly as they assessed interest groups and their influence in policy making. These works led to an examination of J. Leiper Freeman's The Political Process: Executive Bureaucratic-Legislative Committee Relations and Douglass Cater's Power in Washington: A Critical Look at Today's Struggle to Govern in the Nation's Capital. These two powerful analyses contributed more than any others to the concept, in vogue for many years, of the existence of "iron triangles" of policy-making actors. Emmette S. Redford's Democracy in the Administrative State, based on an analysis of policy-making related to civil aviation, built upon the work of Freeman and Cater and concluded that policy subsystems exist which foster specialized policy interest areas. The analyses of Gary L. Wamsley and Mayer N. Zald, in their The Political Economy of Public Organizations, and that of Hugh Heclo, in his article "Issue Networks and the Executive Establishment," provided solid theoretical grounding for the concept of "policy subsystems" and their role in policy-making. The group of policy-making theoreticians identified as "agenda-building" theorists provide the final keystone in a model for the policy-making process. These theorists and their principal works include: Roger W. Cobb and Charles D. Elder,

Participation in American Politics: The Dynamics of Agenda Building; Paul Charles Light, The President's Agenda; and John W. Kingdon, Agendas, Alternatives, and Public Policies. This broad range of political policy-making theory proved invaluable in bringing focus to this research effort.

### **Methodology**

The most appropriate design for this research is a case study which is set within the context of historical research. Historical research will be performed to provide a framework, the setting and conditions for the AVF policy decision which gave it impetus and shape. Within this framework, the case study will concentrate on the period 1965 through 1973, and seek to answer the questions of "how" and "why" the policy decision came to be made, supporting the historical research and providing the principal sources for empirical data with which to draw conclusions. A theoretical model of the policy-making process, outlined in Chapter 2, will be used as a focus of the research and questions asked of the respondents being interviewed.

Robert K. Yin, in his Case Study Research-Design and Methods,<sup>4</sup> states that research strategy should be selected based on three conditions: (a) the type of research question posed, (b) the extent of control the researcher has over actual behavioral events, and (c) the degree of focus on contemporary as opposed to historical events. "How" and "why" questions, as this research addresses, are likely to favor the use of case studies, experiments, or histories. When relevant behaviors cannot be manipulated and the researcher is examining contemporary events, Yin explains, the field of research methods

is narrowed further and favor the case study. The case study relies on many of the same techniques as historical research, but it adds two sources of evidence not usually included in the historian's repertoire: direct observation and systematic interviewing. While direct observation is not possible in this research, the AVF policy decision is a relatively contemporary event and does lend itself to the interviewing of policy decision participants to gain insight into the dynamics of the policy decision's environments and processes.

The case study method has received much criticism, despite the vast numbers of case studies conducted in areas of social research. The most frequent complaints focus on the lack of rigor in case study research, the concern that case studies provide very little basis for scientific generalization, and that case studies often result in massive, unreadable documents. Yin provides a set of tests with which the quality of case study research, as well as other research methods, should be judged. These are:

- **Construct Validity:** Establishing correct operational measures for the concepts being studied;
- **Internal Validity:** Establishing a causal relationship, whereby certain conditions are shown to lead to other conditions, as distinguished from spurious relationships (for explanatory or causal studies only, and not for descriptive or exploratory studies--such as this proposed research);
- **External Validity:** Establishing the domain to which a study's findings can be generalized; and

- Reliability: Demonstrating that the operations of a study can be repeated, with the same results.

Yin proposes a number of tactics for dealing with these tests. Exhibit 1-1 lists the four tests, the tactics for dealing with them, and the methods which I intend to use to satisfy the tests during this research. Samuel Yeager, who wrote a chapter on the subject of research in public administration for the Handbook of Public Administration,<sup>5</sup> deals extensively with the case study method and has similar concerns with the issue of validity in case study research. He suggests that case study validity can be enhanced by using the following methods.

- Validation of the data by comparing it with outside sources and known facts.
- Validation by self-confrontation and checking the internal consistency of the data.
- Validation by review of the researcher's interpretations by the subjects involved in the study.
- Validation by predictive discrimination or hypothesis formulation and testing.
- Validation of the data by allowing several investigations to come independently to their conclusions, thus increasing the number of observations of the same event. (This last step will not be possible in this research.)

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<u>TESTS</u>	<u>TACTICS</u>	<u>METHODS</u>
Construct Validity	Use multiple sources of evidence.  Establish chain of evidence.  Have key informants review draft case study report.	Documents; Primary source archival data; Interviews.  Source citations; Data files.  Informant review.
Internal Validity	Not applicable to descriptive or exploratory studies.	
External Validity	Use replication logic.	Generalize findings to theory using previously developed theory/ models as templates.
Reliability	Use case study protocols.  Develop case study data base.	Document procedures followed; standardize the structured interview; cite all sources.  Maintain full documentation (e.g., notes, documents, interview data, etc.).

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### Exhibit 1-1

#### CASE STUDY TESTS, TACTICS, AND METHODS

(Source: Robert K. Yin, Case Study Research-Design and Methods. Rev. ed. Newbury Park, California: Sage Publications, Inc., 1989, p. 41.)

Through a careful adherence to the methods proposed in Exhibit 1-1 problems inherent in the case study research method can be overcome.

### **Chapter Organization**

The chapters of this dissertation are organized in the following manner. Chapter 1, Introduction, as is already evident, serves to introduce the reader to the central theses of the dissertation, briefly reviews the literature relevant to the study, and discusses the methodology and structure of the work. Chapter 2, Policy-Making Theory, explores the literature of public policy-making theory and develops a theoretical model to use as a guide for the research. Chapter 3 is an exploration of the historical background of military manpower policy in the United States. It summarizes the history of military manpower procurement policies in the United States from the colonial period to the beginning of the heightening of U.S. involvement in Vietnam in 1965. Chapter 4, titled "A Public Policy Under Attack," explores the growing American opposition to the draft and the Vietnam War, and the debate which occurred over policy alternatives to the Selective Service System. The debate over military manpower policy sometimes took place openly by the public and the media, and sometimes it took place less openly by key players in the Administration and Congress. The policy debate, however, did have identifiable advocates who participated consistently in support of particular policy options, and who collectively represented a community of interest, or policy subsystem, for the political interest area of military manpower. The ebb and flow of the policy debate within the subsystem, as well as in the larger external environment, is detailed in

this chapter. Chapter 5, "Setting the Policy Agenda," focuses on the shift from policy debate to policy decision and implementation. A decision on military manpower policy had to be made by a decision-maker, and this chapter will outline how the decision was effected. Additionally, the policy decision had to be accepted and supported by senior leaders in the Department of Defense and in Congress or the decision would fail. Acceptance of the AVF policy at the Pentagon was critical to the policy's success, and the AVF policy had to overcome numerous obstacles within the Department of Defense before acceptance was finally achieved. Following acceptance by the military, acceptance by Congress and financial support had to be achieved before the new policy could become a reality. This chapter sketches, in some detail, the major events of this phase of the policy-making process. The final chapter, Chapter 6, addresses a number of conclusions based on the research. The shift in military manpower policy from conscription to one based wholly on volunteerism illustrates public policy-making which followed a process pattern that has application to other similar cases. Conclusions concerning the normative underpinning in this case and the case's support for theory building is made.

1. Alexis de Tocqueville, Democracy in America, ed. Phillips Bradley, 2 vols. (New York: Vintage Books, 1945), 2:102.
2. Samuel P. Huntington, The Soldier and the State (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1957), p. 2.
3. This thought is contained in Eliot A. Cohen's Citizens and Soldiers, which is based on his doctoral dissertation at Harvard University. Eliot A. Cohen, Citizens and Soldiers: The Dilemmas of Military Service (Ithaca, New York: Cornell University Press, 1985), pp. 25-41. Cohen references the well-known passages in de Tocqueville's Democracy in America which point out this struggle between liberalism and egalitarianism. Alexis de Tocqueville, Democracy in America, ed. Phillips Bradley, 2 vols. (New York: Vintage Books, 1945), 2:99-113 and 2:303-305.
4. Robert K. Yin, Case Study Research--Design and Methods, rev. ed. (Newbury Park, California: Sage Publications, 1989), p. 16.
5. Samuel J. Yeager, "Classic Methods in Public Administration Research," in Handbook of Public Administration, ed. Jack Rabin, W. Bartley Hildreth, and Gerald J. Miller (New York: Marcel Dekker, 1989), pp. 683-793.

## **CHAPTER 2**

### **POLICY-MAKING THEORY**

To have respect for politics and sausages, one should not witness the processes by which they are made.

Attributed to Otto von Bismarck

#### **Introduction**

In a landmark work in the early-1950s, David Easton decried the lack of empirical research and theory-building in the field of political science. "By and large, students in political science have not considered it worth while to allocate even a small part of their collective energies to systematic theory....there has been little deliberate effort to formulate a conceptual framework for the whole field."<sup>1</sup> Easton was referring to "causal theory" which he distinguished from "value theory." Causal theory, he said, seeks to show the relation among political facts and which is "...a device for improving the dependability of our knowledge." He defined theory as "...a set of interrelated propositions that are designed to synthesize the data contained in an unorganized body of singular generalizations."<sup>2</sup> He further stated that, "Knowledge becomes critical and reliable as it increases in generality and internally consistent organization, when, in short, it is cast in the form of systematic generalized statements applicable to large numbers of particular cases."<sup>3</sup> He also stated that, "Knowledge becomes more reliable because it

becomes part of a web of theory, each strand of which helps to support the other and has, as well, independent bases of proof."<sup>4</sup>

In a body of research such as this dissertation, it is important to examine theory which is relevant to the topic being researched. Theory is the tool by which explanations are derived to explain how and why events happen the way they do. Theories interrelate individual findings from many single-purpose pieces of research, integrating findings, both old and new, into new theoretical frameworks. This particular research effort is aimed at an explanation of how a specific public policy was developed and decided. Therefore, it is appropriate that the theories of public policy-making be explored and a theory be developed which can act as a guide for possible answers as to how and why the military draft came to be discarded by the United States as policy for military manpower procurement and the All Volunteer Force (AVF) came to be selected as its replacement. As Robert Yin stated:

...the complete research design embodies a theory of what is being studied. This theory should by no means be considered with the formality of grand theory in social science, nor are you [the researcher] being asked to be a masterful theoretician. Rather, the simple goal is to have a sufficient blueprint for your study and this requires theoretical propositions....theory development prior to the collection of any case study data is an essential step in doing case studies.<sup>5</sup>

### **Public Policy-Making Theory Definitions**

The subject of public policy-making has been examined thoroughly by political scientists, sociologists, and public administrators. A survey of this literature is an important first step in developing a theory, or theories, which can be tested against the

findings of this research. A framework must be constructed in order to eventually work our way toward policy-making theories. Within the framework, we must first fix several definitions, first starting with "politics." Harold Lasswell defined politics as the process of determining who gets what, when, and how.<sup>6</sup> Max Weber wrote that those who are active in politics strive "...for power either as a means in serving other aims, ideal or egoistic, or as 'power for power's sake,' that is, in order to enjoy the prestige-feeling that power gives."<sup>7</sup> These bare-knuckles, Hobbesian definitions of politics have been softened and made more elegant by other observers of the policy-making process. Robert Salisbury's definition states, "Public policy consists in authoritative or sanctioned decisions by government actors. It refers to the "substance" of what government does and is to be distinguished from the processes by which decisions are made. Policy here means the outcomes or outputs of governmental processes."<sup>8</sup> David Easton, who wrote several monumental works which sifted the sands of politics in great detail, turning over and examining each grain of sand it seems at times, wrote that all social mechanisms in society are means for the allocation of values, and that political systems are just one means for the allocation of values. Politics and public policy, however, are different in that they are authoritative. "A policy," he wrote, "...consists of a web of decisions and actions that allocate values."<sup>9</sup> Public policy, however, is different because it is authoritative. "A policy is authoritative when the people to whom it is intended to apply or who are affected by it consider that they must obey it."<sup>10</sup> Power, as Easton defines it, is a relational phenomenon and is based on the ability to influence the actions of

others in the direction intended by one person or groups of persons. However, Easton believed that power is not the central variable in an examination of public policy, but is only one contributing factor. "Political science is the study of the authoritative allocation of values as it is influenced by the distribution and use of power."<sup>11</sup>

Easton saw the public policy process, the "web of decisions and actions," as a stream of activities flowing from the authorities in a system, and which are binding on other members in the political system. "By virtue of the recognition or acceptance of their authoritative powers, the members acting in authority roles are able to commit and direct the resources and energies of other members of the system toward the attainment of goals. No society can survive without providing for such kinds of activities...."<sup>12</sup> Thus, Easton's components of public policy are authority, bindingness, and the allocation of values for society. Authority is not exclusively associated with an individual person, but resides in a role the person performs. Easton wrote that distinctive expectations are associated with and help to define authority roles.

First, the roles are expected to equip their incumbents with special powers, formal or otherwise, to care for the day-to-day problems of making binding decisions for a society and implementing them. Second, to these roles are often attached a moral responsibility for undertaking such action. And third, in all systems, the members anticipate that in the normal course of events compliance with decisions and actions taken through these roles will be forthcoming. The occupants of these roles have the special capacity formally granted or implicitly acquired to direct, order or command, and in many systems, although not all, to compel. Hence the power associated with these roles consists of authority.<sup>13</sup>

The concept of legitimacy must be examined at this point. A public policy, if it

is to be effectively implemented, must receive minimal or no opposition from and must be accepted by those in society who must comply with the policy. Again, David Easton had this to say:

The inculcation of a sense of legitimacy is probably the single most effective device for regulating the flow of diffuse support in favor both of the authorities and of the regime. A member may be willing to obey the authorities and conform to the requirements of the regime for many reasons. But the most stable support will derive from the conviction on the part of the member that it is right and proper for him to accept and obey the authorities and to abide by the requirements of the regime. It reflects the fact that in some vague or explicit way he sees these objects as conforming to his own moral principles, his own sense of what is right and proper in the political sphere.<sup>14</sup>

Legitimacy, then, rests on acceptance and obedience because the recipient, the member of political society at large, sees his or her acceptance as the right thing to do because the policy itself has been laid down by actors who are right in doing so. This sense of legitimacy in the actions of a regime is important because, through such a sense, there is maintained a stable relationship between the political actors in the regime and the people. The regime's actors cannot live under a constant threat of disorder and dissatisfaction with their decisions. From the peoples' viewpoint, regardless of what they may feel about the wisdom of the actions and policies of the authorities, their obedience flows from the conviction of the appropriateness of the political order of things. An individual ought to obey the authorities and abide by the basic political rules since it is the right thing to do. Thus, the rules are legitimate.<sup>15</sup>

David Easton's collective works have sifted the sand of political life finely,

exploring and examining "...the life processes of a political system, those kinds of functions through which it performs its characteristic work as a political system."<sup>16</sup> Despite his detailed examination we are left with the sense that his explanation of policy-making is generalized to the point that it is not deep enough. His models of processes, for example his input-output flow model,<sup>17</sup> usually show a process flow through a box labeled "The Political System," and with no in-depth examination of what occurs in that box.<sup>18</sup> It is to other, later political theorists that we must turn for a better explanation of policy-making. Easton does, however, provide some hint of how his thinking might have taken him if he were to explore the process further when he describes political policy as a "web of decisions."

From this discussion we have determined that public policies can be seen as authoritative decisions that allocate values. Policies are authoritative in that the power of the authorities making policy is recognized as legitimate and the policy is seen to be binding on the people in the political system. What has not been addressed is how public policy is made. Generally, political scientists and public administrators have eschewed close examination of the policy-making process. It is to the literature on that process that we must turn in search of theory.

### **Policy-Making Processes**

Political science scholars in the United States who have written about policy-making, by tradition it seems, usually begin with an analysis of interest groups and the effects of interest groups on political policy-making by quoting from James Madison's

warning about factions from The Federalist, Number 10. I will not attempt to run against the grain of that tradition. Madison, after all, provides an excellent place to start in a chronologically approached search for theory of policy making. Madison's famous essay, of course, was designed to persuade the American political elite that a popular government could be channeled and its propensity to break into factions could be controlled. He outlines how the "overbearing majority" can be controlled in an extended republic without any sacrifice of liberty. Madison, as Publius, wrote:

Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice.... By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.<sup>19</sup>

Alexis de Tocqueville, the astute and prescient French observer of American society in the 1830s, noted the characteristic urge of Americans to group together for common purposes and to exert collective pressure on political decision-makers. He wrote:

As soon as several of the inhabitants of the United States have taken up an opinion or feeling which they wish to promote in the world, they look out for mutual assistance; and as soon as they have found one another out, they combine. From that moment they are no longer isolated men, but a power seen from afar, whose actions serve for an example and whose language is listened to.<sup>20</sup>

Leaping ahead nearly one hundred years in search for theory of policy-making, we must turn to the early literature of political science. The early book of Arthur F. Bentley, The Process of Government,<sup>21</sup> published in 1908, was a landmark work which,

unfortunately, was not given the recognition it deserved. Bentley's concepts were far ahead of his time. It was not until the 1950s that political scientists, seeking some unifying theory or system to explain political behavior, turned increasingly to Bentley and his early work.<sup>22</sup> Bentley was convinced that an analysis of the process of government must begin with political groups rather than the formal institutions of government. "There is no [political] group without its interest. An interest...is the equivalent of a group. There exists only the one thing..so many men bound together in or along the path of a certain activity."<sup>23</sup> "...the activities are all knit together in a system, and indeed only get their appearance of individuality by being abstracted from the system; they brace each other up, hold each other together, move forward by their interactions, and in general are in a state of continuing pressure upon one another."<sup>24</sup> Bentley asserts that each group responds to the actual and anticipated activity from outside itself and is limited in its actions by the presence of these perceived actions of other groups. "All phenomena of government," he writes, "are phenomena of groups pressing one another, forming one another, and pushing out new groups and group representatives (the organs or agencies of government) to mediate the adjustments. It is only as we isolate these group activities, determine their representative values, and get the whole process stated in terms of them, that we approach to a satisfactory knowledge of government."<sup>25</sup> Following an analysis of the interaction of interest groups with the government's branches and political parties, Bentley summarizes the role played by groups in the process of government.

...the group pressures in the population form themselves on the various discussion levels and organization levels, tending always to express themselves in both ways or in any way , and actually expressing themselves to such degrees as the resistance of the other groups as represented in the government will permit at the given time.... In governments like the United States we see these manifold interests gaining representation through many thousands of officials in varying degrees of success, beating some officials down in delegate activity, intrusting representative activity...to other officials at times in high degree, subsiding now and again over great areas while "special interests" make special use of officials, rising in other spots to dominate, using one agency of the government against another, now with stealth, now with open force, and in general moving along the route of time with that organized turmoil which is life where the adjustments are much disturbed. Withal, it is a process which must surprise one more for the trifling proportion of physical violence involved considering the ardent nature of the struggles, than for any other characteristic.<sup>26</sup>

In 1939, Ernest Griffith introduced an analysis of the interactions among centers of policy specialization in the Executive Branch, the Congress, and in interest groups.

One cannot live in Washington for long without being conscious that it has whirlpools or centers of activity focusing on particular problems.... It is my opinion that ordinarily the relationship among these men--legislators, administrators, lobbyists, scholars--who are interested in a common problem is a much more real relationship than the relationship between congressmen generally or between administrators generally.<sup>27</sup>

Griffith's plea that political scientists study the "whirlpools of interest" rather than the institutions of government was generally unheeded for a number of years.

In 1955, J. Leiper Freeman published his The Political Process: Executive Bureau-Legislative Committee Relations, the results of his doctoral dissertation at Princeton University. His study, which was revised and republished in 1965, focused on the policy-making process as it was conducted by bureaucrats in the Executive Branch, Congressional committees, and the public clientele.<sup>28</sup> Freeman's central

hypothesis is that it is a mistake to view of the combination of Congress, the Administration, and political parties as a giant leviathan which metes out policy. Instead Freeman examines the interactions of key participants who have special interests, which he identifies as "political subsystems." He focuses on the relationships among subsystem actors from the bureaucracy, from Congressional committees, and from interested segments of the public, all tied to the same political issues, in order to understand and explain pluralistic patterns of power and policy-making. The Federal government, he states, has come to mirror the functional specialization and diversity of American society. From this diversity, groups have arisen which have demanded the special attention of segments of the Federal government which are guardians of their interests, and thus become themselves components of the subsystem. The leaders from the official government sub-units become involved in relationships with leaders of the public interest groups and have tended to take over the major policy decision-making functions for that specialty area from the government as a whole. Policy-making, he contends, is the formulation, adoption, and application of legal actions based on the pattern of interactions of the participants within a subsystem.<sup>29</sup>

From his analysis, Freeman concludes that the relationships among leaders in political subsystems, because of the legal framework in which the overall governmental system is cast, contributes to a permissive interplay between the executive and legislative branches in policy-making, but also allows a considerable decentralization of authority within each branch. The system also has limitations in terms of its accountability.

Freeman stated:

While the Administration, Congress, and the major parties in their general structures and relationships tend to reflect gross distribution of public sentiment and public power, the resolution of issues tends to be accomplished through specialized lesser units. These subunits--bureaus, committees, and interest groups--enjoy considerable autonomy in the special policy areas with which they are concerned.... The leading members of these subunits are the major, constant participants in a process through which special issues are discussed and policy solutions are formed. In their interactions which form the subsystem the behavior of the participants is most immediately affected by the nature and interests of the subunits which they lead.<sup>30</sup>

In another penetrating analytical work, Power in Washington, written by Douglass Cater in 1964, the relationships pointed out by Freeman are again noted. Cater wrote that:

In one important area of policy after another, substantial efforts to exercise power are waged by alliances cutting across the two branches of government and including key operatives from outside. In effect, they constitute subgovernments of Washington comprising the expert, the interested, and the engaged. These subgovernments are not to be confused with factions. Within them, factions contend to greater or lesser degree. The power balance may be in stable or highly unstable equilibrium. But the subgovernment's tendency is to strive to become self-sustaining in control of power in its own sphere. Each seeks to aggregate the power necessary to its purposes. Each resists being overridden.<sup>31</sup>

Cater's concern is that there is a danger that government becomes disintegrate with such "subgovernments" holding sway and becoming autonomous. "They become arrogant in their jurisdictions, defiant of efforts to form a larger consensus than each finds sufficient to its needs. Like princely states, jealous and contentious, they would substitute a new confederation for the 'more perfect union' which the Constitution sought to form."<sup>32</sup>

One cannot research and write about the policy-making process without

mentioning Charles Lindblom's contributions to this area in the 1960s. In 1965, Lindblom wrote his The Intelligence of Democracy<sup>33</sup>, a thorough treatment of decision-making within organizations and groups. Although Lindblom did not deal directly with the processes and structures of policy-making, his analysis of how groups make decisions, by mutual adjustment, broke new ground and tended to erode the theories of previous observers who saw power as the dominant element in decision-making. In framework, Lindblom's book is a systematic comparative analysis of policy-making in centrally controlled governments and in democratic forms of government where "partisan mutual adjustment," the bargaining and coordination among political players for mutual advantage, takes place. "Coordination" is the term Lindblom uses to describe the decision-making process among participants, and which he defines as: "A set of interdependent decisions is coordinated if each decision is adapted to the others in such a way that for each adjusted decision, the adjustment is thought to be better than no adjustment in the eyes of at least one decision maker."<sup>34</sup> Using the mutual adjustment hypothesis, Lindblom explores the governmental process, examining each political participant in some detail, such as bureaucratic agency, legislator, political executive, interest group leader, and party leader. He concludes that these participants in the political and policy-making process engage constantly in partisan mutual adjustment with each other, both bilaterally, multi-laterally, and in all possible combinations, and in accordance with an accepted set of rules.<sup>35</sup> In the area of problem solving, Lindblom believes the partisan mutual adjustment process to be far superior and more intelligent

than the "synoptic" paradigm for problem solving, his term for the "rational actor" problem solving paradigm of Graham Allison.<sup>36</sup> He states that the synoptic model simply is not adapted to man's intellectual capacities, the inadequacy of information on which to base decisions, the costliness of thorough analyses, or to failures in the construction of satisfactory criteria for decision-making. Like Herbert Simon, Lindblom dismisses the synoptic model as more fiction than real; instead, problem solving for complex public policy is practiced in a disjointed and incremental fashion. Lindblom sees partisan mutual adjustment as a ubiquitous and powerful form of activity for an intelligent policy-making process.

Just three years later, Lindblom wrote his The Policy-Making Process,<sup>37</sup> a short work in which he outlined the major participants and their roles in the process. In his introductory chapter, he describes policy-making as, "...an extremely complex analytical and political process to which there is no beginning or end, and the boundaries of which are most uncertain." "Somehow a complex set of forces that we call 'policy making,' all taken together, produces effects called 'policies.' We want to learn what we can about the network of causes of these effects."<sup>38</sup> Lindblom falls short of this goal, describing the proximate players in the policy-making process, but never penetrating into a solid explanation of the process itself or how the process machinery works in a mechanical sense.<sup>39</sup> While Lindblom's concept of "partisan mutual adjustment" is useful as a description of the bargaining process that appears to take place among policy-making players, it is to other analysts that we must turn for theory of the processes'

machinery.

Independent of the work of Cater, and corroborating the works of Freeman and Griffith, Emmette Redford examined the phenomenon of policy subsystems as it applied to the area of commercial civil aviation.<sup>40</sup> He concluded that influence on policy decisions is allocated to positions within organizations, which he referred to as "strategic positions," and that policy-making is achieved by focusing the actions of persons through the strategic positions in organizations. While the influence and power for policy-making is concentrated at the organization's focal points, persons occupying such positions are constrained by the interaction of such players and by the varied interests within society. These persons do not constitute a monolith or power elite, as is concluded by some observers.<sup>41</sup> Instead, these individuals are guided by the diverse and interweaving interests of a great variety of other participants--professionals who choose to enter into a dialogue on technical and complex issues.<sup>42</sup> Based on his observations of the civil aviation policy arena, Redford wrote:

The policy-making process sometimes forges general consensus into law...but usually it reconciles conflicting and complementary interests outside and also positions taken within the government. Second, most of the issues will be mediated in subsystems by persons in strategic positions. Third, high-quality interests have superior opportunities for access through association representatives. But, finally, other interests do get representation.<sup>43</sup>

Redford's analysis leads him to conclude that there probably is some kind of policy subsystem for every major activity of the government. He believes, further, that policy subsystems provide for stability among competing interests, and that they provide

continuous access and superior opportunities for influence to "high-quality, aggregated" interests, such as Congressional committees and bureaus of the Executive Branch. In addition, policy subsystems provide some access and representation of interests that are not dominant. Perhaps most important, Redford concludes that any substantial change in the balances among the interests served by the policy subsystems can occur only through macropolitical intervention that modifies the rules and roles operating among the subsystems. Most often, this occurs through presidential leadership exerting power and influence to bring about a change in policy after an appeal from policy subsystem actors.<sup>44</sup> In the pulling and tugging--and adjustments--between the competing policy subsystems and their interests Redford sees the engine of democracy in perpetual motion.

Redford's view of the role of government administrators bears mentioning. On one hand he sees administration as an extension of the process of social and political adjustment.

Adjustments and choices among interests, initiated in the macropolitical system, are carried over into [policy] subsystems where interests are adjusted and choices made through the interaction of persons in strategic positions. Even within the separate organizations constituting the political-administrative subsystems, as in administrative agencies and Congressional committees, there is a brokerage of interests of persons operating within the organizations. Administration is in this aspect of its performance, political.<sup>45</sup>

On the other hand, Redford sees a second role for administrators in government, the implementation of policies once the political policy decisions have been made. In this role administrators are bound by rigid rules and direction from higher authority and perform in accordance with standards of their agencies, never escaping from their

subordinate role to political decision-makers. In Redford's view this means,

...we have in administration an instrument for two types of service for society. By strict programming we can have automatic, continuing, nonpolitical activity in pursuit of goals on which there is consensus, except as this activity is returned to the macropolitical level for review, restraint, and support. Or by establishment of machinery with looser direction, we can have activity for continuous adjustment and choice among interests. Administration in its many activities ranges on a continuum between these types of activity. But for every level within administration there is some direction, and direction increases and discretion diminishes as activities are subdivided at successive levels. It is this quality of direction that gives administration its distinctive position in the political system.<sup>46</sup>

Other observers in the 1960s of the political process made note of the existence of policy subsystems, but tended to specialize in particular components of policy subsystems. Peter Woll, writing in the early 1960s, concentrated on the emergence of the Federal bureaucracy as a major force in American government and the threat that its growth created for our Constitutional system of checks and balances.<sup>47</sup> In expressing his concern with the dominance of administrators in the legislative process, Woll pointed out that legislative power in Congress is disbursed and the generation of support for policy decisions from outside groups is essential.

In order for a bill to pass there must be outside political support favoring it. Where will support materialize? Constituents acting as individuals are not as important as organized group support of congressional decision making; hence, a balance of interest group support must generally be attained before Congress can act. This fact...results in a network of relationships that are established among particular congressmen and congressional committees, and outside groups and key individuals in the elites of these groups. One of the best sources of political support is to be found in the administrative agencies concerned with the desired legislation, for these agencies constitute key interest groups in the majority of cases. The bureaucracy, like Congress, must also obtain political support before embarking upon new legislative programs, but in many instances

it either already possesses such support from clientele groups or has the tools to achieve it without much trouble.<sup>48</sup>

Francis Rourke, like Woll an observer of the role of the bureaucracy in policy-making, but more appreciative of the role that bureaucrats play and their environments, noted the growing professionalization of policy-making in Washington and the ties between the bureaucracy and outside experts. He wrote that, "...bureaucracy is a governmental habitat in which expertise finds a wealth of opportunities to assert itself and to influence policy." Borrowing the thought of an earlier analyst, Rourke wrote:

...the development of public policy and the methods of its administration owed less in the long run to the process of conflict among political parties and social or economic pressure groups than to the more objective processes of research and discussion among professional groups. This is the sense in which bureaucracy contributes to the impact of expertise upon policy decisions. It provides a setting in which experts in and out of government can get together to work on policy problems.<sup>49</sup>

Other observers of the policy-making process tended to concentrate on other elements of the policy subsystems. For example, David Truman was one of the first to concentrate attention on the powers of influence groups in the political process. In his The Governmental Process-Political Interests and Public Opinion,<sup>50</sup> first published in 1951 and republished in 1971, Truman defined "interest group" as "...any group that, on the basis of one or more shared attitudes, make certain claims upon other groups in the society for the establishment, maintenance, or enhancement of forms of behavior that are implied by the shared attitudes."<sup>51</sup> If and when an interest group makes claims upon any of the institutions of government, they become "political interest groups." As a

consequence of increasing specialization and division of labor in society, interest groups tend to form themselves into associations which are designed to carry out the specialized interests of that group and, from time to time, may have recourse to political institutions to further their interests or to facilitate the operation of their specialties. Associations, Truman commented, have the function also of stabilizing the relations among their members and to order the relations of the association with other groups. Truman stated that perhaps the most significant feature of groups and group politics is that it is a dynamic process, a constantly changing pattern of relationships involving continual shifts in relative influence.

The basic objective of political interest groups is to achieve access to governmental decision points. As Truman states,

...power of any kind cannot be reached by a political interest group, or its leaders, without access to one or more key points of decision in the government. Access, therefore, becomes the facilitating intermediate objective of political interest groups. The development and improvement of such access is a common denominator of the tactics of all of them, frequently leading to efforts to exclude competing groups from equivalent access or to set up new decision points access to which can be monopolized by a particular group. Toward whatever institution of government we observe interest groups operating, the common feature of all of their efforts is the attempt to achieve effective access to points of decision.<sup>52</sup>

The extent to which political interest groups achieve effective access to the institutions of government, Truman says, is the resultant of a complex of interdependent and overlapping factors. These are: (1) factors relating to a group's strategic position in society; (2) factors associated with the internal characteristics of the group; and (3) factors peculiar to the governmental institutions themselves. The product of effective

access, of the claims of political interest groups that achieve access, is a government decision. These decisions may be made by a multiplicity of government actors or groups due to the decentralized and more or less independent centers of power. "The total pattern of government over a period of time...represents a protean complex of crisscrossing relationships that change in strength and direction with alterations in the power and standing of interests...."<sup>53</sup>

In 1973, Gary Wamsley and Mayer Zald published a short book which introduced a political economy framework which has major utility in contributing to an understanding and theory of the policy-making process. Their book, The Political Economy of Public Organizations,<sup>54</sup> is a significant expansion of a theoretical work published earlier by Zald,<sup>55</sup> and is intended to be a tool or lens for the analysis of public organizations by studying the interplay of power, the goals of power-wielders, and the political economic exchange systems within organizations. By "political economy" they mean "...the interrelation between a political system (a structure of rule) and an economy (a system for producing and exchanging goods and services)."<sup>56</sup> The term "political," they say, connotes matters concerning legitimacy and the distribution of power as they affect an agency's existence, its functional niche in society and the political system, its collective institutional goals, and the goals of the agency's elite faction. The term "economic" refers to the combination of factors of production, the arrangements for the division of labor, the allocation of resources for task and agency accomplishment, and the maximization of efficiency. Basically, politics refers to the organization's structure

and processes of the uses of authority and power to affect the attainment of goals, and economy refers to the organization's combination of men, money, facilities, and machines to produce an "output." Wamsley and Zald create a model dividing the organization's political economy into internal and environmental or external aspects, shown in Exhibit 2-1.

Wamsley and Zald suggest that public organizations, as components of policy subsystems as described by Cater, Freeman, and Truman, need to be analyzed using this model as a conceptual reference point for asking the right questions and examining the right things. By describing the organization's environments, its external and internal, political and economic environments, one can determine how demands are placed on the organization. What are the key variables and differences between organizations? What are the political and economic interactions and exchanges between an organization and the outside environment, and how does the organization adjust internally to political and economic pressures? The authors intend for their political economy model to be a unifying approach to analyses within the fractionated field of public administration, and the foundation for a "public administration theory," a paradigm landmark for a wandering, lost discipline. As they said, "All public administration systems can be seen through the lens of political economy as being struggles to balance legitimacy, over-all directions, and major economic dimensions, on the one hand, with distribution of resources and coordination for effective task accomplishment on the other."<sup>57</sup> Concerning the potential for the use of their model for an empirical probing of public

	ENVIRONMENT Structure and Process	INTERNAL Structure and Process
P O L I T I C A L	<ul style="list-style-type: none"> <li>● Subordinate and authoritative executive bodies and offices</li> <li>● Subordinate and authoritative legislative bodies and committees</li> <li>● Independent review bodies (e.g., courts)</li> <li>● Competitors for jurisdiction and functions</li> <li>● Interest groups and political parties</li> <li>● Media-communications entrepreneurs</li> <li>● Interested and potentially interested citizens</li> </ul>	<ul style="list-style-type: none"> <li>● Institutionalized distribution of authority and power (e.g., dominant factions, opposition factions)</li> <li>● Succession system for executive personnel</li> <li>● Recruitment and socialization system for executive cadre</li> <li>● Constitution (e.g., ethos, myths, norms, and values reflecting institutional purpose)</li> <li>● Patterns for aggregation and pressing demands for change by lower level personnel</li> </ul>
E C O N O M I C	<ul style="list-style-type: none"> <li>● Input characteristics (e.g., labor, material, technology, facilities, supply, cost, etc.)</li> <li>● Output characteristics (e.g., demand characteristics and channels for registering demands)</li> <li>● Macro-economic effects on supply and demand of organization's products</li> </ul>	<ul style="list-style-type: none"> <li>● Allocation rules (Accounting and information systems)</li> <li>● Task and technology related unit differentiation</li> <li>● Incentive system (e.g., pay, promotion, tenure, fringe benefits, etc.)</li> <li>● Authority structure for task accomplishment</li> <li>● Buffering technological or task core in the organization</li> </ul>

Exhibit 2-1, The Political-Economy Model

(Source: Gary L. Wamsley and Mayer N. Zald, The Political Economy of Public Organizations. Bloomington, Indiana: Indiana University Press, 1973, p. 20.)

policy-making, they wrote:

Policy is made at the nexus of politics and economics. Specifically it is formulated and/or executed by public organizations imbedded in policy subsystems, each with their own matrix of pressures and cross-pressures. It is probable that economic development provides a resource backdrop for the perceptions of constraints and opportunities by policy elites (especially the cadres of public organizations), organizational routines and procedures, elite competition, role perception, available technologies, and a variety of other matters....<sup>58</sup>

It appears that Wamsley and Zald may have had some influence on at least one academic researcher, J. Kenneth Benson, an associate professor of sociology at the University of Missouri. In 1975, Benson wrote an article on interorganizational networks in which much of the Wamsley-Zald political economy model was imbedded.<sup>59</sup> The analyses of Freeman and Cater, and the "threat" posed by triangles of influence in national policy-making, was beginning to take hold and bloom in academic circles.<sup>60</sup>

In 1977, Hugh Heclo brought forward a disquieting study of the relationships between Federal political appointees and the bureaucracies which they oversee in his book, A Government of Strangers.<sup>61</sup> He wrote:

The administrative machinery in Washington represents a number of fragmented power centers rather than a set of subordinate units under the President. As many observers have noted, the cracks of fragmentation are not random but run along a number of well-established functional specialties and program interests that link particular government bureaus, congressional committees, and interest groups.<sup>62</sup>

Heclo also observed that customs within government bureaucracies are an important aspect of relationships formed between political appointees and the agencies which they lead.

Government agencies are not simply machines for turning out discrete policy

decisions; they are also bundles of memory and practices that are inherited from a particular past and carried forward. Since this cultural heritage is rooted in networks of mutual advantage between specific agencies and private groups and congressmen, it is not surprising that personnel appointments often reflect private and congressional interests.<sup>63</sup>

In the later chapters of Heclo's analysis, he settles on the use of "networks" as a metaphor to explain the complex relationships which the political appointee must understand exists in the Washington political arena. He explains, for example, that,

...the political appointee's situation is not so simple that he can act as if he is surrounded by a random collection of strangers outside the confines of his agency village. Everywhere extensive networks of village folk in the bureaucracy, Congress, and lobby organizations share experiences, problems, and readings on people and events. An appointee may or may not be in touch with people in these networks, but they are certain to be in touch with each other independently of him.... His networks are thin, transient, and single-stranded; theirs are dense, multiple, and enduring.<sup>64</sup>

In an article published just one year later, "Issue Networks and the Executive Establishment," Heclo gave full expression of his metaphor of the networks of policy-makers.<sup>65</sup> In so doing he also synthesized much of the previous literature on policy decision-making which was scattered and spotty, serving to bring into focus the theoretical concept of policy subsystems for future political analysts and researchers. Heclo opens his article by stating that political power control by "iron triangles"--the strong linkage of executive bureaus, Congressional committees, and interest group clients, as suggested by Douglass Cater, J. Leiper Freeman, and other observers--"...is not so much wrong as it is disastrously incomplete."<sup>66</sup> Heclo explains that in looking for the closed triangles of political control, we tend to miss the fairly open networks

which also impinge upon government. There are three factors which are contributing to the wider networks. First, there is the growth in the sheer mass of government activity and the corresponding expectations of society. Second, there has been a play of influence which has accompanied this growth. And last, there has been a layering and specialization which has overtaken the government work force, including the political leadership of the bureaucracy. As a result of these factors, Heclo states, policy-making has become an intramural activity. Specialized subcultures composed of highly knowledgeable policy-watchers have sprung up, all possessing the detailed understanding of specialized issues which comes from sustained attention to a given policy debate. The webs of influence exerted by these policy specialists Heclo calls "issue networks." He explains:

Issue networks...comprise a large number of participants with quite variable degrees of mutual commitment or of dependence on others in their environment; in fact it is almost impossible to say where a network leaves off and its environment begins. Iron triangles and subgovernments suggest a stable set of participants coalesced to control fairly narrow public programs which are in the direct economic interest of each party to the alliance. Issue networks are almost the reverse image in each respect. Participants move in and out of the networks constantly. Rather than groups united in dominance over a program, no one, as far as one can tell, is in control of the policies and issues. Any direct material interest is often secondary to intellectual and emotional commitment. Network members reinforce each other's sense of issues as their interests, rather than (as standard political or economic models would have it) interests defining positions or issues.<sup>67</sup>

Heclo explains that issue networks are made up of a wide variety of members. They may be a renowned professor who is an expert on a particular subject, a vocal minority who hold a public rally, or even a powerful interest group which has a stake

in the issue's outcome. People and organizations buy into the issue network by watching, reading, discussing, and acting on particular issue problems. Heclo states that "...the true experts in the networks are those who are issue-skilled (that is, well informed about the ins and outs of a particular policy debate) regardless of formal professional training. More than mere technical experts, network people are policy activists who know each other through the issues."<sup>68</sup> Players in issue networks are less interested in power than they are in seeking influence to ensure that the "right" policy decision is made, of course commensurate with their understanding of the various, complex choices in the issue.

The issue networks, Heclo believes, have come to overlay the once stable political reference points in policy decision-making, making the process exceedingly complicated, decreasing predictability, and imposing considerable strain on those charged with political and administrative government responsibilities. Political appointees as well as the bureaucracies they oversee tend to be caught up in the push for issue specialization, and today's political executives tend to be policy politicians, able to move among the various networks and gain reputations and support from policy issue players. Heclo points out that there are several advantages to American government when political executives are knowledgeable about the substance of particular issues and can move easily in the issue networks. First, the political system's reliance on policy politicians rather than party politicians is in keeping with the changes in our society and is a reflection of the decay of political parties, which are not able to provide enough highly qualified political

leaders. A second advantage is that issue networks tend to link Congress and the Executive Branch in ways that political parties cannot, considering the growth of legislative staffers who are policy issue specialists rather than party cronies. Third, the increased maneuvering room offered to political executives by the loose play of influence in issue networks is an advantage. The networks enable the political executive to split and recombine the many sources of support and opposition that exist within issue networks, playing one part of a network against another rather than be hamstrung by players in an inflexible, more disciplined iron triangle.<sup>69</sup>

Heclo believes these advantages are substantial; however, he also believes issue networks pose several threats to the American government which also need to be considered. The foremost problem, Heclo states, is that of democratic legitimacy. The role of political appointees below the level of the President, who have always lacked democratically based power built upon voter mandates, has been eroded further. The policy issues, which should be simplified into a few intelligible choices for the electorate, have been made more complex in the hands of abstruse policy experts who seek the "right" answer, thus discouraging the possibility of consensus and causing a decline in voter confidence in their government's ability to carry out the functions of government. The second difficulty caused by issue networks, according to Heclo, is the weakened role of the President as chief of the Executive Branch. The political appointees serving the President have become policy technocrats and out of the reach of the chief executive, and the influence of policy technicians and staff experts tend to hinder every move the White

House may want to make. The result is that the President is increasingly isolated and power stakes are on the line everywhere in terms of policy. Heclo believes that under these conditions the President is in a classic no-win situation. He cannot use personal loyalists as agency or department heads or he will be accused of politicizing the bureaucracy and will put his appointees in an untenable position in terms of dealing with their own organizations and the issue networks. If he attempts to create a center of policy expertise on his staff, he will be accused of aggrandizing the Imperial Presidency. If he relies on a collective cabinet government and on department executives for leadership in the bureaucracy, he then has abdicated his leadership responsibilities as the only elected executive in the national government. Heclo believes there is no way out of this dilemma for the President. Finally, Heclo believes that the phenomenon of issue networks creates a disturbing question concerning the accountability of a policy technocracy. A political executive is accountable to the public at large only in the sense that he or she is a member of an administration of a President. The policy technocrat is not accountable to the people, nor is it likely that the public has any sense that the technocrat even exists. Policies which may make sense for a closely associated network of policy technicians within the confines of the Washington Beltway may make little sense to the general American public which is not familiar with the arcane details of policy issues. Accountability in the Executive Branch in a democratic system such as that of the United States must fall on the President, who is already overburdened with responsibilities. Heclo comments that the prospects for a democratically responsible

executive establishment are poor at best.<sup>70</sup>

Heclo closes his article by explaining why he believes this bleak picture of policy-making in Washington is unlikely to change or improve. First, enough policy specialists have converged on Washington and surrounded decision-makers that it is unlikely that the central government will ever relinquish the capacity to take policy initiatives. Second, there appears to be no way of braking or slowing down the expectations of the American people for policy, particularly those which are compensatory in nature. And last, Heclo believes the undergrowth of past policy decisions is so thick that it is almost impossible to tweak one policy area without affecting another policy area, causing ripples and impacts throughout several or even many policy subsystems. Heclo paints a picture of policy-making approaching gridlock and insolubility, and that of Washington political executives who have become powerless to arrest the process.<sup>71</sup>

The literature of policy subsystems and policy networks within the larger body of literature on policy-making theory is broad and rich. Clearly there is much in this body of theory which can be applied to this research. In an attempt to conceptualize how a particular policy subsystem or network might appear visually, I offer the illustration in Exhibit 2-2. In the illustration the larger policy subsystem family is shown as a large ellipse. Contained within the larger subsystem are a number of smaller ellipses, each representing a separate faction within the subsystem. As the literature points out, a subsystem usually consists of a variety of factions which are contending with each other for dominance within the overall subsystem. Each has different views of the direction

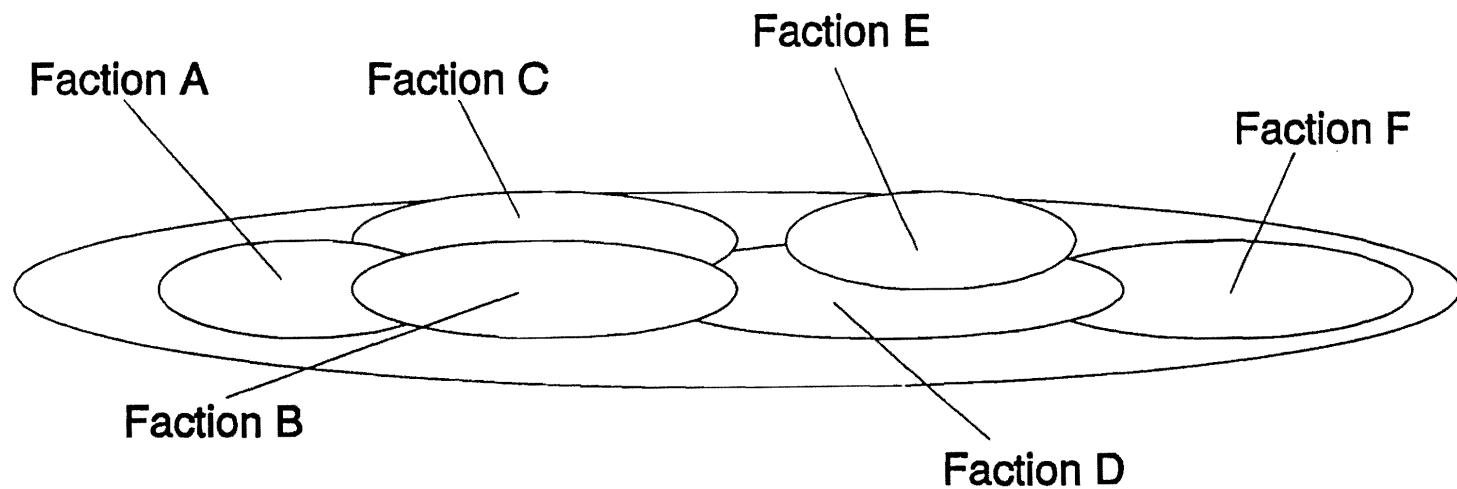


Exhibit 2-2, Concept of a Policy Subsystem

which the subsystem should take and the strategies which should be employed so the overall subsystem family can wrest attention of the public and policy decision-makers and gain domination over other subsystems which are contending for influence and government resources. This policy subsystem with its integral factions has a common cause, that of the subsystem. In this respect the subsystem can be compared to a family, with its sometimes internal competition and rivalry between relatives. The family usually will stand united, however, when threatened from other families or other outside environmental factors.

Despite its depth of empirical studies and clarity through the use of metaphors, the literature on policy subsystems and networks is lacking in that it does not completely explain how policy issues are addressed and decisions are made by policy-makers. It appears that there is an assumption made that because an issue picks up strength within a policy subsystem it eventually will achieve some form of critical mass and reach a point of decision. The result, however, is a gap between the existence of a public policy issue being fought out in a network of issue entrepreneurs and the policy decision by an authoritative political figure or body. To close this gap I turn to the "agenda-building" policy theorists.<sup>72</sup>

### **Agenda-Building Theory**

Agenda-building theorists identify two basic types of political agendas. The first is a "systemic agenda," which consists of all issues that are commonly perceived by members of the political community as meriting public attention and involving matters

within the legitimate jurisdiction of existing governmental authority. The second type of agenda is the "institutional," "governmental," or "formal agenda," which is defined as that set of items explicitly up for the active and serious consideration of authoritative decision makers.<sup>73</sup> An issue on the systemic agenda will have widespread public attention or at least awareness, will be a shared concern of a sizeable portion of the public that some form of action on the issue is required, and will result in a shared perception that the matter is an appropriate concern of some governmental unit. Generally, the formal agenda is derived from the systemic agenda of widespread concerns, though the issues may be ill defined or abstract. The formal agenda will tend to be more specific, concrete, and limited in the number of items. It will identify those facets of a problem that are to be seriously considered by a policy decision-making body.

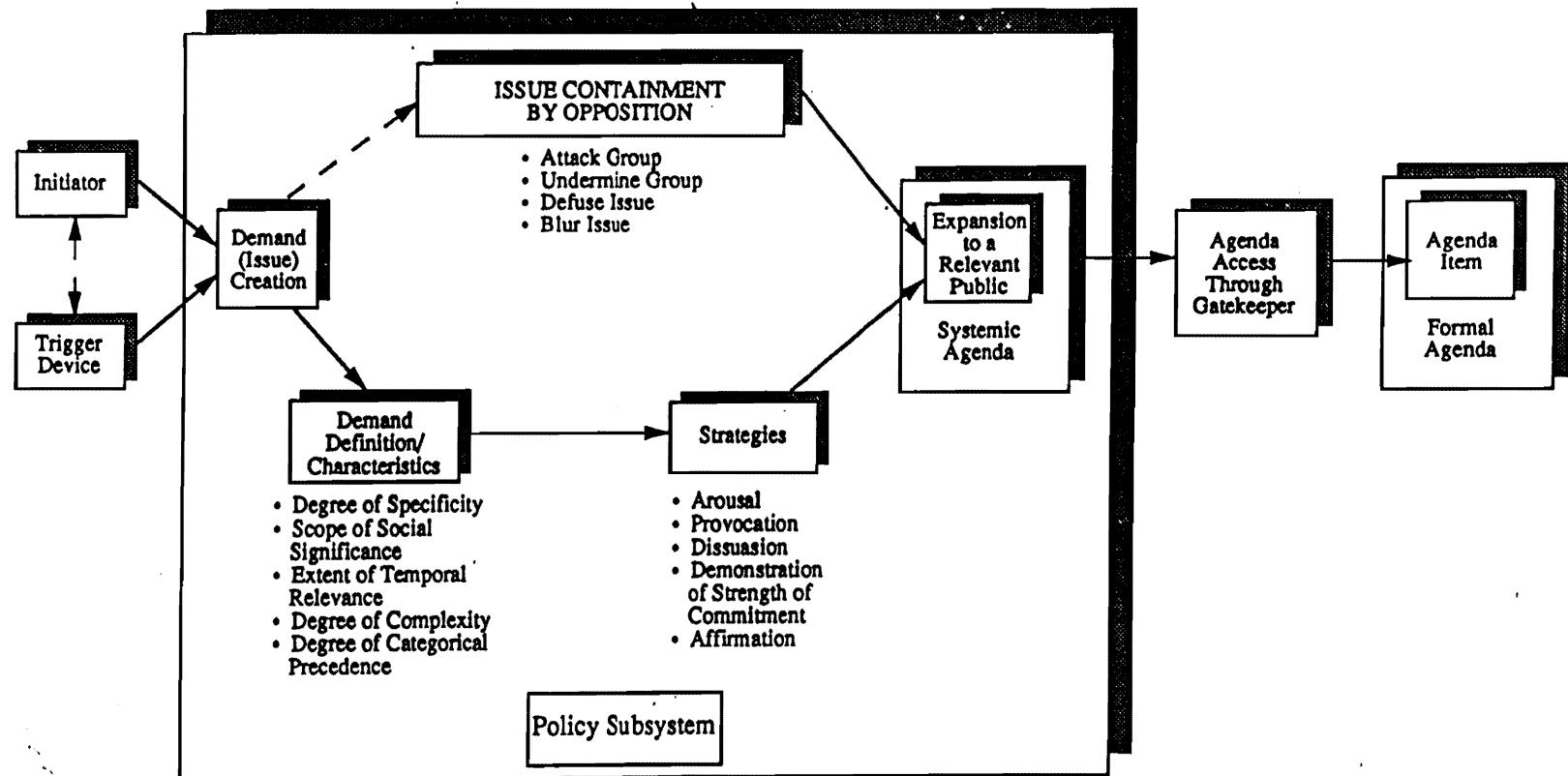
Agenda-building theorists contend that an issue, if it is to be selected from among the many issues and placed on the agenda of a policy-maker, must be selected and placed on an agenda by a "gatekeeper." The agenda-building theorists have adopted the concept of a gatekeeper from David Easton,<sup>74</sup> and define this position as "...persons, institutions, and groups whose actions determine the success or failure of a demand or issue entering into the system or any of its subsystems."<sup>75</sup> Gatekeepers not only serve as vehicles for entry into the political system, but they also serve to reduce the overall "load" of demands on the political system by selectively restricting inputs. Gatekeepers are seen as the key participants in the continuous process of agenda-building and the ultimate guardians of the formal agenda. Gatekeepers, because of the strategic positions

which they occupy, have fairly direct control over what issues will be on the formal agenda and have considerable freedom to choose among the many issues which are competing for attention.<sup>76</sup> Agenda-building theorists note the differences in accessibility to decision-makers are a function of the relative legitimacy of various groups or policy subsystems which are clamoring for attention. A group's status and community standing are important if the claimant is to gain recognition by a gatekeeper. For example,

...the anti-war movement [of the 1960s], initially promoted by student groups who traditionally have little political standing, received little public support until more socially prominent persons and groups entered the fray on their behalf (for example, business groups, military leaders, clergymen, and senators).<sup>77</sup>

Agenda-building theorists generally adhere to a systems approach model, which is a modification of David Easton's input-output model of the political process. Their model begins with the creation of a public policy issue and ends with the issue becoming part of a political decision-maker's agenda and either acted upon or discarded. An illustration of their model, which has been adapted from Cobb and Elder, appears in Exhibit 2-3 and the model is more fully explained in the following amplifying paragraphs.<sup>78</sup>

Issues are defined by Cobb and Elder as "...a conflict between two or more identifiable groups over procedural or substantive matters relating to the distribution of positions or resources."<sup>79</sup> The concept of a "demand," as used by David Easton, is much more general and less restrictive in its usage. Easton defines a demand as "...an expression of opinion that an authoritative allocation with regard to a particular subject



57

Exhibit 2-3, The Agenda Building Model

(Source: Adapted from Roger W. Cobb and Charles D. Elder, Participation in American Politics: The Dynamics of Agenda-Building. 2nd ed. Baltimore, Maryland: The Johns Hopkins University Press, 1983.)

matter should or should not be made by those responsible for doing so."<sup>80</sup> As Easton explains, a demand may call for the attainment of self-centered aims, as Cobb and Elder imply, or it may seek political decisions that impose duties and obligations upon all members of the political system. It may be inspired by a desire for private gain, but it may also be stimulated by the highest of public motives and require the most noble of sacrifices. In Addition, demands may be affected by a number of triggering mechanisms or unforeseen events which help shape the demand. These can be grouped into internal (domestic) and external (foreign) events. Internal events may include: (1) natural catastrophes; (2) unanticipated human events, such as riots or assassinations of public officials; (3) technological changes; (4) an imbalance, or bias, in the distribution of resources, leading to such events as union strikes or protest demonstrations; and (5) ecological changes, such as population explosions or mass migrations. External trigger mechanisms may include: (1) acts of war or military violence, such as the Vietnam War; (2) innovations in weapons technology, such as that which took place during the arms race with the Soviet Union or the launch of the Sputnik satellite; (3) international conflicts in which the United States is not a direct participant, such as the Yom Kippur War or the Soviet invasion of Afghanistan; or (4) changing international alignment patterns, such as the demise of the Warsaw Pact and the crumbling of the Iron Curtain. A recent example of such a triggering event is the gradual realization of the seriousness of the flow of cocaine into the United States, resulting in the adoption of policies aimed at stemming that flow. Triggering devices alone, however, do not create a demand.

A link must be made between a grievance or a triggering event and an initiator (or group of initiators) who transform the problem into a demand or issue. This transformation results in the creation of a demand which will work its way toward the systemic agenda.

Agenda-building theorists do not appear to differ in any serious manner with policy subsystem theorists in terms of the existence of networks of policy entrepreneurs and the influence of subsystems in the fostering of issues and nudging the issues toward some point of decision. The processes they describe as an issue or demand is thrust toward the public agenda and the formal agenda are very much like that described by policy subsystem theorists. For example, John Kingdon's Agendas, Alternatives, and Public Policies has a lengthy chapter which describes the various actors in a policy subsystem and the intramural processes they employ to foster their special policy interests. Kingdon states:

...there are two general groupings of participants: a visible cluster of actors and a hidden cluster. These clusters are not absolutely different from one another, but they are distinct enough to be meaningful. The visible cluster--those participants who receive a lot of press and public attention--includes the president and his high-level appointees, prominent members of Congress, the media, and such elections-related actors as political parties and campaigns. The relatively hidden cluster includes such specialists as academics and researchers, career bureaucrats, congressional staffers, and administration appointees below the top level. Interest groups travel between the two clusters, with some of their activities very public and others hardly visible at all. ...agenda setting is affected by the visible cluster of participants, while the generation of alternatives occurs more in the hidden cluster.<sup>81</sup>

For this reason I have modified the agenda-building model to include the processes they describe within a framework labeled in Exhibit 2-3 as "Policy Subsystem." Essentially,

the model in the exhibit represents a synthesis of both models of policy-making, a combination of Exhibit 2-2 with the model in Exhibit 2-3. The following paragraphs describe the processes which occur, in the view of agenda-building theorists, within the policy subsystem in the model.

The characteristics of a demand or issue bear on whether or not it is likely to expand its support and reach agenda status. Agenda-building theorists observe that there are five fundamental definitional characteristics of demands which are based on the nature of the conflict itself.<sup>82</sup> These include: (1) the degree of specificity, (2) the scope of social significance, (3) the extent of temporal relevance, (4) the degree of complexity of the issue, and (5) the degree of categorical precedence. Specificity refers to how abstractly or concretely an issue will be defined. Social significance relates to whether an issue is unique to the immediate disputants in the policy subsystem or has a more general significance in the public. The third characteristic, temporal relevance, denotes the extent to which an issue has short range, circumstantial relevance or more enduring, fundamental relevance. Issues which have implications above and beyond the resolution of a particular conflict at one point in time are temporarily relevant. Temporal relevance also is a measure of the time required to implement a desired program or solution. Complexity, the fourth characteristic, concerns how the issue is to be understood by decision-makers and a wider public audience. It also concerns the complexity of the solution to the issue, such as the number of people required to administer a program should it be placed on the formal agenda and enacted into law, or the number of

governmental agencies involved in the decision or implementation processes. The last characteristic, categorical precedence, indicates the extent to which an issue is a routine matter having established precedents and procedures for resolution.

The definition of the issue or demand is critical if it is to reach a larger public and the agenda of a decision-maker. Definition of the demand is not conducted by a single individual, though a policy entrepreneur in a policy subsystem may be its driving force. The demand is defined and refined by contending parties in the policy subsystem, and the result is far from being *a priori* given. Control over how the issues of conflict are defined means control over the choice of battlefields upon which a conflict will take place. The initiator, or his or her group in the policy subsystem, will always select a battlefield that gives them an advantage in terms of potential support. The importance of the definition of the issue has been stressed by Cobb and Elder in a related journal article.

Since policy decisions require substantial consensus and are not likely without the acquiescence of those most immediately affected by them, major policy innovation is likely to occur only when an issue is broadly salient and the mobilization of bias is distinctly one-sided. These conditions are most likely to obtain in the face of a recognized crisis or a scandal. The latter may effectively compel the acquiescence of interests that stand to be affected adversely. Neither a crisis nor a scandal will be sufficient by itself, however. What is also required is effective exploitation of the situation. The policy implications of a crisis or scandal are matters of definition. Indeed, whether a particular situation constitutes a crisis or scandal as opposed to being merely a dramatic event or a regrettable set of circumstances depends on how it is defined. The impetus of events is important, but what ultimately counts is the interpretation given to them.<sup>83</sup>

After definition and characterization of the issue, the policy subsystem group pressing the issue toward agenda status must launch a series of strategies to gain acceptance and support of a wider audience. The mass media plays a pivotal role in highlighting the issue and determining the group's success in placing the issue on the systemic agenda. As Norton Long wrote,

As the chronicler of the great, both in its general news columns and in its special features devoted to society and business, it [the press] provides an organizing medium for elites...and provides them with most of their information about things in general and not a little of inside tidbits about how individual elite members are doing. In a sense, the newspaper is the prime mover in setting the...agenda. It has a great part in determining what most people will be talking about, what most people will think the facts are, and what most people will regard as the way problems are to be dealt with.<sup>84</sup>

There are five general strategies that the group may use to enlarge the controversy surrounding the issue and to muster support. Arousal is the activation of heretofore latent support, and the mass media plays an important part in the success of this strategy. In provocation, the second strategy for ultimately forcing inclusion of the issue on the public agenda, a group takes certain actions designed to provoke another group into action and thus enable the initiating group to achieve greater publicity. Dissuasion is a strategy designed to discourage supporters of the other side from active opposition and to encourage them to switch sides. A fourth strategy is demonstration of strength of commitment, often seen in marches on Washington, public rallies, and peaceful demonstrations for various causes. The principal objective is to demonstrate the strength of commitment of a particular group and the size of the group making the commitment.

The fifth strategy, affirmation, serves to revitalize group membership or to prod supporters to greater levels of vigor in pressing demands.

The agenda-building model also accounts for the actions of opposition forces which are usually present in any public policy issue and an integral component of policy subsystems. The opposition, according to agenda-building theorists, also will use a variety of strategies to keep the issue or demand off the agenda. There are four separate categories of strategies which are used by the opposition.<sup>85</sup> The opposition may directly attack the group fostering the issue through discrediting the group or discrediting its leaders. The second category of strategy is to undermine the group by attempting to chip away at its base of support by such means as appeals over the heads of the group's leaders to its members or by the co-opting of the group's leaders. The opposition may choose strategies which are directed at the issue rather than the group, such as attempting to defuse the issue. In this category of strategy the opponents may, for example, recognize the issue as legitimate, but deny its urgency or immediate application. Such ploys might include symbolic rewards or reassurance, token actions toward solving the problem, or creating new organizational units or study groups to deal with the problem. In the fourth category of strategy by the opposition, blurring the issue, the issue is sidestepped by such tactics as postponement, feigned assistance, or again the appointment of a special study group to investigate and divert the issue.

This dynamic, contentious process often results in demands, issues, and concerns achieving agenda status in the minds of the general public or a smaller elite group.

Through the influence of a gatekeeper the issue may reach the formal agenda of a political decision-maker. In this regard, research conducted by Paul Light on the President's agenda is revealing.<sup>86</sup> Light's study is based on interviews of 126 White House staff officials representing five presidential administrations. He states that the President's agenda is far more than a simple list of topics for discussion. It is a definition of policy alternatives and

...plays a central role in determining final outcomes, particularly when the administration is forced to exclude certain issues from potential consideration because of resource constraints or political pressure. By deciding what they will consider, policy makers set the boundaries of political debate, often defining the agenda in such a way that certain issues are never seriously discussed.<sup>87</sup>

Light's research indicates there are patterns which are discernible when a president's resources and opportunities to deal with policy issues are considered. The first pattern is the "cycle of decreasing influence," and is based on a president's decrease in capital (i.e., power and influence), time, and energy as his time in office lengthens. The second pattern in presidential resources is the "cycle of increasing effectiveness," which describes an increase over time of a president's experience and learning as well as that of his staff. These patterns mean that in presidential policy-making timing is considered to be critical and that the president's best window of opportunity for policy-making occurs early in his administration.<sup>88</sup> Light's research indicates that a president's agenda is relatively small at any one time. Of the six presidential administrations between President Kennedy and President Carter the agenda size averaged 12.8 agenda

items per year.<sup>89</sup> Presidents choose their agenda issues in a purposeful manner and are generally driven by the goals of re-election, historical achievement, and simply the making of good policy. Light's evidence points toward the president selecting issues for his formal agenda from a pool of many issues. Some issues in the pool have greater visibility, but issues tend to be "hot" for a time and then "cool off." Issues also tend to exhaust themselves over time and fade from serious consideration. Considering triggering events that impel issues into the limelight, Light's respondents provided ample evidence that presidents and their staffs make room on their agendas for crises--oil embargos, urban riots, price spirals, plant closings, embassy occupations--and are very mindful of the potential political opportunities of such events for electoral, historical, or programmatic benefits. As Light wrote,

...presidential priorities involve the perception of crises. Presidents and staffs pay greater attention to problems that are perceived as demanding immediate attention. According to one liaison officer from the Kennedy-Johnson years, 'Crisis often provides the momentary surge necessary for passage. If some event takes place which clearly promotes the issue, it is important to make the connection. Congress is much more responsive to crisis.' Consider the impact of the Birmingham riots on Kennedy's civil rights legislation. Following a five-week demonstration in April 1963, violence brought civil rights to national attention. Kennedy responded to the crisis by dispatching the national guard to bases near Birmingham. Kennedy also decided to pursue immediate legislation. The crisis provided a 'window' for substantive action, and civil rights legislation moved to the top of Kennedy's must list. As one Kennedy aide argued, 'Birmingham was the driving force behind the legislation; it was the catalyst in the President's choice. Without Birmingham, I doubt that civil rights would have made it until 1965. It was that sensitive. Birmingham was frightening, but it was also important. If it hadn't happened, the President would have been forced to wait another two years.' The crisis pressed civil rights toward the top of the President's

domestic agenda. It not only affected the issue and the alternative but drove civil rights to the Kennedy must list.<sup>90</sup>

In examining the decision-making processes on White House staffs, Light posited three models: (1) the rational actor model, (2) the behavioral model, and (3) the garbage can model.<sup>91</sup> Light found aspects of all three models in his findings; however, he found the Presidency is most likely to resemble the behavioral model. White House policy, he found, is the result of organizational dynamics and conflict. When conflicts arise, coalitions either bargain or dominate. He states, "There simply is not enough information or expertise for rational choice, but there is a semblance of organization and staff order. There is little opportunity in the four short years for organized anarchies."<sup>92</sup>

### Conclusion

Based on this survey of the literature of public policy-making theory, I was prepared to test the results of my case study research against applicable theory. I used the model in Exhibit 2-3 as a general construct against which my research findings were measured. Answers to the following general questions were sought:

- (1) Did the findings of this research, in general terms, fit the model?
- (2) Was there a triggering device present which forced political decision-makers to shift the military manpower procurement policy from the draft to the AVF?
- (3) Did the respondents and other research sources indicate the presence of a policy subsystem for military manpower procurement, and if so, does the subsystem

generally conform to the theory literature?

(4) Did the respondents indicate that there was a formal agenda during the early-Nixon administration, and was this particular policy decision on that agenda?

(5) Was there a "gatekeeper" in the Nixon Administration who was responsible for entering this policy decision on President Nixon's agenda and for seeing the policy decision through to implementation?

1. David Easton, The Political System: An Inquiry into the State of Political Science (New York: Alfred A. Knopf, 1953), p. 64.
2. Ibid., p. 56.
3. Ibid., p. 55.
4. Ibid., p. 62.
5. Robert K. Yin, Case Study Research: Design and Methods rev. ed. (Newbury Park, CA: Sage Publications, 1989), p. 36.
6. Harold Lasswell, Politics: Who Gets What, When, How (New York: Whittlesey, 1936).
7. Max Weber, From Max Weber: Essays in Sociology, trans. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), p. 78.
8. Robert Salisbury, "The Analysis of Public Policy: A Search for Theories and Roles," in Political Science and Public Policy, ed. Austin Ranney (Chicago: Markham Publishing Co., 1968), p. 152.
9. Easton, Political System, p. 130.
10. Ibid, p. 132.
11. Ibid, p. 146. Easton is making the point that political scientists, such as Merriam and Lasswell, are overly influenced by the variable of power in their work. Easton saw power as a secondary but still critical aspect of political life.
12. David Easton, A Systems Analysis of Political Life (New York: John Wiley & Sons, Inc., 1965), p. 350.
13. Ibid., p. 207.
14. Ibid, p. 278.
15. It is interesting to contrast this view of legitimacy with that of Max Weber. Weber wrote that, "...the state is a relation of men dominating men, a relation supported by means of legitimate (i.e., considered to be legitimate) violence. If the state is to exist, the dominated must obey the authority claimed by the powers that be. When and why do men obey? Upon what inner justifications and upon what external means does this domination rest? ...there are three inner justifications, hence basic legitimations of domination. First, the authority of the "eternal yesterday," i.e., of the mores sanctified

through unimaginably ancient recognition and habitual orientation to conform.... There is the authority of the extraordinary and personal gift of grace (charisma), the absolutely personal devotion and personal confidence in revelation, heroism, or other qualities of individual leadership.... Finally, there is domination by virtue of "legality," by virtue of the belief in the validity of legal statute and functional "competence" based on rationally created rules. In this case, obedience is expected in discharging statutory obligation. This is domination as exercised by the modern "servant of the state" and by all those bearers of power who in this respect resemble him." Max Weber, From Max Weber, pp. 78-79.

16. Ibid., p. vii.

17. Ibid., p. 74. For another example of Easton's "Political System" box, also see David Easton, A Framework for Political Analysis (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1965), p. 75, p. 110, and p. 112.

18. This technique has been identified as "black box" theory- building by some observers. For example, see Gary L. Wamsley, "Policy Subsystems as a Unit of Analysis in Implementation Studies: A Struggle for Theoretical Synthesis," in Policy Implementation in Federal and Unitary Systems, ed. Kenneth Hanf and Theo. A. J. Toonen (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1985), pp. 71-103.

19. James Madison, "Federalist 10," The Federalist ed. Jacob E. Cook (Middletown, Connecticut: Wesleyan University Press, 1961), pp. 56-57.

20. Alexis de Tocqueville, Democracy in America, ed. Phillips Bradley, 2 vols. (New York: Vintage Books, 1945), 2:117-118.

21. Arthur F. Bentley, The Process of Government (Cambridge, MA: Harvard University Press, 1967).

22. It was no accident that David Truman titled his 1951 classic work on political interest groups, The Governmental Process, as he did. Truman acknowledged his debt to Bentley in his preface. David B. Truman, The Governmental Process: Political Interests and Public Opinion, 2nd ed. (New York: Alfred A. Knopf, 1971), p. ix.

23. Bentley, Process of Government, p. 211.

24. Ibid, p. 218.

25. Ibid., p. 269.

26. Ibid., pp. 452-453.
27. Ernest S. Griffith, The Impasse of Democracy (New York: Harrison Hilton Books, 1939), p. 182.
28. J. Leiper Freeman, The Political Process: Executive Bureaucratic-Legislative Committee Relations, rev. ed. (New York: Random House, 1965).
29. The powers and sway of Congressional committees was pointed out by Woodrow Wilson in a book published in 1885. In what may be viewed as a forecast of policy subsystems to be analyzed by later observers, Wilson wrote:

"Power is nowhere concentrated; it is rather deliberately and of set policy scattered amongst many small chiefs. It is divided up, as it were, into forty-seven seigniories in each of which a Standing Committee is the court-baron and its chairman lord-proprietor. These petty barons, some of them not a little powerful, but none of them within reach of the full powers of rule, may at will exercise an almost despotic sway within their own shires, and may sometimes threaten to convulse even the realm itself; but both their mutual jealousies and their brief and restricted opportunities forbid their combining, and each is very far from the office of the common leader."

Woodrow Wilson, Congressional Government-A Study in American Politics (New York: The World Publishing Co., 1956), p. 76.
30. Freeman, Political Process, p. 120.
31. Douglass Cater, Power in Washington: A Critical Look at Today's Struggle to Govern in the Nation's Capital (New York: Random House, 1964), p.17.
32. Ibid., p. 25.
33. Charles E. Lindblom, The Intelligence of Democracy. New York: The Free Press, 1965.
34. Ibid., p. 24.
35. Ibid., p. 98.
36. Graham T. Allison, Essence of Decision: Explaining the Cuban Missile Crisis (Boston: Little, Brown and Company, 1971), Chapter 1.
37. Charles E. Lindblom, The Policy-Making Process (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968).

38. Ibid., p. 4.
39. In a review of Lindblom's book, Theodore Lowi too expressed his disappointment. "Lindblom's work becomes simply a brief treatment of American government in a slightly altered, policy-making language. But as an American government book, it is woefully inadequate while at the same time it provides almost nothing of the elementary understanding of policies which political science students so badly need and which Professor Lindblom could so easily have provided." Theodore Lowi, "Decision Making Vs. Policy Making: Toward an Antidote for Technocracy," Public Administration Review 30 (May/June 1970): 318.
40. Emmette S. Redford, Democracy in the Administrative State (New York: Oxford University Press, 1969).
41. See for example C. Wright Mills, The Power Elite (New York: Oxford University Press, 1956), and Herbert Marcuse, One-Dimensional Man (Boston: Beacon Press, 1964).
42. John Kenneth Galbraith used the term "technostructure" to refer to the multitude of participants in group decision-making. He wrote, "With the rise of the modern corporation, the emergence of the organization required by modern technology and planning and the divorce of the owner of the capital from control of the enterprise, the entrepreneur no longer exists as an individual person in the mature industrial enterprise." Galbraith said that the entrepreneur has been replaced by "...a collective and imperfectly defined entity..." which is very large. "It embraces all who bring specialized knowledge, talent or experience to group decision-making. This, not the management, is the guiding intelligence--the brain--of the enterprise. There is no name for all who participate in group decision-making or the organization which they form. I propose to call this organization the Technostructure." John Kenneth Galbraith, The New Industrial State (Boston: Houghton Mifflin Company, 1967), p. 71.
43. Redford, Democracy, p. 102.
44. Ibid., pp. 102-106.
45. Ibid., p. 194.
46. Ibid., pp. 194-195.
47. Peter Woll, American Bureaucracy, 2nd ed. (New York: W. W. Norton & Company, 1977).
48. Ibid., p. 177.

49. Francis E. Rourke, Bureaucracy, Politics, and Public Policy, 2nd ed. (Boston: Little, Brown and Company, 1976), p. 132.
50. David B. Truman, The Governmental Process-Political Interests and Public Opinion, 2nd ed. (New York: Alfred A. Knopf, 1971).
51. Ibid., p. 33. V. O. Key's assessment of the role of interest groups in the government decision-making process is in much the same vein as Truman's. See V. O. Key, Jr., Politics, Parties, and Pressure Groups, 5th ed. (New York: Thomas Y. Crowell Company, 1964).
52. Ibid., p. 264.
53. Ibid., p. 508.
54. Gary L. Wamsley and Mayer N. Zald, The Political Economy of Public Organizations (Bloomington, Indiana: Indiana University Press, 1973).
55. Mayer N. Zald, "Political Economy: A Framework for Comparative Analysis," Power in Organizations, ed. Mayer N. Zald (Nashville, Tennessee: Vanderbilt University Press, 1970), pp. 221-261.
56. Wamsley and Zald, Political Economy, p. 17.
57. Ibid., p. 86.
58. Ibid., p. 88.
59. J. Kenneth Benson, "The Interorganizational Network as a Political Economy," Administrative Science Quarterly 20 (June 1975): 229-249.
60. For example, Roger H. Davidson, "Breaking Up Those "Cozy Triangles": An Impossible Dream?," in Legislative Reform and Public Policy, ed Susan Welch and John G. Peters (New York: Praeger Publishers, 1977), pp. 30-53, and A. Grant Jordan, "Iron Triangles, Wooly Corporatism and Elastic Nets: Images of the Policy Process," Journal of Public Policy 1 (February 1981): 95-123.
61. Hugh Heijo, A Government of Strangers-Executive Politics in Washington (Washington, D.C.: The Brookings Institution, 1977).
62. Ibid., pp. 12-13.

63. Ibid., p. 47. The effects of cultures within agencies was also noted by Harold Seidman. See Harold Seidman, Politics, Position, and Power, 4th ed. (New York: Oxford University Press, 1986), Chapter 8.

64. Ibid., pp. 111-112.

65. Hugh Heclo, "Issue Networks and the Executive Establishment," in The New American Political System, ed. by Anthony King (Washington, D.C.: American Enterprise Institute, 1978), pp. 87-124.

66. Ibid., p. 88.

67. Ibid., p. 102.

68. Ibid., p. 103.

69. Ibid., pp. 115-118.

70. Ibid., pp. 118-123.

71. Ibid., pp. 123-124. Heclo's conclusion that policy networks ultimately result in a form of paralysis was outlined by Theodore Lowi nearly ten years earlier. Lowi said that there are three major consequences of the group-based policy solutions, which are products or effects which are derivatives of interest-group liberalism. These are: (1) the atrophy of institutions of popular control; (2) the maintenance of old and the creation of new structures of privilege; (3) conservatism, which Lowi defines as the weakening of popular government, the support of privilege, and the tendency to resist change. Theodore J. Lowi, The End of Liberalism (New York: W.W. Norton & Company, Inc., 1969), pp. 85-93.

72. Selected works of agenda-building theorists include: (1) John W. Kingdon, Agendas, Alternatives, and Public Policies (Boston: Little, Brown and Company, 1984), (2) Roger W. Cobb and Charles D. Elder, Participation in American Politics: The Dynamics of Agenda Building, 2nd ed. (Baltimore: The Johns Hopkins University Press, 1983), (3) Paul Charles Light, The President's Agenda: Domestic Policy Choice from Kennedy to Carter (With Notes on Ronald Reagan) (Baltimore: The Johns Hopkins University Press, 1982), (4) Jack L. Walker, "The Diffusion of Knowledge, Policy Communities and Agenda Setting: The Relationship of Knowledge and Power," in New Strategic Perspectives on Social Policy, ed. John E. Tropman, Milan J. Dluhy, and Roger L. Lind. (New York: Permagon Press, 1981), and (5) Roger Cobb, Jennie-Keith Ross, and Marc Howard Ross, "Agenda Building as a Comparative Political Process," American Political Science Review 70 (March 1976): 126-138.

73. Cobb and Elder, Participation in American Politics, pp. 85-86. John Kingdon's defines "agenda" as "...the list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time." Kingdon also distinguishes between the "governmental agenda," the list of subjects that are getting attention, and the "decision agenda," the list of subjects within the governmental agenda that are up for active decision. Kingdon, Agendas, Alternatives, and Public Policies, pp. 3-4.
74. David Easton, Systems Analysis of Political Life, pp. 87-99, 133-137.
75. Cobb and Elder, Participation in American Politics, p. 19.
76. David Truman's observation of the importance of access to key political officials by interest groups has already been noted. See Endnote 52.
77. Cobb and Elder, Participation in American Politics, p.92.
78. The model has been adapted from Cobb and Elder, Participation in American Politics, and the amplifying paragraphs have largely been derived from that source. Their book, which was originally published in 1972, appears to be the foundation upon which later works by agenda-building theorists have been built.
79. Ibid, p. 82.
80. Easton, System Analysis, p. 38.
81. Kingdon, Agendas, Alternatives, and Public Policies, pp. 72-73.
82. Theodore Lowi asserted that there are three major types of policy issues (distributive, regulatory, and redistributive), each of which are mutually exclusive. These are not rejected out of hand by agenda-building theorists, but are seen as not entirely descriptive of the issues. Theodore Lowi, "American Business, Public Policy, Case Studies and Political Theory," World Politics 16 (July 1964): 677-715.
83. Roger W. Cobb and Charles D. Elder, "Communication and Public Policy," in Dan D. Ninno and Keith R. Sanders, eds., Handbook of Political Communications (Beverly Hills, California: Sage, 1981), p. 409.
84. Norton Long, "The Local Community as an Ecology of Games," American Journal of Sociology 64 (November 1958): p. 260.
85. Cobb and Elder, Participation in American Politics, pp. 124-127.

86. Paul Charles Light, The President's Agenda (Baltimore, Maryland: The Johns Hopkins University Press, 1982).
87. Ibid, p. 2.
88. Ibid., pp. 36-46.
89. Ibid., p. 57.
90. Ibid., p. 162.
91. Light's first two models are based on Graham Allison's landmark analysis of the Cuban Missile Crisis. Light left Allison's rational actor model intact, but combined Allison's "organizational processes" and "governmental politics" models into a single "behavioral" model. His third model is based on the well known article by Cohen, March, and Olsen. Graham T. Allison, Essence of Decision: Explaining the Cuban Missile Crisis (Boston: Little, Brown and Company, 1971). Michael D. Cohen, James C. March, and Johan P. Olsen, "A Garbage Can Model of Organizational Choice," Administrative Science Quarterly 17 (March 1972): 1-25.
92. Light, The President's Agenda, p. 199.

## **CHAPTER 3**

### **HISTORICAL BACKGROUND**

It may be laid down as a primary position, and the basis of our system, that every Citizen who enjoys the protection of a free Government, owes not only a proportion of his property, but even of his personal services to the defence of it....

**George Washington<sup>1</sup>**

#### **Colonial Period to the Civil War**

The military manpower policy of the United States has its roots in English history and has been shaped by America's unique geography and demographics. By English military tradition, military forces were made up of English freemen who were called upon to be part-time soldiers. Every freeman in the Anglo Saxon fyrd bore arms when called by his King. William the Conqueror and succeeding Norman kings turned this tradition to suit their own purposes. Henry II, in his Assize of Arms in 1181, required every freeman to provide himself with arms, to train periodically under local militia leaders, and to be ready for the King's call to military service. This mandate was elaborated upon and reinforced by the Statute of Winchester in 1285 and the Instruction for General Muster in 1572.<sup>2</sup> The system, however, was organized on a geographic basis and was distinctly local in character. In addition, English law restricted the use of

the militia to inhibit the Crown from using it as an instrument of despotism and from employing the militia outside the kingdom. The English militia was a military manpower system to be used only for emergencies of short duration and in defense of the English homeland.<sup>3</sup>

This was the military tradition of the American colonists and was the basis of military thought which was transplanted along with them. In England, the militia system fell into disuse after Oliver Cromwell suppressed Parliament and took command of the government in 1649. Cromwell and his successors to power, Charles II and James II, maintained their own standing armies. This led to the American colonists' extreme and implacable fear that a standing army in the New World would ultimately usurp their liberties.<sup>4</sup> While Britain and most countries of Europe took the path of maintaining professional armies, the concept of maintaining militia forces took firm root in America. This was largely of necessity, both military and economic. During the early years of English settlement, the colonies were left largely to their own resources in matters of military defense. Colonial charters issued by the Crown usually included authorization for the colony's governor to maintain and employ military forces, but the King took no responsibility for colonial defenses and little tangible military support was provided by the Crown.<sup>5</sup> The charter provisions assumed that the colonists would be willing and able to serve as soldiers, an assumption based on the English tradition of the compulsory military obligation of all freemen. Under the circumstances, British colonies had to defend themselves and the militia system was the colonists' response to that necessity.

The English commercial promoters of the first colonies, from the beginning, understood the need for military defense, sending military stores in the cargos of the first ships and hiring men experienced in war, such as Captain John Smith of Virginia and Captain Miles Standish of Plymouth, to train and lead the settlers. During the first decades of the colonies the militia concept of universal military service, as well as the sharing of labor duties to raise fortifications and plant crops, was rigidly enforced. That the colonies survived their early years may be attributed in part to the success of the militia system of universal military service.<sup>6</sup>

As the American colonies and colonists continued to increase in numbers and push farther into the wilderness, the character of the militia units began to change. The colonies maintained the principle of universal military service,<sup>7</sup> but began to distinguish between "common militia" and "volunteer militia." With the decreasing threat in many areas, the compulsory service companies and regiments rarely took the field in all of their strength; rather they served as training and replacement pools from which more able troops were drawn in emergencies to form "volunteer" units that actually conducted military operations. By the 1750s the need for even minimal universal military training of all males of the colonies had receded, and the trend was away from any compulsory training and service among militia units. However, when troops were needed for a campaign, the legislatures assigned quotas to the local militia districts. The local officials then called for volunteers, or could impress or draft men when sufficient numbers did not come forward. Because of the change which had occurred in the social

composition of the militia, with social pariahs filling the ranks of the common militia, volunteers normally were made up of individuals low on the social ladder. When volunteers in sufficient numbers could not be found, a draft call was made imposing levies on local militia units. For the expedition against the French at Fort Duquesne in 1755, for example, Virginia drafted "...such able bodied men, as do not follow or exercise any lawful calling or employment, or have not some other lawful and sufficient maintenance." Virginia carefully exempted from the draft all "...who hath any vote in the election of a Burgess or Burgesses to serve in the General Assembly of this colony." Two years later the Virginia House of Burgesses clarified who should be the first to fight.

[Those who] shall be found, loitering and neglecting to labor for reasonable wages; all who run from their habitations, leaving wives or children without suitable means for their subsistance, and all other idle, vagrant, or dissolute persons, wandering abroad without betaking themselves to some lawful employment.<sup>8</sup>

Usually compulsory service was limited to expeditions within the colony, but militia laws often empowered the governor to employ troops outside the colony's boundaries in stipulated circumstances. The funds required to support military expeditions were gathered by passing down quotas from the legislatures to local counties, by borrowing from private individuals, or through a special tax.<sup>9</sup>

The general judgement of history is that the colonial militias served reasonably well in establishing the new colonies and in guarding the westward moving edge of settlement against Indian counterattacks. The militia proved to be less useful when they

were not fighting directly in defense of their own homes, and were not a consistently reliable instrument of offensive war distant from their families and homes. As an institution and a framework for military organization in the American colonies, however, the militia system took strong root. As one historian states:

By the end of the seventeenth century, the militia system was firmly established in the American colonies. Though the training it afforded was less than adequate and the number of training days had steadily declined as the frontier moved westward, the system had become deeply imbedded in the traditions and laws of the colonists. Under this system they had defended their settlements, driven back the Indians, and preempted the most desirable lands along the Atlantic seaboard. A century of military experience had made little impression on the method of instruction, but it had demonstrated to the colonists that a military system based on the obligation of every able-bodied citizen to bear arms provided a practical solution to their defense needs.<sup>10</sup>

The American militia, though virtually a dead letter by the early-1700s but still living on as an ideal, must also be seen as a powerful political force for the Americans' sense of equality. The absorption of nearly the entire male population into the militia system was in stark contrast to the military systems of Europe which were based on social class differentiation. The sharp distinctions among classes seen in European societies were almost absent in America; however, it cannot be said that the militia was a manifestation of egalitarian democracy. Social stratification did exist in the American colonies. At the lowest levels of society Indians, Blacks, and indentured servants were usually exempt from militia service. At the highest levels there were men who did not serve at all or served only in elite units. In between was the vast free-holding middle class of American society which filled the militia's ranks, both as officers and common

soldiers. This served to make the militia a microcosm of the nation. As Robert Goldich stated,

America rapidly evolved a national social ethos under which the majority of the population defined itself as middle class and maintained the political and social attitudes of members of that class in Britain, regardless of the extent of social and economic stratification in American society. Americans exercised suffrage, enjoyed freedoms and options broader than those found anywhere else in the world, and fortified traditional British concepts of liberty with frontier exuberance and egalitarianism. Accordingly, they appropriated as the rights of all men the choices and privileges regarding military service that had belonged to only a minority of the population; they lacked a class concept to support noblesse oblige, the basis of much military service performed by the British nobility and gentry.<sup>11</sup>

The names "French and Indian War" used by Americans and the "Seven Years War" used by the British are not apt designations for the great struggle for empire waged by Great Britain and her colonies against the French between 1754 and 1763.<sup>12</sup> It was a war of military offensives reaching far beyond the existing limits of British settlement in the New World, and only indirectly was it a war of self-defense. The British fought an aggressive war to win new lands and to destroy the French position in America. With such aims the British realized early in the conflict that the American militia system was not designed for such a war and decided that the fight required professional soldiers.

The war began as a result of the French threatening, in 1753, to overrun the small Virginia outpost at the Forks of the Ohio (present day Pittsburgh). Governor Dinwiddie of Virginia dispatched a 21-year old Major of the Virginia Militia, George Washington, to warn-off the French from their advance southward toward the Forks, but the French

refused. Washington raised a small force of militia volunteers and, despite great difficulties in holding a force together, was en route to the Forks from Wills Creek (present day Cumberland, Maryland) when news reached him of the French capture of the outpost. His attack and annihilation of a small French scouting party drew a French retaliatory attack in force, resulting in Washington's eventual surrender at Fort Necessity and the withdrawal of all Americans to the east of the Appalachian Mountains. When the news reached London, Whitehall decided to throw a heavy commitment of regular military forces onto the scales, sending two regiments of regular troops commanded by General Edward Braddock. Braddock's expedition to attack and capture Fort Duquesne was ambushed and nearly wiped out in July 1755. Braddock was mortally wounded and was buried near Fort Necessity; his force fled in disarray back across the mountains.<sup>13</sup> This was not a very auspicious beginning for a struggle which eventually resulted in the British conquest of Canada and the total supremacy of Great Britain in North America.

The American militia system, prior to this point in time, had shown it could be militarily useful when the citizenry perceived a need for their involvement in a crisis. The militia, however, was not a fit instrument for prolonged campaigns on distant frontiers. Washington, the Tidewater plantation aristocrat, repeatedly had major difficulties in keeping his militia volunteer force from simply melting away at night during this opening fight of the war. Reflecting a conclusion he was to maintain the rest of his life, he wrote:

Militia, you will find, Sir, will never answer your expectations, no

dependence is to be placed upon them; They are obstinate and perverse, they are often egged on by the Officers, who lead them to acts of disobedience, and when they are ordered to certain posts for the security of stores, or the protection of the Inhabitants, will, on a sudden, resolve to leave them, and the united vigilance of their officers can not prevent them.<sup>14</sup>

British officers who saw action in the war had a view similar to that of Washington. They saw the American militia as untrained, apathetic, usually poorly equipped, and often poorly led. Brigadier General James Wolfe, the victor at Quebec, called them "...the dirtiest most contemptible cowardly dogs that you can conceive. There is no depending on them in action. They fall down dead in their own dirt and desert by battalions, officers and all."<sup>15</sup> While the British commanders did adopt some measures to adjust to the woodland warfare of America, the war was won by British regular army forces fighting against their European rival in the European manner transplanted to North America. The war for empire demanded long-service soldiering in greater numbers than the American militia system could provide, even if it had met the requirement for disciplined and trustworthy troops. The British regiments took the brunt of the fighting and won the war. In so doing the British Army set a standard for expert soldiering which American military leaders admired and attempted to emulate. Washington, who led a regiment of militia in the force under General Forbes to capture Fort Duquesne, observed that:

Discipline is the soul of an army. It makes small numbers formidable; procures success to the weak, and esteem to all; and may, in a peculiar manner to us, who are in the way to be joined to the Regulars in a short time,...[be the means of distinguishing us] from other Provincials.<sup>16</sup>

The period between the end of the French and Indian War and the beginning of the Revolutionary War, 1763 to 1775, was one of major political blunders committed by policy-makers in Whitehall and increasing hostility by the American colonists toward their mother country.<sup>17</sup> The initial sense of euphoria, patriotism, and pride in the British victory over the French by the colonists slowly gave way to fear and anger. The British had carried the financial burden of the war, increasing the nation's debt from £75,000,000 to £130,000,000.<sup>18</sup> The British taxpayer had been assessed heavily to pay for the burden of the war, but the American colonies were subsidized and emerged from the war virtually scot free due to the policies of the then Prime Minister William Pitt. Soon after the war Whitehall decided to maintain in North America an establishment of 10,000 regular army troops to defend their newly won possessions, stationing them in remote locations in Canada, Florida, and in the interior of the country. The colonies were to be taxed to pay for this protective force.<sup>19</sup> In 1765, Parliament passed the Quartering Act, directing that British regular forces would be stationed in North America and that they would be quartered and supported by the colonies. To pay for the support of these forces, Parliament, also in 1765, passed the Stamp Act, requiring that revenue stamps be affixed to all manner of legal documents, and even newspapers and playing cards. Surprisingly, the Quartering Act was met by only moderate grumbling in the colonies, particularly in view of the later vociferous outcry about standing armies as the opening hostilities of the Revolutionary War were beginning.<sup>20</sup>

The Stamp Act, on the other hand, brought forth outbreaks of violence and firm

resistance throughout the American colonies, particularly in New York, Philadelphia, and in Boston where the governor's mansion was sacked. The Stamp Act Congress was hurriedly formed and met in New York in October, 1765. The Congress declared the colonies' loyalty to the Crown and their subordination to Parliament, but asserted that it was essential to the freedom of a people that no taxes should be imposed without the colonies' consent, and that only their own legislatures had the power to tax them. Associations called the "Sons of Liberty" sprang up everywhere to resist execution of the tax and to terrorize stamp officers, driving them out of office before the tax was to be implemented. When the stamps arrived from England there was no one to receive them, and the new tax law was largely ignored or the stamps destroyed. General Thomas Gage, the British commander in North America, had for some time wanted to consolidate several outposts of his scattered forces because of the expense of supplying dispersed units. Now, in the face of civil unrest, there was little he could do to enforce the Stamp Act's provisions or provide full protection to Royal government officials. He was in the process of shifting his forces closer to the urban centers of resistance when Parliament, under the temporary influence of a very ill William Pitt, in 1766, repealed the Stamp Act before any military action could take place. Following a brief lull, in 1768, Parliament passed the Townsend Acts, which imposed duties on importations from Britain of glass, certain painter's materials, and tea. Coupled with the act was a bill to legalize writs of assistance--general search warrants to be used by revenue officers in enforcing the new tax; a bill establishing admiralty courts, which were empowered to transport indicted

Americans to Britain for trial; and a bill which created a special Board of Commissioners of the Customs in Boston, responsible directly to the British Treasury and controlling completely a reorganized American customs service. Americans responded by establishing among the colonies, through Nonimportation Agreements, a solid boycott of British goods, and which was enforced by the Associations. A rapid chain of incidents stoked the fires of rebellion in the American colonies, leading ultimately to open hostilities. John Hancock's sloop Liberty was seized by customs officials in Boston in 1768, sparking a mob attack. General Gage moved two British regiments into Boston, leading to near constant ostracism and harassment of the troops by Bostonians and the Boston Massacre in 1770. The British schooner Gaspee, which ran aground off Rhode Island while chasing suspected smugglers in 1772, was boarded by colonists and burned. After another brief respite, the British attempt to dump East India Company tea onto the colonies' markets resulted in the Boston Tea Party in 1773 and the British response, the Boston Port Act, which closed the port of Boston to all commerce. General Gage's attempt to capture arms and ammunition being cached by Massachusetts militiamen at Lexington and Concord in 1775 marked the beginning of open hostilities and the siege of Boston by the militia units of New England and the Second Continental Congress' dispatch to Boston of the newly commissioned American commander of the American Army, George Washington. The Battle of Bunker Hill, in which American militia units decimated British regulars, shocked and immobilized the British force in Boston. The British lost 1,054 men-226 killed and 828 wounded-almost fifty percent of their attacking

force. The American militia losses were also severe-140 dead, 271 wounded, and 30 captured-and the Americans saw the battle as a defeat, not fully realizing the effect their militia forces had on the British regulars.<sup>21</sup> General Gage's letter to Lord Barrington reflected the British commander's gloom.

You will receive an account of some success against the rebels, but attended with a long list of killed and wounded on our side; so many of the latter that the hospital has hardly hands sufficient to take care of them. These people show a spirit and conduct against us they never showed against the French, and everybody has judged them from their formed appearance and behavior when they joined with the King's Forces in the last war; which has led many into great mistakes.

They are now spirited up by a rage and enthusiasm as great as ever people were possessed of, and you must proceed in earnest or give the business up. A small body acting in one spot will not avail. You must have large armies making diversions on different sides, to divide their force.

The loss we have sustained is greater than we can bear. Small armies can't afford such losses especially when the advantage gained tends to little more than the gaining of a post--a material one indeed as our own security depended on it. The troops were sent out too late, the rebels were at least two-months before-hand with us and your Lordship would be astonished to see the tract of country they have entrenched and fortified; their number is great, so many hands have been employed....I have before wrote your Lordship my opinion that a large army must at length be employed to reduce these people and mentioned the hiring of foreign troops. I fear it must come to that or else to avoid a land war and make use only of our fleet.<sup>22</sup>

Throughout the Revolutionary War manpower for the Continental Army was a constant source of frustration, and often of despair, to Washington and the Continental Congress. Somehow or other men were enlisted and officers were found to fill the ranks, but never enough to confront the British directly in set piece battles in the fashion

of European conflicts for which Washington may have yearned. The revolutionary cause was kept alive, but at times just barely. The British forces, well disciplined and skilled as they were, could never physically occupy the country, nor could they trap and crush Washington's forces at any one point of attack. The Continental Army's lack of strength, as well as the lack of adequate training and logistic support, forced Washington to adopt a strategy of nibbling at the edges of the British Army, using hit-and-run tactics in small engagements and nursing the Army's strength until another favorable opportunity presented itself. In large measure the American strategy was dictated by the lack of manpower. Russell Weigley wrote:

...the strategy of the American armies...had to be a strategy founded upon weakness. The Commander in Chief of the Revolutionary armies, General George Washington, interpreted these conditions as imposing upon him a strategic paradox. His ultimate objective...must be to remove the British armies altogether from the insurgent provinces; no other military outcome would be consistent with the political goal of independence. Nevertheless, Washington believed that his military method must be that of a strategic defensive. The weakness of his armies was such that in general he could not even pursue a vigorous offensive in the more tactical realm, for even the tactical offensive meant a battlefield attack, which his soldiers usually could not win. To find a way out of the paradox, Washington's hopes had to lie mainly not in military victory but in the possibility that the political opposition in Great Britain might in time force the British Ministry to abandon the conflict.<sup>23</sup>

Congress took an active role in overseeing the Army, regularly appointing supervisory boards and investigative committees to watch the Army's activities. In a large measure this was an expression of Congress' perennial fear of a military bid for ascendancy over civilian political control. Washington, however, was so self-effacing

that he deferred to Congress constantly, probably beyond the call of his constitutional duty. Congress was inclined to go its own way in many of the policy decisions affecting the Army, many times only consulting Washington for his opinion when the cause was on the brink of some failure.<sup>24</sup> The Continental Army of 1775, largely an adoption by Congress of the militia forces surrounding Boston, was made up of thirty-eight "regiments" (in truth, battalions) which Washington organized into six brigades. When the Army had to be made over again at the end of the year, Congress prescribed an Army of twenty-eight regiments of 728 officers and men--a total of 20,384 personnel--mainly organized and manned by the states. Emergency legislation of 1776 provided for an Army of eighty-eight regiments, but nothing near this number ever materialized and gradually the number shrank to fifty-eight regiments in 1781. Even if fifty-eight regiments had been filled, there would have been less than 43,000 men enrolled, a number which the Army never approached. At the high point in October, 1778, Washington had 18,472 rank and file personnel which were counted fit for duty, more than twice the troops he had available just before the climactic battle at Yorktown.<sup>25</sup> A variety of expedients were used to keep the American Army together as a viable force. Congress reluctantly agreed to accept three-year terms for the Continental Army, and turned in 1777 to the awarding of bounties (20 dollars and a hundred acres of land) to spur enlistments. The separate states also offered bounties and the Congress and the states, by 1779, had spiraled the bounties up to two hundred dollars for enlistments for the duration. With the decline in voluntary enlistments in 1778, Washington advocated

annual drafts for twelve months service from the militia and Congress consented. Massachusetts had already resorted to conscription in 1776, as had New Hampshire in 1777. Most of the other states fell into line with conscription measures in 1778 and afterward. The common procedure was for Congress to call upon a state governor or legislature to furnish a specific number of men for service, and this quota would be divided among the militia regiments. When the number of volunteers was insufficient to meet the quota, the militia commanders would, in turn, apportion men from the towns and counties under their command, sometimes by drawing names from a hat. Despite efforts to recruit upstanding citizens to fight for freedom, the American recruitment efforts soon led to "scraping the barrel of human resources." Americans turned to recruiting British prisoners and deserters, men in bondage, and blacks. As one historian has commented:

On their own, most of the states gradually bowed to the pressure of manpower deficiencies. In 1777 Massachusetts included Negroes among those eligible for its draft. Rhode Island the following year voted to raise two battalions of blacks, and the rest of New England quickly fell in line. In the South, Maryland alone permitted the inclusion of slaves in her forces, but Virginia allowed free Negroes to join the standard. Many Negroes, both slaves and free men, served as substitutes for gun-shy whites....There are no reliable figures as to the number of Negroes who bore arms for the patriots. For the most part, the military records are silent as to racial identities, and colored combatants were interspersed with whites in military units. If Negroes were occasionally found in militia and other local units, they were more often seen in the Continental army, which was well sprinkled with blacks by 1778.<sup>26</sup>

Washington believed strongly that the experience of the war proved America's need for a professional army of the European type. From Harlem Heights, in September

1776, when he was once more facing the problem of dissolving one army and raising another, he wrote to the President of the Continental Congress:

To place any dependance upon Militia, is, assuredly, resting upon a broken staff. Men just dragged from the tender Scenes of domestick life; unaccustomed to the din of Arms; totally unacquainted with every kind of military skill, which being followed by a want of confidence in themselves, when opposed to Troops regularly train'd, disciplined, and appointed, superior in knowledge, and superior in Arms, makes them timid and ready to fly from their own shadows.... The Jealousies of a standing Army, and the Evils to be apprehended from one, are remote; and in my judgement, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my Ideas,...is certain, and inevitable Ruin; for if I was called upon to declare upon Oath, whether the Militia have been most serviceable or hurtful upon the whole, I should subscribe to the latter.<sup>27</sup>

It is interesting that the American military leaders during the Revolution, as well as present day historians for the most part, apparently had little appreciation for the militia organization at the local levels in the states. A consistent British strategy was to attempt to control the countryside through the raising of local Tory units and to subdue grassroots support for the revolutionary cause. In this the British failed, largely because of the militia. In 1775, with the British closing of Boston, the Continental Congress passed a resolution in favor of a boycott of British goods called the Association, which local communities were to enforce through the gathering of signatures for the Association by the Sons of Liberty. Committees were formed everywhere to enforce the Association and had the effect of changing the makeup of local militia units, providing a sturdy foundation of ideological support for the Revolution. The new Revolutionary militia became a sort of local draft board, reserve training unit, and police force, enforcing

compliance through surveillance and harassment of local loyalists. As John Shy wrote:

Once established, the militia became the infrastructure of revolutionary government. It controlled its community, whether through indoctrination or intimidation; it provided on short notice large numbers of armed men for brief periods of emergency service; and it found and persuaded, drafted or bribed, the smaller number of men needed each year to keep the Continental Army alive. After the first months of the war, popular enthusiasm and spontaneity could not have sustained the struggle; only a pervasive armed organization, in which almost everyone took some part, kept people constantly, year after year, at the hard task of revolution.<sup>28</sup>

This same conclusion was reached by Walter Millis, who wrote:

For the physical occupation of the country the British never had anything like enough troops; they could, for example, only take New York at the expense of evacuating Boston, or invade the South at the expense of leaving the northern war pretty much in a state of suspension. Against the alternative--counter-revolution--it was the much despised and frequently unwarlike patriot militias which provided perhaps the strongest single bulwark....repeatedly it was the militia which met the critical emergency or, in less formal operations, kept control of the country, cut off foragers, captured British agents, intimidated the war-weary and disaffected or tarred and feathered the notorious Tories. The patriots' success in infiltrating and capturing the old militia organizations, by expelling and replacing officers of Tory sympathies, was perhaps as important to the outcome as any of their purely political achievements. While the regular armies marched and fought more or less ineffectually, it was the militia which presented the greatest single impediment to Britain's only practicable weapon, that of counter-revolution. The militia were often much less than ideal combat troops and they have come in for many hard words ever since. But their true military and political significance may have been underrated.<sup>29</sup>

The American experience in the Revolutionary War ran counter to trends in the past and present in other countries in which the army had significant influence in the shaping of political policies. The end of the war meant the end of the military as an entity, although the war experiences of many veterans shaped their views as to the

inadequacies of the Confederation in waging war, the weaknesses of limited central government, and the problems of states' rights. Increasingly during the next decade men such as Washington, Knox, Hamilton, and Greene spoke out in favor of overhauling the central political structure; they were joined by men such as John Adams, James Madison, and John Jay who had been intimately involved in the wartime political effort. The perennial Anglo-American fear of standing armies, however, present but muted throughout the war, was voiced by opponents of any consolidation of political power and the establishment of a peacetime army. The controversies with the army over half pay, the Newburgh Conspiracy, and the formation of the Society of the Cincinnati all played into the hands of anti-army elements.<sup>30</sup> In April 1783, Congress appointed a committee composed of Alexander Hamilton, James Madison, and others to consider future military requirements. At the request of Hamilton, Washington provided the committee with his "Sentiments on a Peace Establishment."<sup>31</sup> It was an even-handed treatment of the new nation's military requirements, and mindful of the country's deeply ingrained suspicions of men in uniform. "Altho' a large standing Army in time of Peace hath ever been considered dangerous to the liberties of a Country," he wrote, "yet a few Troops, under certain circumstances, are not only safe, but indispensably necessary. Fortunately for us our relative situation requires but few." Because the nation's distance from the European states provided a margin of security, Washington recommended a force of 2,631 "Continental troops" to hold the Indians in check, police the frontiers, and "keep a watch" on our "Neighbors" in Canada and the Floridas. Despite his oft berating of the

militia in the past, he spoke of the militia as "this great Bulwark of our Liberties and independence." He recommended a strengthened and standardized "National Militia" organization to back-up Continental forces and which would be "in such a condition as that they may appear truly respectable in the Eyes of our Friends and formidable to those who would otherwise become our enemies...." Hamilton's report, which differed only slightly from the recommendations of his former commander, met a chilly reception in the Congress of the Confederation and eventually Hamilton's plan was scuttled.

Although the British, in the Treaty of Paris, had recognized trans-Appalachia as part of the United States, they continued to make their presence felt in the region. They clung to their forts at Detroit, Niagara, and at other points south of the Great Lakes in violation of the treaty, sought to maintain their domination of the fur trade, and cemented their relationships with the Indian tribes in the region. Congress called upon the states of Pennsylvania, New York, New Jersey, and Connecticut to build a 700-man force to protect the young country's interests in the area; however, these efforts were ineffectual. The Congress of the Confederation, in 1786, experienced another humiliation when a group of hard-pressed rural debtors from western Massachusetts had to be suppressed by state militia units after they moved against the federal arsenal at Springfield. The Congress and the Secretary at War, Henry Knox, were totally unsuccessful in gathering forces to defend its own military stores at Springfield in this incident known as "Shay's Rebellion." The rebellion was an ugly shock to those of influence in American politics, and was a major contributing factor to the realization that a more powerful central

government was needed.

The delegates to the Constitutional Convention, which met through a long, hot summer in Philadelphia in 1787, were conversant with the military problems of the Revolution and in general agreement that the military authority of the United States needed strengthening.<sup>32</sup> The main business of the convention began on May 29 with a speech by Edmund Randolph, Governor of Virginia, in which he enumerated the defects of the Articles of Confederation and commented on the troubles facing the separate states, including Shay's Rebellion. The very first defect of the government, according to Randolph, stemmed from its inability to defend itself against foreign invasion. As James Madison reported:

He then proceeded to enumerate the defects: 1. that the confederation produced no security against foreign invasion; congress not being permitted to prevent a war nor to support it by their own authority--Of this he cited many examples; most of which tended to shew, that they could not cause infractions of treaties or of the law of nations, to be punished: that particular states might by their conduct provoke war without controul; and that neither militia nor draughts being fit for defense on such occasions, inlistments only could be successful, and these could not be executed without money.<sup>33</sup>

Those delegates to the convention who favored a strong "national" government to replace the Articles of Confederation finally overcame the objections of those who favored a "federal" government and amendments to the Articles. The resulting proposed Constitution, however, was a series of carefully designed and balanced compromises. The military clauses of the document followed a cautious compromise course between those who favored greater military strength under a strong central government and those

who feared military despotism. Overwhelmingly the lion's share of control of the reins of military power was given to Congress rather than to the President, but both were to share and compliment each others' powers.<sup>34</sup> Congress received categorically the powers "To declare war...," "To raise and support armies...," "To provide and maintain a navy," "To make rules for the government and regulation of the land and naval forces," "To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions," and "To provide for organizing, arming, and disciplining the militia...." The President's military powers centered on his position as commander-in-chief of the army and navy, and of the militia of the states when they were called into the service of the United States. Through this sharing of military powers the delegates intended to erect a series of hedges against the possibility that military power could become military despotism. While Congress could create armies, appropriate money for these forces, and make rules for their discipline, command of the army was vested with the President. The President commissioned the military officers with the advice and consent of the Senate. While the President and his officers commanded the military forces, the Congress controlled the appropriation of money for the forces. In addition to dividing military powers between the legislative and executive branches, the Constitution also divided military powers between the national and state governments. The states retained their historic militias, with authority to appoint the militias' officers and provide for their training; however, Congress was authorized to prescribe the method of militia training and no state was to keep militia or naval forces

in peacetime without the consent of Congress. The militias could be called into national service, but only for limited purposes--"to execute the laws of the union, suppress insurrection and repel invasions."

After the proposed Constitution was submitted to Congress, to breathe life into it required the ratification by conventions of nine of the thirteen states. The Framers at that point had a major political battle on their hands. To achieve success they had to overcome the opposition of the Anti-Federalists, among whose ranks could be counted some of the most able and articulate politicians of the day. The Framers' proposed structure of government was a radical departure from the distribution of power written into the Articles of Confederation, and ways had to be found and arguments mustered to overcome the arguments of men such as Patrick Henry, who saw the Constitution as "an awful squinting...towards monarchy."<sup>35</sup> Nowhere is the Framers' argument for the Constitution more complete and more laden with the philosophical underpinning of the Framers' reasoning than in The Federalist. In this collection of 85 editorials we have the collected wisdom of James Madison, Alexander Hamilton, and John Jay, writing under the nom de plume of Publius, and the clearest source of light on the intent of the Framers in the Constitution created at the convention. The editorials, designed to create a ground swell of popular support for the Constitution, had to counter deep fears among the population of despotism and the use by potential despots of a military whose allegiance was to the central government. Eight of the papers focus particularly on the military establishment: Number 4, by Jay; Numbers 23, 24, 25, 26, 28, and 29, by

Hamilton; and Number 41, by Madison. Not surprisingly, Hamilton was the most outspoken on the merits of a standing army and the deficiencies of a citizens' militia. He wrote:

...I expect we shall be told, that the Militia of the country is its natural bulwark, and would be at all times equal to the national defence. This doctrine in substance had like to have lost us our independence.... The steady operations of war against a regular and disciplined army, can only be successfully conducted by a force of the same kind. Considerations of œconomy, not less than of stability and vigor, confirm this position. The American Militia, in the course of the late war, have by their valour on numerous occasions, erected eternal monuments to their fame; but the bravest of them feel and know, that the liberty of their country could not have been established by their efforts alone, however great and valuable they were. War, like most other things, is a science to be acquired and perfected by diligence, by perseverance, by time, and by practice.<sup>36</sup>

Soon after the new Constitution was ratified and the fledgling nation formed its first Congress, the Constitution was amended through the Bill of Rights to alleviate continuing concerns among the population that the peoples' basic rights would not be protected. The Second Amendment further guaranteed the status of the militias (as well as the ability of the people to resist an oppressive government) by declaring: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." This amendment, not thought to be necessary by the Framers in the Convention, was a compromise to those elements in American society who saw the threat of military despotism from a strong national government and national army.

Behind all of the rhetoric in the formulation of the Constitution lay several basic

questions as to how the United States, a republic, was to govern itself, one of which was what kind of an armed force was the nation to have. The answer was a compromise between two fundamentally different strains of thought, and which were later to blossom into contesting theories associated with the two major political factions. Federalist theory regarding the military, intertwined with the Federalists' perceptions of the military threat from foreign powers, advocated peacetime preparedness and a professionalization of the military based on volunteerism. Federalist political elements based their views on their experience in the Revolution, which convinced them that a citizens' army was inadequate in deterring or, once engaged, confronting and overcoming a serious external threat. The alternative theory to that of the Federalists was not clearly articulated at the time of the Constitution's creation, but can be seen in the arguments of the Anti-Federalists who saw little reason to fear foreign powers separated by a broad ocean. They believed the nation's defense should rest entirely on a citizens' militia which was based, at least in theory, on a universal obligation to serve if called. This theory came to be associated with the Republican (Democratic) party as it matured as a political faction countervailing to the Federalists. By the time of the framing of the Constitution, the militia and its underlying democratic obligation to serve was a potent military legend which had to be accommodated if the Constitution were to be enacted. Unspoken but also apparently underlying the Framers' thinking was the fact that standing armies were feared deeply among all Americans and no politician, not even the most ardent Federalist, would propose to put all military power in the hands of a national army.<sup>37</sup> Thus the

Constitution retained the dual military system bequeathed to the United States by its history--a citizen soldiery enrolled in state militias and based on a universal obligation to serve, and a professional army patterned after the British and Continental Armies and based on volunteerism.

The new Federal government tackled military manpower policies promptly. The first session of the First Congress legislated the creation of a Department of War on August 7, 1789, generally extending the status quo of the new Secretary of War, Henry Knox, the Secretary *at War* under the Articles of Confederation. On September 29, Congress legalized the army it had inherited from the Confederation, confirming the 1787 law which had raised the strength of the army to 840 men--one infantry regiment of eight companies plus four independent companies of artillery. However, only some 672 men were actually in service. This same legislation authorized the President to call out the militia when necessary to provide additional protection against Indians.<sup>38</sup>

The weak and poorly supported Army was soon engaged in conflict with the Indians in the present day states of Ohio and Indiana, brought about largely because of the restless westward expansion of Americans. In late-1790, a force of 320 regulars and 1,133 militiamen under the command of Brevet Brigadier General Josiah Harmar encountered the Miami Indians near what is now Fort Wayne, Indiana. In a short engagement involving a smaller force of 400 regulars and militiamen, the Americans were driven back with a loss of 183 killed and 31 wounded. In the Congressional investigation which followed this catastrophe, Harmar's conduct was vindicated but

nothing was done to strengthen an insignificant army which was too weak to garrison forts for the protection of settlers and at the same time mount offensive operations. A year later, another mixed force of 1,400 regulars and militiamen, under the command of Major General Arthur St. Clair, was attacked and repulsed by Indians, this time with even heavier losses--632 killed and 264 wounded. In 1794, with a force of 2,643 well trained men, Major General Anthony Wayne succeeded in defeating Miami Indians at Fallen Timbers. This display of force within sight of a British fort, coupled with the suppression of the Whiskey Rebellion in western Pennsylvania, convinced the British that they could no longer disregard American authority within its own borders. By mid-November 1794, the British negotiated a treaty for the withdrawal of British troops from the forts they held on American soil.<sup>39</sup>

In 1792, the United States took an important step in creating a military establishment when Congress passed the first national militia law in American history. For nearly a decade the Federalists had pressed for reform of the states' forces, attempting to shape the militia into a uniform, strengthened force that would resolve the dilemma of how to defend a nation which rejected a standing army but could not depend on weak and inefficient state armies. The plan submitted to Congress by Secretary Knox in 1790 recommended that each state militia be divided into three classes: an "advanced corps" of all men aged 18 to 20; a "main corps" of those 21 to 45; and a "reserved corps" of those 46 to 60. The advanced corps, a small army of perhaps 30,000, would be ready for immediate mobilization during crises and would receive rigorous training

at "camps of discipline" where they would learn soldiering. At age 21 the individual would pass into the main corps, the large manpower pool from which the United States would draw its armies to resist an invasion or fight a prolonged war. At 46, the individual would transition into the reserve corps, a home guard which would be called out only when the country was being invaded. Knox's proposed legislation included a myriad of details on arming, training, and the appointing of officers. The Washington Administration's proposal, which in essence nationalized the militia, was met with shock and disbelief by Congress and the public. As one historian has written, "...the militia problem made most congressmen exceedingly uncomfortable. Few doubted the need for improving the institution, or for making it uniform throughout the country so that forces could better muster together in a national emergency. Yet while reform benefitted the nation as a whole, it also tread severely on local interests and raised...explosive issues."<sup>40</sup> The proposal was delayed and when it surfaced again two years later, it was stripped of its strongest provisions in order to achieve compromise. When finally enacted, the Uniform Militia Act of 1792 put all "free able-bodied white male citizen[s]" from the ages 18 through 45 in the militia and obligated them to arm themselves. The states were to organize the militia into units and provide training, but the law made no provision for national guidelines nor imposed fines against the states for a lack of compliance. The Militia Act of 1792 has generally been regarded by historians as having dealt a crushing blow to the militia system and the concept of the citizen-soldier, which had been eroding steadily for a century. In the face of an ineffective militia system

Americans increasingly and almost unconsciously turned to another system for obtaining military manpower. As Richard Kohn has written,

In the 1790s Americans discovered a new method by which to mobilize the military potential of its citizenry: federal volunteers, the administration's political compromise in 1791, the levies [for General Wayne's army] who were enlisted, armed, trained, paid, and commanded in battle by the national government. Volunteers enlisted for a limited term furnished an institutional alternative to the politically unpopular standing army and the militarily unreliable state militia, preserving the tradition of universal obligation and the citizen-soldier but within the new institutional context of volunteer forces fighting under the command and control of the national government.<sup>41</sup>

One of the most unusual chapters in American history was the "quasi-war" with France of 1798-1800, growing out of the French Revolution, the expulsion of Citizen Genet, and the "X,Y,Z Affair" in which the French Directory attempted to extract a considerable bribe from America's diplomats in Paris. For several years the Federalists and Republicans, under the leadership of Jefferson, had engaged in increasingly vicious attacks on each others' sense of patriotism and republican zeal. The Federalists became convinced the Republicans were engaged in a conspiracy intended to foment a revolution and hand over the United States to France. They pushed in Congress for the creation of a "Provisional Army" of 20,000 men under the nominal leadership of the now aged George Washington, but the real reins of command would be in the hands of Alexander Hamilton. The Republicans were convinced the Provisional Army was unconstitutional, unnecessary, and represented a bold attempt to militarize the country--the standing army for which the Federalists had always yearned. The Federalists' motives in the matter are

not entirely clear, but Kohn's analysis led him to make the following judgement.

For Hamilton...and for a few others in the top leadership, there existed one last motive for the army, a tentative and uncertain motive, perhaps, and one they never admitted openly even in private correspondence. Nevertheless they had evidently become so disturbed by the Republican connection to France and the possibility of internal revolution, so pessimistic about the ability of the government and Constitution to survive, that they wished to install a classic, European standing army as a permanent fixture in America, changing the structure of government through legislation in a kind of constitutional coup. The evidence is circumstantial to be sure. But these men worked feverishly to establish and perfect an army long past the time when invasion seemed possible or internal revolution probable....<sup>42</sup>

It was the embattled John Adams, attempting to govern in the giant shadow of his predecessor in office and deeply mistrustful of Hamilton's motives, who eventually succeeded in making peace with France and thus scuttling the Federalists' scheme. In so doing, however, he virtually joined forces with Jefferson and alienated members of his own party, causing an irreparable rupture in the Federalist Party and leading to the election of Thomas Jefferson to the Presidency.

In 1803, Napoleon declared war on Great Britain, a war which would last twelve years and eventually catch the young United States in its swirling vortex. That the United States was successful in keeping clear of the war until 1812 was due to Jefferson's ability to suffer humiliation time and again in order to maintain peace. However, the Congressional election of 1810 swept out of office the majority of those who opposed war and brought into power a group of young "war hawks" who pushed the Madison administration into war with Britain. In early-1812, Congress enacted a series of laws

to strengthen the Regular Army and to encourage a build-up of the militia and volunteer forces. The Army was increased to a nominal 35,000 men, a volunteer force of 50,000 men was provided, and a militia force of 100,000 men was drawn from the states. On paper the fighting strength of the United States was colossal, but the laws tended to contradict each other and in reality there was only a hodge-podge of under strength small units spread out in remote garrisons along the long border with Canada and America's coastline. Six months after the war began, on June 23, 1812, the Army's strength was only 15,000, and the states had responded erratically to calls for militia. The Navy consisted of eighteen ships, ten frigates and eight brigs, and sixty-three operable gunboats, all of which were scattered between Maine and New Orleans. As C. J. Bernardo and Eugene Bacon wrote:

America declared war against the mistress of the seas with a military and naval establishment whose puniness startled even the British. A paper Army, a dispersed Navy, and mediocre leadership in the former, was the extent of the military might that could be thrown against England in June 1812. And, if Americans could not find the means of uniting for a common purpose and against a common enemy, England could find an invaluable ally in the disaffection of New England towards the war. Only the most profound believers in metaphysics could see an American victory under this strange set of circumstances, yet the nation plunged headlong into war.<sup>43</sup>

The remainder of 1812, in which a three-pronged offensive against Canada between Detroit and Lake Champlain was attempted, was full of errors in judgement and indecision, resulting in a disgraceful defeat of American arms. In January 1813, Congress voted to increase the Army's infantry regiments to forty-four and its authorized

strength to over 57,000. Again the actual recruitment turnout was poor and it is doubtful that there were more than 20,000 regulars on muster rolls by the end of the year.<sup>44</sup> There were, however, several military operations in 1813 which served to regain some pride for the American military. Commodore Oliver Perry won Lake Erie from the British in September, securing the Northwest and making possible William Henry Harrison's recapture of Detroit. In Europe, Napoleon's fortunes declined rapidly after his defeat at Leipzig in October 1813, making his fall from power imminent. The British were now able to spare for the war in America some of the Duke of Wellington's units and plans were made for an invasion of the United States from Niagara, Lake Champlain, and New Orleans, while tightening the naval blockade and raiding along the Atlantic coast. While American efforts to invade Canada had resulted in lackluster enlistments in the Army, the increase in British resources and the threat of a British invasion spurred a strengthening of the Army's rolls. After the temporary occupation and destruction of Washington in August and the British Navy shelling of Fort McHenry in Baltimore in September, the ranks of the American Army swelled to about 35,000 and about an equal number of men took the field in volunteer militia units on extended duty. By the end of the year the British invasion efforts had been turned back and the war came to a close, not with any tangible gains by the United States but with enough of a show of military prowess to earn American nationhood a new respect in both foreign and American eyes.<sup>45</sup>

As the final act of the war was coming to a close and the curtain about to

descend, one final scene was occurring which was to have an impact on future military manpower procurement policy. In late-1814, Senator Giles, chairman of the Senate Committee on Military Affairs, asked the Secretary of War, James Monroe, for a plan to improve the strength of the nation's military establishment. Monroe submitted a plan for a federal military draft of male citizens between the ages of eighteen and forty-five, and which was the basis of the Conscription Bill of 1814. Monroe's justification for a federal draft was based on the perceived need to invade Canada in such strength that the war would be ended more quickly and to the advantage of the United States. In his recommendation to the Senate committee, Monroe wrote:

...it will not be sufficient to repel these predatory and desolating incursions. To bring the war to an honorable termination, we must not be contented with defending ourselves. Different feelings must be touched, and apprehensions excited, in the British Government. By pushing the war into Canada, we secure the friendship of the Indian tribes, and command their services, otherwise to be turned by the enemy against us; we relieve the coast from the desolation which is intended for it, and we keep in our hands a safe pledge for an honorable peace. It follows...that it will be necessary to bring into the field, next campaign, not less than one hundred thousand regular troops. Such a force, aided, in extraordinary emergencies, by volunteers and the militia, will place us above all inquietude as to the final result of this contest.<sup>46</sup>

On December 9, 1814, a young congressman from New Hampshire, Daniel Webster, delivered a speech on the floor of the House of Representatives condemning the Conscription Bill. His speech, stirring in several sections, was to serve in later years for arguments against the military draft. Webster identified the proposed law as unconstitutional and an act of tyranny which was an attempt to force free men into the

Army to fight a war. He said that Congress, under the Constitution, was empowered to call-up the militia for federal service only "to repel invasion, suppress insurrection, or execute the laws." The proposed law also was unconstitutional because it would affect all men, not just the militia over which Congress does have legal authority, and because the express purpose of the law was to invade Canada. Webster pointed to the record of failure of the Administration during the war and dismissed the judgements and promises of success by alluding to the British sack of Washington. Webster stated:

...no man had foretold, that our means of defence would be so far exhausted in [the previously mounted] foreign invasion, as to leave the place of our own deliberations insecure, & that we should, this day, be legislating in view of the crumbling monuments of our national disgrace. No one had anticipated, that this City would have fallen before a handful of troops, & that British Generals & British Admirals would have taken their airings along the Pennsylvania Avenue, while the Government was in full flight.<sup>47</sup>

Pointing to the lack of American enthusiasm for an invasion of Canada, Webster stated: "For the conquest of Canada, the people will not enlist; & if they would, the Treasury is exhausted, & they could not be paid. Conscription is chosen as the most promising instrument, both of overcoming reluctance to the Service, & of subduing the difficulties which arise from the deficiencies of the Exchequer."<sup>48</sup> The proposed law, Webster proclaimed, was inconsistent with the character of a free government and counter to American civil liberty. "The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure & their own blood a Magna Charta to be slaves."<sup>49</sup> Pointing again to

Congress' inability under the Constitution to go beyond its entitled powers when enacting laws for the militias of the states, Webster stated:

...in granting Congress the power to raise armies, the People have granted all the means which are ordinary & usual, & which are consistent with the liberties & security of the People themselves; & they have granted no others. To talk about the unlimited power of the Government over the means to execute its authority, is to hold a language which is true only in regard to despotism. The tyranny of Arbitrary Government consists as much in its means as in its ends; & it would be a ridiculous & absurd constitution which should be less cautious to guard against abuses in the one case than in the other. All the means & instruments which a free Government exercises, as well as the ends & objects which it pursues, are to partake of its own essential character, & to be conformed to its genuine spirit. A free Government with arbitrary means to administer it is a contradiction; a free Government without adequate provision for personal security is an absurdity; a free Government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous & abominable that ever entered into the head of man.<sup>50</sup>

Laws...of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpents' teeth, they will spring up into armed men. A military force cannot be raised, in this manner, but by the means of a military force. If administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army.<sup>51</sup>

Webster's eloquent, powerful attack on the idea of conscription was instrumental in the Conscription Bill being defeated.

The British and American commissioners, meeting at Ghent, Belgium, concluded five months of negotiations and signed a peace treaty on December 24, 1814.<sup>52</sup> The treaty received the unanimous approval of the Senate on February 16, 1815, thus ending the United States' second war with Great Britain. While the military policies adopted during the war were often poorly conceived and the military record mixed, the war did

serve to awaken an American sense of nationalism. Samuel Flagg Bemis suggested that the nation experienced the same sense of renewed self-respect that an individual feels when, having been tormented unmercifully by a bully, he forgets the odds against him and turns to fight.<sup>53</sup>

Following the annexation of Texas on March 1, 1845, President Polk ordered Brigadier General Zachary Taylor to advance from Corpus Christi to the Rio Grande River with a force of 4,000 regulars, hoping that Mexico would commit an overt act which would give the United States an excuse to declare war on Mexico. The Mexicans obliged by attacking a detachment of dragoons on the north side of the river on April 24, 1846, and the war was begun by an "act of Mexico." When the war began the Regular Army consisted of 8,619 officers and men, in eight regiments of infantry, two of dragoons, and four of artillery. In February, 1847, Congress increased the Army's authorized strength by an additional nine regiments of infantry and one of dragoons, and made enlistment terms more attractive through land bonuses for those who served for the duration of the war. Altogether, 30,476 men served in the Regular Army during the Mexican War.<sup>54</sup> When President Polk asked for authority to raise a body of volunteers to serve at least six and not more than twelve months, Congress authorized a force of 50,000 volunteers to serve for twelve months or the duration of the war.<sup>55</sup> A total of 73,532 men served in units other than those of the Regular Army, but this figure and the aggregate total for the Regulars is misleading. The total men in service at any one time probably never exceeded 50,000, and the numbers engaged in any one battle were always

relatively small--5,000 to 6,000.<sup>56</sup>

While a conscious attempt was made to avoid the problems experienced with militia forces in earlier wars by recruiting volunteers, volunteer units also tended to play havoc with military operations in the Mexican War when they were not closely associated with Regular Army units. One historian has written that during the Mexican War,

...the American volunteer showed himself at his worst. President James Polk was distressed by the rowdy, bullying way the volunteers treated Mexican civilians, for he had hoped to win the people of the northern Mexican provinces to the United States annexation. The roistering, rip-roaring conduct of the volunteer troops in New Mexico helped spark revolts in Santa Fe and Taos that were more troublesome than the original conquest.<sup>57</sup>

In addition, one of President Polk's mistakes was to delegate to the states or the volunteer units themselves the option of enlisting for twelve months or the war. As a consequence General Scott had to halt his march from Vera Cruz to Mexico City in order to arrange for the safe return to the United States of several thousand volunteers whose enlistments had expired. He was left deep in enemy territory with only 7,000 men, and had to wait until he could be reinforced.<sup>58</sup> In general, however, the volunteer units performed reasonably well considering their lack of training. When volunteer units were drilled side by side with Regulars day after day, and when they went into action with Regulars, they received praise from Regular Army officers. As Lieutenant Ulysses Grant wrote, the volunteers,

...were associated with so many disciplined men and professionally educated officers, that when they went into engagements it was with a confidence that they would not have felt otherwise. They became soldiers

themselves almost at once.<sup>59</sup>

It was during the Mexican War that the American Regular Army came of age. For the first time in an American war the skill of junior officers was commensurate with the bravery of individual soldiers, due largely to their training in small units at West Point and their engineering skills. Weigley writes that, "The biography of almost every officer destined for high command in the Civil War is ornamented with feats of skill and valor in the Mexican War." He quotes General Winfield Scott's praise of his West Point trained officers.

I give it as my fixed opinion...that but for our graduated cadets the war between the United States and Mexico might, and probably would, have lasted some four or five years, with, in its first half, more defeats than victories falling to our share, whereas in two campaigns we conquered a great country and a peace without the loss of a single battle or skirmish.<sup>60</sup>

### The Civil War to World War I

When Fort Sumter surrendered in April 1861, the United States was woefully unprepared for war. The Regular Army was small, with a paper strength of 16,402, but the Army's actual strength was only 14,657 officers and men. These were dispersed in 198 companies, 183 of which were stationed on the western frontier. Complicating the situation even more for the United States, 313 of the officers (29 percent) had resigned and joined the Confederacy.<sup>61</sup> President Lincoln initially called up 75,000 militia for three months to suppress the rebellion. As Lincoln had no power to increase the Regular Army by proclamation, he was forced to use the Militia Act of 1792 as the statutory

basis for increasing Federal forces. Soon seeing that the militia, called up for a three-month period, would be inadequate to the task, President Lincoln assumed the powers of Congress and, in May, decreed that the Regular Army be increased by 22,714 officers and men, the Navy by 18,000 seamen, and the volunteers by 42,034. When it met on July 4, Congress approved Lincoln's actions.<sup>62</sup> On July 22, Congress passed legislation authorizing the President to accept 500,000 volunteers to repel invasion, suppress insurrection, enforce the law, and protect private property. The initial fervor of enlistments and chaos created by the rush of volunteers died down after several months, and the need for additional manpower drove the President to call, in July, 1862, for 300,000 additional volunteers.<sup>63</sup> Due to the slow response, Congress, that same month, enacted the Militia Act of 1862, which authorized President Lincoln to call forth the militia for nine months, defining the militia as "all able-bodied male citizens between the ages of eighteen and forty-five." A clause in the Act provided the President with the power to draft manpower from states which did not meet their full quota--the first time the Federal Government assumed military draft prerogatives in the United States. Draft riots in Wisconsin and threats of riots in other states forced this provision to be rescinded. The following year, however, saw the enactment of the Enrollment Act of 1863, a draft law which attempted to correct the mistakes of the previous law; however, the law still contained serious defects. Among these were the right to hire a substitute, the right of commutation upon the payment of \$300, and the enforcement and administration of the draft by Federal military officers. Draft riots occurred in many

sections of the country. The most serious, in New York City, resulted in an estimated 1,000 deaths and about \$1,500,000 in damages before it was quelled by police and Federal troops.<sup>64</sup> In a letter, unpublished and apparently intended only to clarify his thoughts on the military draft, Lincoln concluded, in mid-September 1863, that the Enrollment Act was consistent with the Constitution's granting of power to Congress to raise armies. He wrote:

It is clear that a constitutional law may not be expedient or proper. Such would be a law to raise armies when no armies were needed. But this is not such. The republican institutions, and territorial integrity of our country can not be maintained without the further raising and supporting of armies. There can be no army without men. Men can be had only voluntarily, or involuntarily. We have ceased to obtain them voluntarily; and to obtain them involuntarily, is the draft--the conscription. If you dispute the fact, and declare that men can still be had voluntarily in sufficient numbers prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft. Or if not a sufficient number, but any one of you will volunteer, he for his single self, will escape all the horrors of the draft; and will thereby do only what each one of at least a million of his manly brethren have already done. Their toil and blood have been given as much for you as for themselves. Shall it all be lost rather than you too, will bear your part?<sup>65</sup>

Interestingly, at the same time that Lincoln was drafting his thoughts on the legality of the Enrollment Act, Chief Justice Roger B. Taney, enfeebled and unable to attend Court, wrote a legal opinion of the Act which was not published. Taney wrote that the United States possessed no original or inherent sovereignty over the states, and that the president only had authority to call into Federal service state militia forces as they were composed by the states. Taney believed that the Enrollment Act should be declared void because the law abrogated constitutional government, substituting a provisional government with

arbitrary power to dissolve the state governments which had created the Federal government. His opinion saw a deeper issue at stake in conscription--the survival of states' rights.<sup>66</sup> The Enrollment Act, whether legal or not, clearly was more of a whip in the hands of the government to spur state enlistment activity than a source of manpower; of more than two and one-half million men raised for service in the Union Army during the Civil War only about six percent were raised directly by the draft.<sup>67</sup>

The Confederacy, not having the vast manpower pool of the North, organized its limited armed forces much faster than the Union. As early as February, 1861, the Confederate Congress authorized President Jefferson Davis to assume control of military operations and to accept troops offered by the states. A law was enacted in March, 1861, one month before the firing on Fort Sumter, authorizing a Regular Army of 10,600 personnel. In May, Davis was authorized to accept 400,000 volunteers for three years or until the end of the war. On April 16, 1862, the Confederate Congress passed the first national conscription law in America. The law conscripted for military service every white male not legally exempt between the ages of 18 and 35 for a term of three years. As the Confederacy increasingly faced manpower shortages later enactments abolished exemptions and expanded the ages of those eligible for the draft. Records of the Confederacy are incomplete, but it appears that the system instituted in the South brought forward about an equal number of draftees as volunteers. A complete compilation of the size of the Confederate Army is not known to exist, but estimates range from 600,000 to 1,650,000.<sup>68</sup>

With the conclusion of the Civil War the American people were sick of war. The Grand Army of the Republic, the finest military machine of its day, took three days to march down Pennsylvania Avenue and pass by the White House--and was quickly disbanded. The demands of Indian wars forbade a cutback in the Army's ten cavalry regiments, but by 1869 the number of infantry regiments had been reduced to twenty-five and the entire army to about 25,000 men. This remained the approximate strength of the United States Army until the Spanish-American War.<sup>69</sup>

The Thirty-Ninth Congress (1867-1869) made several attempts to enact a permanent military manpower policy by creating a new militia system, but political pressure from the states made reform impossible. The militia, which responded to President Lincoln's first call for 75,000 men, went home after their three months of service were up, and the militia was not used again. The militia concept, with its theoretical universal obligation, its theoretical universal training, and its traditional limitation to no more than three months of service in the field, was generally recognized as impractical. Attempts by Congress to scrap it in favor of a complete volunteer force to act as a true reserve for the tiny Regular Army establishment were unsuccessful. It was not until after the Spanish-American War that the Militia Act of 1792 was finally repealed.

On February 15, 1898, the U.S.S. Maine blew up in Havana harbor with the loss of 260 men, and the Spanish-American War--that "splendid little war"--was begun. When President McKinley signed the war resolution on April 20, the Army consisted of

28,000 personnel, scattered in company or battalion size detachments all over the country. As the War Department began frantically to assemble the Army and fill out its ranks, the President issued his first call for 125,000 volunteers. The primary source for volunteers were the organized formations of the National Guard (the revamped state militia units), which were to volunteer en bloc.<sup>70</sup> Thousands of untrained recruits, however, had to be taken in to fill the Regular Army and Guard organizations, to form the Federal volunteer regiments (of which Theodore Roosevelt's regiment of Rough Riders was the most celebrated), and to meet the second call for an additional 75,000 men issued in May. In all, about 225,000 men were brought into Federal service, very few of whom were to see action.<sup>71</sup>

With the conclusion of the war it was obvious that the military manpower system required reform. The National Guard proved to be a major disappointment, and one unit, the 7th Regiment of New York, proudly refused to be federalized and serve under "West Point martinets." Guard units which did volunteer were untrained, ill-equipped, without proper clothing, and even without shoes; none had modern weapons, and they were generally deficient in the simplest skills of military life. The new Secretary of War, Elihu Root, undertook reforms which would attempt to transform the Army into a "great machine" which could be promptly mobilized and deployed overseas, a novel concept to Americans who now saw their country thrusting itself out onto the world stage to stand with other great powers. Secretary Root was unsuccessful in overcoming the influence of the National Guard Association and incorporating the Guard into a federally

controlled reserve force;<sup>72</sup> however, the Dick Act and the Reorganization Act, both enacted in 1903, provided elements of a genuine machine for the conduct of modern warfare. The Regular Army was fixed at four times the strength of the Army in 1897, and the Army now had the rudiments of a General Staff under the leadership of a new position, the Chief of Staff. The Dick Act repealed the Militia Act of 1792, vanquishing the ghost of America's concept of universal military obligation. The National Guard was recognized as the "organized militia" and the first line of military reserves. Although the Guard was to be organized, equipped, and trained by the Regular Army, the Federal Government could call it into service only for the constitutional purposes of maintaining internal order or repelling invasion. For overseas operations or foreign wars, the national authority could only ask the Guard to volunteer for service.<sup>73</sup>

### **World War I Through World War II**

After a futile three-year struggle to maintain United States' neutrality in World War I,<sup>74</sup> Congress declared war on Germany on April 6, 1917. The United States was ill-prepared when the war had broken out in Europe; the Regular Army consisted of 80,000 officers and men, one-third of whom were in overseas dependencies, and the National Guard was made up of 127,000 poorly trained personnel. In late-1915, President Wilson recommended to Congress that the Regular Army be increased to 142,000 men and the Reserves to 400,000 men, to be raised on a voluntary basis. This proposal was enacted in May 1916 as the National Defense Act, which doubled the authorized size of the Regular Army to 175,000 and, in theory, created an Army of

1,125,000, completely on a voluntary basis.<sup>75</sup> The fervor of American youth to volunteer, however, did not materialize, and the Army remained completely inadequate.

For some time, the General Staff and War College had been studying the problems of warfare. Secretary of War Newton Baker called upon them for a plan for an expanded Army, and in January 1917, Secretary Baker received their detailed "Plan for a National Army," which was based on a military draft.<sup>76</sup> The President and Secretary Baker were not averse to the idea of a wartime draft, but they were not willing to commit themselves to it before it had been demonstrated that the traditional volunteer system had failed. The General Staff continued to push for selective conscription. In March 1917, German U-boats sank three American merchant ships without warning, with the loss of most of their crews. These events, combined with the publication of the Zimmerman telegram, which encouraged Mexico to invade the southwest,<sup>77</sup> led President Wilson to decide on March 20 to take the United States into the war. He summoned Congress into a special session on April 2 and war was declared on April 6.

President Wilson had been convinced of the efficacy of a volunteer Army until the White House received a telegram from ex-President Roosevelt requesting permission to raise a division of volunteers under his command. President Wilson, stunned by the audacious tone of Roosevelt's telegram, suddenly decided in favor of the draft for the new American Army and to exclude volunteerism altogether.<sup>78</sup> On the day after the declaration of war, the legislation for a military draft was submitted to Congress. Stalled by wrangling conferences, the bill was finally completed and signed by President Wilson

on May 18, six weeks after America's entry into the war. The Act set the age limits of draftees at 21 to 30, permitted but did not compel the President to accept volunteers, raised the Regular Army to 287,000, and specified that an army of one million men was to be raised in two increments. By Presidential proclamation, all eligible males were to register for the draft on June 5, and over nine-and-a-half million men were registered on that day. From these, 687,000 were to be chosen by lottery for immediate induction. Within ten days of the lottery the first draftees reported for duty, and by the end of 1917 there were 1,189,000 in all branches of the services. Of the initial draftees screened for service it was found that 30 percent were physically unfit or illiterate, causing Congress to change the law to register all men between 18 and 45. When the November 1918 Armistice ended the war, total registrations had reached 24.2 million. Of these, 2.8 million were drafted. Of the 4.8 million men in the American armed forces at the end of the war, 1,971,000 saw service in Europe. Compared to the Civil War draft, which had provided about six percent of the soldiers in the Union Army, the World War I draft supplied about sixty-seven percent of the armed forces for the war.<sup>79</sup> In view of America's unpreparedness a year and half earlier, the military draft was an amazing success. Even more amazing was America's acceptance of conscription as a policy to obtain its military manpower.

In contrast to the situation in the Civil War in which the legal authority of a national conscription was never tested in the Supreme Court, largely because of an almost certain reversal, the Wilson administration moved quickly in 1917 to validate the

draft before the Court. In the principal cases, the Selective Draft Law Cases (Arver, et al., v. United States), a number of individuals had refused to register for the draft on June 5, 1917, and were tried, convicted, and served jail sentences. On January 7, 1918, by a unanimous vote, the Court upheld the constitutionality of the Draft Act. Chief Justice Edward D. White's opinion upheld the right of the United States Government to draft citizens directly into a national army through a broad construction of the Constitution's provisions granting Congress the power to declare war and to raise and support armies, combined with the "necessary and proper" clause. White emphasized the duties of citizenship by stating, "It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it."<sup>80</sup>

After World War I, the United States resumed its previous military manpower policy of volunteerism. Although small by standards of today, the Army and Navy during the inter-war period was the largest peacetime force ever maintained by the United States. Early in the period following the war, Americans debated and rejected proposals to institute universal military training (UMT) in place of the volunteer principle as the basis for raising and keeping a peacetime armed force. Hobbled by a parsimonious Congress and Republican administrations, as well as the relative prosperity of the 1920s, recruiters struggled to keep the Army's ranks filled. Despite efforts to improve the attractiveness of the military profession and increases in pay from Congress to stimulate enlistments, the quality and quantity of recruits lagged. By 1929, on the eve of the stock

market crash, the American volunteer armed force was in trouble. The stock market crash and ensuing Great Depression caused a swift reversal of the fortunes of the services. The high unemployment of the early 1930s enhanced the military's personnel posture considerably. However, during the New Deal period the armed forces again experienced difficulties due to the lack of funds and the competition with emergency relief and unemployment programs for military-age men.<sup>81</sup>

In September 1939, when the World War II began in Europe, the Army of the United States consisted of approximately 188,000 personnel organized into nine understrength and widely dispersed infantry divisions. The National Guard had 200,000 personnel in 18 divisions and was in a low state of training. In an executive order, President Roosevelt declared a national emergency and at the same time directed a very modest increase in the armed forces. Perhaps overly concerned with popular opposition, he directed that the Regular Army be expanded by 17,000 men and that the National Guard be increased to 235,000. The German blitzkrieg in Western Europe provided the impetus for further expansion of the armed forces. In May 1940, President Roosevelt asked for an increase in the Regular Army to 242,000, and on June 13, as German troop columns entered Paris, Congress passed a supplemental appropriations act for an increase in the Army up to 280,000.<sup>82</sup> After President Roosevelt secured his nomination for a third term, he finally urged the imposition of a draft and supported law makers who were guiding such legislation through Congress. On September 16, 1940, the Selective Training and Service Act was signed into law, the nation's first peace time military

draft.<sup>83</sup> The Act authorized the President to register all male citizens between the ages of 21 and 36, and to call such numbers of men to active service as long as the total on active duty did not exceed 900,000. Draftees were not to serve outside the Western Hemisphere except in the territories or possessions of the United States, and were to be released into the Reserves after one year of military training. Initial registration yielded a pool of 16 million registrants, and after a lottery the first draftees entered the Army in November. By the end of June, 1941, the Army had a total strength of nearly 1,250,000 men, of whom 629,000 were draftees.<sup>84</sup> In the summer of 1941, the German invasion of Russia provided encouragement for the law's amendment, extending the length of service beyond one year, but the bill cleared the House by the narrowest of margins--203 to 202--just four months before the Pearl Harbor attack. After the Japanese attack on Pearl Harbor and the United States' declaration of war, the Selective Training and Service Act was amended further to remove all restrictions on overseas service and to extend the requirements for registration to all men between the ages of 18 and 65, though only those between 20 and 45 were liable for service. A year later, Congress extended the draft to include 18 year old men.<sup>85</sup>

Initially, President Roosevelt insisted that a civilian director administer the Selective Service System. After some delay he chose Clarence Dykstra, President of the University of Wisconsin, to be the System's Director. When Dykstra resigned in mid-1941, his Assistant Director, Brigadier General Lewis B. Hershey, became the Director, and remained in that position until early in President Nixon's administration. The

Selective Service System operated as an independent bureau under the President, and its administration was decentralized among the states. The governor of each state had responsibility for the administration of the draft law within his state, and he nominated a State Director who exercised direct responsibility over the series of registration boards, local boards, medical boards, and boards of appeals within the state. Registration for the draft consisted of filling out a card with personal information and submitting it to the county clerk. Cards were received by the local draft board and the cards were shuffled and given a number. Corresponding numbers were put into a bowl in Washington for the lottery. As the numbers were drawn the man holding that number in each of the more than 6,500 local boards was number one in his area for a call to service--if he were classified by the local board as available. Classifications could be appealed to an appeals board if the draft registrant believed he had been classified wrongly.<sup>86</sup>

Beginning in December 1942, the President took the first step toward an overall national manpower allocation when he set up the War Manpower Commission and transferred the Selective Service System to its jurisdiction. Attempts at a general coordination of manpower policies received a number of set-backs, however. Labor unions and industry discouraged such planning, and Congress enacted legislation which, in effect, gave a blanket exemption from the military draft to farmers. Congress also removed the Selective Service System from the War Manpower Commission, and restored it to the status of an independent bureau. The Selective Service System itself, through its policies of deferments, attempted to control or "channel" manpower to satisfy

the needs of the military as well as the nation.<sup>87</sup>

The Selective Service System was clearly effective in providing in an orderly way the military manpower needed in World War II. When virtually all available men were to be called, the system of registration, classification, and the order of calls worked very well. At its peak strength, in June, 1945, the United States armed forces consisted of 12.3 million personnel. The total number serving in the armed forces during the war period, including over 200,000 women volunteers, was 16.1 million, allowing for those who became casualties or were released. Between November 1940 and November 1946, nearly 50 million men had registered, and more than 10 million had been inducted. The Selective Service System provided more than two-thirds of the United States military manpower during the war.<sup>88</sup> The Selective Service System also was reasonably equitable as far as regional distribution was concerned. In all states, about nine percent of the total population served in the armed forces, and for all states the casualties amounted to about three percent of all those serving.<sup>89</sup>

### **Post-World War II to the Vietnam War**

During World War II, General George C. Marshall became convinced that, after the war, the United States would continue to oppose the maintenance of a peacetime Regular Army of any significant size, and that the country would never again have the luxury of time to mobilize after the onset of war. In August 1944, he proposed that the nation adopt peacetime universal military training (UMT) as the foundation for its postwar military manpower procurement policy. President Roosevelt's successor, Harry

Truman, embraced the concept wholeheartedly; he preferred a small voluntary active force, supported by a mobilization system rooted in UMT, rather than conscription. In 1945, President Truman attempted to get Congressional approval for a universal military training plan whereby all physically qualified males, at the age of eighteen, would receive a year of compulsory military training. On mobilization, UMT would ensure a trained force of 1.5 million personnel. Despite an impressive array of supporters, the drive to establish compulsory peacetime military training failed.<sup>90</sup> Americans generally looked forward to rapid demobilization and a return to peacetime pursuits. Opponents raised the argument that such training represented a dangerous anti-democratic departure from the cardinal principle of freedom of choice, and that compulsory training risked inculcating American youth with militaristic values that would undermine the principle of civilian supremacy over the military.<sup>91</sup>

The beginning of the "cold war," which pitted the United States against the Soviet Union, the two nations to survive from the ashes of World War II to become alone true world powers, further undermined the UMT concept. The United States' strategy which gradually took shape in this post-war period was one of deterrence aimed at preventing war, rather than one of mobilization after war had begun, which UMT would have supported. Deterrence required an effective peacetime standing army--to occupy Japan and Germany, as well as deter the Soviet Union--not a quick mobilization of trainees as was required for the last war.

Induction authority under the 1940 Selective Training and Service Act was to

expire on May 15, 1945, but Congress extended the law for one year. In the wake of the Soviet invasion of Iran, the 1940 draft was further extended, to March 1947. President Truman recommended that the Selective Training and Service Act be allowed to lapse, and Congress concurred--from April 1947 to June 1948 the armed services were to rely wholly on the recruitment of volunteers.<sup>92</sup> While the Air Force and Navy avoided serious manpower shortages during this brief period of a volunteer force, the Army and Marine Corps could not maintain their strengths. The Army was 100,000 below its required strength level when General Eisenhower retired from active duty in February, 1948, and the Army was losing twice as many men per month as it recruited due to continued demobilization and the gap between military and civilian pay schedules.<sup>93</sup> The Communist coup in Czechoslovakia, in February 1948, served as the catalyst for a change in policy. Three weeks after the coup, President Truman again asked for a system of universal military training and for the re-enactment of Selective Service. In June 1948, a new Selective Service Act was passed with a two-year limit, and General Hershey was again appointed as Director of the Selective Service System.<sup>94</sup> An active duty force of two million men was authorized. All men between the ages of eighteen and twenty-one were required to register, and selections were made by local draft boards. The existence of the draft encouraged voluntary service, and in the wake of the new law, enlistments increased. Only a few thousand men were actually drafted under the Act, and as of the time that the law was about to expire in 1950, there had been no inductions for about eighteen months. The Army assumed the Act would be

renewed and was counting on it to help spur draft-motivated volunteers. The Truman administration requested a three-year extension of the draft law, a request that Congress was not happy with because the system had not been used for some time. Debate on the extension was halted and Congress quickly passed a one-year extension when, in June 1950, the army of North Korea crossed the 38th parallel and invaded South Korea. In 1951, with little real debate, Congress again renewed the draft, this time for four years. This act, called the Universal Military Training and Service Act, granted the President authority to recall reservists, extended the manpower pool by lowering the draft induction age to eighteen, lengthened the term of service, and canceled deferments for married men without children. The UMT component of the new law was to be studied, but Congress never approved putting UMT into effect. During the Korean War more than 1.5 million men were inducted by the Selective Service System.<sup>95</sup>

The Eisenhower Administration furthered the institutionalization of the Selective Service System. The Reserve Forces Act of 1955 served to enrich the mobilization base by adding men who had critical skills to the reserves. The threat of conscription produced large numbers of draft-motivated volunteers, who enlisted to get their choice of service and time period of service, rather than leave themselves at the mercy of local draft boards.<sup>96</sup> As voluntary enlistments increased, inductions under the draft dropped, from approximately a third of accessions during the mid-1950s to less than ten percent during the early 1960s. As fewer draftees were needed, the Selective Service System expanded the categories of young men who would not be called, attempting to justify the

relatively few selections that were made. Deferments were made to fathers, then to men over 26, then occupational deferments were eased and college-bound students found safe haven on the campuses. The draft, however, was sufficiently accepted by Americans to be renewed by Congress periodically and routinely without much debate. The Selective Service System had strayed far from its original intent, but was maintained, not because of the relatively few draftees the System produced. It served to stimulate enlistments for all the services, and in particular the System served to bring young men with high-aptitudes into both the enlisted ranks and officer training programs.<sup>97</sup>

The equity of the deferment system came under increasing pressure as the baby-boom generation reached the age of military eligibility. Although deferments had been made more and more liberally, by the early 1960s it had become clear that there would be many more young men who would not qualify for any of the liberal deferment categories than the services could use. When Senator Barry M. Goldwater, who was seeking the Republican nomination for the Presidency, announced in early 1964 that he intended to end the draft,<sup>98</sup> President Johnson attempted to take the steam out of this issue by ordering the Defense Department to study the draft. The Defense Manpower Study found that, given the continuation of active force levels at approximately 2.65 million and the rising pool of eligible men, only eleven percent of the annual intake of personnel needed to be draftees. That percentage, however, could be brought to zero by a combination of a lowering of qualifications, the conversion of many positions filled by military personnel to civilian positions, and by increasing incentives such as pay. The

study group concluded, nonetheless, that the draft should be continued--the cost of increasing pay and benefits and the loss of above-average aptitude inductees, the report argued, would offset the benefits gained by ending the draft. The Defense Manpower Study was not published; the sudden decision by President Johnson to commit significant numbers of fighting men to Vietnam in mid-1965 caused the study to be shelved.<sup>99</sup>

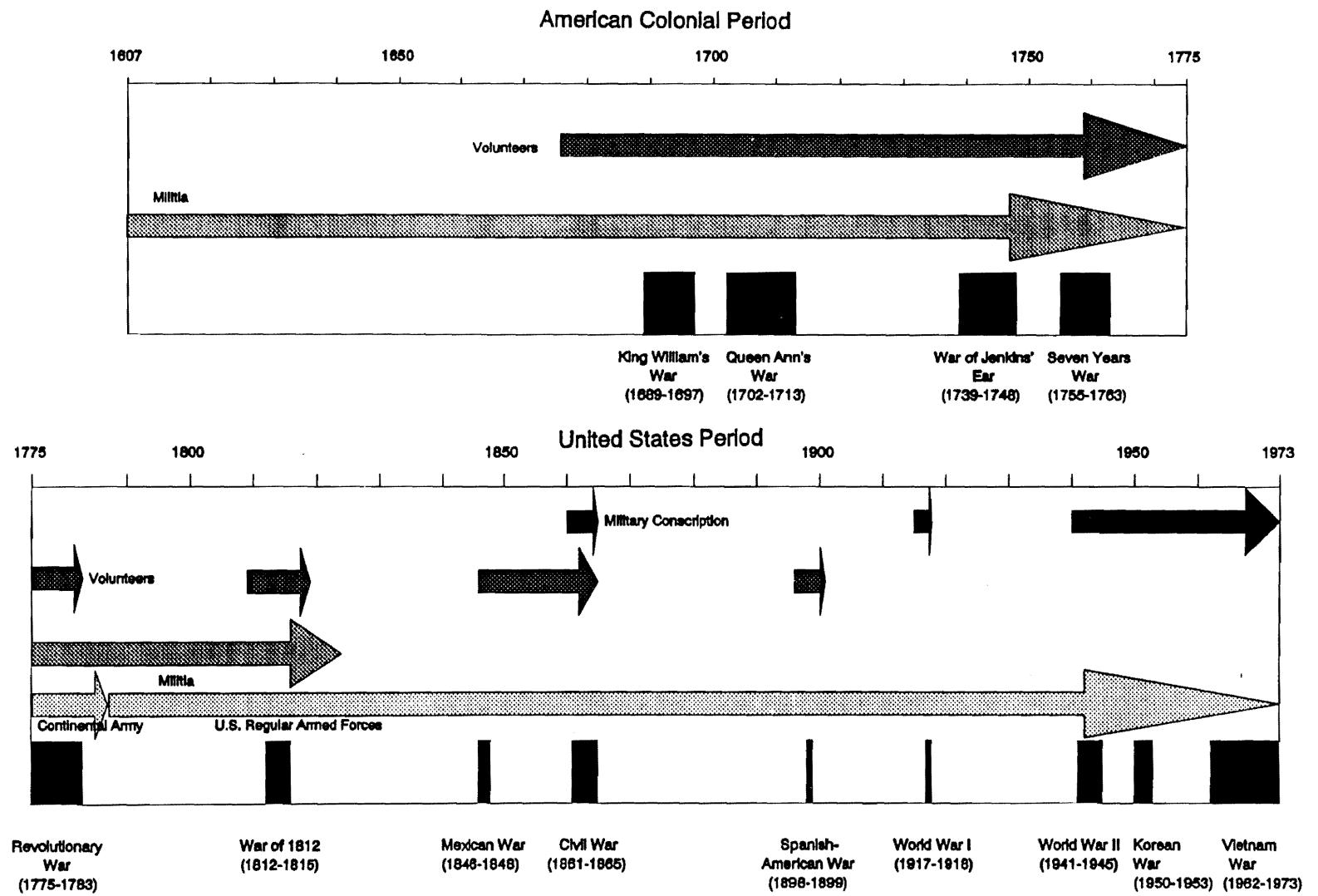
### Summary

The military manpower policies of America during the 357-year period between the first colonial settlement at Jamestown in 1607 and the beginning of the American escalation of the war in Vietnam in 1965 were indeed varied. One pattern which emerges in a survey of this entire complex period is an ideological struggle between the strains of thought favoring liberalism and those favoring egalitarianism. The egalitarian strain of thinking favored compulsion in one form or another in military service. Such advocates called for mandatory military service based on a universal obligation of all citizens and which was to be applied equally. Many such advocates said that military service was an obligation of citizenship. The opposite strain, liberalism, favored choice by citizens in the matter of military service and supported volunteerism as the method to be employed to fill the ranks of the military. Compulsion in almost any form would be abhorrent. These two strains of thought regarding military manpower procurement policy have competed with each other for the entire period of American history. Neither strain of thought has gained complete ascendancy over the other for each seem to require certain political and military circumstances or stimulation in order to gain advantage,

though any advantage was usually temporary.

A representation of American military manpower policies is illustrated in Exhibit 3-1. The illustration divides the American colonial period from the post-independence period, using 1775 when conflict erupted at Boston as the dividing point. The major military conflicts are shown, as are the prevalent manpower procurement methods during each period. The following paragraphs highlight the key points of history and the swings between the egalitarianism and liberalism strains in the United States as they affected military manpower.

The colonial period, from 1607 to 1775, was a period of reliance on citizen militia units to provide local protection as well as sources of manpower for military conflicts outside the immediate bounds of the local community or colony. In the early days of settlement of the colonies the militia was bound by the principle that all free men were obligated to provide military service--the egalitarian strain. The survival of the colony depended upon each man in the colony being armed and prepared to fight, an imperative which had been transported to the American colonies from England. The requirements of universal military obligation, while upheld as an underlying fundamental principle, gradually gave way to the strain of liberalism as the threat to the colonies decreased with the westward expansion and settlement into the interior of the country. Within militia units, actual military service fell increasingly to volunteers who contracted, in return for bounties or land, to fight on behalf of the colonies. Occasionally, drafting of individuals from the ranks of the militia was adopted for manpower procurement when



**Exhibit 3-1, Military Manpower Procurement Policies, 1607-1973**

Note: Exhibit is based on a similar exhibit in  
 Martin Anderson, ed., The Military Draft. Stanford, California:  
 Hoover Institution Press, 1982, Inside Covers.

the need for manpower was severe, indicating lapses in the egalitarian strain of ideology. When the wars of the European continent spilled over into the lands of the New World, Great Britain transported troops of the British Regular Army to America to be the principal fighting force, particularly against the French in the Seven Years War (French and Indian War, 1755-1763). In such conflicts the colonies were ill trained for European open field, set piece battles, and colonial militia units largely played supporting roles and were held in low regard by British officers.

The American War of Independence was fought for the most part between British Regular Army, supplemented by mercenary German forces, and the new United States Continental Army; however, militia and volunteer units provided essential roles in the war by filling the ranks of the Continental Army and maintaining control of the countryside through the intimidation of Tory sympathizers and the conduct of guerilla warfare campaigns against British and Tory units. The British lost the war, not because of superior American military force or strategy, but because they could never gain control of the vast expanse of the country, resulting in eventual defeat. After independence was established in fact, and a new Constitution for the young republic was ratified, the United States adopted a dual military manpower policy. Small professional Regular Army and Navy forces were maintained by the Federal Government, based on voluntary service, and the states maintained their own militia forces, in theory based on a universal military obligation. The militia of the states was subject to call up by the central government if required "...to execute the laws of the union, suppress

insurrections, and repel invasions." This duality of control of the military satisfied the peoples' fears of potential oppression at the hands of a central government and a standing army, but did not work well in practice when the militia, ill trained and poorly equipped, had to be engaged in conflict. Attempts by George Washington and other senior leaders of the Revolutionary War to improve the militia system by imposing a degree of Federal Government control and organization proved unacceptable to the states and the militia system was maintained for many years. The incapability of militia units to be an effective military force was dramatized during the War of 1812, and afterward the militia ceased to be called upon until President Lincoln was forced to call up militia units for a brief period at the outbreak of the Civil War. The real fighting force standing behind and supplementing the Regular Army was the volunteers, individuals and organized units, who were commissioned or enlisted for specified periods to support military operations.

The Civil War was fought by small Regular Army units and vast numbers of volunteers, indicating the dominance of the liberal strain of ideology. America's first experience with mass armies proved this war to be a vast consumer of soldiers. The war's appetite for slaughter was insatiable, and unprecedented numbers of volunteers were needed to feed the war machine. When the numbers of volunteers eager for the fighting dwindled, both the Confederate and Union governments turned to conscription to fill the ranks of their armies. Conscription, a military manpower policy of the egalitarian strain, proved to be abhorrent to the North and did little to solve the North's need for manpower, but it probably did serve to encourage greater enlistment by

volunteers. Through the nineteenth century, the concept of peacetime militia obligations withered continuously, to the point that after the Civil War even the requirement for militia enrollment was abandoned. It was not until 1903 that the Militia Act of 1792, which gave the states the power to control their militia forces, was repealed. Even then, however, there was no recognized obligation to train or serve except as volunteers.

During the long period between the Civil War and World War I, the American people were preoccupied with strengthening the industrial and agricultural base of the vast country. The Regular Army, for the most part relegated to the task of suppressing Indians in the west, became isolated in hundreds of remote posts from the rest of society. The Spanish-American War, that "splendid, little war," was fought entirely by volunteers, both professionals and short-term inductees. When World War I was finally forced on the United States, the country immediately turned to conscription, realizing that sufficient numbers of personnel could never be attained through volunteerism. The egalitarianism strain, emphasizing the great cause at hand for all Americans ("The world must be made safe for democracy") and the equally impersonal selection of soldiers, had once more been pushed to the forefront in American ideological thinking.

Manpower policies promulgated during World War II were, in essence, refinements of the system of compulsion used in World War I, except that the American people accepted the need for the system more readily. Selective Service was a success during the earlier war; why should it not be instituted again when the military threat to the United States was even more grave? For a brief period after the war American

policy-makers attempted to persuade the people and legislators that another compulsory manpower system, universal military training (UMT), was necessary, but the liberalism strain came to the forefront once again, foreclosing the possibility of a system seen as a corollary to the draft being enacted. The weakened state of the American military in the face of the Cold War and potential Soviet aggression forced a return to a mixed system of conscription and volunteerism which was to last until the conclusion of the Vietnam War.

There are several conclusions which may be drawn from the illustration in Exhibit 3-1. Of the 366 years between 1607 and 1973, the militia, both as military organizations and a public philosophy of military obligation, endured for approximately 254 years (i.e., 1607 to 1861). The other compulsory military service system, the draft, lasted for a total of 35 years when the various times it has been instituted are added. In contrast to military manpower procurement systems representing the egalitarianism strain of philosophy, volunteerism, represented by professional soldiers and volunteers, has endured for approximately 323 years if one assumes a rough starting point for volunteerism as 1650. Thus, liberalism, represented by volunteerism, has been the dominant strain in military manpower procurement philosophy for eighty-eight percent of America's history. It is clear from this survey, however, that volunteerism generally has not been chosen by United States policy-makers to satisfy the requirements for extraordinarily large military forces. When smaller sized forces are required to satisfy the need for a peace time military or for limited military engagements of short duration,

historically the American people clearly favored a professional, volunteer military.

1. George Washington, "Sentiments on a Peace Establishment," in Walter Millis, ed., American Military Thought (Indianapolis: The Bobbs-Merrill Company, Inc., 1966), p. 23., citing John C. Fitzpatrick, ed., The Writings of George Washington 39 Vols. (Washington: Government Printing Office, 1931-1941), XXVI, pp. 374-377, 380-398.

2. The Assize of Arms (1181) declared in part: "Moreover, let each and every [freeman] ...swear that...he will bear allegiance to the lord King Henry...and that he will bear these arms in his service according to his order and in allegiance to the lord King and his realm. And let none of those who hold these arms sell them or pledge them or offer them, or in any other way alienate them; neither let a lord in any way deprive his men of them either by forfeiture or gift, or as surety or in any other manner." Russell F. Weigley, History of the United States Army, enlarged edition. (Bloomington, Indiana: Indiana University Press, 1984), p. 3, citing David C. Douglas and Charles W. Greenaway, eds., English Historical Documents, 12 vols. projected. (London: Eyre and Spottiswoode, 1953), II:416. See also Robert L. Goldich, "Historical Continuity in the U.S. Military Reserve System," Armed Forces and Society 7 (Fall 1980): 88-89, citing Michael Prestwich, War, Politics, and Finance under Edward I (Totowa, N.J.: Rowman and Littlefield, 1972), pp. 41-113.

3. England's armies were manned by contingents raised locally and commanded by the local nobility and/or gentry. Leadership roles were a result of feudal responsibilities of earlier periods when nobles maintained their own armed forces and were required to serve in military ventures as part of their obligations to the Crown. Concurrent with this obligatory military service of the nobles and their subordinate vassals was the feudal levy of all freemen for home defense, led generally by the lesser nobility and gentry. This layering of military forces, based on feudal class structure, had the effect of providing both the "regular" and "reserve" forces of England. Significantly, this structure created a political and social base virtually independent of the central government in that these forces could be raised only with the cooperation of local leaders. Thus, in a sense, military power flowed from individual communities to the Crown, rather than from the Crown to the individual communities. This independence of the central government by the militia was ingrained in the thinking of American colonists when the English militia system was transplanted to the new world. Louis G. Schwoerer, No Standing Armies: The Antiarmy Ideology in Seventeenth Century England (Baltimore: The Johns Hopkins University Press, 1974), p. 13. See also Robert L. Goldich, "Historical Continuity in the U.S. Military Reserve System," Armed Forces and Society 7 (Fall 1980): 89-90.

4. William of Orange and Mary ascended to the English throne in 1689, and shortly thereafter Parliament passed a Declaration of Rights, the basic Bill of Rights of the English Constitution. The sixth article of the Declaration stated: "That the raising or keeping a standing army within the kingdom in time of peace, unless it be with the

consent of Parliament, is against law." Leon Friedman, "Conscription and the Constitution: The Original Understanding," Michigan Law Review 67 (June 1969): 1501, citing I.W.&M., 2nd sess., C.2 (1688 O.S.). Of interest, the English Declaration of Rights was never extended by Parliament to their colonies. Similarly, the Mutiny Act, which was renewed annually by Parliament as a legal device to control the Army, did not apply to the colonies. Richard H. Kohn, Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802 (New York: The Free Press, 1975), pp. 2-6. See also Marcus Cunliffe, Soldiers and Civilians: The Martial Spirit in America, 1775-1865 (Boston: Little, Brown and Company, 1968), pp. 33-34.

5. For example, the grant of Maryland to Lord Baltimore in 1632 stated in part: "...we have given...as full and unrestrained power as any captain-general of an army ever had, unto the aforesaid now Baron of Baltimore, and to his heirs and assigns, by themselves, or by their captains, or other officers, to summon to their standards, and to array all men, of whatsoever condition, or whatsoever born, for the time being, in the said province of Maryland, to wage war, and to pursue, even beyond the limits of their province, the enemies and raversgers aforesaid, infesting those parts by land and by sea, and (if God shall grant it) to vanquish and captivate them, and to the captives to put to death, or, according to their discretion, to save, and to do all other and singular the things which appertain, or have been accustomed to appertain unto the authority and office of a captain-general of an army." Douglas Edward Leach, Arms for Empire: A Military History of the British Colonies in North America, 1607-1763 (New York: The Macmillan Company, 1973), p. 8, citing Merrill Jensen, ed., English Historical Documents: American Colonial Documents to 1776 (New York: 1955), p. 89.

6. Robert Goldich states "...an effective militia ensured the survival of European colonization in North America during the early years, saving the tiny European communities from total annihilation in the most ferocious...Indian wars in American history." Goldich, "Historical Continuity....," Armed Forces and Society, p. 91. In terms of casualties as a percentage of population the Indian wars during this period were devastating. Fully 25 percent of the white population of Virginia was killed during Opechancanough's Rebellion of 1622. Similar casualty rates were sustained in Virginia in 1644 and during Kieft's War in the Hudson Valley during the years 1642-1645. Leach, Arms for Empire, pp. 42-77. See also Weigley, History of the U.S. Army, pp. 6-10.

7. The Quaker colony of Pennsylvania was the exception to the rule of compulsory military obligation. Eventually, the non-Quaker inhabitants formed an extralegal voluntary militia when, in 1747 during King George's War, French and Spanish privateers sailed up Delaware Bay and put raiding parties ashore to plunder plantations in Delaware. The young printer and civic leader of Philadelphia, Benjamin Franklin, was instrumental in this change of thinking. Franklin's Plain Truth, published

over the name "A Tradesman of Philadelphia" and calling for the formation of volunteer companies, is contained in Walter Millis, ed., American Military Thought (Indianapolis, Indiana: The Bobbs-Merrill Company, Inc., 1966), pp. 1-9.

8. John Shy, A People Numerous and Armed (New York: Oxford University Press, 1976), p. 30, citing Richard L. Morton, Colonial Virginia (Chapel Hill, 1960), II, 526-27, 535. The laws are quoted by Shy from William Walter Henning, ed., The Statutes at Large: Being a Collection of All the Laws of Virginia.... (Richmond: 1810-1823), VI:438; VII:70.

9. The General Assembly of Virginia customarily set levies on the counties and imposed taxes payable in tobacco. "In 1645 the expense of an expedition of 80 men to Roanoke was met by a levy of 38,000 pounds of tobacco to pay for the hire of the boats, the purchase of provisions, powder, and shot, and the payment of surgeons' salaries. The pay of the men alone amounted to 8,000 pounds of tobacco. Those suffering injuries received special compensation. The levy was made against three counties, each tithable person paying about 30 pounds of tobacco." Louis Morton, "The Origins of American Military Policy," Military Affairs 22 (Summer 1958): 82.

10. Louis Morton, "Origins of American Military Policy," Military Affairs, p. 82.

11. Goldich, "Historical Continuity....," Armed Forces and Society, p. 93. An excellent discussion of this point is contained in Don Higginbotham, The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789 (New York: The Macmillan Company, 1971), pp. 11-13.

12. The actions and military policies of the French and Indian War are particularly well documented and written in Douglas Leach's Arms for Empire. John Shy's Toward Lexington is a major scholarly work on events and policies of Great Britain during the war and afterward which inevitably led to the American colonies' fight for independence. Both of these, supplemented by Russell Weigley's History of the United States Army, are sources used in this section. John Shy, Toward Lexington: The Role of the British Army in the Coming of the American Revolution (Princeton, N.J.: Princeton University Press, 1965).

13. For a detailed narrative of this opening gambit of the war, see Leach, Arms for Empire, pp. 318-345. In an interesting turn of fate, it was the commander of the British 44th Regiment, Lt. Colonel Thomas Gage, who fell into the French and Indian ambush almost in sight of Fort Duquesne. Modern historians have faulted Gage for failing to occupy the high ground for the line of march at the ambush site and for failing to seize leadership at the moment of hostile fire, thus contributing measurably to the

British debacle. Gage, in 1775, was the commander in chief of the British Army in North America and was responsible for another bad beginning of a war, one which was to cost Great Britain her American colonies. John Shy, "The Empire Militant: Thomas Gage and the Coming of War," A People Numerous and Armed (New York: Oxford University Press, 1976), pp. 73-107.

14. Weigley, History of the U.S. Army, p. 16, citing Fitzpatrick, ed., The Writings of George Washington II, p. 97.

15. Shy, Toward Lexington, p. 416, citing Wolfe to Lord George Sackville, 7 August 1785, The Life and Letters of James Wolfe, ed. Beckles Willson (London, 1909), 392.

16. Weigley, History of the U.S. Army, p. 28, citing Fitzpatrick, The Writings of George Washington, II: 114.

17. This period leading up to the Revolution, with its many British errors in judgement and follies, is detailed in Barbara Tuchman's The March of Folly (New York: Alfred A. Knopf, 1984), pp. 128-231. For another very detailed but more scholarly account of this period, with abundant references to primary source material, see John Shy, Toward Lexington: The Role of the British Army in the Coming of the American Revolution (Princeton, New Jersey: Princeton University Press, 1965). An excellent summary of this period is contained in Christopher Ward, The War of the Revolution 2 vols. (New York: The Macmillan Company, 1952), II:3-23.

18. Leach, Arms for Empire, p.504, citing Lawrence H. Gibson, The Coming of the Revolution, 1763-1775 (New York, 1954), pp. 55-56; Merrill Jensen, The Founding of a Nation: A History of the American Revolution, 1763-1776 (New York, 1968), p. 60. Tuchman said the British national debt rose from £ 72 to £ 130 million, and that at the same time the government's budget had risen tenfold from £ 14.5 to £ 145 million. Tuchman, March of Folly, p. 129.

19. As early as 1760 there were hints in London circles that after the war a standing army would be maintained in the colonies and that the colonies would be taxed to offset the expenses. Governor Sharpe of Maryland received a letter from a London friend reporting: "...'tis hinted when, Act of Parliament will be moved for amendment of [colonial] Government and a Standing Force in America and that the Colonies must bear at least the greatest share of Charge for whose Protection the Force will be established, this will occasion a Tax." The governor was then warned, "Being preparative is best." Shy, Toward Lexington, p. 45.

20. The earliest objections to a peacetime standing army are to be found in the writings of Benjamin Franklin, James Otis, and the records of the Massachusetts Assembly. Otis' pamphlet The Rights of the British Colonies Asserted and Proved argued that history was "...full of examples that armies, stationed as guards over provinces, have seized the prey for their generals....The danger of a standing army in remote provinces is much greater to the metropolis, than at home." These writers, however, represented a small minority. Generally the colonists were still very proud of the British victory and about 8,000 Americans had enlisted as Redcoats during the war. The suppression of Pontiac's Rebellion near Detroit, though not an impressive display of British military skills, further served to prolong the American's wartime attitude and loyalty to the Crown. Even Otis felt constrained to "...grant our regular troops are the best in the world, and that the experience of the present officers shews that they are capable of every species of American service." Shy, Toward Lexington, pp. 140-148.

21. Casualty figures appear in Ward, The War of the Revolution, I:96. Don Higgenbotham reports the Americans lost 100 killed, 271 wounded, and 30 taken prisoner; British losses were 228 dead and 826 wounded, 42 percent of the 2,500 troops engaged that day. Higgenbotham adds: "The ghastly appearance of many of the wounded vividly brought home to the British generals the grim price of their achievement. The smooth bore musket, deficient though it was, packed a frightful blow at close range, capable of ripping open great quantities of human flesh. In addition to this form of mutilation, some Americans were responsible for mangling still others by cramming their muskets with rusty nails and pieces of glass." Don Higgenbotham, The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789 (New York: The Macmillan Company, 1971), p. 76, citing Peter Oliver, Origins and Progress of the American Rebellion, eds. Douglass Adair and John A. Schutz (San Marino, California, 1961), p. 127. An informative and well researched account of the occupation of Boston, the skirmishes at Lexington and Concord, and the Battle of Bunker Hill is contained in Thomas J. Fleming, Now We Are Enemies (New York: St. Martin's Press, 1960). Fleming also reports the American use of nails and glass as ammunition, but cites it as evidence of the desperation of the American defenders when their supply of musket balls was depleted.

22. Fleming, Now We Are Enemies, p. 332.

23. A thorough analysis of the strategy eventually adopted by the Revolutionary military leaders, after a period of trial and error and military setbacks, is contained in the first two chapters of Russell Weigley, The American Way of War: A History of United States Military Strategy and Policy (Bloomington, Indiana: Indiana University Press, 1973). The quote noted appears on p. 5.

24. For example, at the outset of the war politics and geographic considerations drove the selection by Congress of Washington's lieutenants. After Congress selected a Virginian to be the Army's commander, Massachusetts demanded the naming of Artemis Ward as the "first major general." Congress elected five brigadier generals, only to discover it had not fulfilled political demands of the states which wished "...a share of the general officers in some proportion of the quotas of troops they are to raise." Congress then raised the number of major generals to four and the brigadier generals to eight. Of these initial appointments only Washington and Nathanael Greene of Rhode Island would distinguish themselves in any lasting way. After the American victory at Saratoga in October 1777, Congress appointed Horatio Gates to command the southern department without so much as asking Washington's opinion. After Gates' defeat at Camden had brought the war in the South to the brink of collapse, Congress followed Washington's recommendation of Nathanael Greene to succeed Gates. Greene's guerrilla warfare strategy in the South eventually wore down the British commander, Cornwallis, and his forces to the point that they withdrew to Yorktown for respite, only to fall into the American and French trap. Higginbotham, The War of American Independence, pp. 89-91. See also Weigley, History of the U.S. Army, pp. 44-45.

25. Weigley, History of the U.S. Army, pp. 62-63. Ward, The War of the Revolution, p. 594. Higginbotham, The War of American Independence, p. 390. In a footnote, Walter Millis estimated that during the year 1776 there were 89,661 troops which saw service, approximately 3 percent of the American population. This number decreased to 43,076 during the year 1780, about 1.5 percent of the population. Millis stated that during World War II, the United States put about 10 percent of the population in uniform, although this number far exceeded the number who saw combat service. Millis, Arms and Men, p. 35.

26. Higginbotham, The War of American Independence, pp. 395-396.

27. Walter Millis, ed., American Military Thought (Indianapolis, Indiana: The Bobbs-Merrill Company, 1966), pp. 13-14, citing John C. Fitzpatrick, ed., The Writings of George Washington (Washington, D.C.: Government Printing Office, 1932), VI:106-116.

28. John Shy, A People Numerous and Armed (New York: Oxford University Press, 1976), p. 177.

29. Walter Millis, Arms and Men, pp. 34-35. The parallels between the effectiveness of the militia during the Revolution and the Viet Cong in South Vietnam are striking. It is a tragedy that Americans, particularly our military leaders in the 1960s, did not (or refused to) see these similarities, placing Americans in Vietnam in the same roles as those played by British troops nearly two hundred years earlier.

Unfortunately, the lesson of Hegel is true in this case: "What experience and history teach us is this--that people and governments never have learned anything from history...."

30. A thorough treatment of the Newburgh Conspiracy in 1783 is contained in Richard H. Kohn, Eagle and Sword: The Beginnings of the Military Establishment in America (New York: The Free Press, 1975), pp. 17-39.

31. Washington's "Sentiments" is contained in Walter Millis, American Military Thought, pp. 16-28, citing Fitzgerald, ed., The Writings of George Washington, XXVI: 374-377, 380-398.

32. While Washington was the only delegate to have held a senior position in the Continental Army, he was joined by four of his staff officers, thirteen other Continental officers, and another dozen or more officers of the militia. Over half of the delegates had gained invaluable political experience in the Congress. A brief profile of the fifty-five delegates who attended the convention is contained in Max Farrand, The Framing of the Constitution of the United States (New Haven, Connecticut: Yale University Press, 1913), pp. 14-41.

33. James Madison, Notes of Debates in the Federal Convention of 1787 (New York: W.W. Norton & Company, 1966), p. 29. James McHenry of Maryland also took notes on Randolph's speech, quoting him to say: "What reason to expect that the treasury will be better filled in the future, or that money can be obtained under the present powers of Congress to support a war. Volunteers not to be depended on for such a purpose. Militia difficult to be collected and almost impossible to be kept in the field. Draughts stretch the strings of government too violently to be adopted. Nothing short of a regular military force will answer the end of war, and this only will be created and supported by money." Leon Friedman, "Conscription and the Constitution: The Original Understanding," Michigan Law Review 67 (June 1969):1513, citing Max Farrand, ed., Records of the Federal Convention, p. 25. Farrand's The Records of the Federal Convention of 1787 was published in four volumes by the Yale University Press in 1937, and it is not clear which volume Friedman is citing.

34. Even supporters of the new Constitution had reservations about the military power it had granted to Congress. For a thoroughly researched article on the issue of the military powers granted to the national government and the ensuing debate during ratification of the Constitution, see Bernard Donahoe and Marshall Smelser, "The Congressional Power to Raise Armies: The Constitutional and Ratifying Conventions, 1787-1788," Review of Politics 33 (April, 1971): 202-211.

35. Edward S. Corwin, The President-Office and Powers, 1787-1984, 5th ed., Edited by Randall W. Bland, Theodore T. Hindson, and Jack W. Peltason. (New York:

New York University Press, 1984), pp. 462-464. The quote of Patrick Henry is found in Herbert J. Storing, ed., The Anti-Federalist (Chicago: The University of Chicago Press, 1985), p. 310. For an interesting summary of the military debates at the Constitutional Convention and during the ratifying conventions see Bernard Donahoe and Marshall Smelser, "The Congressional Power to Raise Armies: The Constitutional and Ratifying Conventions, 1787-1788," Review of Politics 33 (April 1971): 202-211.

36. Jacob E. Cooke, ed., The Federalist (Middletown, Connecticut: Wesleyan University Press, 1961), pp. 161-162.

37. Alexander Hamilton wrote in Federalist Number 29: "...if circumstances should at any time oblige the government to form an army of any magnitude, that army can never be formidable to the liberties of the people, while there is a large body of citizens little if at all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow citizens. This appears to me the only substitute that can be devised for a standing army; the best possible security against it, if it should exist." Cooke, ed., The Federalist, pp. 184-185.

38. Weigley, History of the U.S. Army, pp. 88-89. Bernardo and Bacon, American Military Policy, p. 73.

39. A most thoroughly researched and documented work on the history of the Army during the period when America made good its claim to and settlement of the region between the Appalachians and the Mississippi appears in Francis Paul Prucha, The Sword of the Republic: The United States Army on the Frontier, 1783-1846 (Toronto, Ontario: The Macmillan Company, Collier-Macmillan Canada Ltd., 1969). Prucha's central theme is that the vast interior of the young nation could not have been tamed and settled without the regular army to act as pioneers and agents for empire. Prucha writes of the settlement of the old Northwest Territory in pp. 17-42. See also Bernardo and Bacon, American Military Policy, pp. 71-82, and Kohn, Eagle and Sword, pp. 91-127. Details of the British hold on American territory and the negotiation of the Jay treaty are contained in Julius W. Pratt, A History of United States Foreign Policy (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1955), pp. 58-80.

40. Kohn, Eagle and Sword, p. 132.

41. Ibid., pp. 137-138.

42. Ibid., p. 227. In contrast to the writings of most historians, who tend to treat this incident as a minor war-scare, Kohn devotes four full chapters to an examination of this shadowy period in our political and military history. Kohn states that Hamilton never intended to use the army to mount a coup, realizing that Washington would never permit it and that such an attempt would lead to chaos and civil war. "The

most logical explanation of Hamilton's plans is that the New Yorker hoped in 1798 to become the permanent chief of a lasting American standing army. Such a position appealed to his sense of grandeur, to his image of himself as a dashing and romantic soldier. The general who commanded the United States Army did not have to be elected, nor, because of the nature of military rank, did he have to worry about periodic reappointment or even the wishes of the President. From such a secure position, Hamilton could continue to pull the strings of power, influencing key Federalists, plotting strategy with the congressional leadership, manipulating the cabinet--without the slightest personal worry about public opinion or about the President, as long as the general had enough support in Congress to keep his office from being abolished...." p. 254.

43. Bernardo and Bacon, American Military Policy, p. 118.

44. Weigley, History of the United States Army, p. 120, citing J. F. Callan, The Military Laws of the United States (Philadelphia: Childs, 1863), pp. 237-240; Marvin A. Kriedberg and Merton G. Henry, History of Military Mobilization in the United States Army, 1775-1945 (Washington: Department of the Army, 1955), pp. 48-51.

45. Weigley, History of the United States Army, pp. 117-121. Bernardo and Bacon, American Military Policy, pp. 128-138. An excellent account of the British attacks on Washington and Baltimore is contained in Walter Lord, The Dawn's Early Light (New York: W.W. Norton & Company, 1972).

46. James Monroe, "Recommendations for a Federal Draft," in Martin Anderson, ed., The Military Draft: Selected Readings on Conscription (Stanford, California: Hoover Institution Press, 1982), p. 505-506, citing James Monroe, Communication to William B. Giles, October 17, 1814, in American State Papers, Class V, Military Affairs (Washington: Gales and Seaton, 1832), Vol. I, pp. 14-17. Monroe actually proposed four plans to the Senate committee: (1) a federal military draft; (2) a classification by age of the state militias' personnel, then empowering the President to call up any of these forces for a two-year period; (3) exempt every fifth man in the militia from service, if he is successful in finding someone to serve in his stead; and (4) adding another 100 acres to the then current recruitment bonus of 160 acres of land. Monroe's arguments strongly favored the draft and he gave scant attention to the other three options.

47. Daniel Webster, "An Unpublished Speech," in Martin Anderson, ed., The Military Draft: Selected Readings on Conscription (Stanford, California: Hoover Institution Press, 1982), p. 636, citing The Letters of Daniel Webster, ed. by C. H. Van Tyne (New York: McClure, Phillips & Company, 1902), pp. 56-68.

48. Ibid., p. 638.

49. Ibid., pp. 638-639.
50. Ibid., p. 641.
51. Ibid., p. 644.
52. When negotiations began in August, the military victories of the fall and winter were yet to occur, and the British had optimistic expectations of their planned invasion efforts. The British terms at that time were: the cession of eastern Maine, northern New York, and between Lake Superior and the Mississippi; and a permanent Indian territory which included the entire American Northwest. News of the American victories at Baltimore and Lake Champlain forced the British to gradually back down. When the British cabinet sought the advice of Wellington, he advised acceptance of the American terms--the restoration of all occupied territories. The British government yielded, resulting in an inconclusive war in terms of territory gained by either side. The war, however, did break British influence with the Indian tribes in the Northwest and South, clearing the way for further American settlement, and it was an important step in weakening Spanish control of the Floridas. Pratt, History of United States Foreign Policy, pp. 135-138.
53. Weigley, History of the United States Army, p. 132. No source for the Bemis statement is cited.
54. Weigley, History of the United States Army, pp. 182-183.
55. The insistence that the forces raised be volunteers was evidence that one of the major mistakes of the War of 1812 would not be repeated. This was to be a war in which a foreign nation was to be invaded, which the militia was not bound to perform. Militia forces in the War of 1812 refused to participate in invasions of Canada, leading to several military fiascos in American operations. Bernardo and Bacon, American Military Policy, p. 176. Weigley states that the President was authorized to call the militia into federal service, but this authority was never invoked. Weigley, History of the United States Army, p. 183.
56. Weigley, Ibid., pp. 183-184.
57. William G. Carleton, "Raising Armies Before the Civil War," Current History 55 (June 1968): 330.
58. Bernardo and Bacon, Ibid., p. 178. See also Carleton, Ibid., p. 330.
59. Weigley, History of the United States Army, p. 186, citing U.S. Grant, Personal Memoirs of U.S. Grant, F.B. Long, ed. (Cleveland: World, 1952), p. 84.

60. Weigley, *Ibid.*, p. 185, citing George W. Cullum, Biographical Register of the Officers and Graduates of the United States Military Academy 3 vols. (Boston: Houghton Mifflin, 1891), I: 11.
61. Elden E. Billings, "The Civil War and Conscription," Current History 55 (June 1968): 333. See also Weigley, History of the United States Army, p. 199, citing Messages and Documents, War Department, 1865-1866, Part Three, I, 6-7.
62. Bernardo and Bacon, American Military Policy, pp. 192-195. Weigley, History of the United States Army, pp. 197-201.
63. An interesting phenomenon in American military history was the existence of companies of volunteers in almost every city prior to the Civil War. They were largely exclusive social clubs, conferring social status and identity to their members, and an opportunity for members to dress in the fashionable military uniforms of the day. While they were usually on the rolls of the state's active militia, they served almost no military function and their utility in a conflict was problematic. These volunteer organizations were the first to come forward when the Civil War began, catching the martial spirit of the moment and before the realities of the war were generally realized by the American people as a whole. An excellent description of the American volunteer companies is contained in Marcus Cunliffe, Soldiers and Civilians: The Martial Spirit of America, 1775-1865 (Boston: Little, Brown and Company, 1968), pp. 215-254.
64. Billings, "The Civil War and Conscription," pp. 335-336. Weigley, History of the United States Army, pp. 207-210. For an excellent day-by-day account of the rioting in New York City, see James McCague, The Second Rebellion: The Story of the New York City Draft Riots of 1863 (New York: The Dial Press, Inc., 1968).
65. Abraham Lincoln, Speeches and Writings, 1859-1865 (New York: Literary Classics of the United States, 1989), p. 506.
66. Roger B. Taney, "Thoughts on the Conscription Law of the United States," The Military Draft: Selected Readings on Conscription, ed. Martin Anderson. (Stanford, California: Hoover Institution Press, 1982), pp. 207-218. The constitutionality of the Conscription Act was never tested before the Supreme Court during the Civil War because it was feared that the Court, which still included the membership of justices responsible for the notorious Dred Scott decision (*Dred Scott v. Sanford*, 19 How. 393 (1857)), would reverse the law. The law was tested in Pennsylvania's Supreme Court, and that court found the Act unconstitutional (*Kneedler v. Lane*, 45 Pa. 238 (1863)), but this ruling was overturned after the Pennsylvania Chief Justice was replaced on the bench by a loyal Union man. Carl Brent Swisher, "The Supreme Court and Conscription," Current History 55 (June 1968): 352. See also Leon Friedman, "Conscription and the

Constitution: The Original Understanding," Michigan Law Review 67 (May 1969): 1493-1552.

67. Weigley, History of the United States Army, p. 210, citing Marvin A. Kreidberg and Merton G. Henry, History of Military Mobilization in the United States Army, 1775-1945 (Washington: Department of the Army, 1955), pp. 104-109. Also see Bernardo and Bacon, American Military Policy, pp. 199-200, citing James G. Randall, Civil War and Reconstruction (New York, 1938), pp. 412-413.

68. Billings, "The Civil War and Conscription," Current History 55 (June 1968): 337-338, 366, citing Marvin A. Kreidburg and Merton G. Henry, History of Military Mobilization in the United States Army, 1775-1945 (Washington: Department of the Army, 1955), p. 134. See also Weigley, History of the United States Army, p. 198, citing E. Merton Coulter, The Confederate States of America, 1861-1865 (Baton Rouge: Louisiana State University Press, 1950), pp. 313-328. Weigley states that the Confederate draft "...seems to have provided directly or indirectly some 300,000 soldiers, about a third of the Confederate total, and thus to have contributed to the Confederacy's remarkable harvest of military manpower from a white population of about five and a half million." Weigley, History of the United States Army, p. 205.

69. Weigley, History of the United States Army, p. 267, citing Kreidberg and Henry, History of Military Mobilization, p. 141. Bernardo and Bacon, American Military Policy, p. 239. Frederick B. Wiener, "The Militia Clause of the Constitution," Harvard Law Review 54 (December 1940): 191.

70. Weiner, "The Militia Clause," pp. 192-193.

71. Weigley, History of the United States Army, pp. 296-298. Bernardo and Bacon, American Military Policy, p. 282.

72. Samuel Huntington wrote that, "Objective civilian control of the militia, which in the nineteenth century was difficult in time of war, became in the twentieth century virtually impossible in time of peace. The militia clauses are the constitutional base for a potent political organization: the National Guard and its spokesman, the National Guard Association....The National Guard Association was formed in 1878 by a group of militia officers for the primary purpose of getting Congress to act under the militia clauses. It was designed to 'present a united front' for joint control. Its founders wished the national government to supply money, instruction, standards, and a certain measure of supervision to the state militia. The Regular Army was opposed because it did not think the militia could be an effective national force. The dual control [by Federal and state authorities] advocates, however, won their first victory in 1903 and subsequently strengthened and maintained their position despite the continuing hostility

of the Regular Army." Samuel P. Huntington, "Civilian Control and the Constitution," American Political Science Review 50 (September 1956): 684-685.

73. Weigley, History of the United States Army, pp. 320-326.

74. For a detailed account of President Wilson's attempts to avoid involvement in the war and the political pressures placed on his administration, see Walter Millis, Road to War--America 1914-1917 (New York: Houghton Mifflin Company, 1935).

75. Warren S. Tryon, "The Draft in World War I," Current History 55 (June 1968): 340. Weigley, History of the United States Army, p. 348. Bernardo and Bacon, American Military Policy, pp. 344-346.

76. The story of the development of the military draft in World War I is detailed in John Whiteclay Chambers II, To Raise an Army--The Draft Comes to Modern America (New York: The Free Press, 1987). See also John Whiteclay Chambers II, "Conscripting for Colossus: The Progress Era and the Origin of the Modern Military Draft in the United States in World War I," The Military in America: From the Colonial Era to the Present, ed. by Peter Karsten. New York: The Free Press, 1980, pp. 275-296.

77. In January, 1917, the German Foreign Secretary, Arthur Zimmerman, sent an encoded message to the Imperial German Minister in Mexico stating that Germany would begin unrestricted submarine warfare on February 1. The message proposed that Mexico and Japan join the German-Austrian Alliance, and promised German assistance to Mexico "...to regain by conquest her lost territory in Texas, Arizona, and New Mexico." When released by the British to the United States on February 24, the German message sparked outrage by Secretary of State Lansing and President Wilson. Zimmerman admitted his authorship of the message after the story was leaked to the press on March 1, and the United States declared war on Germany on April 6. Details of this fascinating episode are contained in Barbara W. Tuchman, The Zimmerman Telegram (New York: The Macmillan Company, 1958).

78. John Whiteclay Chambers II, To Raise an Army, pp. 134-141. Chambers wrote: "Roosevelt was indeed a potentially disruptive force, and Wilson apparently decided that the only way in which the popular ex-president, the nation's leading amateur soldier, could be denied a command was to eliminate the entire system of U.S. Volunteers. It was necessary to prevent Roosevelt--and others like him--from 'politicizing' the army and the war." p. 141.

79. Weigley, History of the United States Army, p. 357, citing Kreidberg and Henry, History of Military Mobilization in the United States Army, 1775-1945, pp. 253-277, which gives a detailed description of the operations of the Selective Service System. Tryon, "The Draft in World War I," pp. 339-344, 367-368.

80. 245 U.S. 366 (1918). In a later case before the Court, Charles T. Schenck had opposed obedience to the Selective Draft Law by circulating antidraft leaflets among soldiers and was convicted for a violation of the Espionage Act. Justice Oliver Wendell Holmes, in the Court's unanimous decision, upheld the constitutionality of the Espionage Act and stated that the right of free speech had never been an absolute right. When a nation is at war, Holmes said, "...many things that might be said in time of peace are such a hinderance to its [war] effort that their utterance will not be endured so long as men fight." Enunciating his "clear and present danger" rule, Holmes said that, "The question in each case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a matter of proximity and degree." 249 U.S. 47 (1919). See also Carl Brent Swisher, "The Supreme Court and Conscription," Current History 55 (June 1968): 353-354; Leon Friedman, "Conscription and the Constitution: The Original Understanding," Michigan Law Review 67 (June 1969): 1550-1552.

81. The inter-war period of the American armed forces is not one which has been thoroughly researched by historians. A major contribution toward filling this void in the area of military manpower procurement was made by Robert K. Griffith, Jr., based on his research for his doctoral dissertation at Brown University. See Robert K. Griffith, Jr., Men Wanted for the Army: America's Experience with an All-Volunteer Army Between the World Wars. Westport, Connecticut: Greenwood Press, 1982.

82. Weigley, History of the United States Army, pp. 423-425. Bernardo and Bacon, American Military Policy, pp. 404-409.

83. As the first peacetime draft bill was being introduced in Congress by Senator Edward Burke (D., Nebraska) and Representative James Wadsworth (R., New York), the German Army was sweeping across France. Nevertheless, the bill was opposed by a vocal minority, such as Senator Robert Taft (R., Ohio) and Senator Burton K. Wheeler (R., Montana). In a speech to the Senate in September 1940, and often quoted by opponents of the draft in the 1960s, Senator Taft stated that the draft was undemocratic and more typical of totalitarian regimes than American, and recommended volunteerism as more in keeping with American principles. Robert A. Taft, "The Anti-Militarist Tradition," New Individualist Review 4 (Spring 1967): 43-47, citing the Congressional Record, Appendix, September 6, 1940, pp. 5490-5492. See also: "Burton K. Wheeler Against Draft Legislation, 1940," The Draft and Its Enemies: A Documentary History, ed. by John O'Sullivan and Alan M. Meckler. Urbana, Illinois: University of Illinois Press, 1974, pp. 168-173; F. B. Wiener, "The Militia Clause and the Constitution," Harvard Law Review 54 (December, 1940): 181-220; Editors of Columbia Law Review, Yale Law Review, and Harvard Law Review, "Mobilization for Defense," Harvard Law Review 54 (December, 1940): 278-292. For an interesting account of how a small group

of America's eastern elite persuaded, exhorted, and led policy decision-makers to the enactment of a peacetime draft, see John G. Gifford, "Grenville Clark and the Origins of Selective Service," Review of Politics 35 (January 1973): 17-40. For a thoroughly researched and documented account of the reinstitution of the draft prior to World War II, see J. Garry Clifford and Samuel R. Spencer, Jr., The First Peacetime Draft. Lawrence, Kansas: University Press of Kansas, 1986.

84. James A. Huston, "Selective Service in World War II," Current History 55 (June 1968): 345-347.
85. Weigley, History of the United States Army, pp. 430-438.
86. Huston, "Selective Service in World War II," pp. 346-350. An interesting document which provides massive data on the first year of the draft during the war is Selective Service System, Selective Service in Wartime (Washington: Government Printing Office, 1943). For an interesting review of World War II Selective Service deferment policies, the selection of who should fight and who should stay behind to work in American industry, see Albert A. Blum, Drafted Or Deferred: Practices Past and Present. Ann Arbor, Michigan: Graduate School of Business Administration, University of Michigan, 1967.
87. Selective Service in Wartime, pp. 109-122, 155-209.
88. David R. Segal, Recruiting for Uncle Sam: Citizenship and Military Manpower Policy (Lawrence, Kansas: University Press of Kansas, 1989), p. 30.
89. Huston, "Selective Service in World War II," p. 350.
90. For the background history of UMT as well as the attempts after World War II to institute UMT, see George C. Axtell, Jr., and Robert S. Stubbs II, "UMT: A Study," George Washington Law Review 20 (March, 1952): 450-488.
91. The most thoroughly researched and objective treatment of United States military manpower policy between the end of World War II and the onset of the Vietnam War is James M. Gerhardt, The Draft and Public Policy--Issues in Military Manpower Procurement, 1945-1970 (Columbus, Ohio: Ohio State University Press, 1971). Gerhardt's work is based on his doctoral dissertation at Harvard University, and it appears that Samuel Huntington served as his chief advisor. This work has been used as a source repeatedly in this section of this chapter, though not always cited specifically. Gerhardt's first chapter, pp. 3-82, outlines the efforts by the White House and the Department of Defense to obtain approval for UMT in the immediate post war period. See also Weigley, History of the United States Army, pp. 496-500. See also Weigley's chapter "John McCauley Palmer and George C. Marshall--Universal Military Training"

in Russell F. Weigley, Towards an American Army: Military Thought from Washington to Marshall (New York: Columbia University Press, 1962), pp. 223-249.

92. Segal, Recruiting for Uncle Sam, pp. 30-31. For information on the All-Volunteer Armed Force in the late-1940s, see Rocco M. Paone, "The Last Volunteer Army, 1946-1948," Military Review 49 (December, 1969): 9-17. Much of the data which follows also is based on a pamphlet prepared by the Selective Service System in 1965: Lewis B. Hershey, Outline of Historical Background of Selective Service (Washington, 1965), Folder "AVAF--Legislation (Draft)(1970)," Box 38, Martin Anderson Files, White House Central Files, Nixon Presidential Materials Staff.

93. Gus C. Lee and Geoffrey Y. Parker, Ending the Draft--The Story of the All Volunteer Force (Alexandria, Virginia: Human Resources Research Organization, 1977), p. 16.

94. For an excellent though abbreviated account of the events leading up to the enactment of the Selective Service Act of 1948, see Clyde E. Jacobs and John F. Gallagher, The Selective Service Act: A Case Study of the Governmental Process. New York: Dodd, Mead & Company, 1967.

95. Segal, Recruiting for Uncle Sam, pp. 31-33. Hershey, Selective Service, pp. 19-22.

96. Gerhardt, The Draft and Public Policy, pp. 196-209.

97. Segal, Recruiting for Uncle Sam, pp. 32-33.

98. Goldwater asserted that the draft could be ended almost immediately without hurting military strength. He promised that Republicans would end the draft as soon as possible. New York Times, September 4, 1964, p. 12.

99. James M. Gerhardt, The Draft and Public Policy (Columbus, Ohio: Ohio State University Press, 1971), pp. 286-296.

## **CHAPTER 4**

### **A PUBLIC POLICY UNDER ATTACK**

Service to the nation has been mocked by a policy which offers no reason to justify the imposition of involuntary military service primarily upon those who cannot hide in the endless catacombs of formal education.

**Kingman Brewster, Jr.  
President, Yale University<sup>1</sup>**

#### **Introduction**

In 1963, Congress and the Administration once again extended the induction authority of the military draft. The legislative process was not lengthy; from the beginning with the initial Congressional hearings to President Kennedy's signature took less than a month, probably setting a new record for speed. On Friday, March 1, 1963, the Committee on Armed Services of the House of Representatives, chaired by Representative Carl Vinson, began their hearings on H.R. 2438 which extended the induction authority of the Universal Military Training and Service Act for four more years. Chairman Vinson, in his opening remarks, explained the provisions of the bill and stated, "I hope it will be unnecessary to spend a great deal of time on this bill. Every single provision is an essential part of our national defense program. Without the draft we could not get the needed manpower for our armed forces."<sup>2</sup> True to his word, Vinson confined the hearings by his committee to a single day. The only government

representatives were Norman S. Paul, Assistant Secretary of Defense for Manpower, and General Lewis B. Hershey, Director of Selective Service. Secretary Paul stated that the Department of Defense estimated:

...a requirement for about 76,000 inductees during fiscal year 1964, a relatively low replacement year. In the following four fiscal years, fiscal years 1964-67, the average number of inductions is currently projected at about 90,000 per year.

...all of the military services recognize that the existence of a military service obligation contributes substantially to their voluntary recruitment effort. Recent attitude surveys indicate that a large portion of new enlistees for active duty have been influenced to enlist, to some degree, by the existence of a draft liability.

Our experience indicates that a large percentage of enlistees in the higher mental aptitude, or education groups, enlist for 3- or 4-year terms rather than being drafted, because they desire a greater choice of branch of service, of job assignments, and of training opportunities.

In the absence of the induction authority, all services would experience serious difficulties in maintaining their numerical strengths and would experience intensified shortages of high quality personnel in their technical and combat leadership skills.<sup>3</sup>

The reception of General Hershey by Chairman Vinson was warm and full of praise for Hershey's many years as the Director of Selective Service. General Hershey's testimony was brief. He stated that the survival of the nation required relatively large numbers of armed forces, and that those numbers could not be maintained without "... a system which places an obligation on the young men of our nation." He pointed out the wisdom of Congress in recognizing the need for a military manpower procurement system which required the services of young men in peace as well as war, and in creating

a system which was flexible enough to be effective for both. Hershey also pointed out a secondary function of the Selective Service-- "channeling." "The law makes possible the channeling of our registrants into training for and participation in professions and occupations which contribute to the measures taken for our common defense by segments of our manpower in civilian activities." When asked to describe the capabilities of the Selective Service System to provide other than military personnel for critical training and services to the Nation, General Hershey elaborated of his organization's ability to "channel" America's youth.

...for the last 20 years the Selective Service System has been what we call a channeler. That is, we have channeled people into training for occupations and professions that were said to be very necessary in national life, and once they have finished it, we have continued to defer them if they are engaged with contractors and other people who were producing things for the Armed Forces.

...it takes 85 percent of our time with the people we are trying to encourage to go into professions and occupations and training for those by deferring them, and the deferment is the carrot that we have used to try to get individuals into occupations and professions that are said by those who are in charge of Government to be the necessary one.<sup>4</sup>

When asked by a Committee member if it would not be better to select men for military service earlier in the young mens' liability periods (ages 18½ through 25), Hershey responded, "...you can't recruit [volunteers] after you have made a determination in an age group of who will serve. If that determination is made, then the rest of them are not going to enlist."<sup>5</sup> In a final question, Secretary Paul was asked if the Department of Defense believed it was feasible to obtain their manpower needs through volunteering.

Secretary Paul responded that in the opinion of the Department, it was impossible to pay enough money to acquire a volunteer force.

For the balance of the day, fourteen witnesses, primarily representing a variety of peace groups and urging an end to the draft, testified in closely-confined time allocations. The Committee met for several hours the following Monday morning to receive the testimony of five witnesses, and met again the next day for 30 minutes to vote on the bill. The bill was approved by the Committee by a vote of 37-0, and was introduced on the floor of the House on Monday, March 11. After a perfunctory debate, the bill was approved by the House by a vote of 388 to 3. Two amendments, one to limit the authority of the legislation to two years and the other to limit the induction provisions of the bill to men between the ages of 18½ and 22, were soundly defeated.<sup>6</sup>

The next day, Tuesday, March 12, the Special Subcommittee of the Senate Committee on Armed Services met to receive testimony on the Senate version of the draft extension bill, S. 846. The Subcommittee was made up of the full Committee's Chairman, Senator Russell of Georgia, and Senators Byrd of West Virginia, Inouye of Hawaii, Beall of Maryland, and Case of New Jersey. Only Senators Russell, Byrd, and Inouye were present. The Senate hearings were even more brief than those of the House; a total of four hours was taken up in listening to the testimony of Assistant Secretary of Defense Paul and that of nine other witnesses, largely representing the same religious groups which testified at the House hearings. The hearings lasted a total of four hours.<sup>7</sup> When the bill reached the floor of the Senate on Friday, March 15, the

Senate passed the bill after a ten-minute discussion and voice vote.

The new draft extension bill was signed into law by President Kennedy on March 28, 1963, with no official White House comment for the public and no fanfare. From start to finish the entire legislative process for this bill took less than a month and sparked almost no comment from the press. One exception was Hanson Baldwin, the military editor of the New York Times, who commented in an editorial that the speed with which the legislation moved through Congress was an indication that the American people had become resigned to the military draft. "As in so many other fields of American life, the people appear to be accepting with resignation what they do not feel they can change. This is unfortunate, for the draft has too great an effect--for good and bad--upon our military manpower policies, our defense system and our society to treat its extension as 'routine.'" Baldwin went on to remark:

The entire subject of military manpower and the various means of procuring and training personnel requires an integrated and extensive study, which it has not had in recent years....With a constantly increasing population and a great post-World War II 'baby crop' reaching military age within the next four years, the armed services will have far more men to pick from. Projected figures show that about 1,880,000 male youths will become 18 in 1966, as compared with 1,476,000 in 1962. If the strength of the armed forces remained about their present peak--and since Korea the manpower level appears to have topped off at around 2,700,000--there should be far more chance to obtain an entirely volunteer Army, Navy, Air Force and Marine Corps....it is clear that within the next few years--even before 1967, when the projected four-year extension of the draft would expire--that the country's increased population, the changing technology of the nuclear age and a great many other factors will profoundly change and perhaps entirely invalidate the assumptions upon which the draft has been based. Congress has made too many piecemeal investigations of the military manpower problem. It should start now to

anticipate tomorrow's difficulties with a long-term, extensive and comprehensive study of the entire program.<sup>8</sup>

Baldwin's concern with an increasing draft-age male population and his call for an extensive study of military manpower policy proved to be prescient. Despite the seeming lack of public concern with a renewal of military draft authority and the almost cavalier manner in which the 1963 legislation was managed by Congress and the Administration, a battle was soon to erupt over the whole issue of military manpower policy. Before addressing this policy debate, however, it is important to gain a fuller understanding of the Selective Service System, its organization and procedures, before turning to the opening of the policy debate.

### The Selective Service System

Between 1940 and 1973, every young man in America, with minor exceptions, began a relationship with his government within five days after his eighteenth birthday. He was required by law to register with his local draft board, joining millions of other American men who were subject to potential conscription for military service. In so doing he also, to a great extent, put his life and the shape of his future career in the hands of the three or five men who made up the membership of his local board. It would be their decisions and the policies of the Selective Service System, as well as his natural mental and physical capacities, which would control him for the next several years. This registration process had become a familiar one to two generations of American men, long enough for it to become a natural, taken-for-granted step toward

manhood. To be properly understood within the context of this study of a public policy which came under attack, however, it is necessary to review the Selective Service System's organization, functions, and issues associated with the System.

The Selective Service System, for all practical purposes, was the same in principal function and operation in the mid-1960s as it was in 1940 when it was created, and during World War II when the Service was extremely effective in providing the vast manpower resources to conduct the war. As a permanent, independent agency of the executive branch of the Federal Government, the Selective Service System, through its Director, was responsible directly to the President.<sup>9</sup> The principal functions of the System, as described in the System's annual report,<sup>10</sup> were to:

1. Procure manpower for the active and reserve components of the armed forces through voluntary and involuntary means.
2. Evaluate and determine the availability of the Standby Reserve for recall to active duty in an emergency.
3. Channel registrants into occupations, skills, professions, and similar activities in the national interest through the medium of deferment classification.
4. Classify young men registering at age 18 as soon as possible after registration, so that those determined to be available for military service could be forwarded to the Armed Forces for examination.
5. Maintain a current inventory of military manpower resources to assure the best possible posture in an emergency.

6. Cooperate and assist as much as possible with the government's anti-poverty program.

The System's organization, as illustrated in Exhibit 4-1, extended into all counties of the United States and its possessions through 4,050 local boards (as of June 1965), at least one of which functioned in each county. The local draft board was the basic functioning organization of the System. Boards ranged in size and character from one in Hinsdale, Colorado, with a total registration of 28, to the 68 boards which shared responsibility for New York City, handling more than 20,000 registrants each. Each board was composed of three or more members--citizens of the local community who volunteered their time and service. Officially the board members were appointed by the President on nomination by the Governor of the State. In practice, the appointive power had been delegated to the Director of Selective Service by an executive order of the President. The clerical work in the board was carried out by 6,060 paid employees--usually a woman--of whom 1,784 worked only part time. The boards, in 1964, were staffed by 16,275 unpaid local board members who were assisted by about 8,678 uncompensated advisors to registrants, 7,635 medical advisors, and 4,290 Government appeal agents. Over 85 percent of the System's personnel served on the local boards and appeals boards without any compensation. The members of the local boards were all male, as a System regulation required, mostly veterans, and almost exclusively white.<sup>11</sup> The average age of board members in 1966 was 58; one-fifth of the board members were over 70 and, of these, 400 were over 80. Almost all board members had served on their

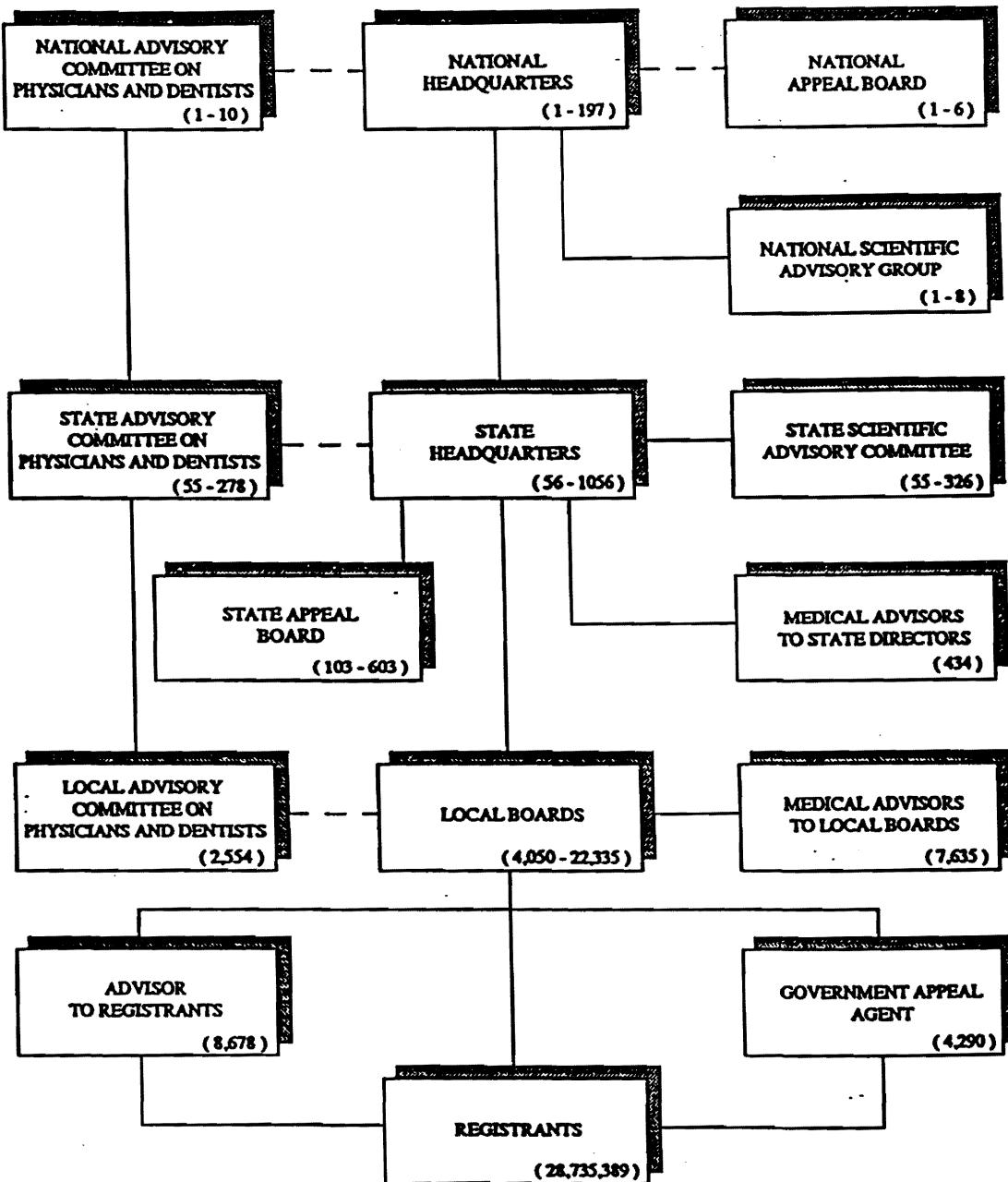


Exhibit 4-1, Organization of the Selective Service System\*

\*As of June 30, 1964. Where two numbers appear in parentheses, the first refers to numbers of units and the second to the number of personnel. When a single number appears, it is personnel.

(Source: Annual Report of the Director of Selective Service for the Fiscal Year 1964. Washington, D.C.: Government Printing Office, 1965, p. 4.)

boards for more than 10 years.<sup>12</sup>

Nearly all of the managerial positions at the state level were filled by officers of the National Guard; in 1966, 48 of the 56 State Directors held ranks of Lieutenant Colonel to Lieutenant General. The scope of responsibilities of state directors does not appear to correlate directly with the state director's rank. For example, the state directors of Nebraska and Louisiana were Lieutenant Generals and had 96 and 23 local boards, respectively, to supervise. In contrast, the state director of Illinois, with 217 local boards and over one and one-half million registrants under his cognizance, was a Lieutenant Commander in the Navy Reserve. The rank of Colonel (or Captain in the Navy) was the rank held by 48 percent of the state directors.<sup>13</sup> State Directors were appointed by the Governors of their states; in some states the position was part of the Governor's patronage and state directors changed with elections, and in other states directors served for long periods of time. When Dr. Curtis Tarr became the Director of Selective Service in 1970 after President Nixon had dismissed General Hershey, he found the ranks of state directors to be filled with a number of very elderly officers.

Tarr wrote:

General Hershey had remained in government service long after normal retirement age and he felt compelled to permit his associates the same latitude. Thus we had one spry octogenarian as director in a large state, an astute and distinguished man, but one who only spent a few hours each day at work and with whom a younger generation of registrants could hardly identify. In a western state, the oldest Navy captain on active duty served as state director....A more pitiful case involved a state director in the South who had suffered for years from mental illness.<sup>14</sup>

The national headquarters in Washington, made up of nearly 200 personnel, was staffed almost entirely of Reserve and National Guard officers on active duty. Lieutenant General Lewis B. Hershey, the Director of Selective Service, was 72 years old in 1965 and had served in his position since 1940.

On the basis of information which was provided by the registrant, the young man was classified as to his suitability for military service. Exhibit 4-2 describes the various Selective Service classifications. Unless the local board gave the registrant a deferment or exemption, the young man was placed in the I-A (or I-A-O or I-O) category. The board classified registrants as IV-F if the registrant had obvious physical defects, but usually that determination was made based on a subsequent examination to which all I-As and I-Os were subjected. Those examinations determined the registrants physical status, mental aptitude, and moral qualifications according to standards set by the Department of Defense. All classification and selection for induction decisions were the exclusive prerogative of local boards, subject to reversal by appeal boards. The national headquarters in Washington, upon receiving manpower calls from the Department of Defense, prorated them to the states, usually according to the number of men classified as I-A in each state. The states, in turn, divided the state's quotas into quotas for their local boards. The local boards filled their quotas from among the most eligible of their I-As in accordance with current policy, and then ordered the young men to induction into the armed forces.

The placement of decisional authority in the hands of local volunteers represented

CLASSIFICATION	DESCRIPTION
Class I - A	Available for military service.
Class I - A - O	Conscientious objector available for non-combatant military service only.
Class I - C	Member of the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service.
Class I - D	Qualified member of reserve component, or student taking military training, including ROTC and accepted aviation cadet applicant.
Class I - O	Conscientious objector available for civilian work contributing to the maintenance of the national health, safety, or interest.
Class I - S	Student deferred by law until graduation from high school or attainment of age 20, or until the end of his academic year at a college or university.
Class I - W	Conscientious objector performing civilian work contributing to the maintenance of the national health, safety, or interest, or who has completed such work.
Class I - Y	Registrant qualified for military service only in time of war or national emergency.
Class II - A	Occupational deferment (other than agricultural and student).
Class II - C	Agricultural deferment.
Class II - S	Student deferment.
Class III - A	Extreme hardship deferment, or registrant with a child or children.
Class IV - A	Registrant with sufficient prior military service or who is a sole-surviving son.
Class IV - B	Official deferred by law.
Class IV - C	Alien not currently liable for military service.
Class IV - D	Minister of religion or divinity student.
Class IV - F	Registrant not qualified for any military service.
Class V - A	Registrant over the age of liability for military service.

## Exhibit 4-2, Selective Service System Classifications

(Source: National Advisory Commission on Selective Service, In Pursuit of Equity: Who Serves When Not All Serve?. Washington, D.C.: Government Printing Office, 1967, p. 18.)

a fundamental commitment and central value within the System from which all other values stemmed. Decentralization of the System's decision-making, as well as civilian control, as stated in Chapter 3, became an article of faith when the System was organized by General Crowder during World War I. The commitment to decentralization of decision-making reflected the System's cling to the assumption, made during the design of the World War I draft policy, that popular acceptance and acquiescence of conscription would be forthcoming from the American people only if local figures, who knew the young men and the needs of the local community, made the tough decisions as to who would be drafted and who would remain at home out of harm's way. Implicit in the organization of the draft was the assumption that America remained a predominantly rural society, despite all evidence that the country had become urbanized, outnumbering the rural population by 2½ to one. American society had become less and less homogeneous, but the Selective Service System remained firm in its faith in "little groups of neighbors" making the major conscription decisions. The System's commitment to the decentralization of decision-making was indicated by the following statement by General Hershey's in 1966.

It would be essential to avoid in any way interfering with the present decentralized approach of the System which has proved so successful in contrast with the centralized ones of both the Federal and Confederate governments during the Civil War. The decentralized, or local board, or grass-roots operation of Selective Service began with the First World War and demonstrated that the Nation would much more willingly support compulsory military service operated by their neighbors at home, than they would a program operated by a remote, impersonal organization.<sup>15</sup>

The fundamental problem with the Selective Service System in the mid-1960s was the fact that the organization was designed to select young men for military service on a "universal" basis, as the title of the law, the Universal Military Training and Service Act, implied. However, such a system rapidly became extremely inequitable when the male population continued to grow and fewer and fewer young men were needed. The growth of the male population, both those turning 18 and the pool of 18-25 year old males, by year, is shown in Exhibit 4-3. As can be seen, by 1965, some two million men were reaching the age of 18 every year. When added to the total pool of 18-25 year old men who were vulnerable for the military draft, there were over 10 million men available for selection in any one year. However, only 100,000 to 300,000 men were needed for the draft each year, depending on the circumstances at the time. Thus the basic issue for the System and government policy-makers became: How should those men be selected? In the early- to mid-1960s the Department of Defense and the Selective Service System developed a number mechanisms to control and narrow somewhat the threshold of acceptability for the draft. These mechanisms included raising the physical, mental, and moral standards for service artificially high, and liberalizing deferments from service for such categories as college students, married men, special professions, etc. Even with the most liberal of draft selection policies, as existed in the mid-1960s, it was still difficult to select who was to serve and who was to be deferred given the large pool of men from which to choose and the lack of a war in which large numbers of men were required. The deferment mechanisms as they existed in 1964 are illustrated in Exhibit

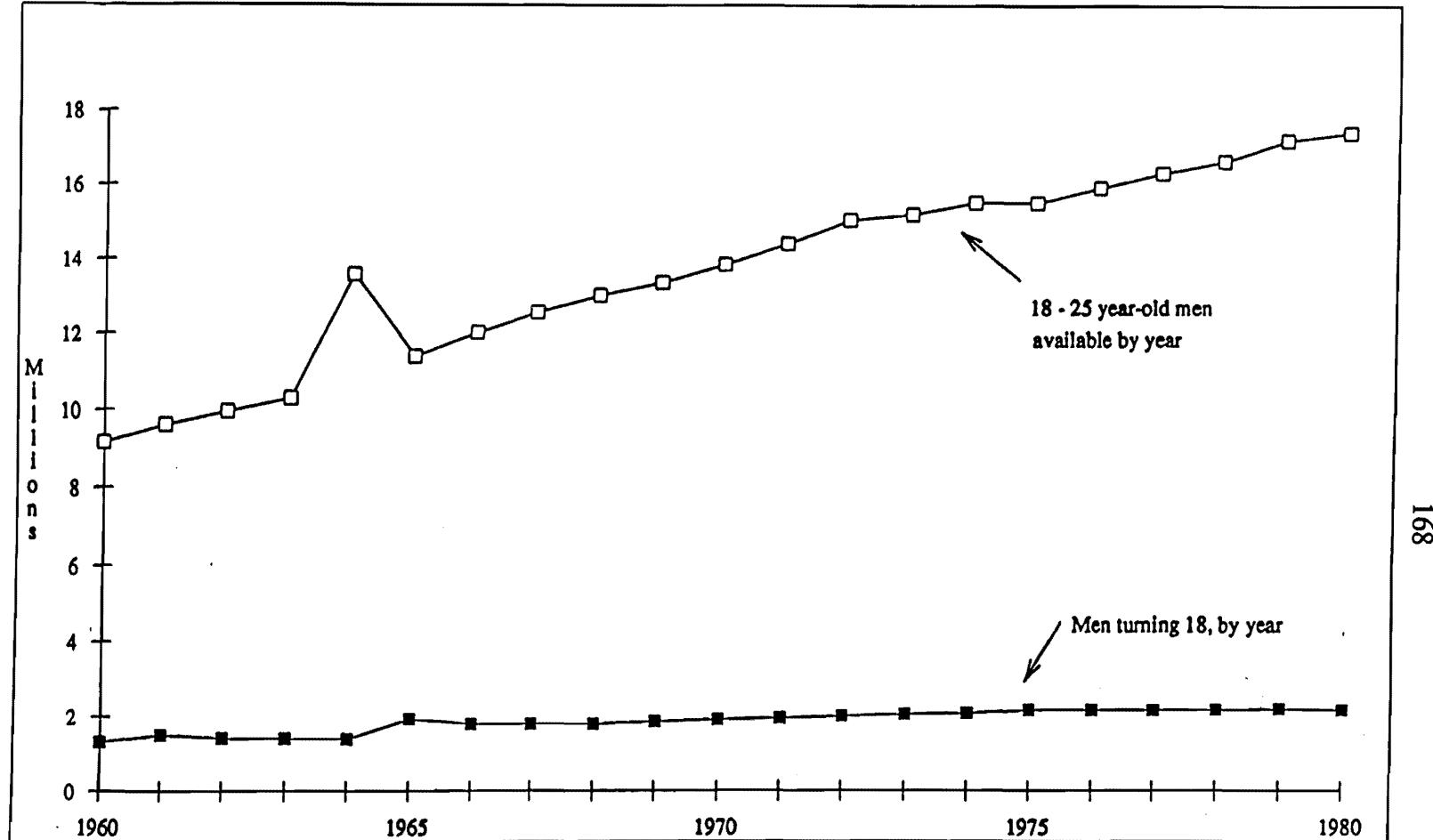


Exhibit 4-3, Growth in Draft Age Population

(Source: "Estimates of the Population of the United States, By Age, Sex, and Race: April 1, 1960 to July 1, 1973." (Series P-25, No. 519, April 1974); and "Preliminary Estimates of the Population of the United States, By Age, Sex, and Race: 1970-1981." (Series P-25, No. 917, July 1982), Population Estimates and Projections, Bureau of the Census, U.S. Department of Commerce.)

4-4, and which have been derived from data of the Selective Service Annual Report for Fiscal Year 1965. From this exhibit it can be seen that a total manpower pool of over 17 million was reduced to nearly two million who were judged to be available for service. From these two million men only 103,000 men were inducted into the armed services in 1964. This represents only .6 percent of the original pool of 17.1 million men and 5.2 percent of the 1.9 million men reduced manpower pool.

The escalation of American participation in the Vietnam War beginning in 1965 served to triple the number of men drafted into the military services. However, the number of draftees still remained relatively low when compared to the total manpower pool of men between the ages of 18 and 25. Exhibit 4-5 illustrates the numbers of men drafted into the services by calendar year between 1949 and 1973, the year that the draft ended. As can be seen, the Vietnam War peak in 1966 of 343,481 was much smaller than the Korean War peak of 587,444 in 1951. Use of the military draft decreased gradually, and after 1971, the draft was hardly used.

### **The Policy Debate Begins**

There was little government or public interest in military manpower issues in 1963, even when a renewal was enacted of the authorization to draft a portion of America's youth into military service. The events of 1964, however, were to quicken interest in military manpower, both by the press and the general public. In early January 1964, President Johnson received the report of a task force which contained alarming data about the youth of America. Commissioned by President Kennedy in September

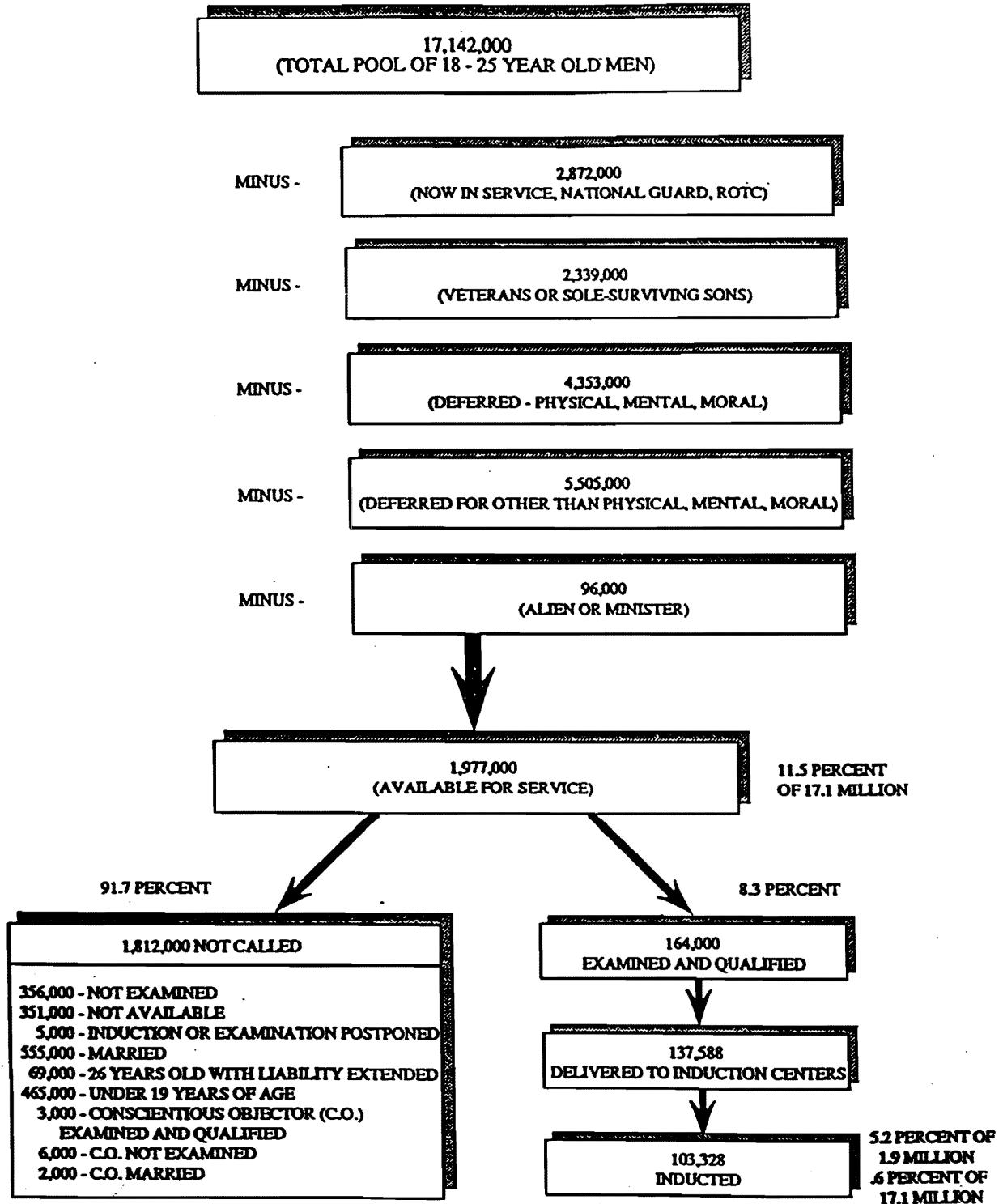


Exhibit 4-4, Selective Service Deferrals (Fiscal Year 1965)

(Source: Annual Report of the Director of Selective Service for the Fiscal Year 1965. Washington, D.C.: Government Publishing Office, 1966, p. 17.)

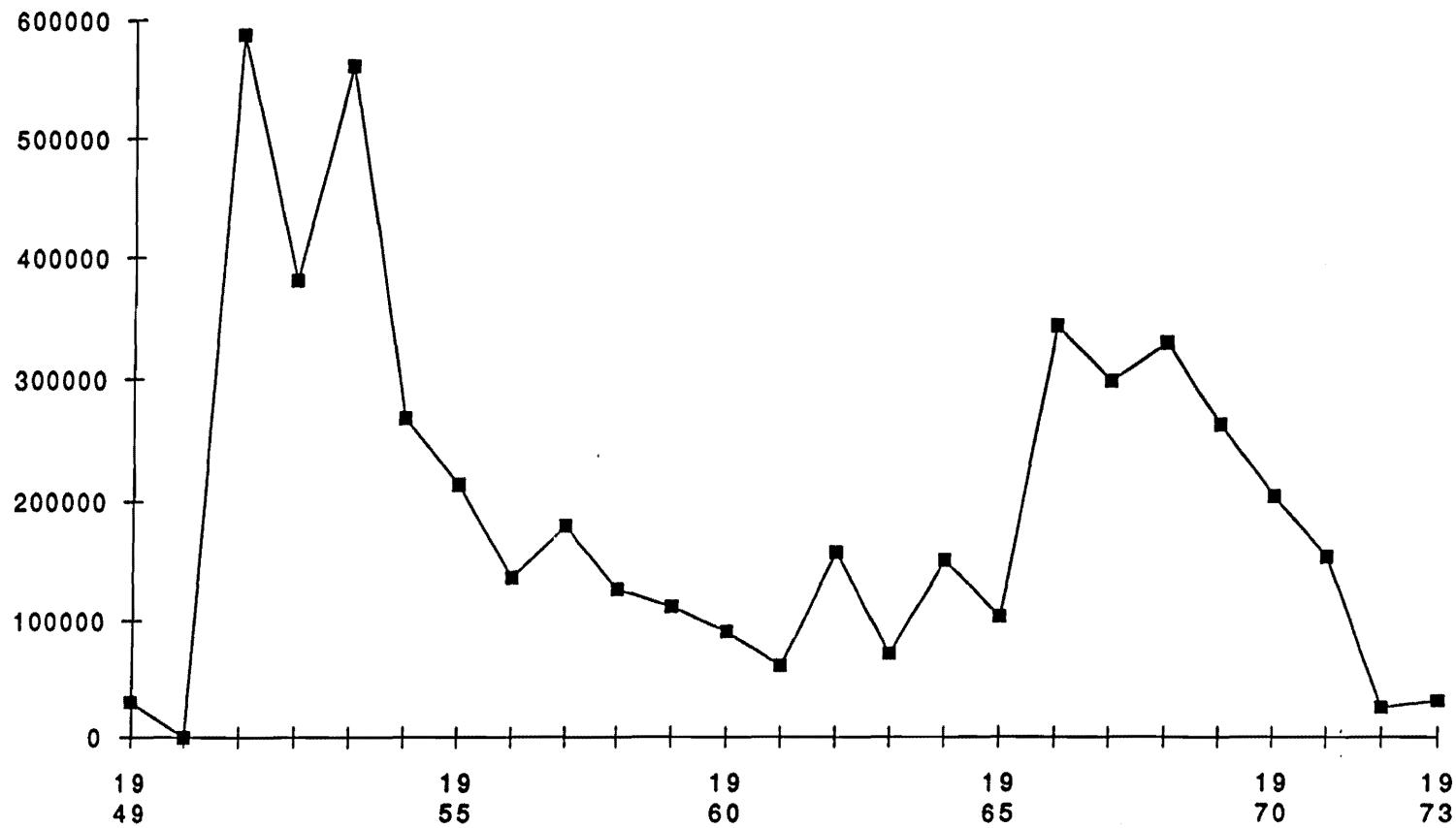


Exhibit 4-5, Total Draft Inductions (Fiscal Years 1949-1973)

(Source: Telephone conversation with the Public Affairs Officer, Selective Service System, September 1992.)

1963, and chaired by Secretary of Labor Willard Wirtz, the President's Task Force on Manpower Conservation was tasked to investigate two alarming indicators of problems with the nation's young men. First, one-half of the young men called in 1962 for pre-induction examinations under Selective Service were found to be unqualified for military service. The second indicator was the continued rise in youth unemployment, causing concern within the Administration with the number of young persons out-of-school and out-of-work. The Task Force's report to President Johnson confirmed the suspicions of a problem. As the title of their report, One-Third of a Nation, indicates, they found that one-third of all young men in the nation turning 18 would be found unqualified for the armed forces, and that the majority appeared to be victims of inadequate education and insufficient health services. President Johnson, on January 5, 1964, directed the Secretary of Defense and the Director of Selective Service to conduct examinations of all new draft board registrants who were out of school and otherwise available for service. The Selective Service System thus became a mechanism to administer a comprehensive litmus test for the country's social programs, identifying youth that needed help that the Great Society of the Johnson Administration was eager to give. President Johnson made it clear that there was to be no change in the standards for induction into the military; the youth earmarked for assistance would not be inducted into the services, nor would there be a change from the policy of calling the older registrants for induction.<sup>16</sup> Interestingly, nowhere in the Task Force's report does it state that the Defense Department's criteria for selection of youth for the military was artificially high

because of the surplus of youth from which to choose and the relatively small numbers of youth being required for the draft.

Following immediately on the heels of the report of the President's Task Force and President Johnson's announcement of an officially sponsored attempt to identify youth for remedial assistance, the Department of Defense revealed it had undertaken studies of conscription, including its possible abandonment. The studies, which had been initiated when President Kennedy, in September 1963, directed the study on youth by Secretary of Labor Wirtz, were being led by Deputy Assistant Secretary of Defense for Manpower William Gorham, the man responsible for the study the previous year which led to President Kennedy's decision to defer married men. The Pentagon study effort was applauded in a New York Times editorial.

The new studies by the Defense Department of means and methods of procuring military manpower are welcome--though tardy. They should be supplemented by investigations by appropriate Congressional committees and by private groups. For it is none too soon to begin to consider alternatives to or major revisions of the draft law, which expires in June 1967. It has been clear for some time that the inequities in the present law and the great increase in the draft-age population, plus technological changes in the armed services, require a major re-examination of how to select, recruit and retain the numbers of men required annually.

There is much that is wrong with the present draft law. It is in no sense universal: only about 58 percent of the men reaching age 26 (the upper induction level) ever serve. There are all sorts of exemptions. Aside from the inequities, the draft per se (except when applied en masse in wartime) is a wasteful system. Shocking, too, are the high percentages of those rejected for mental or physical defects or illnesses.

Can the services be maintained at required levels without the compulsion of the draft? Without additional inducements toward professionalism--

higher pay, quicker promotion, more psychic rewards, or what not--this seems doubtful....<sup>17</sup>

As if taking a que from the press, Congress began to stir on the subject of the draft. On January 16, 1964, Senator Kenneth Keating, Republican of New York, introduced a bill "...to provide for a comprehensive study and investigation of the adequacy of the present system of compulsory military training under the Universal Military Training and Service Act." The committee established by the bill would consist of fourteen members, both civilian and military; six would be appointed by the President, four by the President Pro Tempore of the Senate, and four by the Speaker of the House. Senator Keating made a point in his presentation of the bill that a study of the draft conducted by the Department of Defense alone, as had been reported in the press a week earlier, "...would not be sufficient to consider all the ramifications of the problem." During the months of January and February 1964, there was a sudden chorus of voices proposing measures and talking about both military and civilian manpower issues. The Senate Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, chaired by Senator Joseph Clark of Pennsylvania, began hearings on the effect of the draft on unemployment and the training of youth. Congressman Robert Kastenmeier, Democrat of Wisconsin, proposed to amend the Manpower Development and Training Act of 1962 to provide for a study by the Secretary of Labor of the military needs of the nation. Senator Richard Russell of Georgia announced that his Committee on Armed Services would conduct hearings to examine the total effect of exemptions

from the draft. On March 10, Representative Thomas Curtis, Republican of Missouri, introduced a bill in the House which required the organization of a joint Congressional committee to study possible programs which could be substituted for conscription. The Curtis bill was endorsed by Senator Keating from the Senate floor, and the press reported that Curtis planned to recruit a number of members of Congress to deliver speeches on the measure in an attempt to generate a nationwide debate on the draft. Representative Curtis stated: "It has been clear for some time that the inequities of the present law and the great increase in the draft age population, plus technological changes in the armed forces, require a major re-examination of how to select, recruit and retain the numbers of men that are needed annually." As Representative Curtis was organizing his support in the House for his legislation, Senator Keating again took the floor in the Senate on April 14, to announce the addition of six additional co-sponsors of his proposed legislation and to castigate the draft. "What we have is no longer a Universal Military Training and Service Act, in which all recognize their obligation and perform it. Instead, it amounts to a compulsory obligation to the physically and mentally elite who cannot find a loophole for slipping out of the draft net....Our draft system operates as something of a myth. It is not universal by any means. It aims at many of our potentially most qualified citizens. Yet once they are drafted, they are paid at a level lower than that considered to be the poverty line...."<sup>18</sup>

The growing chorus in Congress calling for a thorough study of the draft and possible alternative military manpower policies was suddenly and effectively silenced by

the White House. President Johnson, one who always attempted to control events, felt that the initiative on military manpower was slipping from his grasp. With a Presidential election coming later in the year, and with his most likely opponent, Senator Barry Goldwater, and a solid core of Republican Congressmen urging an end to the draft, Johnson sought an alternative which would neutralize the issue.<sup>19</sup> From his Texas ranch, on Saturday, April 18, President Johnson announced that he had directed Secretary of Defense McNamara to initiate a comprehensive study of the military draft and related military manpower policies. The study was to consider alternatives to the existing draft system, including the possibility that manpower requirements could be met on an entirely voluntary basis, and was to be completed in one year.

The news of President Johnson's directed study was carried in detail on the front page of many of the nation's newspapers the next day, Sunday, and was applauded in a New York Times editorial on Monday. The editorial hinted broadly that the timing of the President's announcement was linked to the 1964 Presidential campaign in which President Johnson was as yet an undeclared candidate. The next day, Tuesday, April 21, Representative Curtis assembled his cohort of 16 Republican Congressmen to make their speeches on the House floor in support of his proposed legislation to establish a joint Congressional Committee on Manpower and National Security to investigate the military draft system. In his introduction to the series of speeches which followed, Curtis indicated ruefully that the White House had effectively deflected his efforts to launch an investigation of wider dimensions of the draft.

I am very happy if possibly we might add to the list of those who are anxious to review this matter, President Johnson. In his press release over the weekend he pointed out the need for a complete review of the military manpower procurement system. I know those of us who have been looking into this matter, and who have very concerned about it for some time, are most pleased that President Johnson feels this way. This should certainly remove any question that may have existed on the part of leaders of both the House and Senate and the chairman of the Committee on Armed Services to go forward and to move into this field with a full discussion. I personally think a special Congressional committee to review this matter would be best....

As planned, each Republican Representative on Curtis' slate followed him and fulfilled his appointed role. However, the impact of seventeen Congressmen speaking out in favor of a Congressional investigation of the draft had lost its steam. The possibility of the military draft becoming a political issue in a Presidential election year, for the time being, was essentially railroaded onto a side track.<sup>20</sup> The New York Times, almost as regretfully as Representative Curtis, commented in an editorial:

The Pentagon's military studies are an essential base upon which to build. But if Congress and the nation are to have a really thoroughgoing study of a problem which has affected every American family, a Presidential commission, or a committee made up of representatives from many branches of Government, from Congress, from education and from experts in civilian life should be established to commence now the compilation and analysis essential to informed action some years from now.<sup>21</sup>

The President's direction to the Pentagon to launch a study of the military draft, which was begun in late-June 1964, did serve to relieve much of the political pressure which appears to have been building. The subject remained largely out of the press throughout the summer, but as the tempo of the Presidential elections increased the subject of the military draft inevitably crept back into public attention.<sup>22</sup> On September

3, 1964, Senator Barry Goldwater, the Republican Presidential nominee, formally began his election campaign in Prescott, Arizona. Among his promises was the pledge to end Selective Service. Goldwater said:

This [the Johnson] Administration uses the outmoded and unfair military draft system for social schemes as well as military objectives. Republicans will end the draft altogether, and as soon as possible! That I promise you! Republicans understand that the military forces need trained volunteers who make the military service a career. Republicans understand that the purpose of the military forces is not social, or political—it is to help keep the peace of the world. To use military services for political and social schemes—as this Administration does—is to drift closer to war on an ebbing tide of military strength.

Interestingly, the Defense Department's Public Affairs Office issued a biting reply to Goldwater's speech on the same day. Agreeing that the draft should be ended as soon as possible and pointing out that four months earlier President Johnson had directed a study of the draft, the Defense Department stated, however,

Any suggestion that the draft be ended without providing adequate substitute means to recruit soldiers for our armed forces is the kind of irresponsibility that was described by President Eisenhower in 1956 when he said [in response to Democratic Party Presidential nominee Adlai Stevenson], 'The issue of our military draft is no matter of a technical point to be scored in a political debate.'

Irresponsibility and "shooting from the hip" were to be recurring themes of the Democrats' attack against Senator Goldwater, and the press quickly picked up the themes. Even on the opening day of Goldwater's campaign an editorial in the New York Times identified the candidate as the "militant Senator Goldwater," and hinted that Goldwater's denunciation of the use of the draft for "social and political schemes" was

a code for listeners in the South who would interpret the remarks to mean that Goldwater was pledging to not use the armed forces to enforce desegregation. The next day President Johnson again effectively foreclosed the use of the military draft as a campaign issue by stating in a press conference, "I think the Selective Service system should be free from any politics--Republicans, Democrats, and independent boys wearing the uniform." He added that he recently had received an estimate of the cost of eliminating the draft from a member of the House Armed Services Committee and "...his estimate was that it would cost us several billions to act precipitously in this matter, compulsively...."<sup>23</sup>

President Johnson's campaign for a four-year term in the White House in his own right was a mixture of appearing presidential and expressing a somber awareness of the awesome responsibilities of the office on the one hand, and on the other hand employing a sometimes not so delicate portrayal of Senator Goldwater as a politician who, if elected, would carry out his duties in the Oval Office with rashness. The Democrats successfully cast Goldwater in the role of a power-mad and impetuous militant who should never be allowed near the execution button which would begin World War III or any other military adventure. At the time the American public did not know that as early as the previous spring, on 16 March 1964, Secretary of Defense McNamara had stated in a memorandum to the President that the situation in South Vietnam was becoming extremely grave and recommended that planning be initiated for new military pressures to be applied to North Vietnam to prevent the topple of the sagging military regime in

Saigon. McNamara recommended two courses of action. The first would consist of a series of "border control and retaliatory actions," including assaults by the South Vietnamese Army against infiltration routes through Southern Laos, "hot pursuit" of guerrillas into Cambodia, "retaliatory bombing strikes" into North Vietnam by the South Vietnamese Air Force on a "tit-for-tat basis" in response for guerrilla attacks, and "aerial mining of the major ports in North Vietnam." The second course of action, which McNamara called "Graduated Overt Military Pressure," was to go beyond reacting on a tit-for-tat basis and would consist of air attacks against military and industrial targets in North Vietnam. President Johnson approved the recommendations the next day, March 17, in a meeting of the National Security Council, and one month before President Johnson had directed the Defense Department to initiate a study of the military draft. The planning for the air interdiction campaign, later to be identified as Operation Rolling Thunder, was essentially complete by late-May, but was not executed until after the November 1964 Presidential election and President Johnson's inauguration the following January. In early-August 1964, when North Vietnamese patrol boats allegedly attacked two U.S. Navy destroyers in the Gulf of Tonkin, the White House ordered a reprisal air strike against North Vietnam, but the President went on nation-wide television and somberly stated, "We still seek no wider war." The White House also rushed through Congress a resolution, identified as the "Gulf of Tonkin Resolution," which supported any action which the President might take in response to the attack. On September 7, 1964, two months before the Presidential election, there was "general consensus" at a

White House meeting that air attacks against North Vietnam would have to be launched, but that "tactical considerations" forced their delay. In the Presidential campaign, President Johnson, playing the role of a responsible chief of state, repeatedly indicated his moderate approach to increasing hostilities in Vietnam. Typical of his down home, folksy speeches, Johnson assured the American public in one speech that there was no major cause for alarm.

There are those that say you ought to go north and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia.

As far as I am concerned, I want to be very cautious and careful, and use it [U.S. offensive power] only as a last resort, when I start dropping bombs around that are likely to involve American boys in a war in Asia with 700 million Chinese. So just for the moment I have not thought that we were ready for American boys to do the fighting for Asian boys. What I have been trying to do...was to get the boys in Viet-Nam to do their own fighting....So we are not going north and drop bombs at this stage of the game....It is not any problem to start a war. That is the easiest thing in the world. I know some folks that I think could start one mighty easy. But it is a pretty difficult problem for all of us to prevent one, and that is what we are trying to do.<sup>24</sup>

On November 3, 1964, President Johnson was elected to the Presidency in his own right, and less than 100 days later, on February 13, 1965, he ordered the execution of Operation Rolling Thunder, the sustained bombing of North Vietnam. On April 1, 1965, in a meeting of the National Security Council, President Johnson decided to employ American ground troops for offensive action in South Vietnam after it had been determined that the sustained bombing of the North would not stave off the collapse of

the South Vietnamese regime. Two U.S. Marine battalions and a Marine Air Squadron were to be deployed to Vietnam, and Marine units were to be given a more aggressive mission. He ordered that his decision be kept secret. At a press conference on April 27, 1965, Johnson was asked:

Question: Mr. President, could there come about, as you now see the situation in Viet-nam--could there be circumstances in which large numbers of American troops might be engaged in the fighting of the war rather than in the advising and assistance to the South Vietnamese?

The President: Our purpose in Viet-nam is, as you well know, to advise and to assist those people in resisting aggression. We are performing that duty there now. I would not be able to anticipate or to speculate on the conduct of each individual in the days ahead....I can assure you that we are being very careful--that we are being very studious--that we are being very deliberate--that we are trying to do everything we can within reason to convince these people that they should not attack...and we are doing it with the minimum amount of expenditures of lives that we can spend.

The Defense Department's study of the draft was nearing completion in the spring of 1965. In a May 12, 1965, memorandum to Secretary McNamara signed by Assistant Secretary of Defense (Manpower) Norman Paul, the study group outlined the major findings and recommendations. The group reported,

...the draft is essential to meeting our military manpower needs. However, in the absense of increasing manpower needs, some hope for ultimate phase-out of the draft is justified and offered. A number of specific recommendations aimed at moving toward an all-volunteer force are proposed....Of the specific recommendations, the most far-reaching would increase military starting pay to a level comparable with the civilian earnings of men with similar age and educational backgrounds. This proposal would be expensive, about \$800 million annually, but would be

the most important step toward ultimate elimination of the draft. At the same time, it would help to reduce present inequities in the Selective Service System, inequities which have become accentuated as the military participation rate has dropped: unless military needs increase, less than one in three 18-year olds will see military service.

The Defense study group also recommended a civilianization program in which some 100,000 military positions designed for support roles be converted to about 90,000 civilian positions, thus reducing the need for approximately 40,000 military accessions per year and a savings of about \$100 million annually. In addition, the study group made a series of proposals to expand pre-service educational subsidies which would be needed in the absense of the draft, both for general duty officers as well as doctors and other professional corps. Concerning qualitative standards for draftees, the study group made a strong recommendation that the Army's double standard for enlistments be abolished and a single, uniform induction standard for both draftees and voluntary enlistments be established. It was the practice of the Army at that time to maintain a higher standard for voluntary enlistments than for draftees, thus maintaining an artificial level of draft induction demand. In general, the Pentagon's study of the draft provided a reasonable, well conceived start toward the elimination of the draft and the beginning integration of the pieces necessary to move toward an all-volunteer force.<sup>25</sup>

On May 12, 1965, the Pentagon's Study Director, Mr. William Gorham, Deputy Assistant Secretary of Defense (Manpower), personally briefed Secretary McNamara on the study's findings and recommendations. Secretary McNamara told Mr. Gorham that the study was a good effort, but that Gorham had "come up with the wrong answer."

The right answer to the problems with the draft, according to Secretary McNamara, was a national service program for the country. McNamara seemed disinterested in the subject. Gorham, some twenty-seven years later, remembered vividly how shocked and mystified he was at Secretary McNamara's response to the study's findings and recommendations. The reason for Secretary McNamara's lack of interest in the study was to become clear within the next several weeks.<sup>26</sup>

In early-June, 1965, General William C. Westmoreland, the American commander in South Vietnam, requested an additional 44 battalions (200,000 combat troops) in order to hold off the defeat of the South Vietnamese long enough to make possible the further build-up of American forces. President Johnson, in July, approved the deployment to Vietnam of 193,800 troops in 44 battalions. General Westmoreland's troop requests very soon increased; he requested increases in troop ceilings of 275,000 troops in July, 443,000 troops in December, and then a total of 542,000 troops in June 1966. It was not until late-July 1965, that the White House revealed that there was to be a major build-up of combat forces in Vietnam and that American troops would be major participants in the ground war. In a televised address to the nation on July 28, 1965, President Johnson stated,

I have asked the Commanding General, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs. I have today ordered to Viet-Nam the Air Mobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested. This will make it necessary to increase our active fighting forces by raising the monthly

draft call from 17,000 over a period of time to 35,000 per month, and for us to step up our campaign for voluntary enlistment. After this past week of deliberation, I have concluded that it is not essential to order Reserve units into service now.

The Administration's headlong rush into the Vietnam War had begun, and the military manpower procurement system which was to provide the manpower to fight the war, the Selective Service System, like an old war horse, was suddenly pushed to the front ranks again and given new life for yet another war.<sup>27</sup>

The Department of Defense requisitions for manpower of the Selective Service System more than tripled during the year beginning in July 1965, from 101,300 to 336,530. General Hershey's Selective Service System was pleased to respond to the call. His annual report for that fiscal year stated:

The increased tempo of activities of the United States in Vietnam and the resulting growth in its Armed Forces made fiscal year 1966 busier than usual....As during the time of Korea and in the Berlin build-up and in the Cuban crisis, the year's experience again demonstrated the position of readiness and the capability of Selective Service to meet sudden and accelerated demands for larger numbers of inductees to fill the needs of the Army, Navy, Marine Corps, and Air Force.<sup>28</sup>

At the end of 1964, the total number of U.S. military personnel in Vietnam was 23,000, all acting as advisors to the South Vietnamese military, and American deaths in Vietnam between 1961 and 1964 totaled 239. By the end of 1965, the number of U.S. forces increased to over 180,000, and the number of deaths from hostile action in Vietnam rose to over 1,500. On August 4, the Johnson Administration requested of Congress an additional \$1.7 billion in defense appropriations, the "Southeast Asia Emergency Fund,"

to meet in part the costs of the Vietnam build-up. This amount was added to the previous appropriations request for defense, was passed by both houses of Congress, and was signed by President Johnson on September 29.<sup>29</sup>

The sudden escalation of American participation in the fighting in Vietnam was greeted almost immediately by howls of protest by a large and vocal segment of American youth and concerned older adults. The howls grew into an increasing crescendo of outrage against the war in Vietnam, and as a symbol of the war, much of the protest became directed against the military draft.<sup>30</sup> The May 2nd Movement, one of several "New Left" organizations and sponsored by the Maoist Progressive Labor Party, had published the first "We Won't Go" statement in May 1964. Throughout 1964 and early-1965, there were a number of minor demonstrations against the military draft and the ceremonial returning of draft cards. The Students for a Democratic Society (SDS), which began as the Student League for Industrial Democracy, a tiny youth wing of the social democratic League for Industrial Democracy, had organized several protest marches and demonstrations. When the draft quotas suddenly increased in mid-1965, however, spontaneous reactions against the draft occurred on college campuses across the country and the SDS chapters were swept up by the outcry. The SDS National Council voted in September 1965 to launch a national anti-draft program, and the number of campus SDS chapters promptly doubled. Sit-ins at local draft boards, draft card burnings, and other protests became common and increasingly ugly.

The reaction to the demonstrations by Government officials also became

increasingly hardened and the tools of power were increasingly tightened in attempts to curb the protests. In August 1965, Representative L. Mendel Rivers of South Carolina, Chairman of the House Committee on Armed Services, became so incensed at a news magazine's photographs of protesters burning their draft cards that he initiated legislation to make the destruction of draft cards a federal offense punishable by five years in prison and a \$10,000 fine. In the very brief hearing of his committee, Rivers explained, "These bums that are going around the country burning draft cards while people are dying in South Vietnam have brought about this type of action." When he introduced his bill on the floor of the House, he referred to demonstrators against the draft and the war as "scum" and "vermin," and was supported by one Congressman who identified demonstrators at the Capitol as "...generally a filthy, sleazy beatnik gang." Rivers' bill passed with only one dissenting vote in the House, sailed through the Senate by a voice vote, and was signed on August 26 by President Johnson.<sup>31</sup>

As the need for military manpower increased in 1965, at the urging of the Defense Department and in anticipation that some local draft boards may become hard-pressed to meet quotas, in late-August, President Johnson signed a Presidential Order requiring the Selective Service System to amend their regulations to remove exemptions for married men. This exemption had been instituted in September, 1963, by President Kennedy when the System was facing the problem of too many eligible males and the need to narrow the threshold of acceptability.<sup>32</sup>

The National Coordinating Committee to End the War in Vietnam, headquartered

in Madison, Wisconsin, organized nation-wide urban and campus student demonstrations against the war and the military draft for October 15 and 16, 1965. An estimated 10,000 protesters marched from the University of California at Berkeley toward the Oakland Army Terminal, but were stopped and turned around by some 300 Oakland police. At Ann Arbor, Michigan, thirty-nine persons were arrested for demonstrating at the Selective Service headquarters. In New York City, several hundred persons rallied outside the Army Induction Center on Whitehall Street, and another rally was held at Central Park. The next day in New York, an estimated 10,000 persons paraded ten abreast down Fifth Avenue, forming a mass of people twenty blocks long that was channeled through onlooking hecklers throwing paint and tomatoes. The state capitol in Salem, Oregon, was closed during a demonstration by students from Oregon colleges, and similar protests were carried out in Boston, Philadelphia, and other major cities. On the Senate floor, Senator John Stennis of Mississippi called on the Administration to pull the anti-draft movement up "...by the roots and grind it to bits." He told the Senate that he thought the "...unwarranted and disgraceful campaign..." to encourage and instruct youths to avoid military service in Vietnam amounted to an "...unlawful conspiracy." He stated that the activities of the SDS amounted to a Federal offense and should be punished. In response, two days later Attorney General Nicholas Katzenbach told a news conference that the Justice Department had started an investigation of the groups behind the anti-draft movement. "There are some Communists involved in it," Katzenbach said. "We may very well have some prosecutions." The Attorney General's

announcement was followed the next day, October 18, by a statement from Bill Moyers, President Johnson's Press Secretary, that the President fully supported the investigation of possible Communist infiltration of anti-draft organizations. Moyers said the President expressed surprise that "...any one citizen would feel toward his country in a way that is not consistent with the national interest." The President was concerned, Moyers said, "...that there is this lack of understanding by a few of what we are trying to do in South Vietnam in helping the people of that country maintain the freedom and independence that is rightfully theirs." President Johnson's indignation was echoed by leaders in Congress. Senator Mike Mansfield, the Senate Majority Leader, stated that the anti-draft protesters would undermine the President's effort to end the war in Vietnam, and the Senate Minority Leader, Senator Everett Dirkson, described the nationwide demonstrations as "...enough to make any person loyal to his country weep." Other legislators stated their belief that the anti-draft protests were "sowing the seeds of treason," and that the demonstrations were the product of Communist leadership. The same day that Washington was reacting to the weekend of protests across the country, the Federal Bureau of Investigation arrested David J. Miller, the first person charged under the law banning the destruction of draft cards.<sup>33</sup>

As 1965 was drawing to a close the anti-draft movement received another demonstration of the power of Government officials to punish. In early December, a number of University of Michigan students who had participated in the October 15 sit-in and were arrested for trespassing at the Ann Arbor draft board were advised by their

home draft boards that they had been reclassified as I-A, losing their 2-S student deferments. Of the 39 students arrested that day, Colonel Arthur A. Holmes, the Michigan State Director of Selective Service, called for the files of 26 of the demonstrators from their local boards. Before the files were returned a photocopy of the October 15 trespass charges was added, as well as a memorandum from Colonel Holmes calling attention to the new information and recommending that each case be reviewed by the boards in light of the new information. Accordingly, fifteen local draft boards declared students to be delinquent and changed the students' draft classification to I-A. Colonel Holmes explained that the Universal Military Training and Service Act makes it a felony for anyone to "...knowingly hinder or interfere or attempt to do so in any way with the administration of this title or the rules and regulations made pursuant thereto." General Hershey publicly supported the reclassification, stating that such convictions were grounds for reclassification to I-A and the declaration of the person as a delinquent meant he was available for immediate induction into the armed forces. Representative Emanuel Celler, Democrat of New York and Chairman of the House Judiciary Committee, accused General Hershey of using the Selective Service law as a "club to discourage and prevent political dissent." Hershey responded in a letter to Celler that reclassification and advanced induction of draft delinquents was a practice that had been followed for a number of years. Hershey stated,

Any deliberate, illegal obstruction of the administration of the law by registrants cannot be tolerated. We must always distinguish between young men who engage in a legal demonstration of political views, and

those who express those views by willfully violating the Selective Service Law, often with advance notice that they will violate the law at a particular time and place.<sup>34</sup>

In a letter to the University of Michigan newspaper, General Hershey explained, "I'm one of those old-fashioned fathers who never let pity interfere with a spanking." In his view, draft-eligible men were allowed to remain in college through the generosity of the Selective Service System. They are not free agents, but are on "parole." The Michigan students who had been reclassified had "...violated the terms of their parole, and they have no business to have a deferment after that. I cannot think that they qualify under national health, safety, or interest....We make a mistake when we put [them] in this deferred classification and therefore I think [they] ought to be taken out." In the Washington Post of December 15, Hershey bragged, "Reclassification is quicker at stopping sit-ins than some indictment that takes effect six months later. And we haven't heard of any sit-ins since the one at Ann Arbor."<sup>35</sup>

The outcry was swift and shrill. The Washington Post editorialized, "Induction into the armed forces ought not to depend on conformity to General Hershey's standards of political orthodoxy. The General has done something much worse than an injustice to an individual. He has impaired confidence in the fairness of the draft. And he has threatened a fundamental American freedom--freedom of expression." Several weeks later, the Post declared that if General Hershey could not be "persuaded" to instruct draft boards to stop using the draft law to stifle expressions of opinion, "...he ought to be replaced with a director who will do so." A group of 103 law professors from the

country's leading law schools sent a letter to President Johnson opposing any use of the draft to smother criticism of the Administration's policies. An editorial in the New York Times, on December 26, scored the prosecution of draft card burners as well as the reclassification and early induction of dissenters. The editors cited the American Civil Liberties Union's argument that the prosecution of draft card burners violated the protester's right of free speech. "No matter how the [draft card burning] act may outrage public opinion, in and of itself the destruction of a draft card poses no greater threat to national security than the destruction of a bubble-gum card." In an article in The Nation, a University of Michigan professor noted that the punitive use of the "Universal" Military Training and Service Act casts the gravest doubts on the justice of the act as a whole, and that punishment for defiance of the laws "...could only be justly imposed if guilt for the offense were properly established by a court of law." Presidential aide George E. Reedy explained in a memorandum to President Johnson that Hershey's view on the punitive use of the draft presented serious legal problems and that such actions would stigmatize military service as a form of punishment. President Johnson disliked the publicity surrounding the draft, particularly in view of his need to build-up American armed forces on South Vietnam, but took only a minor step to mollify the public. The Justice Department, in a public letter by Assistant Attorney General Fred M. Vinson, Jr., stated, "I am satisfied as a matter of both law and policy that sanctions of the Universal Military Training and Service Act cannot be used to stifle constitutionally protected expressions of views." Vinson stated that the Department of

Justice would follow this principle if any case were contested in the courts. Bill Moyers, President Johnson's Press Secretary, endorsed Vinson's views at a White House press briefing. No endorsement, however, came from General Hershey, and he continued to defend this reclassification action for the remainder of his career.<sup>36</sup>

Beginning in early-January, 1966, General Hershey began hinting broadly to the press that, due to an anticipated requirement for as many as 80,000 draftees per month, the Selective Service System may be forced to begin drafting college students. In an advisory memorandum to local draft boards issued on January 5, Hershey made the point that local draft boards rather than colleges and universities were responsible for determining whether young men were satisfactory students and eligible for deferment. He also hinted that the System may be forced to revive an old system for determining students' eligibility for deferment, a system which combined examinations and class standings. College students were granted deferments annually based on a certification from the school that the student was pursuing satisfactorily a full course of study toward a degree over a normal period of time. This chilling memorandum was followed by an announcement by the Department of Defense on January 13 that the armed forces would be increased by 340,000 personnel, bringing the total to 2,980,000 by June 30. The Army was to receive the lion's share of the increase, by 235,000 to 1,188,000 personnel. General Hershey hinted again to the press that a student draft was probable, and finally, on January 28, Selective Service announced that examinations and class standings would be restored as criteria for the deferment of college students beginning in September,

1966. When the System released detailed information about the examinations, on March 17, it was learned that the test would consist of a 150-question multiple choice test which would be administered at 1,200 test centers throughout the country on May 14, May 21, and June 3. Selective Service officials emphasized that student deferments from the draft would not be based on the test scores alone, but the test results would be balanced by local draft boards with other factors, such as class standings, grades, etc.<sup>37</sup>

What began as a small trickle of discontent with the draft six months earlier turned into a rising stream, and then became a raging flood which carried all sorts of constituents and their grievances along in a swirling surge. Increasingly young men began to avoid military service and seek asylum from the draft as exiles in foreign countries.<sup>38</sup> The numbers of both news and journal articles assessing the military draft, as well as possible alternative military manpower procurement policies, swelled exponentially. Books began to appear, some obviously written in haste, which either simply decried the existing system or touted a favored alternative military manpower policy. A number of writers outlined the problems with the military draft and explored the various alternatives. For example, Jack Raymond, the Pentagon reporter for The New York Times, pointed out the following principal criticisms of the System: (1) Military conscription is undemocratic in principle, (2) The then current draft laws were unfair in operation, and (3) The draft was an inefficient means of acquiring military forces and imposed hidden costs. After reviewing each area of criticism in more detail, Raymond presented a balanced review of the alternative policy proposals which were

being pressed by their advocates. These were: (1) An all-voluntary military force which was supported by adequate pay and other emoluments; (2) A Universal Military Training plan, favored by General Hershey, in which all youths would be required to receive military training for a brief period, after which selected men would be either recruited voluntarily or drafted; (3) A national service program in which all young men would be called upon to volunteer for various forms of service, including military service; (4) A lottery system in which all men reaching military age would enter a lottery to determine who would perform military service. Raymond did not press for public support for any of the alternatives, but invited public debate.

The next Congressional action on the law is not due until 1967. Proposals for a reassessment should not be allowed to remain dormant until the last minute. They should...be brought into public discussion now. The national dissatisfaction with the draft, for various and often opposing reasons, is too serious to be ignored any longer.<sup>39</sup>

It is interesting, in view of the future support which the all-volunteer military position was to achieve, that Raymond cited Professor Milton Friedman of the University of Chicago as a major supporter of that policy choice. Friedman was quoted at length.

Congscription is a tax in kind--that is, forced labor imposed on the young men who are drafted or who volunteer to serve because of the threat of the draft. One of the great advances in human freedom was the conversion of taxes in kind to money taxes. A similar advance would be attained now by repealing conscription and using volunteer enlistment to staff our armed forces. In order to do so, we would, of course, have to make military service sufficiently attractive in terms not only of pay but of career opportunities and conditions of service to get the number of men we need. But this is an advantage, not a disadvantage. It would be not only more equitable but also more efficient.<sup>40</sup>

Dr. Friedman was a key advocate for the policy choice which came to be identified as the All-Volunteer Force, and as we shall see, was in a large measure responsible for successfully achieving acceptance of this policy choice over other alternatives. At least as early as 1962, when his book Capitalism and Freedom was published, Friedman had championed the elimination of the military draft and the adoption of a free market arrangement for voluntary military forces.<sup>41</sup>

The draft and its supporters increasingly came under fire as the early months of 1966 wore on. In February, an editorial in The Nation asked whatever happened to the study of the draft that the President had directed the Department of Defense to conduct, and which was to have been completed nine months earlier. "We have become accustomed," the editorial said, "to hedging, obfuscations, delays and secrecy in trying to get a straight answer out of the Administration on a topic that affects every young man....To these the Administration now seems bent upon adding broken promises and falsehoods. It was commonly assumed [in 1964 when the President directed the study] that Johnson was merely acting to spoil a truly objective study proposed in Congress by Senator Keating and others. Spoil it he did, just when it was beginning to get considerable support." The editorial went on to report that Harold Wool, "the man in the Pentagon closest to the secret study," had been contacted and asked what was holding up the release of the study. Wool was quoted to have responded, "Well, in a nutshell, the study was largely completed last summer, but the Vietnam outlook changed it , and now the basic study must be revised."<sup>42</sup>

The Assistant Secretary of Defense for Civil Rights, in early January 1966, released a report admitting what the public probably already knew, that blacks were more likely than whites to be drafted into the Army, and this was because whites were more likely to qualify for deferments because of their studies or occupations. The report stated that in the twelve month period which preceded the beginning of the Vietnam build-up in June 1965, 16.3 percent of the men drafted into the Army were non-white, compared to an overall non-white population of 11 percent, most of which were blacks. The issue of equity became a more prominent issue as casualties rose in Vietnam and it was learned that a high percentage of the casualties were black. Senator Robert Kennedy began charging in his speeches that the draft law discriminated against lower economic groups in American society, and that the draft law required revision. Julian Bond, the black spokesman who was ousted from his seat in the Georgia House of Representatives, made a speech to New York college students in which he urged blacks to avoid the draft. Representative Adam Clayton Powell, the outspoken black Democrat from Manhattan, at a news conference in the committee room of the House Education and Labor Committee, which he chaired, denounced the upcoming Selective Service System's education deferment tests as "reminiscent of Hitler," the foundation for a "racial aristocracy," and a device which would send a disproportionate number of blacks to the "Vietnam slaughterhouse." His major point was that the Selective Service tests would penalize unfairly the poorly-schooled black, and thus "bring the history of racial discrimination full cycle."

First, we provide an inferior education for black students. Next, we give them a series of tests which many will flunk because of an inferior education. Then, we pack these academic failures off to Viet Nam to be killed. It seems to me America should be comforted in the knowledge that a higher percentage of black soldiers is already dying in what is ingloriously being referred to in many areas as a "white man's war" against brown people.<sup>43</sup>

On March 1, a group of thirty Republican Congressmen, led by Representative Robert Ellsworth of Kansas, called for an "immediate" Congressional investigation of the draft and charged that the System was riddled with inefficiencies and unfairness. The Republican statement pointed out that there were 545,902 men between the ages of 19 and 26 who were classified as I-A. Of these, the report said, 117,825 of these men had not yet been examined and another 279,676 were considered "not available" because their paperwork was stalled in the bureaucratic pipeline. "We're using World War II procedures in the space age," said Representative Richard Schweiker of Pennsylvania and a member of the House Committee on Armed Services. The Congressmen issued a manifesto which stated that the Administration had no "clear order of priority" for determining in what order to call various manpower groups. "We can no longer afford," they said, "a haphazard approach toward the supply of personnel." The press and journal editors also began to pepper the Administration and Congress with articles urging an investigation of the draft and implying a coverup. For example, an article in The Nation, long a foe of the draft, stated:

The Johnson Administration offers neither answers nor the mechanics for getting answers, and it has actively connived to prevent anyone else from getting some answers. In March and April 1964, a great wave of

enthusiasm was building up in Congress to really dig into the draft question and make some sense of it with a bipartisan Congressional committee. Both Curtis and former Sen. Kenneth Keating had bills that looked promising. But only four days after Keating...introduced his draft review bill, President Johnson called a press conference and announced a "comprehensive" review of the draft--to be conducted by the Department of Defense. He thus killed any chance Keating and Curtis might have had.

...with a great flourish and a \$1 million budget, the Department of Defense assigned thirty-five men full time to complete the new study, the deadline being *last April*. Although the report is now almost a year overdue, nothing has been heard from the study group, except for a few preparatory leaks to favorite newsmen that the draft will have to be continued as is, indefinitely.

...an aide to [Senator] Prouty [of Vermont] summarizes the strategy: Johnson may not be the inventor of the phantom committee, but he is rapidly becoming the master of its use. Several Congressmen or Senators--it doesn't matter of which party--get interested in what they believe to be a serious problem. They agitate for a serious study effort, by a select committee of Congress or by a special Presidential commission. Bills are introduced, speeches delivered, letters sent to the President stating the urgency of the matter and pleading for its support. But for reasons of his own the President does not want the issue aired. The solution: with much fanfare the President establishes a phantom committee. On paper, the committee makes a frontal assault on the problem it faces. In practice, the committee does little or nothing. Its main purpose is to quiet the demands of Congress by assuring the public that something is being done.

Curtis and the others knew what Johnson was up to, but for a while they had to pretend that he was sincere. Now they have waited long enough to show that the President has no intention of attempting to cope with the draft problem, and they are ready once more to ask that the Congress take control. There must be quite a few young men who wish them luck.<sup>44</sup>

Of the many challenges to the American widening of the Vietnam War and to the Selective Service System, which was the engine which provided manpower for the war, perhaps one of the most troubling to many Americans was the cry of those who saw the

war as unjust and illegal, therefore providing grounds for refusal to serve in the military. Beginning in the spring of 1966, the press and journals began carrying articles on conscientious objectors who objected to this particular war rather than wars in general. The American Civil Liberties Union, on March 2, 1966, announced that it would move through the courts and lobby in Congress to establish exemptions for non-pacifists who opposed the Vietnam War on "moral, social, philosophical or religious grounds."<sup>45</sup> The Supreme Court's decision in United States v. Seeger, handed down on March 8, 1965, widened the scope of arguments by those opposed to all wars on moral or philosophical grounds. However, the right to refuse to participate in a particular war rather than all wars did not exist. The widespread revulsion to the Vietnam War among a sizeable minority, though they argued they were not opposed to "just" wars, began to be heard.

Michael Walzer, a Professor of Government at Harvard University, wrote:

It is obvious that the right of conscientious objection to a particular war ought to be recognized even if the war has the overwhelming and enthusiastic support of a vast majority of the people. Like all other human rights, it must be protected against popular tyranny, though majorities are free to attach whatever stigmas they choose to its exercise. But like other human rights again, it must be protected chiefly against the state and the various agents who act in the name of the state.<sup>46</sup>

In May 1966, the General Assembly of the United Presbyterian Church urged Congress to "...examine new proposals for universal service to the end that those who cannot conscientiously serve in a particular war may give alternate service to the nation." In July, leaders of the National Committee for a Sane Nuclear Policy, including Dr. Benjamin Spock, recommended in a statement that the draft be abolished and be replaced

by a professional volunteer force, and also reaffirmed the organization's belief that the basis for conscientious objection should be broadened to include those opposed to specific wars. Later in the year, a convention of nine Protestant denominations met in Dallas in an attempt to produce a blueprint for church unity. They formally asked the Marshall Commission, which was formed by President Johnson to study the draft, to consider provisions for the conscientious objectors who opposed particular wars. Also in September, the American Civil Liberties Union and the New York Civil Liberties Union announced they were teaming to defend one Benjamin Sherman, who was appealing his reclassification to I-A by his draft board when he quit a job to which he objected because it supported the Vietnam War but which deferred him from military service. As the opposition to the Vietnam War and the draft increased in frenzy in the late-1960s, a subculture of war protesters, identified as Selective Conscientious Objectors (SCOs), came to be recognized. As Senator J. William Fulbright wrote:

Protestors against the Vietnamese war have been held up to scorn on the ground that they wish to "select their wars," by which it is apparently meant that it is hypocritical to object to this particular war while not objecting to war in general. I fail to understand what is reprehensible about trying to make moral distinctions between one war and another, between, for example, resistance to Hitler and intervention in Vietnam. From the time of Grotius to the drafting of the United Nations Charter international lawyers have tried to distinguish between "just wars" and "unjust wars." It is a difficult distinction of law and an even more difficult one of morality, but it is certainly a valid problem and, far from warranting contempt, those who try to make that most pertinent distinction deserve our sympathy and respect.<sup>47</sup>

In May 1966, one of the potential military manpower policy alternatives, national

service, suddenly broke into the news and briefly captured public attention. On May 7, the first National Service Conference was held at the Princeton Club in New York City, largely through the personal efforts of Donald J. Eberly and with minor financial backing from the Alfred P. Sloan Foundation. Mr. Eberly chaired the conference which was attended by some 30 representatives of universities, student organizations, government agencies, and private foundations. The conference participants included: Dr. John Monro, Dean of Harvard College; Glenn Olds, Executive Dean of International Studies and World Affairs, State University of New York; the Reverend William S. Coffin, Jr., Chaplain at Yale University (and later to figure prominently in the anti-Vietnam War and anti-draft movement); Harris Wofford, Associate Director-at-Large of the Peace Corps (and currently a U.S. Senator from Pennsylvania); Robert Edwards, Program Assistant of the Ford Foundation; Dr. Leon Bramson, Chairman of the Department of Sociology and Anthropology at Swarthmore College; and Philip Sherburne, President of the National Student Association. The group endorsed the principle that students and other youths should be given the option of service to the nation in fields other than the military, such as the anti-poverty program or the Peace Corps, rather than be drafted into the armed forces. One of the first orders of business of the conference was to define "national service." The minutes of the conference, A Profile of National Service, contained the following definition: "National service as a concept embraces the belief that an opportunity should be given each young person to serve his country in a manner consistent with the needs of the nation--recognizing national defense as the first priority--

and consistent with the education and interests of those participating, without infringing on the personal or economic welfare of others but contributing to the liberty and well-being of all." That the purpose of the conference was completely intertwined with the issue of the military draft, and that national service was seen as an alternative policy, can be seen in the stated principal purpose of the conference.

The business of the day is to explore the major issues of national service with a view to suggesting a frame of reference for a follow-up study. We seem to be gathered at a significant moment, since there has been an upsurge of interest, as reflected in television programs, magazine articles and newspaper commentaries, in a revision of the draft. While most of the recent discussion has focused on the inequities of the draft, there has also been considerable interest in the development of a universal national service program as an alternative to the present Selective Service System. Thus it is important to examine a national service program *now*, not only as a means of eliminating these inequities, but also in the larger frame of reference in which it rightfully belongs.

The conferees agreed to initiate a comprehensive review of the military draft, including an examination of the possibility of establishing a compulsory national service. The study was expected, Don Eberly said after the meeting to a New York Times reporter, to recommend a radical revision of the draft law, stressing that youths should be allowed to serve in non-military programs as an alternative to military service.<sup>48</sup>

Don Eberly, who was elected Executive Director of the National Service Secretariat at the conference, was and remains today the person who has been most responsible for championing the interests of national service as a policy issue. For nearly his entire career, Eberly has steadfastly pursued the national service ideal, single-handedly and without any particular influence in Washington except among personal

friends and fellow believers in the national service cause. The son of a Methodist minister from a small town in Northern New York, Eberly attended the Massachusetts Institute of Technology and majored in physics. He was drafted into the Army in 1951, but was assigned as a physicist at Fort Monmouth, New Jersey, rather than sent to Korea. In 1953, he accepted a position in Nigeria with the International Development Placement Association (IDPA), a small, private organization which was placing Americans in teaching and other positions in less developed countries. After teaching assignments in Nigeria and Turkey, Eberly returned to the United States to enroll as a graduate student at Harvard University. After receiving his master's degree in education, he became the Assistant Director of the International Students Office at Harvard. Over the years, beginning with his teaching assignment in Nigeria, Eberly had been pressing every person of influence he could with the concept of youth participating in a program of national service as an instrument of international peace. In 1960, Senator Hubert Humphrey was taken with Eberly's concept and initiated legislation for a "Peace Corps." With President Kennedy's election in November 1960, the Peace Corps rapidly became a reality. Eberly returned to Nigeria and served for three years as Undersecretary in the Nigerian Federal Ministry of Education. When he returned to the United States in 1964, Eberly accepted a position with the Overseas Educational Service branch of Education and World Affairs (EWA), but after organizing the National Service Conference in New York in 1966, he obeyed the pull of his true calling and dedicated the rest of his life to the cause of national service.<sup>49</sup>

Also in May 1966, the advocates of national service found an unexpected but temporary ally--Secretary of Defense Robert McNamara. In an address on foreign policy in Montreal to the American Society of Newspaper Editors on May 18, Secretary McNamara proposed near the end of his speech that all young Americans give their country two years of service, either as a civilian or a member of the armed forces. He suggested that the "inequity" of the Selective Service System, which "draws on only a minority of eligible young men," would be removed by his plan. He spoke of the generation of youth of America as "committed and dedicated." "It has proved that in its impressive performance in the Peace Corps overseas, and in its willingness to volunteer for a final assault on such poverty and lack of opportunity that still remain in our country." The press ran banner headlines of McNamara's offhand proposal, and the Johnson Administration moved quickly to disavow McNamara's comments on the draft in a flurry of press briefings. The speech touched off a minor storm of activity on Capitol Hill. Senator Gaylord Nelson, Democrat of Wisconsin, proposed a resolution to create a bipartisan commission to study the Selective Service System, and in the House a similar study effort was proposed by three House Democrats. Several days later, Senator Jacob Javits, Republican of New York, strongly endorsed the McNamara proposal. "I am delighted that Bob McNamara took this position. I am convinced that it responds to a wide national concern with the deficiencies of the present system, a concern that seems to me to exceed even our preoccupation with Vietnam." McNamara's proposal for national service was warmly endorsed in an editorial in the New York

Times, and James Reston, the Times' Military Editor, called McNamara "the computer that turned philosopher." Reston said McNamara "...was supporting what Harris Wofford, the Associate Director of the Peace Corps, calls 'the politics of service,' and thinking about a new concept of national service in which all young people in America can acquire a sense of purpose and an opportunity for service at home and abroad...He has opened up by his speech in Montreal some fundamental questions, and these will, or should, be debated seriously on Capitol Hill and in the newspapers and on the university campuses...." General Hershey, persona of the established military manpower policy, in testimony before a Senate Appropriations subcommittee on May 25, said that the draft system was better for national defense than the national service program proposed by Secretary McNamara. He said that the military should not be burdened with the educational, physical and moral rehabilitation that would be needed under a national service system, and that the cost would be tremendously greater.<sup>50</sup>

As the May 14 date of the first nation-wide student draft deferment exam approached, the 1.7 million students across the country with II-S deferments became increasingly restive. On May 12, about 350 University of Chicago students seized control of the university's administration building to protest the school's cooperation with the Selective Service System. A similar take-over of an administration building by students occurred the next day at the City College of New York. On the first day of the exam some 350,000 college students, of the 800,000 who signed up for the exam, filed into the 1,200 test centers and completed the tests. Anticipating an even greater number

of students who might wish to take the exam, as much as an additional 200,000 students, Selective Service System officials tentatively scheduled a fourth exam for June 24. Members of the many chapters of the Students for a Democratic Society (SDS) passed out a "National Vietnam Examination" at the doors of test centers, protesting the "discriminatory" nature of the exams. The New York Times, in an editorial published on the day of the first test, remarked that, "...it is plain that the test only alleviates a generally unsatisfactory procedure. Deferment of college students places most of the burden of military service on the shoulders of the very poor or the academically untalented. This smacks of a caste system, in which prolonged education can readily turn deferment into exemption....Nationally sound reform lies in the direction of universal national service, with limited options to serve either in the armed forces, the Peace Corps, the National Teacher Corps, or a variety of domestic urban and rural missions." Senator Robert Kennedy stated during a television interview program that he had "serious reservations" about the tests as a measurement for deferring students from military service. "I think," Kennedy said, "that one of the gravest problems about the draft...is that those who are of the lower economic groups are the ones being called on because they cannot afford to attend universities." The second student deferment examination, on May 21, was attended by an estimated 250,000 students, but was met by little opposition. Protest demonstrations by students and faculty members were reported at only three universities across the country. However, on the following Tuesday, about 600 students at the University of Wisconsin seized the school's

administration building to protest the university's cooperation with the Selective Service System.<sup>51</sup>

Meanwhile, political leaders and others with political influence spoke out favoring alternative military manpower policy positions. Senator Richard Russell told an Armed Forces Day gathering in Atlanta that he would again seek enactment of legislation for universal military training (UMT), in which all young Americans would receive six months of military training. Twice before Senator Russell had introduced UMT legislation in Congress; on both occasions the bills had passed the Senate but failed to be approved by the House. The Reverend Martin Luther King, at the dedication of a new Baptist church center in Brooklyn, New York, spoke out in favor of a system of national service. Also in late May 1966, two respected organizations announced they would contribute to the national discussion over military manpower policy by sponsoring conferences in which the issues would be debated. On May 16, the National Board of the American Veterans Committee called for a conference in Washington on June 6 "to work out a blueprint of national debate and action." This smaller conference led to the organization of an expanded conference which took place in Washington in November. On May 28, the University of Chicago announced it would sponsor an international conference, to take place in Chicago in late November or early December, on conscription and its relation to education. Indicative of the increasing pressure building in Congress for action, on May 27, a group of 23 Republican members of the House, the so-called "Wednesday Group" because of their weekly meetings on Wednesdays, initiated

a series of six published statements about the draft and called for a thorough Congressional review. Hitting at the lack of nation-wide standards, and therefore the inequity, in Selective Service procedures, the group stated in their fourth report, "National standards are so imprecise that neighboring local boards will apply different criteria to identical cases, and the drafting practices of a local board in one state may be almost entirely different from those of a local board in another." The most vocal of Republican dissenters and those to figure more prominently in the future in the military manpower debate were: Robert Ellsworth of Kansas, Tom Curtis of Missouri, Frank Horton of New York, Donald Rumsfeld of Illinois, and Richard Schweiker of Pennsylvania. In a CBS radio program recorded in the Senate Radio Gallery, "Capitol Cloakroom," on June 1, Senator Gruening, Democrat of Alaska, and Senator Javits, Republican of New York, discussed the problems of the draft. Senator Gruening and five other Democratic Senators had introduced a resolution calling for a Congressional investigation of Selective Service procedures, and Senator Javits was preparing to introduce his own resolution calling for a change in the concept of one of purely military service to encompass national service. Fighting back through the press against an "unidentified individual at the Pentagon" who reportedly was touting a lottery draft system, General Hershey called in a reporter and attempted to discredit such a plan. In mid-June, General Hershey was pitted against Senator Edward Kennedy, Democrat of Massachusetts, on the ABC network's "Issues and Answers." In Senator Kennedy's comments, he urged Congress to initiate a full study of the draft and to consider a lottery

system to determine who would be drafted. With his usual combination of bluntness and scrambled syntax, General Hershey responded, "The first thing you have to have in any draft service is that it turns out men. Unfortunately, fairness or anything else has to go because we have to have survival and therefore you have to have men." Senator Kennedy, on June 29, formally introduced his proposed legislation which would dissolve the draft's selection procedures and replace them with a nation-wide lottery. Thomas S. Gates, a former Secretary of Defense in the Eisenhower Administration and Chairman of the Board of the Morgan Guaranty Trust Company in New York, made a speech in San Francisco in which he urged serious consideration of a national service system. Gates was to later play a major role in the final settlement of the military manpower policy debate beginning three years later, in 1969. In New England, dressed in the Yale-blue academic gown with the traditional jeweled collar of his office, the 46-year old President of Yale University, Kingman Brewster, Jr., sharply criticized the Johnson Administration for "its persistent refusal to take the lead" in designing a fairer military manpower system. "Service to the nation," he said, "has been mocked by a policy under which the nation tends to draft only those who cannot hide in the endless catacombs of formal education."<sup>52</sup>

With great reluctance, Representative L. Mendel Rivers announced on June 15 that he would begin hearings by his Committee on Armed Services to provide a forum for his colleagues in Congress to express their views on the draft. The hearings started on June 22, 1966, and continued for six days, ending June 30. In a letter to General

Hershey, Chairman Rivers outlined the scope of the testimony he expected his committee to receive.

It is my intention to make the hearings public, and...I will request you to answer the questions of the members of the Committee. It is also my intention to ask other members of Congress to present their views to the Committee...I am receiving complaints from various members of the Congress concerning the inconsistent application of regulations in different parts of the country....There seems to be no national regulation with respect to part-time students. As you know, many persons have expressed the belief that a lottery would be preferable to the present system...I mention these items just to give you an idea of the range of complaints...I hope that you will be prepared to make the proper recommendations.<sup>53</sup>

Rivers' ground rules for the hearings ensured his total control of the proceedings. The hearings would be public, but only government officials of the legislative and executive branches would testify. After a lengthy introductory statement, Chairman Rivers welcomed General Hershey and asked for his statement. After reviewing various aspects of the Universal Military Training and Service Act and organizational procedures of the System, General Hershey noted that, "These hearings are occasioned by the recent increases in the operation of Selective Service. Of course, such activity prompts an upsurge of public interest, and it is beneficial to undertake a review such as this. This committee is performing a valuable service in reviewing the operations of the Selective Service System. Seventeen months ago, in February 1965, the [draft induction] call was for 3,000 men. In recent years, induction calls had been for about 100,000 a year."<sup>54</sup> Hershey was stating what most politicians and military decision makers already knew--that the sudden escalation of fighting by Americans in Vietnam had translated to

a major increase in military manpower and triggered public interest in the heretofore accepted military manpower policy. Hershey went on to indicate the success of the System in terms of personnel inductions.

From July 1, 1965, through June 30, 1966, we will have inducted about 340,000 men. In the same period, there will have been about 353,000 enlistments into the Regular and Reserves by men who have had their preinduction examinations and have been told they were qualified.

The total number entering military service for the first time--excluding officers--from July 1, 1965, through June 30, 1966, will be about 1,090,000. Of that total, the 700,000 provided directly or indirectly by local boards represents a fair measure of the System's contribution to our current Armed Forces buildup.<sup>55</sup>

General Hershey's rambling, down-home country, and often outright dodging responses to the Committee members' questions was typical, but his obvious preparation for the hearings by memorizing superficial facts about the members' home states was amusing. For example, this exchange took place between Representative Robert T. Stafford of Vermont and General Hershey.

Stafford: ...should the Selective Service make an effort to assure that its regulations are interpreted identically throughout the country?"

Hershey: Well, in the first place, I would like to see your maples this fall and the maple syrup next spring, so I want to be as generous as I can. But in the first place, I think you are dealing with human beings, and I think you are asking for somebody to create a machine that will defeat human beings, and I don't believe you have liberty and uniformity at the same time.

Now, that is not a very good answer, but on the other hand, I have more confidence in those people who live up in Vermont, for them to decide who ought to go from up there than I have--and they have more compassion, even when they are a little grumpy--they have

more compassion than any of these machines have.

So I just don't think that you can go beyond certain things. We do try to furnish information to the board on what is critical, what is an essential activity, where there is always a difference of opinion. I have trouble, myself, and I have read a lot of them, I have never seen two cases exactly the same.

Stafford: Well, General, I guess your answer could be summed up in the word "No"?

Hershey: Yes. [Laughter]<sup>56</sup>

In another example, the following exchange took place between Chairman Rivers and General Hershey.

Rivers: Now, do you think we should have some kind of regulation making it a uniform policy that all boards follow the same policy in this student deferment?"

Hershey: I think the board is entitled to the best information available. I think they are in a place where they have to meet the calls and we do have some laws which permit the induction of all kinds of health specialists by direct call. Therefore, they are not--they not only have the jeopardy that comes with the ordinary citizen, but we use that jeopardy to take them at a time when we need specialists. But on the other hand, I am not one of those who believe that you can guide a thing successfully in too much detail from a central headquarters.

Rivers: In other words, you are for states rights, are you?

Hershey: I have more confidence in the people down in Charleston--of course, they have proved that several times, I guess, by the fact that we have seniority from some of the people who come from there--but, anyway----

Rivers: You sure know how to get along before this committee all right.<sup>57</sup>

When General Hershey was asked by Chairman Rivers about the reclassification of the students who were arrested for trespassing at the local draft board at Ann Arbor, Michigan, General Hershey stated that he indeed did approve the reclassification action. Chairman Rivers responded, "God bless you, you should have done it, you should have done it. Now, I think if this country needs anything today it is a strong voice in behalf of obedience to the law, obedience to the law."<sup>58</sup>

General Hershey testified before the Committee for three days. His interrogators on the Committee treated him with deference and respect, and did not ask him any questions which were difficult or would cause him embarrassment. Hershey made it clear that he favored some form of Universal Military Training as an alternative should the draft be replaced with another manpower policy system. "I think a fellow should be compelled to become better and not let him use his discretion whether he wants to get smarter, more healthy, or more honest." Hershey also stated his belief that a lottery for the draft was unfair and he spoke against the concept of using volunteers entirely to fill the services' ranks with the statement, "I don't want to be defended by individuals who are there for no other reason than the money." He had no recommendations for the Committee for improving the current law or the System.<sup>59</sup>

During the two days following General Hershey's testimony and questioning, a total of 23 witnesses paraded before the Committee to present their views on the draft, insofar as possible within the fifteen minutes each was allowed. This group of witnesses included twenty Congressmen, two Senators, and the sole non-government witness, the

National Commander of the American Legion. Of the Congressmen, eleven favored a variety of reform measures but keeping the draft law intact, two spoke out for reform of the draft to include a lottery system, one favored some form of national service (Representative Adam Clayton Powell), and five favored abolishing the draft and instituting an all-volunteer system. Those who wanted an all-volunteer system included Representatives Robert Ellsworth of Kansas, Thomas B. Curtis of Missouri, James J. Delaney of New York, Robert W. Kastenmeier of Wisconsin, and Bradford Morse of Massachusetts. Morse, in his testimony, was speaking on behalf of 25 other Congressmen as well as himself. The two Senators were Edward Kennedy of Massachusetts, who spoke out for a reform of the draft through adoption of a lottery system, and Jacob Javits of New York, who supported a national service program. Clearly by mid-1966, the lines were being drawn between the various camps favoring one alternative over another. Not one witness, other than General Hershey, supported the Selective Service System as it was then being executed and led.<sup>60</sup>

The last day of the hearings before the House Armed Services Committee, June 30, 1966, was devoted entirely to the testimony of Thomas D. Morris, Assistant Secretary of Defense (Manpower). Morris' testimony was somewhat of a coup for Chairman Rivers, who had persuaded the Department of Defense that they should provide the public with at least a summary of the Defense Department's 1964 study of the draft and relieve some of the pressure on the issue. Secretary Morris, who had been in his position for a very short month, was faced immediately with the problem of

absorbing a vast amount of details from a handful of separate studies on particular issues related to the draft, and consolidating the details into a meaningful whole for a presentation. This task Secretary Morris for the most part accomplished himself with support from Dr. Harold Wool, the Director of Procurement Policy. In his testimony, Secretary Morris stated that the Department had, "...brought the analyses upon which the study was based up to date, and find that experience in recent months confirms in all respects our earlier findings and conclusions." Secretary Morris' testimony, as had been requested by the Committee's staff, was organized into the following principal areas: (1) What had been the Department's experience with the Selective Service System?; (2) What were the problems in the Service's processes?; (3) Could the foreseeable military manpower requirements be met without a draft?; (4) If not, would improvements in pay and other practices enable the Department to sustain an all-volunteer force?; and (5) If the draft must be continued, were there ways to improve the process of choosing men who must serve? Morris testified that the draft had been a very flexible tool during the previous 15 years, adjusting rapidly to major shifts in military manpower requirements. Clearly, Morris said, there was no question of the success of the System in fulfilling its role. The principal problems with the Service's processes, in Morris' view, included: (1) The calling of the oldest men first, the men who were most settled in their careers; (2) Deferment rules which favored college students, who may be more fortunate economically; (3) Past deferment rules which favored married men without children, putting a premium on early marriages; and (4) Department of Defense standards which

disqualified men with lesser mental abilities and educational attainment, but who could benefit by military service training. Morris stated that these problems should be corrected if the Department were to maximize the number of volunteers and minimize the effects of the draft. In answer to his third area of attention, could foreseeable manpower requirements be met without the draft, Secretary Morris stated that the Department believed it would be impossible to achieve manpower goals without the influence of the draft, motivating young men to enlist in order to avoid undesirable assignments when drafted. The Department's data indicated that it would be extremely difficult to sustain force levels above the two million men level, the maximum all-volunteer force level given the current set of other variables (e.g., pay, benefits, etc.). At the pre-Vietnam force level of 2.7 million, Morris said Defense expected to experience a deficit of between 475,000 and 650,000 personnel under an all-volunteer manpower policy. In response to the fourth question, Secretary Morris stated that the pay increases required to recruit and sustain an all-volunteer force would range between \$6 and \$17 billion, with the most likely cost being \$8 to \$9 billion, given the postulation of an unemployment rate of four percent. If the unemployment rate were to increase to 5.5 percent, Morris said the cost of an all-volunteer system probably would decrease to the range of \$4 to \$10 billion, with the most likely cost being \$5 to \$6 billion. The Pentagon's data also led them to conclude that improvements in fringe benefits would have a limited effect as an enlistment inducement. Concerning Secretary Morris' fifth question, are there potential improvements which could be made in the way men are

selected, he made the following draft reform recommendations: (1) Inductions of men from the 19-20 year age group should occur first; (2) For college students, deferments should be granted until college has been completed, and then the student should have equal selection exposure with 19 and 20-year-old men; and (3) Men who were not selected for induction during their 19th or 20th year should be placed at the bottom of the next year's draft list behind the new class of 19 and 20-year-olds and newly available ex-students. In concluding his presentation, Secretary Morris stated, "We cannot look forward to discontinuing the draft in the next decade unless changing world conditions reduce the force levels substantially below those needed since Korea."<sup>61</sup>

The questioning by Committee members at the close of Secretary Morris' prepared testimony was largely pro forma and without substance. Chairman Rivers at one point asked Secretary Morris if the Department was investigating the potential induction of those found guilty of a crime punishable by a jail sentence of a year or more, one threshold for refusing to take a draftee based on moral grounds. Chairman Rivers suggested,

Some of these boys, they wouldn't have any place to go, they might have to fight. They should be deserving of this opportunity. They carry on a pretty good fist fight in the alleys of these big cities, maybe they could put up a pretty good scrap in Vietnam, if you catch the point.

If they wield a pretty good left in some of the alleys of Washington, they are the people we need in Vietnam. There are some pretty rough ones over there. The Marines tell me those Vietnamese are pretty good with knives. We have people in Washington that are pretty good with knives. Why shouldn't they be given their opportunity to show their competence, and they wouldn't need much training in this area, if you catch the

point.<sup>62</sup>

It was clear that Secretary Morris was attempting to skirt any friction with General Hershey and the Selective Service System. This exchange between Representative Edward Hébert and Secretary Morris is an example.

Hébert: Do you believe there should be more definitive instructions to the draft boards as related to educational deferment than the broad aspect of it now, where 4,000 draft boards can come up with 4,000 different decisions?

Morris: Sir, I don't have a judgement on that question.

Hébert: You answered the question. After the hearing I would like to talk to you and find out what you think.<sup>63</sup>

After three hours of testimony by Secretary Morris, during which he reportedly summarized the findings of the 1964-1965 Defense Department's study of the draft, the hearings by the House Committee on Armed Services were concluded. Subsequent to the hearings, General Hershey submitted to the Committee a summary of the comments by witnesses before the committee and comments by the Selective Service. These were attached to the formal report of the hearings, as was a document prepared by the Defense Department, "Reference Materials from the Department of Defense Study of the Draft," dated July 21, which contained a compilation of key reference materials from which the study was drawn. Thus, after over two years following the President putting the Pentagon's study in motion, the results of the study was summarized for the public. The reaction by the public who followed the manpower policy debate generally appeared to be one of cynicism. Hanson Baldwin, normally a staunch ally of the military and the

politicians who controlled military policies, made this comment in a New York Times editorial as the hearings were taking place.

The House hearings, coupled with continued Pentagon study--now of more than two years duration--of means of procuring military manpower are unlikely to lead to any immediate revision of the draft law. A war is in progress in Vietnam, and changes in the law in the midst of war would put Congress in the role of playing God; a man who might be called up for possible death on June 30 would be immune on July 1. Moreover, there is an election in the fall, and the draft law in any case expires next June, so that Congress will have to take some action--positive or negative--at the next session. It seems certain, therefore, that though the groundwork for future modifications may be laid now, no action will be completed at this session of Congress.<sup>64</sup>

Senator Edward Kennedy was reported to have said he found it, "...hard to believe that we cannot perform a manpower study which would indicate with more precision whether the cost of eliminating the draft would more likely be \$4 billion or \$20 billion, or some figure in between." Representative Tom Curtis charged that the Pentagon's figures were vague and meaningless, designed to create "...an artificial monetary barrier to an all-volunteer army at the outset."<sup>65</sup>

President Johnson acted quickly to deflect a potentially embarrassing situation. On July 2, 1966, only two days after the Committee's hearings were completed, President Johnson issued an executive order directing the establishment of a National Advisory Commission on Selective Service to be chaired by Mr. Burke Marshall, Vice President and General Counsel of International Business Machines and formerly an Assistant Attorney General in charge of the Justice Department's Civil Rights Division under both President Kennedy and President Johnson. The order directed the

Commission to submit a final report on or about January 1, 1967, and to "consider the past, present and prospective functioning of selective service and other systems of national service" in the light of such factors as : (1) fairness to all citizens; (2) military manpower requirements; (3) the objective of minimizing uncertainty and interference with individual careers and education; (4) social, economic, and employment conditions and goals; and (5) budgetary and administrative considerations. The Commission was also to make recommendations on such matters as : (1) methods of classification and selection of registrants; (2) qualifications for military service; (3) grounds for deferment and for exemption; (4) procedures for appeal and protection of individual rights; and (5) organization and administration of the Selective Service System at the national, state, and local levels. The Marshall Commission, as it came to be called, was made up of twenty distinguished persons who represented a wide spectrum of American society and years of public and private service. In addition to Burke Marshall, other Commission members included: Kingman Brewster, Jr., President of Yale University; Thomas S. Gates, Jr., Chairman of the Board and Chief Executive Officer of Morgan Guaranty Trust Co. (and who would later chair the Gates Commission in a similar task during the early Nixon Administration); Mrs. Oveta Culp Hobby, President and Editor of the Huston Post and former Secretary of the Department of Health, Education and Welfare; John A. McCone, investment banker and former Director of Central Intelligence; and David Monroe Shoup, Director of United States Life Insurance Company and former Commandant of the Marine Corps. Blacks were represented on the Commission by Jeanne L. Noble,

Associate Professor of the Center for Human Relations Studies, New York University (and also to be a member of the future Gates Commission); and John H. Johnson, President of Johnson Publishing Company (Ebony, Jet, Hue), and Trustee of Tuskegee Institute. At the President's press conference the following Tuesday, July 5, a reporter referred to the formation of the Marshall Commission and asked for President Johnson's appraisal of the defects and shortcomings of the military draft as it was being administered. Johnson ducked the question, stating his expectation that the Commission would have "...conclusions and recommendations to present to the next session of Congress in ample time for them to carefully consider before the present draft law expires." One month later, on August 5, Chairman Rivers released the "Interim Report" of his Committee's hearings. His announcement accompanying the report's release, almost as in chorus with the White House announcement, stated further hearings by his Committee would be deferred until the next session of Congress and his Committee would consider at that time the recommendations made by the President's commission.<sup>66</sup>

Representative Thomas Curtis' anger could be seen clearly in his statement to the press the day following the President's announcement of the formation of the Marshall Commission. The press reported:

Protesting the President's appointment yesterday of a 20-man citizen's committee to explore the Selective Service System, the Missouri Republican termed it another attempt to subvert Congress and "take the heat off the issue" in this fall's Congressional elections. Mr. Curtis said he and 14 other Republicans had demanded a broad Congressional inquiry into the draft two years ago but that the President had headed this off by announcing a Defense Department study.... "During the last two years I

have tried many times to see this study, but it has been unavailable," Mr. Curtis said. "Now we have another study."

A New York Times editorial the next day echoed Curtis' sense of President Johnson's design. "In setting up the commission and asking for its report by next January the President is obviously hoping to keep criticism of the present system from becoming an election issue. But it is doubtful whether Congressional Republicans, who have joined nonpartisan critics in charging that the draft is discriminatory, inconsistent and expensive, will be mollified by the initiation of a new and conveniently timed study."<sup>67</sup>

In mid-August, in an address to 14,000 summer intern students at the Washington Monument, President Johnson caused a momentary stir among the press and American college students when he said the military draft "...has become a crazyquilt, applying to some but not to others." "We have inherited that system," Johnson said, "but we need not be wedded to it." Johnson went on to point out that the Marshall Commission was tasked specifically to search out flaws in the Selective Service System, to find ways to make the draft fairer and more effective, and to explore practical non-military alternatives to the draft.<sup>68</sup>

In a surprising turn of events, former President Dwight D. Eisenhower stepped into the military manpower policy debate in late-August when the press learned of an article he wrote which was to be published in the September 1966 issue of Reader's Digest. In the article President Eisenhower recommended to the country that Universal Military Training (UMT) be adopted to replace the draft. "During the past year," he

wrote, "I have watched with dismay the rising tide of rancor engendered by our draft system." Under Eisenhower's plan every young male American, when he became 18, would spend 49 weeks--one year minus three weeks for vacation--in military training. Only the barest minimum of the young men would be exempted: those who were obvious mental incompetents, those with drastic physical defects, and perhaps a few hardship cases. At the beginning of his training, each man would be offered the option of enlisting in the military services immediately for a two-year term of duty, and for this he would receive all the normal pay and benefits, including later education under the G.I. Bill of Rights. If these inducements proved to be insufficient and the services did not receive enough volunteers to fill their ranks, it would be necessary to draft the additional men through a lottery system. A variant of this plan suggested by Eisenhower, but one which he did not favor, was a system of universal national service in which each young man would be given the choice of military training or serving in some civilian organization, such as the Peace Corps. The two principal difficulties which Eisenhower saw in his proposal were the disruption the plan would cause with colleges and vocational schools, and the cost--an estimated three to six billion dollars. Eisenhower said that the major benefits for the nation to be derived from his proposal included the following: (1) A huge reserve of trained manpower; (2) Better officers in the Reserve Officers Training Corps; (3) An effective method of reducing juvenile delinquency, irresponsible behavior and crime through exposure to a disciplined, orderly life in the armed forces; and (4) A stimulation of pride in the country and and a desire to fulfill one's obligations as a

citizen. General Eisenhower closed his article by stating, "I am convinced that most Americans believe in the value of such a system, and that many others would be persuaded by an enlightened educational campaign. Most of all, I urge that we act *now*." Following the news of General Eisenhower's article and the article's publication, Burke Marshall and Bradley H. Patterson, Jr., the Executive Director of the Marshall Commission, drove to Gettysburg, Pennsylvania, to interview General Eisenhower. The Commission members were received graciously by General Eisenhower and they were able to explore more fully his views. They also attempted to obtain an interview with former President Truman, a champion of Universal Military Training after World War II, but Mr. Truman told them that for personal reasons he would not be able to meet with them.<sup>69</sup>

Military manpower policy was debated at a number of conventions and meetings during the remainder of 1966. On August 23, at the annual convention of the Veterans of Foreign Wars (V.F.W.) in New York, Secretary of Defense McNamara disclosed the Defense Department's newly inaugurated "Project 100,000," the program to "salvage" draft rejects and substandard volunteers from "poverty encrusted" backgrounds. He told the assembled veterans that the armed services' vast educational system could be the medium for preparing "tens of thousands" of substandard draftees and volunteers for "productive military careers and later for productive roles in society." Representative F. Edward Hébert, chairman of the subcommittee of the House Committee on Armed Service which was responsible for manpower issues, stated, "I applaud his objective.

Maybe now they'll get Cassius Clay." Hébert added, however, that McNamara's proposed rehabilitation and training program must be secondary to performing normal military duties. A Pentagon spokesman, attempting to explain McNamara's program, stated that it was a possibility that men classified as I-Y--qualified for military service only in time of war or a national emergency--would be drafted as a result of the program. It was admitted that possibly 30 percent of the initial 40,000 draft rejects considered for the program would be blacks; however, it was quickly denied that the program would make the Vietnam War even more of a "poor man's war" than civil rights activists and critics of the war contended it to be. The reaction from black leaders was swift. Representative Adam Clayton Powell called the McNamara proposal "genocide" and "brutal." "It's nothing more," Powell said, "than killing off human beings that are not members of the elite." Floyd B. McKissick, National Director of the Congress of Racial Equality (C.O.R.E.), said the program would increase the imbalance of black Americans in the Vietnam War. The National Urban League issued a statement saying they were concerned about any procedure which placed hardships on the Negro who was already carrying a disproportionate percentage of the burdens in Vietnam. Secretary McNamara was followed on the podium at the V.F.W. convention two days later by Representative Mendel Rivers, Chairman of the House Armed Services Committee. Rivers told a cheering crowd that his Committee would undertake a "thorough overhaul" of the religious deferral section of the draft law if Cassius Clay's draft board approved Clay's appeal for a religious deferral. "Listen to this," Rivers

shouted. "If that great theologian of Black Muslim power, Cassius Clay, is deferred, you watch what happens in Washington. We are going to do something if that board takes your boy and leaves him [Clay] home to double talk." Rivers then assailed Stokely Carmichael, Chairman of the Student Nonviolent Coordinating Committee, who had been deferred recently as a conscientious objector.

We must have the internal fortitude to remove the motes from our own eyes. I'm referring to the antics of such people as Carmichael and others who would destroy our nation from within. What has happened to the leadership of our nation when a man--any man, regardless of color--can, with impunity, advise his listeners to tell the President, when he is called to serve in the armed forces, "Hell, no. I'm not going."

On the last day of August, the National Student Association convention, meeting in Urbana, Illinois, called for the abolition of the Selective Service System and voiced the students' opposition to "any system of forced servitude to the government." The Association's resolution stated that military conscription should be imposed by Congress only in times of national emergency and lifted immediately after the emergency had passed.<sup>70</sup>

The military manpower policy debate was also being fought out in the professional journals and magazines, and academic leaders began to take an increasing role and choosing sides in the debate. Professor Eli Ginzberg of Columbia University wrote:

It is relatively easy to identify what is wrong with the draft as it presently operates. It favors those who have the financial and intellectual resources required for college attendance; until recently, it encouraged young men to marry in order to be deferred; until the recent expansion of the Armed

Services from 2.7 million to 3 million, older men were more likely to be drafted than young men--a double disadvantage since men's lives are more likely to be disrupted at an older age and the military prefer younger men. A less obvious but still clear debit has been the influence of the draft in encouraging many students to enroll in college or graduate school for no reason other than to avoid the draft. Above all, it violates the concept of universality and has helped to make a mockery out of the democratic principle that the responsibility to bear arms rests equitably upon all males.

Professor Ginzberg reviewed the alternatives to the draft and found them all lacking with the exception of a lottery system, which he believed to be reasonably equitable and inexpensive to implement. In the same journal, Professor Morris Janowitz, a leading sociologist from the University of Chicago, reviewed the alternatives to the draft and argued for a mandatory national service system which would be combined with a lottery to choose soldiers from within the national service pool. Daniel P. Moynihan, Director of the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University, and later a leading intellectual in President Nixon's Administration, wrote in The New Republic, "If the Selective Service System did not exist, it would be impossible to invent it." Moynihan chided his fellow academics and liberals for their distaste of and indifference to the issue of the military draft. He saw civil rights as an issue which was fading, the poverty programs heading for dismemberment, and the expectations of the Great Society receding. "Very possibly our best hope is seriously to use the armed forces as a socializing experience for the poor--particularly the Southern poor--until somehow their environment begins turning out equal citizens."<sup>71</sup>

Three conferences which were designed specifically to debate the military draft

and its alternative policy options took place in November and December, 1966. The first conference, billed as the "National Conference on the Draft" and sponsored by the American Veterans Committee, took place in Washington, D.C., on November 11 and 12. The Chairman of the American Veterans Committee, John S. Stillman, had attended the first conference on national service which had taken place in May in New York City. Based on the discussions in that conference and the need which he saw, Stillman set as a goal for his organization the stimulation of a national debate on military manpower policy, and which had to take place before Congress deliberated on a renewal of the draft authority before the expiration of the current authority in June 1967. Over 200 representatives from a dozen or more government agencies and some 100 national private organizations attended the conference. Both the Department of Defense and the Selective Service System sent senior representatives to explain their respective positions--Dr. Harold Wool, Defense's Director of Procurement Policy, and Colonel Daniel O. Omer, the Deputy Director of Selective Service. In addition, the conference brought together other speakers who made serious critiques of the current draft system and those who addressed remedies and alternative proposals for military manpower procurement. Colonel Omer, in his address defending the current System, stressed that the System was based on the judgement of local officials who were familiar with local conditions, rather than a centralized, national process. Dismissing "fairness" in the selection process as impossible to attain, Omer criticized a lottery system as an alternative because the lottery would be employed only after many persons have been culled out of the pool for various

reasons. Dr. Wool's presentation outlined the findings of the Department's 1964 study of the draft, as "updated" for Secretary Morris' testimony on the Hill in June; current manpower experiments, such as Project 100,000 and improvements in training; and the Department's conclusion that the draft would be required for some time. The Defense Department, Wool said, was making two recommendations to the Marshall Commission: (1) The draft of 19 or 20 year old men under a "youngest first" policy, and (2) The establishment of some procedure for objective random selection of the men needed from the available pool--in effect some form of lottery.<sup>72</sup>

The conference included several speakers who addressed the deficiencies in the Selective Service System, as well as legal and constitutional issues. During the second day of the conference there was a block of presentations on recommended alternatives for the conferees to consider. Harry Marmion, Staff Associate with the American Council on Education and later to write a respected book on the draft debate, Selective Service: Conflict and Compromise, outlined the current alternative policy options--a lottery, universal military training, an all-volunteer armed force, and national service. He was followed by Joseph McMurray, President of Queens College, Flushing, New York, who spelled out his reasons for advocating a voluntary army and ending the draft. McMurray concluded his argument by stating,

I should like the idea of a volunteer army to have the seriuos attention and consideration it deserves. Will it cost billions? Yes, freedom is expensive and our own freedom is as expensive and as precious and as worth investing in as any freedom we have paid for in the past.

I propose an alternative to a system that has made military service a shameful act and a place for the unlucky or the unwanted. I propose that we honor the men who serve their society by protecting it by treating them with the compassion of an abundant and a grateful society. Men will risk death for us and they will risk it voluntarily as the long histories of the armed forces, the police, and the fire departments of this country have proven. We must provide all of these men with the benefits due their hard and difficult work.<sup>73</sup>

Don Eberly, Executive Secretary of the National Service Secretariat, proposed a national service program which would be managed by a "National Foundation for Volunteer Service," but which would only be responsible for civilian service endeavors, such as the Peace Corps, VISTA, etc. Eberly stated his belief that the concept of national service had been too closely linked with military service, and he wished to gain support for an entirely voluntary and civilian form of national service. Eberly was followed by Bayard Rustin, Executive Director of the A. Philip Randolph Institute, who proposed a "human resources act" to help poor blacks receive the training and education required to obtain meaningful work. The conference concluded with a thorough discussion of the various alternatives to the existing draft, but did not attempt to reach consensus on any one solution.<sup>74</sup>

At Antioch College, in Yellow Springs, Ohio, a "National Collegiate Conference on Selective Service" was held during the period November 17-20. The purpose of the conference, which was attended by student and faculty representatives of thirty-six colleges and universities, was to formulate a statement and resolutions regarding the issue of the military draft. The conference called for the end of conscription and endorsed the

use of a volunteer armed force during peacetime. Conscription, the conferees agreed, could only be used during wartime if it were followed by a formal declaration of war by Congress. They suggested the use of a lottery system as a temporary expedient to reform the current draft, and favored the abolition of the current student deferment system as it was inherently unfair to disadvantaged classes.<sup>75</sup>

The most significant of the conferences which debated the military draft policy occurred at the University of Chicago during the period December 4-7. The University faculty had decided in the spring, because of the outburst of student protests over Selective Service testing, to convene a conference to debate the draft, and had asked Dr. Sol Tax, Professor of Anthropology on the faculty, to organize and moderate the conference. The conference caught the attention of major spokespersons for the major military manpower policy alternatives; scholars in the fields of economics, political science, and sociology; politicians and senior government officials from Washington; students and faculty from a number of universities; and the television and press media. The conference was supported by the Ford Foundation, which provided the funds necessary for a major conference and the publication of the conference proceedings. The unique feature of this particular conference was the breath and depth of the military manpower policy debate which took place, the balance of viewpoints which the conference leaders permitted, the open discussion of all viewpoints, and the extremely high quality of the papers which were provided for discussion. The conference, according to Dr. Tax, was an exciting event, with "We Won't Go!" student gatherings

going on outside the conference hall, and an emotionally and politically charged atmosphere inside the conference hall.<sup>76</sup>

At the opening session, Dr. Tax introduced Mr. Bradley H. Patterson, Jr., the Executive Director of the Marshall Commission, who attended the conference as an observer. Patterson told the conference about the activities of the Marshall Commission and the progress they were making in their examination of the draft. He assured the attendees,

...our report is not yet written. I say this in order to assure this Conference that the results of your discussions and, almost more important, the arguments I expect to listen to, are really going to have a high probability of making a deep impact on our discussions, deliberations, and recommendations. The Commission, not having written its report yet, considers that all options are open. We have pursued some of these matters for a long period of time in deep discussion and at great length. We have, however, only pursued them seven-eighths of the way; the last eighth is open and our minds are still very receptive to suggestions. The report has not been written; nothing is final.<sup>77</sup>

The principal supporters of Selective Service at the Conference were Colonel Dee Ingold, Special Assistant to General Hershey, and Colonel Samuel H. Hays, Director of the Office of Military Psychology and Leadership at the United States Military Academy. Both General Hershey and Colonel Hays had submitted papers for consideration.<sup>78</sup> As might have been expected, General Hershey's paper made no suggestions for improvement of the System; however, Colonel Hays' paper, after examining each alternative to the draft, recommended the System "...be retained as presently constituted with such improvements in administrative efficiency, uniformity of [selection] criteria and

equity as may be devised." Dr. Harold Wool, Director of Procurement Policy in the Department of Defense, represented the position of Defense and at times seemed to be a reluctant ally of Ingold and Hays.<sup>79</sup>

Proponents for national service made a strong showing in terms of their thoughtful papers and their points in the four days of discussion. The major advocates for national service were: Dr. Morris Janowitz, Professor of Sociology at the University of Chicago; Dr. Margaret Mead, Curator of Ethnology at the American Museum of Natural History, New York City; Donald J. Eberly, Executive Director, National Service Secretariat; and Harris Wofford, Associate Director of the Peace Corps. The national service program, which was outlined in an 80-page report distributed to the conferees, was envisioned to be completely voluntary and designed to serve the needs of the civilian sector of society. The program was to be only loosely coupled to the military and the draft in that when 18-year olds registered for the draft, they would have an option to serve in the civilian sector rather than in the military. As conceived, the program of the national service proponents was not a viable alternative to the draft; however, the ideal of national service stimulated much positive discussion.<sup>80</sup>

The universal military training (UMT) alternative to the draft was represented by Dr. Roger W. Little, Associate Professor of Sociology at the University of Illinois at Chicago. He was asked to present and defend General Eisenhower's UMT proposal, which he did with some of his own modifications. Generally, it appears the conferees listened politely, but no enthusiasm was stirred for such a program as it was to be

completely compulsory. Another alternative, a lottery system, was of lively interest at the conference, perhaps in no small measure because its principal supporter in Congress, Senator Edward M. Kennedy of Massachusetts, made an appearance during the last two days of the Conference. In his statement on the lottery policy option, Senator Kennedy explained one method by which a lottery could be used to select draftees, but did not provide any strong rationale as to why he favored the lottery over other choices.<sup>81</sup>

Unquestionably the strongest and most convincing presentation at the conference was put forward by the advocates of an all-volunteer force. This position was represented by Dr. Milton Friedman, Professor in the Department of Economics at the University of Chicago; Dr. Walter Y. Oi, Professor of Economics at the University of Washington; and Bruce K. Chapman, a former correspondent for the New York Herald Tribune and one of the founders of the liberal Young Republican Ripon Society. All three submitted strong, well-written papers advocating the phase-out of conscription and its replacement by a completely voluntary system. In the panel discussions, Dr. Oi presented the economic foundation for their proposal, taking Dr. Wool and the Pentagon to task for having estimated the cost of a voluntary force salary increase between \$4 and \$17 billion. In contrast, Dr. Oi's estimate was between \$4 and \$5 billion. Dr. Friedman addressed the normative and political aspects of the all-volunteer force proposal, explaining that the draft was a tax in kind.

We have taxes that you and I pay in money, and we have taxes that the young men who are forced to serve pay in compulsory services. When a young man is forced to serve at \$45 a week, including the cost of his

keep, of his uniforms, and his dependency allowances, and there are many civilian opportunities available to him at something like \$100 a week, he is paying a \$55 a week in an implicit tax. And it doesn't make it any less of a tax because you exact it in the form of service than if you exact it in the form of money. If you are going to get a real accounting of what the Armed Forces are costing us, in my opinion you must include and should include, not only the taxes in money, but the taxes in kind.<sup>82</sup>

As an indication of the effectiveness of the panelists' presentations supporting the all-volunteer force policy option, two Congressmen immediately voiced their opinions. Representative Robert W. Kastenmeier, Democrat of Wisconsin, stated, "I just wanted to express a general agreement with the three panel members supporting a voluntary army." Representative Donald Rumsfeld, Republican of Illinois, agreed: "I also find myself in general agreement with the three panelists, which is interesting, since Mr. Kastenmeier is a Democrat and I'm a Republican...." Even more significant were the statements by Kastenmeier and Rumsfeld on the last day of the conference when they were members of the panel summarizing the results of the four-day debate. Representative Kastenmeier said, "The one alternative that seems to have a reasonably broad amount of support, including my own, is the voluntary army. It seems to meet better than any other proposal the question of what we can do about compulsion. How can we get rid of coercion? The volunteer army meets this completely." Representative Rumsfeld followed with his conclusion.

To conclude...I was impressed that very few valid arguments, supported by documentation, were put forth against the voluntary system. I also felt that there were numerous and significant advantages to the voluntary system which were not specifically rebutted. Further, I was struck by the apparent degree of support for a voluntary system and also the diverse

political and personal viewpoints of the individuals who seemed to be uniting in agreement on this question. My view is that a reasonable course of action would be for the Congress to give prompt attention to establishing as a goal the institution of an all-voluntary system and phasing out the use of the compulsory draft system as a device for maintaining any size army other than that which would be required for a major conflict or a massive land war.

One additional interesting feature of the University of Chicago conference was the expedient someone developed of passing around resolutions among the attendees which people were free to sign so the more politically oriented attendees, as well as the press, could count the scores for the various alternative policy choices. A resolution supporting the abolition of the draft and the institution of a voluntary service system was signed by 60 of the 120 attendees. Fifty signers of another resolution urged that if the draft were to be retained, all education deferments should be ended as inequitable. Another resolution, signed by 63 attendees, recommended that the use of college class rankings be abandoned as draft selection criteria. At a news conference immediately following the close of the conference, Bradley Patterson said that he had taken more than 60 pages of notes and expected the conference debate sessions to be of vital help to the Marshall Commission.<sup>83</sup>

In an surprise press release on December 7, the same day as the University of Chicago conference was coming to a close, the House Armed Services Committee announced it had organized its own panel to study the military draft. Representative L. Mendel Rivers stated that the "Civilian Advisory Panel" of the Committee, which was chaired by General Mark Clark, former president of The Citadel and retired Army

officer, had been functioning since November 1. The panel consisted of General Clark and seven other members. The other members were: Mr. W. Sterling Cole, Vice-Chairman, former two-term member of the House of Representatives, and the first Director General of the International Atomic Energy Commission, and a member of the Cole and Norris law firm in Washington; Dr. Frederick L. Hovde, President of Purdue University; Dr. Jerome Holland, President of Hampton Institute; Rt. Rev. Maurice S. Sheehy, former Chief of Navy Chaplains and Vice Admiral (Ret.) in the U.S. Navy Reserves; Mr. Robert D. Murphy, former Undersecretary of State and Chairman of the Board of Corning Glass International; Mr. Earl H. Blaik, former U.S. Military Academy football coach and Chairman, Executive Committee, Avco Corporation; and Charles E. Saltzman, former Secretary and Vice President of the New York Stock Exchange, Major General (Ret.) in the U.S. Army Reserves, and partner in the Washington law firm of Goldman, Sachs & Company. Another House Armed Services Committee member, who declined to be quoted by name, told the press that the House Committee's panel was obviously intended to permit Congressional independence of the study being completed by the Marshall Commission. The Clark Panel, as it came to be known, was requested to complete its study by March 1.<sup>84</sup>

Members of Congress, the Administration, and the public waited for the results of the investigations of the two study groups, anticipating an even larger debate over military manpower policy as the draft authority of the Universal Military Training and Service Act had to be extended by the end of June, 1967. The President's State of the

Union address, usually full of his policy-making agenda items for the forthcoming year, mentioned the draft briefly.

We should modernize our Selective Service System. The National Commission on Selective Service will shortly submit its report. I will send you new recommendations to meet our military manpower needs. But let us resolve that this is the Congress that made our draft laws as fair and as effective as possible.

Adding to the tension and the anticipation of the battle to come, on January 30, 1967, the United States Court of Appeals for the Second Circuit in New York held that local draft boards could not reclassify registrants to I-A as a penalty for protesting the Vietnam War. Reversing a lower court, the appeals court reinstated an action by two University of Michigan students who were seeking to block their induction into the Armed Forces as a result of a sit-in at the Ann Arbor draft board on October 15, 1965. The appeals court unanimously ruled that the draft boards had acted without jurisdiction and in violation of the First Amendment right of free speech. The New York Times commented in an editorial, "The [Selective Service] system is thus restored to its proper place in a democratic society. The draft is intended to select qualified men to serve in an honorable calling. To use the armed services as a penitentiary is an insult to all those in uniform. The court's ruling is a reminder of the urgency of the current re-examination of military manpower policies." The sense of anticipation probably was increased when, in early February, the press reported a summary of the conclusions of the Marshall Commission, a deliberate leak of deliberations within a commission which beforehand had been impenetrable for the press.<sup>85</sup>

The reports of the Clark Panel and the Marshall Commission were finally made public in early March. The Clark Panel report<sup>86</sup> was forwarded formally to the House Armed Services Committee on February 28 and was made available to the public on Friday, March 3. The Clark Panel report was not a very impressive document; the substantive portion of the report consisted of only about 18 pages, and the "expert" sources cited in the report consisted entirely of personnel of the House Armed Services Committee, the Selective Service, and the Department of Defense. Reportedly, the Panel members only met about six times to consider substantive issues.<sup>87</sup> The Panel's recommendations were divided into two groupings, those for the President and those for the Congress. To the President, the Panel recommended: (1) The order of call should be reversed to draft the youngest first; (2) Reserve enlisted personnel who were not performing satisfactorily in their unit should be ordered to active duty for a 24-month period; (3) The Director of Selective Service should schedule and conduct periodic regional meetings with local draft boards; (4) The Department of Defense "Project 100,000," which would provide military service opportunities for those who normally would not qualify mentally or physically for service, should be supported; (5) The Department of Defense should continue its review of moral standards applicable to inductions to preclude the unnecessary rejection of volunteers and draftees who might otherwise be qualified for service; (6) Those who destroy draft cards should be severely and expeditiously punished; (7) A vigorous program should be undertaken to identify, apprehend, and punish draft evaders; and (8) The Director of Selective Service and State

Directors should endeavor to provide the public a better understanding of the draft. For the Congress, the Panel had ten recommendations. These were: (1) Extend the induction authority in the law; (2) Change the title of the law to "The Selective Service Act"; (3) The Committees on Armed Services of Congress should maintain close surveillance over the administration of the Act to achieve optimum uniformity; (4) Student deferments should be continued for undergraduates, but post-graduate studies should be deferred only for medical, dental, and specialty professions; (5) Legislation should be enacted creating a national manpower resources board, reporting to the National Security Council, which would determine the essential and critical occupations for the nation; (6) The wording in the current law regarding conscientious objectors' belief in a "Supreme Being" should be deleted and the wording of the Draft Act of 1940 be reinstated; (7) The President should be given permanent statutory authority to order Reserve forces to active duty; (8) The position of Deputy Director of Selective Service for Public Affairs should be created; (9) Consideration should be given to the use of bonuses to achieve a completely voluntary Reserve program; and (10) The tenure of local board members should be set at ten years. In other recommendations, the Clark Panel recommended the rejection by Congress and the Administration of other military manpower policy options--universal military training, national service, a voluntary armed force, and the use of a lottery draft system.

The Marshall Commission's report, which was aptly titled In Pursuit of Equity: Who Serves When Not All Serve?, was a thoroughly researched and documented report--

and it was well written, unusual for a Government document.<sup>88</sup> The Commission made the following major recommendations: (1) The Selective Service System should be continued, but it should be subject to the rule of law and not policy discretion to ensure equal treatment of those in like circumstances; (2) The Selective Service System should be reorganized to consist of eight regional offices to ensure the uniform application of policy; (3) The System should ensure the draft registrant and public are fully informed of the System and the individuals' rights; (4) A "youngest first" order of call should be adopted to reduce uncertainty and ensure fairness; (5) A random and impartial selection process (i.e., a lottery) should be instituted; (6) Student and occupational deferments should be eliminated<sup>89</sup>; (7) A study should be made of the feasibility of a plan which would permit all men selected for induction to decide themselves when they would serve between the ages of 19 and 23; (8) More opportunities should be created for women to serve in the armed forces; and (9) The Department of Defense should propose programs which would accept volunteers who did not meet induction standards, but could be brought to an acceptable level if accepted and trained (i.e., "Project 100,000"). Universal military training, an all-volunteer force, and national service were dismissed as serious policy alternatives to a reformed Selective Service System.<sup>90</sup>

The Marshall Commission report was released to the public from the Texas White House on Saturday, March 4, and with none of the fanfare which normally accompanies the release of a major White House study. The press was simply told that President Johnson would make his recommendations on the draft to Congress on Monday, March

6. The President's message to Congress and the Administration's proposed legislation, as might have been expected, supported a renewal of the authority to draft for four more years. Citing the three recent studies on the military draft, the 1964 study of the Defense Department, the Clark Panel study, and the report of the Marshall Commission, the President's message stated:

These reports have confirmed that continuation of the draft is still essential to our national security. They have also established that inequities do result from present selection policies, that policies designed for an earlier period operate unevenly under today's conditions, creating unfairness in the lives of some, promoting uncertainty in the minds of more.

The message went on to address nine proposals. These were: (1) The induction authority under the current law should be extended for four years, until June 30, 1971; (2) The order of induction should be reversed, inducting the youngest first, thus reducing uncertainty in the lives of young men; (3) Policies governing undergraduate college deferments should be tightened so those deferments can never become exemptions, and all post-graduate deferments should be eliminated; (4) Firm rules should be formulated and applied uniformly throughout the country in determining eligibility for other deferments; (5) A fair and impartial random (FAIR) system of selection should be established to determine the order of call for all men eligible and available for the draft (i.e., a lottery system) (6) Improvements in the Selective Service System should be effected to ensure better service, counselling, and appeal support to the registrants, better information for the public, and broader representation on local draft boards; (7) A study should be conducted of the proposal of the Marshall Commission that the Selective

Service System be restructured; (8) The National Commission on Selective Service (i.e., the Marshall Commission) should be continued for another year to provide a continuing review of the System; and (9) Enlistment procedures for the National Guard and Reserves should be strengthened to remove inequities and ensure a high state of readiness.<sup>91</sup>

The President requested the legislative support of Congress for the renewal of draft authority for four more years, and asked that Congress debate the issue of removing the deferments for all undergraduate students as recommended by the Marshall Commission. All other proposals President Johnson treated as if they were his to decide and decree, which irritated Congressional leaders. The President stated that he intended to issue an Executive Order in the future which would reverse the order of call to the "youngest first" and would foreclose student deferments for post-graduate students. Leaders in Congress did not grumble with the President seizing leadership on these issues; both measures were recommended by the Clark Panel, and the President was well within the latitude of power granted him in the law. However, the President provoked bitter disagreement when he stated his intent to institute a lottery system, which he called "Fair and Impartial Random (FAIR)," and have it be operational not later than January 1, 1969.

Although President Johnson's message praised the Marshall Commission's report as the "most penetrating analysis of Selective Service in our history," it was clear that he was handling the Commission's recommendations gingerly, particularly those

recommending a reorganization and centralization of the Selective Service System and abolishing all student deferments. Realizing full well the strong allies the Selective Service System had on the Hill, Johnson turned to his accustomed method of handling a difficult issue--he appointed another study group to investigate the recommendation to reorganize the System.<sup>92</sup> An editorial in the New York Times commented, "President Johnson has set forth with great clarity all the reasons why the military draft must be made more equitable, but his message to Congress shows a puzzling absence of insistence on swift action to get rid of the unfairness." The editorial went on to chide Congress, possibly irritating Congressional leaders further. "...Congress ought to debate and adopt the changes in draft procedure it considers desirable, instead of leaving a basic overhaul of the system up to the President through such Executive Orders as he may later decide to issue." The President's legislation proposal to Congress, in reality, represented a masterful compromise between the Clark Panel and the Marshall Commission, and a transfer of responsibility for deciding the undergraduate student deferment policy issue to Congress. With the President's message the debate over military manpower policy shifted to a new phase--the military manpower policy issues were now in the hands of Congress to debate and settle.<sup>93</sup>

### **The Congressional Debate of 1967**

On Capitol Hill, the forces were mustering in their various policy option camps and plotting their tactics. The two reports which were presented on the issue of the draft, the Marshall Commission report and the Clark Panel report, and the proposed

legislation from the Administration differed in details which were to be debated. A comparison of these three documents is shown in Exhibit 4-6 on the following four pages. Even before the proposed legislation reached Congress, Representative Hébert, a senior member of Mendel Rivers' Committee on Armed Services, told the press he was totally opposed to any suggestion of a reorganization of General Hershey's Selective Service System and the elimination of student deferments. He added that he would do everything possible to prevent the unilateral institution by the President of a lottery system. Representative Rivers echoed the blunt sentiments of Representative Hébert, stating that he would work for legislation to prevent the creation of a lottery system by changing the law if necessary. Representative Carl D. Perkins, Democrat of Kentucky and Chairman of the House Education Committee, announced he would consider the proposed changes to the draft in his committee. Senator Mark O. Hatfield, Republican of Oregon, said that he would introduce a bill aimed at eliminating the draft and the creation of an all-volunteer armed force. Senator Edward Kennedy, after having spoken to and obtained the approval of Senator Russell, Chairman of the Senate Committee on Armed Services, announced that the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare would hold hearings on the draft in late March.<sup>94</sup>

The hearings before the Subcommittee on Employment, Manpower, and Poverty ran for seven days, between March 20 and April 6.<sup>95</sup> The Subcommittee's Chairman, Senator Joseph S. Clark of Pennsylvania, turned the gavel over to Senator Kennedy for

## MAJOR RECOMMENDED CHANGES ON THE DRAFT

### Summary

[Page references following the various recommendations identify the location of the specific recommendation in the reports issued by the Marshall Commission; Clark Panel; and the President's message.]

Subject matter	Problem	Marshall Commission	Clark Panel	President's message
A. Alternatives to the draft. (Items 1 to 3)	1. Eliminate draft and establish an all-volunteer force.	Not feasible. Inflexibility would not provide rapid procurement in time of crisis (p. 12).	Same and also emphasized moral objection to the concept of defense of Nation by mercenaries (p. 18).	Same. Recommends extension of induction authority for 4 years to July 1, 1971 (p. 6).
	2. Universal military training.	Not an acceptable solution since basically "there is no military requirement for it" (p. 16).	Same (p. 17).	No comment, but obviously in agreement.
	3. Alternative or equivalent national service.	Not a substitute for military service (pp. 61-63).	Same (p. 18).	No comment, but obviously in agreement.
B. Deferment policy. (Items 4 to 10)	4. Undergraduate deferment.	<i>Majority</i> —Recommended terminating at end of sophomore year except for those now in degree program. Also ROTC students deferred. <i>Minority</i> —Recommended continued student deferments until completion of undergraduate degree with full exposure to induction thereafter (pp. 7, 41-46).	Essentially same as <i>Minority</i> Marshall plan. Students in good standing deferred until receipt of undergraduate degree or age 24, whichever occurs earlier; both require students to waive subsequent deferment except for extreme hardship (pp. 11-12).	Defers decision until congressional review and public debate has taken place (p. 8).
	Officer Training Programs (ROTC, etc.) plus physician procurement.	<i>Majority</i> plan. Students in ROTC deferred if committed to serve on active duty upon completion. Dropouts to serve as enlisted men. Use scholarship incentives to provide physicians. If physician requirement not met, draft from graduates passed over at 19 despite double exposure to draft.	No problem since deferments through undergraduate degree provided and graduate student deferment for physicians, dentists, etc. continued.	Defer the problem for study pending resolution of student deferment policy.

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### Exhibit 4-6 (1), Major Recommended Changes of the Draft

(Source: U.S., Congress, House, Committee on Armed Services, Extension of the Universal Military Training and Service Act. Hearings Before the Committee on Armed Services. Hearings and Reports No. 12, 90th Cong., 1st sess., 1967, pp. 1915-1918.)

**MAJOR RECOMMENDED CHANGES OF THE DRAFT—Continued**  
**Summary—Continued**

[Page references following the various recommendations identify the location of the specific recommendation in the reports issued by the Marshall Commission; Clark Panel; and the President's message.]

Subject matter	Problem	Marshall Commission	Clark Panel	President's message
B. Deferment policy—Continued	5. Postgraduate deferment.	<p><i>Majority</i>—No deferments. Use scholarships to obtain physicians and dentists and continue to draft even if this results in double exposure or double service.</p> <p><i>Minority</i>—Authorize deferments for physicians, dentists and others considered essential (pp. 7, 41-40).</p>	Provides deferments for those in professions or occupations identified as critical to national security needs (p. 12(8)).	Limited to medical-dental students (p. 8). Adopts broad program of medical scholarships (p. 6).
	6. Occupational and agricultural deferments.	Would eliminate entirely; however, existing apprenticeship training and occupational deferments would continue such deferments until change in status. Upon termination of deferment, "they would be entered into the selection pool" (pp. 46, 51).	Proposes National Manpower Resources Board under National Security Council to establish lists of essential and critical occupations. Would provide more uniform criteria for deferment (pp. 12, 13).	Same as Marshall plan with final decision apparently linked to the act on which may be taken by Congress on undergraduate student deferments (pp. 8, 9).
	7. Hardship deferments.	Continued. "Must be judged realistically on their individual merits" (pp. 46, 52).	Continued. "As determined by the local board" (p. 12).	No comment.
	8. Paternity deferments.	No comment.	No comment.	No comment.
	9. Reserve deferments.....	Proposes to limit to men enlisting prior to receiving I-A classification (presumably age 18½). If strength of units cannot be maintained, then eligible registrants to be inducted into the Reserve to discharge their military obligation (p. 54).	<p>Continue Reserve deferments, but:</p> <ul style="list-style-type: none"> <li>(a) Order some reservists to active duty to distribute more equitably the burden of Vietnam.</li> <li>(b) Order obligated reservists not performing satisfactorily to active duty.</li> <li>(c) Avoid involuntary assignment of personnel to drill with Reserve units (after completion on 2 years of active duty) by utilizing a Reserve reenlistment bonus (pp. 15, 16).</li> <li>(d) Provide the President with permanent authority to order Reserve</li> </ul>	<p>Recommends that Reserve components, like the Active Forces, be maintained primarily by volunteers.</p> <p>Announces that DOD has adopted policy of—</p> <ul style="list-style-type: none"> <li>(a) Accepting enlistments in order of application.</li> <li>(b) Requiring acceptance of enlistments from 17 to 18½-year group before others may be enlisted.</li> <li>(c) Ordering to active duty reservists not performing satisfactorily.</li> <li>(d) Reserve deferments limited to</li> </ul>

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Exhibit 4-6 (2), Major Recommended Changes of the Draft

		Forces to active duty without declaring new national emergency (p. 7).	those individuals "required to fill specific vacancies in Reserve components." Recommend enactment of standby authority to allow DOD to draft men into Reserve and National Guard units whenever the authorized strength cannot otherwise be maintained (p. 11).
	10. Conscientious objectors.	Continue present policy as enunciated by U.S. Supreme Court in the <i>Seeger</i> case (380 U.S. 163) (pp. 48-51).	Amend the law to overcome the broad interpretation of the <i>Seeger</i> case and provide local boards with a comprehensible criteria for recognizing bona fide conscientious objectors. Amend law to establish a 60-day time period for Department of Justice to report on conscientious objector appeals (p. 23).
O. Induction priorities..... (Items 11 and 12)	11. Order of call.....	Youngest men first, beginning at age 19, of registrants classified I-A in lieu of present "oldest first" system (pp. 6, 37).	Local boards will first "attempt to satisfy" monthly quotas by ordering for induction registrants classified I-A in 19- to 20-year-old age group. Recommends adoption of "modified young age class system" (p. 4).
	12. Method of selecting from I-A pool.	Recommends national system of random selection i.e., sequence of induction for all men to be determined on a nationwide basis without State/local quotas. (Would utilize a lottery technique such as a "computer" or a "fishbowl") (p. 39).	Oppose "lottery" system in any form. (p. 20). Oppose abandonment of State/local quota system (p. 18). Recommends continuation of use of "date of birth" in determining the order of call and selection from pool of eligibles (p. 20).  "I am directing the Director of Selective Services' working in collaboration with the Secretary of Defense, to develop a fair and impartial random (FAIR) system of selection to become fully operational before Jan. 1, 1960. This system will determine the order of call for induction of qualified and available 19-year-olds and older men as their deferments expire." The President, therefore, presumably recommends adoption of a "lottery" but does not indicate whether it will operate on a national or local level (p. 9).

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Exhibit 4-6 (3), Major Recommended Changes of the Draft

**MAJOR RECOMMENDED CHANGES ON THE DRAFT—Continued**  
**Summary—Continued**

[Page references following the various recommendations identify the location of the specific recommendation in the reports issued by the Marshall Commission; Clark Panel; and the President's message.]

Subject matter	Problem	Marshall Commission	Clark Panel	President's message
D. Miscellaneous. (Items 13 to 16)	13. Organization of Selective Service System.	<p>Consolidate 4,000 local boards into 300/500 area offices.</p> <p>Eliminate all 86 State headquarters and establish 8 regional offices.</p> <p>Establish separate citizen appeal boards at area and regional office level (would replace 93 State Appeal Boards).</p> <p>Use electronic data processing equipment (pp. 31-35).</p>	<p>Preserve existing organization. However, recommends a "watchdog" committee of the Armed Services Committee to achieve "optimum uniformity in the implementation of the law" (pp. 10-11).</p> <p>Recommend against centralized system using automatic data processing equipment (p. 20).</p>	<p>Defer action on Marshall recommendation for study by joint task force (DOD, SSS, BOB). However, improve appeals procedures, board membership and information policies now (pp. 10-10).</p>
	14. Public information.	Allocate improved information program and use professional counsellors in area offices (pp. 6, 36).	Recommends Deputy Director of Selective Service for Public Affairs to inform public concerning Selective Service operations and investigate complaints against System (pp. 14-15).	Supports Marshall recommendation (p. 11).
	15. Lower standards for enlistment and induction.	Advocates expanded special education and training programs for volunteers who do not meet induction standards (pp. 7, 57-59).	Recommends against any further reduction in standards of acceptance until experience developed as to impact of recently adopted lower standards on military services (pp. 8-9).	Advises that the Department of Defense has "Project 100,000 underway" which will enable volunteers to be trained to acceptable level for military purposes (p. 8).
	16. Aliens.	4 proposals to liberalize application of Draft Law to aliens (p. 55).	No comment.	Not mentioned.

Exhibit 4-6 (4), Major Recommended Changes of the Draft

the seven days, enabling Kennedy to raise issues related to the draft that had never been surfaced and to bring forward witnesses who probably would not be asked to testify before Senator Russell's Committee. Among the witnesses invited to provide testimony were Secretary of Labor Willard Wirtz; Commissioner of Education Harold Howe; Sargent Shriver, Director of the Office of Economic Opportunity; Don Eberly, Executive Director of the National Service Secretariat; Arlo Tatum, Executive Secretary of the Committee for Conscientious Objectors; and Dr. Milton Friedman, Professor of Economics at the University of Chicago and whom the Senator had met at the University of Chicago Conference on the Draft the previous December. The first witness before the Subcommittee was General Hershey, who obviously did not have the rapport with the Subcommittee members that he had established over the years with members of the Armed Services Committees. General Hershey appears to have been unnerved somewhat by the direct and probing nature of the questions he received, and the usual wandering syntax of his responses did not hold up well with his questioners. When asked for his reaction to the Marshall Commission's report, General Hershey's rambling answer made it clear that he saw little merit in the Commission's recommendations, particularly the recommendation for a reorganization of the Selective Service System. Concerning the Commission's recommendation to use data automation to help in the operation of the System, Hershey responded, "I have not yet arrived at the place where I think the machine which operates on cards with punch holes in them will necessarily have any more wisdom, and certainly not as much compassion, than a human being."<sup>96</sup> When

Senator Kennedy turned to the subject of deferments, and bore down in a series of rapid-fire questions, he was finally able to get from General Hershey the approximate number of men every year who could not be placed. General Hershey agreed that out of the approximate 1.9 million men who turned 19 every year, very few would actually be needed.

Senator Kennedy: I believe the Marshall Commission estimate is that we will need to draft about 1 out of 6 of the boys that turn 19 to meet our military commitments.

General Hershey: I think at the present time we are probably running 700,000 or 750,000. About three-quarters of a million are going into all things in all ways. But the inductions probably are somewhat less than half. In fact, we used to think that if you didn't get at least two--

Senator Kennedy: I believe the figure is that 27 percent are inductions.

General Hershey: I wouldn't quarrel with that.

Senator Kennedy: Even accepting the point you suggested that the Selective Service System works now as an incentive for enlistment, and that this incentive might be decreased if you drafted the youngest first, you are nevertheless, still forced to select from among large pools of 19-year olds, and you are only going to need a relative few.

General Hershey: I am willing to admit that after we take out everybody who can't pass and take everybody you want, you are going to have somewhere between 250,000 and 350,000 every year that you can't take. There is no place for them.

When Senator Kennedy got to the subject of a lottery system, which is the subject to which he was leading him, General Hershey admitted that it would not take very long to implement a lottery system for the selection of draftees and admitted that he had

recently become a convert to a change in policy regarding a lottery. Using football as a metaphor to explain his reluctant capitulation, Hershey said, "...when the quarterback calls the signals, that is the way I play them. I wouldn't be an operator very long if I only did what I liked."<sup>97</sup>

The next witness was Assistant Secretary of Defense (Manpower) Thomas D. Morris, who was accompanied by Dr. Harold Wool. Since Secretary Morris' testimony the previous June before the House Armed Services Committee, Secretary of Defense McNamara had endorsed the lottery system and it had become Pentagon policy. Kennedy's questioning of Morris revealed that Morris did not see any major technical difficulty in moving to a lottery system. In addition, Morris admitted readily that it would be extremely difficult to shift to a draft of the "youngest first" without the use of some random selection process. In questions regarding the Pentagon's study of the feasibility of an all-volunteer force, Kennedy mentioned Dr. Walter Oi's estimate of the cost of a peacetime-level force of between \$4 and \$5 billion. Morris responded that under periods of high unemployment the cost of attracting an all-volunteer force would be on the order of \$4 to \$6 billion, but their best estimate was \$8 billion. Secretary Morris also revealed that, as of January 1967, there were 114,000 draftees in the Armed Services in Vietnam, all in the Army. This equated to 45 percent of the enlisted personnel in Vietnam.<sup>98</sup>

Don Eberly, the Executive Director of the National Service Secretariat and the next witness before Kennedy's Subcommittee, advocated a national service program in

which a major portion of the military-age manpower pool which was in excess of the needs of the military draft would be directed into national service tasks. Under Mr. Eberly's plan, a compulsory draft would be maintained to keep the ranks of the armed services full. His national service program would pick-up manpower resources not needed by the military or persons who, under pressure of draft induction, would elect to serve in the national service program. When pressed by Senator Kennedy, Eberly stated that his plan for national service could include as many as three million of America's youth over a ten-year period, both women and men. Eventually, Eberly admitted, such a program could cost approximately \$12 billion a year. Senator Jacob Javits, Republican of New York and an outspoken supporter of national service, interrupted the questioning by Senator Kennedy frequently, attempting to put the best spin possible on Mr. Eberly's proposed program. Finally, very exasperated, Javits interrupted again to put his disclaimer on the program suggested by Mr. Eberly.

Mr. Chairman, could you yield at this point? I don't think it is fair to allow Mr. Eberly's testimony to stand as the classic exposition of the concept of national service. It isn't mine. It may be yours, sir, and I respect it, but I think it would be most unfair for the subcommittee to conclude that this is the national service that McNamara has talked about, that I have talked about, that others have talked about. It is not. When it comes to my turn to question you, I will make clear why it is not. And I think it would be most unfair, Mr. Chairman, therefore, to assume that this is the classic model and that, therefore, it is valid or invalid upon the witnesses' testimony. I am sorry, Mr. Eberly. I say that with all respect to you, but this is not my idea of national service.<sup>99</sup>

When Senator Javits' turn came to question, and still just barely controlling his irritation, he outlined his concept of national service--one in which the military draft would remain

in place, but those individuals who did not meet physical or mental standards could volunteer for national service efforts, thus avoiding any question of unconstitutionality under the 13th Amendment.

Mr. Burke Marshall's testimony was received respectfully and the questions directed to him were thoughtful and germane. Senator Robert Kennedy, Democrat of New York and brother of the Acting Chairman, was particularly interested in the reasoning behind the Marshall Commission's majority recommendation that all college deferments be eliminated. This exchange took place regarding blacks being drafted and in Vietnam.

Senator Kennedy: There have been various reports there has been a higher percentage of Negroes and those in lower economic groups [drafted] than in the higher groups. Could you speak to that?

Mr. Marshall: Senator, the statistics are that in proportion to their population, there are more Negroes that are drafted from the eligible group than whites. The statistics also are when you look at the services and the units that bear the brunt of the combat in Vietnam that the proportion of Negroes in those units and those services are far above the population proportion. That is also true of the statistics on the casualties. I think that the figures are that in the last year 22 or somewhat over 22 percent of the men killed in Vietnam are Negroes. Now, there are other reasons for that but I think that it starts...with the fact that this whole system of deferments hits Negroes worse and harder than it does other people.<sup>100</sup>

The last two witnesses who appeared before the Subcommittee, on April 6, 1967, were Dr. Milton Friedman and Mr. Arlo Tatum, Executive Secretary of the Committee

for Conscientious Objectors. Senator Kennedy's introduction of Dr. Friedman was glowing: "...it is not only a pleasure to welcome Professor Friedman to this Subcommittee as an articulate spokesman for one of the important considerations which are being given to the volunteer army, but also I have had a chance of attending a conference at the University of Chicago to hear for myself his eloquence and to notice his persuasive powers." Persuasive, Dr. Friedman was. Senator Kennedy's questions focused on the issue of equity, attempting to maneuver Dr. Friedman into a position in which he admitted that a random selection of draftees would be more equitable than depending on the "invisible hand" of volunteerism. A completely voluntary system, Senator Kennedy was attempting to have Dr. Friedman admit, would be unfair to the disadvantaged because they would be lured into the military service for the monetary rewards. When Senator Kennedy asked if a voluntary army would not be a black Army, Dr. Friedman stated that would be impossible; the population of blacks in the United States simply was not large enough that it would be possible to have a black Army.<sup>101</sup>

The Kennedy hearings provided an important opportunity for members of Congress to be exposed to viewpoints on the draft which they might not otherwise witness or read about, given the controlled nature of hearings before the Armed Services Committees. Two other points must be made. The hearings tended to sharpen Kennedy's background and thinking on alternatives to the draft, and they also seemed to enhance Kennedy's credibility with colleagues in Congress on this subject as he attempted to press for his policy choice, the draft lottery, later in the summer.

The Senate Committee on Armed Services began its hearings on April 12, 1967, one week after Senator Kennedy's Subcommittee hearings were completed. For the remaining two-and-a-half months before the draft authority of the existing law expired, Congress was locked in the serious process of making policy and law for military manpower. The Senate Armed Services Committee was not prone to publicity as was its House counterpart, making it difficult to assess in advance how a particular member may stand on an issue. The Armed Service Committee of the Senate was believed, in general, to be very conservative and hawkish. The Committee was chaired by the venerable and highly respected Senator Richard B. Russell, Democrat of Georgia, who was also the Chairman of the Appropriations Subcommittee, giving him great power over military legislation. He led the corps of southern senators who often conducted successful filibusters against civil rights legislation. Reflecting the Committee's conservative bent, its membership consisted of Senators John Stennis, Democrat of Mississippi; Strom Thurmond, Republican of South Carolina; John Tower, Republican of Texas; Peter Dominick, Republican of Colorado; Sam Ervin, Democrat of North Carolina; and Thomas McIntyre, Democrat of New Hampshire.<sup>102</sup>

The Senate Armed Services Committee's hearings on the draft bill (S. 1432, the Administration's proposed bill to Congress) lasted for six days, between April 12 and April 19, 1967.<sup>103</sup> The most significant witnesses were General Mark Clark; Assistant Secretary of Defense Tom Morris; Burke Marshall; Senators Gruening, Edward Kennedy, and Hatfield; Representatives Schweiker and Rumsfeld; and General Hershey.

All of these witnesses agreed that an extension of the draft law was required, but their views on reforms of the current system or its eventual replacement varied widely. The sense of the members of the Committee probably was captured by Senator Russell in his opening statement.

Of course, we approach these present hearings with an open mind. If there is a better and a fairer way to provide the manpower to defend our country, we want to find it. But the Chair thinks it would be exceedingly unwise to make changes just for the sake of change or to supplant a working system with an untried one merely because there may be dissent over our military activities in southeast Asia, more dissent than there was over some of our other military engagements.<sup>104</sup>

General Mark Clark was the Committee's first witness. This position on the agenda as well as his escort into the hearing chamber by Representative Mendel Rivers were clear signals as to the leaning of the Committee on the draft issue. After General Clark presented the findings and recommendations of his Panel, Chairman Russell focused immediately on the major issue of disagreement between the Clark Panel and the Marshall Commission--student deferments. General Clark explained that under his Panel's recommendation, the college student would remain in a deferred status until he graduates, he becomes 24-years old, or until he is thrown out of college. Under any of those conditions, the student reverts to the same status as a 19-year old and is placed in the manpower pool for exposure to draft induction. The General had little sympathy for postgraduate "professional students," particularly those who pursue courses of study he did not regard as particularly valuable to the country.

I have been a college president the past 12 years, and I am somewhat

familiar with this--so many more now are desiring to go on to postgraduate work, to major in such things as music appreciation and animal husbandry and a lot of things not essential to the military posture of our country; and so we placed that, or recommended that there be placed in the highest hands, the National Security Council, the identification of truly critically required areas of graduate study so that there would be relatively few who would go on to postgraduate work.<sup>105</sup>

When General Clark was asked by Senator Margaret Chase Smith, Republican of Maine, to elaborate on his Panel's recommendation that the Administration more vigorously pursue draft evaders, General Clark remarked that generally nothing was being done about draft evaders who fled to Canada and other foreign countries. Concerning conscientious objectors, General Clark believed that conscientious objectors of the 1960s were "a different breed of cat" from those of earlier years and other conflicts. They were "...not the regular religious groups that we have recognized for so many years as being sincere, but a lot of people who just don't want to fight, who don't want to go to war. They are the kind who are anti-Vietnam all the time, and using this [the *Seeger* ruling of the Supreme Court in 1965] and being taught to use the escape route as conscientious objectors."<sup>106</sup> Senator Howard W. Cannon, Democrat of Nevada, asked General Clark to comment on whether the Committee should write penalty provisions into the law to prosecute those who advocate draft card burning. General Clark responded, "I do agree with you that there is a question of treason involved, and I certainly would recommend that legislation be enacted, if it isn't already on the books, which would provide for people like that being brought to trial."<sup>107</sup> At the conclusion of General Clark's testimony, Chairman Russell was effusive in his compliments, stating

that the General, through his service as panel chairman and his testimony, had added another star to those he had already earned.

Burke Marshall's testimony before the Committee was received respectfully, but not warmly. Chairman Russell and other Committee members bore down hard on a number of the Commission's recommendations. Chairman Russell spent considerable time questioning Marshall on hypothetical details of how "some form of random selection," as the Marshall Commission's report phrased a lottery system, might work. The Commission deliberately had left details of how such a system might work out of their report, believing such mechanical details to be unimportant. However, Chairman Russell pursued this issue with persistence. Senator Russell also sought to uncover weak spots in Marshall's testimony by directing pointed questions at the Commission's recommendations which were not endorsed by the White House. Marshall, in response, detailed the Commission's findings of their thorough investigation of the Selective Service System, leading to the recommendation that the System be completely reorganized.<sup>108</sup>

Next to testify before the Committee were Senator Ernest Gruening, Democrat of Alaska, Senator Edward Kennedy, Democrat of Massachusetts, and Representative Richard Schweiker, Republican of Pennsylvania. Senator Gruening spoke in support of his bill, S. 1414, to amend the draft law to provide that no one who had been drafted would be sent to serve in Southeast Asia without his consent. The Committee listened politely to Gruening's diatribe against the war, and had no questions.<sup>109</sup> Senator

Kennedy's testimony outlined the findings of the hearings, held two weeks earlier, of the Subcommittee on Employment, Manpower, and Poverty. The Subcommittee, Kennedy stated, found several faults in the existing draft system which should be corrected in the interest of equity. First, deferments were being given to students in colleges and universities, but deferments being granted to students in occupational training and part-time students were extremely limited. Second, the Subcommittee noted with concern the number of volunteers for military service among those who were being rejected--approximately 230,000 to 350,000 men a year--many of whom could provide useful military service if given the proper skill training and education. Senator Kennedy went on to explain the sense of the Subcommittee regarding two potential alternative military manpower policy choices--a volunteer army and national service. The case for the all-volunteer army, presented before the Subcommittee very ably by Dr. Milton Friedman, Kennedy said, still had several troublesome, unresolved weaknesses. These were its high but largely unknown cost and the potential erosion of a "bridge of participation and identification" between an army of professionals and the civilian sector of society, which "...would have serious and unforeseeable consequences." Concerning national service and the testimony of Don Eberly before the Subcommittee, Kennedy only commented that "...much thinking remains to be done before we can consider equating non-military service with military service, either directly or by some other means of determining equivalency." Kennedy went on to comment on Senate Concurrent Resolution 12, which he had introduced on February 23, which would provide to the President the sense of

Congress regarding a number of administrative reforms of the draft which were within the power of the President to execute. The reforms contained in Kennedy's resolution were: (1) To establish national criteria for the classification of persons registered under the act, and to administer the classification criteria uniformly throughout the United States; (2) To require the order of induction of persons be determined based on random selection; (3) To eliminate all deferments except those for extreme hardship and those for students pursuing undergraduate study, with the proviso that the student deferment would last no longer than four academic years; (4) To require the youngest registrants to be inducted first; and (5) To continue to revise the services' physical and mental standards so that, with remedial training and treatment, a greater number may be inducted and perform noncombat services, or combat duty if that is appropriate. Based on these reforms, Senator Kennedy recommended the draft authority be extended.<sup>110</sup>

Representative Schweiker testified in support of his bill, H.R. 5017, the Draft Reform Act of 1967, which he had introduced in the House of Representatives on February 7, which Schweiker called the first comprehensive draft reform legislation to be presented to the 90th Congress. Schweiker's bill contained nine major reform measures. These were: (1) The order of induction would be reversed, taking the youngest first; (2) The window of draft vulnerability would be narrowed to between ages 18½ to 22½; (3) College students would still be deferred, but would immediately go to the top of the eligibility list upon completion of their college education; (4) College students would not be permitted a fatherhood deferment if they had been granted a

college deferment; (5) Separate draft calls by the 4,084 local boards would be replaced by a single national manpower pool in order to wipe out differences in standards in draft calls between local draft boards; (6) Men would be selected for the draft at random from a national computerized selection system; (7) Local boards would be bound by uniform, national standards in their selection of deferred persons; (8) Local boards would be compelled to reopen cases of men appealing their classification as I-A; (9) The period of time allowed to file an appeal of a local draft board's classification would be lengthened from 10 days to 15 days.<sup>111</sup>

The testimony of Representative Donald Rumsfeld and Senator Mark Hatfield brought forward other alternatives for the draft. Representative Rumsfeld proposed the existing draft act be extended for a two-year period due to the approaching deadline of June 30 for renewal of the act, and that the two-year period be used to initiate concrete measures to move toward an all-volunteer armed force (e.g., raise pay scales, enhance recruiting measures, etc.). He submitted to the Committee the paper prepared by Dr. Walter Oi for the University of Chicago Conference on the Draft and an outline of legislation, "Proposal for a Military Manpower Procurement Bill," which had been drafted by Dr. Oi at Rumsfeld's request. Senator Hatfield's testimony was an attempt to gain support for the bill he had introduced the previous month, S. 1275, which would require the transition to an all-volunteer armed force over a one-year period. Senator Hatfield cited Dr. Oi's studies as well as those of Dr. Milton Friedman to buttress his argument that an all-volunteer force was feasible.<sup>112</sup>

The hearings of the Senate Committee on Armed Services concluded on April 19, with the testimony of General Hershey. As expected, General Hershey defended the decentralized decision-making of local draft boards. He was supportive of the proposed change in policy of calling the youngest registrants first, and admitted to being a recent convert to the proposed policy of instituting a lottery. In the six days of testimony before the Committee, 37 witnesses provided personal testimony and 17 furnished statements for the record. Altogether some 40 organizations were heard. Under Senator Russell's watchful stewardship, the hearings were almost entirely devoid of fireworks or even a sharp word, as befitting the gentlemanly decorum of the upper chamber of Congress.<sup>113</sup>

Meanwhile, the environment outside the immediate confines of Washington policy-making continued to resonate with the voices of those favoring differing military manpower policy options. Those supporting various forms of national service met in their second National Service Conference, held at the Mayflower Hotel in Washington, April 2-4, 1967. In a formal letter to Don Eberly, Executive Director of the National Service Secretariat, Vice President Hubert H. Humphrey assured the conferees of his support in their deliberations and the potential of national service in meeting a wide range of social problems.<sup>114</sup> On April 4, Dr. Martin Luther King delivered an address at the Riverside Church in New York City which came to be known as his "Declaration of Independence from the War in Vietnam." On April 15, at Sheep's Meadow in New York City, more than 150 persons burned their draft cards. In Boston, on April 16, Ayn Rand gave a lecture at the Ford Hall Forum in which she castigated America's political

leaders.

Of all the statist violations of individual rights in a mixed economy, the military draft is the worst. It is an abrogation of rights. It negates man's fundamental right--the right to life--and establishes the fundamental principle of statism: that a man's life belongs to the state, and the state may claim it by compelling him to sacrifice it in battle. Once that principle is accepted, the rest is only a matter of time.

Mimeographed newsletters began to appear in support of one manpower policy option or another. On May 17, an extremely unusual event occurred, the formation of an organization made up of both liberals and conservatives to jointly support the concept of a volunteer military. At a news conference at the Longworth Building on Capitol Hill in Washington, Dr. Milton Friedman and Sanford Gottlieb, pacifist and liberal director of the National Committee for a Sane Nuclear Policy, announced the formation of the Council for a Volunteer Military (CVM). The sponsors of the organization, in addition to Friedman and Gottlieb, included Norman Thomas, the socialist; Karl Hess, Barry Goldwater's speechwriter; James Farmer, former Director of the Congress of Racial Equality; and Bruce Chapman, a founder of the liberal Republican Ripon Society. The CVM was to be based at the University of Chicago and had as its Director, James Powell, a graduate student. In a separate development, an organization identified as the Young Republicans of New York began publishing a monthly newsletter which concentrated its writing on anti-draft analyses. In early May, Barry Goldwater again swung out against the draft and endorsed the concept of an all-volunteer armed force, but could not resist reflecting his strong partisan views.

There should no longer be any confusion about the liberal, radical, and conservative positions on the draft. The liberals favor it, but either want to make it random in its selection or extend it to social as well as military service. Radicals want to end it or turn it to social service. They are not against compulsion. They are just against the fact, it seems to me, that the compulsion in this case is being used as part of an effort against their current heroes, the Viet Cong. Conservatives want to end the draft--period.<sup>115</sup>

Also beginning to appear in greater numbers at this time in bookstores were small paperback studies of the military draft and its alternatives. Typical of the titles and general content of the many to come later was How to Stay Out of the Army: A Guide to Your Rights Under the Draft Law.<sup>116</sup> A more serious effort was published by the American Friends Service Committee called simply The Draft?, a brief but scholarly study of the military draft and possible alternatives for military manpower policy.<sup>117</sup>

The House Committee on Armed Services, possibly even more conservative than its Senate counterpart but far more blunt in its treatment of testimony, began its hearings on the extension of the draft on May 2.<sup>118</sup> The first witness, Assistant Secretary of Defense (Manpower) Thomas D. Morris, represented the Administration's position as outlined in President Johnson's March 6 message to Congress. Secretary Morris, on behalf of the Administration, requested the support of the Committee in legislation for a four-year extension of the draft authority, explaining the Department's belief that a military force much greater than two million active duty personnel could not be sustained without the draft. Secretary Morris stated that a voluntary armed force would require salary increases on the order of \$8 billion per year, but even with such an increase the

voluntary army would be insufficiently flexible to respond rapidly to changing military needs. The Secretary was subjected to some very acrid questioning regarding the Administration's plans for implementation of a lottery system through an executive order, and it was obvious the Committee members had a vested interest in the position of the Clark Panel which recommended against a lottery. Secretary Morris attempted to explain to the Committee that only one of seven of the men remaining in the pool after screening needed to be inducted, and the Administration believed a random selection process to be more equitable under those circumstances. Such a system, though still lacking in details, the Administration called "FAIR," for a Fair And Impartial Random selection process. Representative Hébert, Democrat from Louisiana, announced, "This FAIR ought to be called Futile and Irresponsible Roulette." At another point in the questioning, Hébert said, "I'm sure that many hours were spent by the public relations people in the Pentagon to come up with the word F-A-I-R," spelling the words out in a drawl for theatrical effect. "But it's a lottery, or bingo, or whatever you want to call it."<sup>119</sup>

On the second day of testimony, the Committee listened politely to Representatives Curtis and Rumsfeld as they argued for an all-volunteer force, but their testimony provoked little questioning. The receipt of testimony by Mr. Fred M. Vinson, Jr., Assistant Attorney General of the Criminal Division in the Department of Justice, could be regarded as verging on discourtesy. Mr. Vinson was subjected to grueling questioning by the Committee members regarding the Department's inaction in pursuing prosecution of draft card burners and draft evaders. Representative Hébert was

particularly aggressive in his questioning of Vinson.

Hébert: In the very opening, may I say I want to make a very distinct distinction between the right to speak and the acts of disloyalty or treason or sedition. I will stand in the forefront to defend any man a right to dissent, but in this right to dissent I am afraid to going into an area of what is certainly treason and sedition as being exhibited on public platforms throughout the country today and on the university campuses of our Nation.

(Vinson was asked, if the clauses of the U.S. Code regarding insubordination, mutiny, or refusal to accept military duty when the United States was at war were to be inserted into the new draft law, would there be any problems in prosecuting offenders. Vinson's response was vague, drawing Hébert's heated response.)

Vinson: I would not like to answer that off the top of my head.... You definitely and distinctly have first amendment problems.

Hébert: ...I am sick and tired of technicalities when we have treason in this country and sedition.... Let's forget the first amendment. I know that will be the refuge of the Supreme Court, I recognize that. But at least the effort can be made and the demonstration given to the American people certainly that the Department of Justice, and most assuredly the Congress, is determined to eliminate this rat-infested area in the country. But if we are going to stand idly by and merely say we can't do it and all of a sudden go back to the first amendment, as Justice Holmes so well said you can't cry fire in a theater. Free speech ends there. This begging the question of the first amendment continuously rather upsets me a little bit, and upsets not only me but millions of American people. They want to know a very simple answer to the question, why can the Carmichaels and why can the Kings, and other individuals of that ilk stand before the American people and institute riot, incite defiance of the law, while the Justice Department stands idly by and the Congress takes no action to strengthen the law?<sup>120</sup>

The last three days of the Committee's hearings, May 9, 10, and 11, were reserved respectively for General Clark, General Hershey, and Mr. Burke Marshall. General Clark was welcomed warmly by the Committee, as might be expected

considering the investment Chairman Rivers had made toward the Clark Panel's effort and the fact that General Clark's panel had come up with the recommendations Chairman Rivers was seeking. In General Hershey's testimony the next day, the General's prepared statement recommended that Congress enact the legislative proposal submitted by the President. During questioning, however, Hershey made it clear that he did not favor the lottery, even though he said facetiously, "There is no question about the fact that I am here to defend the Lottery." Free to comment on the Marshall Commission's recommendation for a complete reorganization of Selective Service because the President made no recommendation on that issue, General Hershey had no hesitation in saying, "I completely disapprove." Mr. Burke Marshall appeared before the Committee accompanied by Mr. George Reedy, the President's good friend and leader of the minority on the Marshall Commission on the issue of student deferments. The lack of complete consensus on this issue within the Marshall Commission served to weaken the argument for eliminating student deferments and, as well, for the other recommendations of the Commission. It is clear from the record of the testimony that the Committee did not want to consider seriously any of the Marshall Commission's recommendations, despite the solid research which went into the Commission's work.<sup>121</sup>

The Senate's marked-up bill was introduced by Senator Russell on May 10. The Committee on Armed Services recommended to the full Senate, in mild and conciliatory language, that the draft authority be extended for four years, and stated they did not oppose the President reversing the current order of induction to draft the youngest first.

Additionally, the Committee formally stated they would not stand in the way of a Presidential executive order which specified there would be no student deferments for post-graduate school, except for medical doctors and dentists. Concerning a lottery, the Committee reported it was not convinced that a random selection process would result in greater equity, but it was not opposed to a trial of such a process. Though the Administration did not request legislation on the issue, the Committee voiced its opinion that a reorganization of the Selective Service System was not necessary as the local draft boards continued to function very well. Debate on the bill extended over two days, was marked by its decorum, and resulted in the bill's passage by a 70-2 vote on May 11. The two negative votes were registered by Senators Gruening of Alaska and Wayne Morse of Oregon, both Democrats. The seven proposed amendments, five of which were offered by the Senatorial duo from Oregon, Morse and Hatfield. Senator Morse's negative vote against the proposed bill was his third such vote against renewal of the draft authority.<sup>122</sup>

The House began its consideration of the House Committee on Armed Service's marked-up bill at 5:30 in the afternoon on May 25. The House had just concluded three days of furious debate, including a marathon night session, over an education bill, and the next day was the beginning of a Memorial Day weekend and Congressional break. Facing down the grumbling among his colleagues, Chairman Mendel Rivers introduced his bill with a flourish: "I come here to work. Those boys in Vietnam do not work by the clock." A three-hour time limit was placed on the debate, with additional time

allowed for amendments. Each speaker was only permitted one minute for discussion of the bill, resulting in sharp outbursts of temper as the evening wore on. At one point, Representative Otis Pike, Democrat of New York, complained, "This is the most disgraceful way to legislate a bill of this magnitude that I have ever seen." At another moment, Representative Charles Joelson, Democrat of New Jersey, assailed the legislative procedure as a "mockery," a "travesty," and a "burlesque." "We ask the young men of the country to give two years of their lives to military service and we won't give two days of our time to this important subject," he complained.<sup>123</sup>

The bill presented to the full House by Representative Rivers was identical to the proposal put forward by the Clark Panel, with several added features which Representative Rivers had been promising to the press. The new bill contained eleven proposals which represented significant changes from the existing legislation.

1. It would institute a uniform system of blanket deferments for undergraduate students until they either finished college, reached age 24, or no longer were students.

2. The bill would induct the youngest first, a reversal of the existing order of induction.

3. It required the President to inform Congress if a program of random selection was deemed necessary. The new system would go into effect in 60 days unless Congress adopted a resolution rejecting the random selection proposal (i.e., a Congressional veto).

4. The bill established a National Manpower Resources Board, under the aegis of the National Security Council, to recommend future deferment of individuals in occupations or professions deemed necessary for the national interest.

5. It required more stringent enforcement of the draft act by giving automatic top priority to cases in the judicial system which were concerned with the act.

6. It provided for the President to establish national criteria for the classification of persons under the act.

7. It recommended that tenure of the draft board members be limited to 25 years or age 75, whichever occurred first, and that women be allowed to serve as members.

8. The position of Deputy Director of Selective Service for Public Affairs would be established.

9. Selective Service would be required to submit quarterly reports on the administration and operation of the System.

10. Alien physicians and dentists would be liable for service until age 35, if they had been admitted to permanent residence.

11. All conscientious objectors selected for induction would be required to serve in some capacity. A person claiming conscientious objector status would actually be inducted into the armed services and would serve as a military person in some capacity, but may be authorized to perform civilian service while still remaining under military authority. In addition, the bill attempted to reverse the *Seeger* decision of the

Supreme Court by deleting the following sentence from the conscientious objector section of the law: "Religious training and belief in this connection means an individual's belief in a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code." In place of this sentence the following phrase was inserted: "...but no person so exempted shall be exempted from service in the Armed Forces in any capacity that the President shall declare to be a noncombatant."<sup>124</sup>

The Committee's report accompanying the proposed bill touched briefly on the subject of a reorganization of the Selective Service System, even though the President had not included any such proposal in the Administration's bill submitted to Congress. The report stated, "To modify this proven system to simply accommodate the application of modern management tools, such as automatic data processing, would in the opinion of the committee completely disregard the most important attribute of the present systems, that is, the confidence of the people in a system they themselves operate." The Committee's report also discussed the issue of an all-volunteer force at some length, admitting in the report's introductory sentence on this subject that the all-volunteer force policy option was sufficiently strong to be reckoned with: "Perhaps no other single issue presented to the committee received greater and more thorough consideration than the question of substituting an all-volunteer force in lieu of the present draft law." The Committee's report discussed at some length the perceived drawbacks to an all-volunteer force: (1) An estimated cost of \$4 to \$17 billion per year to maintain such an armed

force; (2) The all-volunteer force policy was viewed as inflexible compared to the draft, and unable to accommodate surges in manpower requirements; (3) In term of quality of personnel, the move to an all-volunteer force would result, it was believed, in the loss of better educated entrants; (4) The lack of the draft motivation would result in a wholesale turning away from the Reserves and National Guard and serious thinning of the ranks of these organizations. The Committee report concluded the argument against an all-volunteer armed force by pointing out the moral issues at stake in moving away from the draft.

...the committee believes that there are moral implications also involved in this issue. The committee believes that our Government would be in a morally untenable position if the defense of freedom, and its policies in furtherance of that defense, were equated with the ability to "buy" sufficient forces. If the national purposes for which we commit men to the deprivations of military life and the hazards of actual combat are just, then it is only just that the young men of the country should share a liability for the burdens of such service. The tradition of the citizen sharing the burden of the country's defense is as old as the country itself. The committee believes, with Thomas Paine, that those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

In a time of a testing of order, teaching the young men of the country that they can escape all burdens of service is both dangerous and an illusion. If young men are led to believe that they can forgo the defense of freedom because others are prepared for a price to defend them, the very future of their freedom would indeed be called into question.<sup>125</sup>

Debate on the proposed bill was stifled and rushed by impatient House members crying "Vote! Vote!" who realized that it was futile to oppose the bill. When debate ended and the proposing of amendments began, Representative Pike proposed to strike

from the bill the language that allowed for some graduate student deferments in the national interest. Chairman Rivers countered with the remark, "This is a dangerous amendment arrived at after a great deal of confusion. I ask that it be rejected." It was. Representative Rumsfeld offered an apparently innocent amendment--which was accepted--that added wording to the bill that it was the policy of Congress that the obligation to serve in the military be enforced through the legislation only when necessary to ensure the security of the nation. Other amendments, all of which were rejected, proposed that draftees serve in a foreign country only after authorization by Congress, that the legislation be limited to two years, that reserves be called up after 300,000 men were inducted by the draft, that discharged servicemen receive a bonus in the amount of earnings lost while serving, that the ceiling of military manpower be reduced, and that Negroes and other minority groups be provided adequate representation on local draft boards. Similarly, all measures to recommit the bill to committee were voted down. Finally, after all maneuvers had failed and as House members continued to register their impatience with cries of "Vote! Vote!", the vote was taken. The bill was passed by a vote of 382 to 9, with 61 members not voting.<sup>126</sup>

The Conference Committee's version of the bill favored the House. The Senate and House versions of S. 1432 differed in 14 particulars; of these, the Senate adopted nine of the House provisions completely, and the House accepted five of the Senate provisions with modifications. The Conference Report substantially supported the more detailed and restrictive House version. The Administration let it be known that it would

not accept the House version of the bill calling for a Congressional veto on a draft lottery, so this provision was modified to make it mandatory that the Administration come to Congress with a specific lottery system proposal. The debate and vote in the Senate over the compromise bill took place on June 12 and 14, in the midst of the debate over a censure motion against Senator Thomas Dodd, Democrat of Connecticut, which forced opponents of the bill to move quickly to muster their support. Senator Edward Kennedy, the principal spokesman opposing the new bill, had sent a letter to each Senator in which he expressed his strong reservations about the Conference Report and listed eight specific objections to the compromise bill. His major objections were four. First, he objected to the National Security Council being given responsibility for setting policy on occupational deferments and critical occupations. Second, the language of the Conference Report which precluded the initiation of any form of random selection without Congressional approval essentially made that reform measure virtually impossible. Third, by striking from the law the language on which the Supreme Court based its finding in the *Seeger* case, Congress was over-ruling that decision. The language in the compromise bill, Kennedy argued, would make it impossible for anyone who was not a member of an established religious group to qualify as a conscientious objector, violating the equal protection clause of the Constitution. Fourth, the compromise bill prohibited judicial review of local draft board classification procedures, except as a defense in a criminal prosecution. Thus, no matter how a person was classified by his draft board the only way he could obtain a court ruling would be to

refuse induction and to appeal the ruling as a criminal in custody. The debate in the Senate was rushed and severely restricted by the Majority Leader, Senator Mike Mansfield, and the complexities of the issues obviously were too much for Senators not knowledgeable of the issues to comprehend fully. When the final vote was called for, the bill passed 72 to 23, with five members absent and not voting.<sup>127</sup>

On June 20, the House considered the Conference Report. Debate was again severely limited and centered around the decision of the Conference Committee to delete a provision for mandatory national standards, an amendment proposed by Representative Schweiker and accepted by the House Committee on Armed Services. Additionally, there was discussion on Representative Rumsfeld's amendment, which was deleted by the Conference Committee, which advocated the use of the draft law only when necessary to ensure the security of the nation. The final vote was 397 yeas, 29 nays, and 27 not voting. The bill was transmitted to the White House and signed into law by President Johnson on June 30.<sup>128</sup>

#### **The Public Debate Resumes**

After one year of intensive public debate and the work of two national-level commissions, the only reform of the existing draft law effected was the authorization for the President to end deferments for men in graduate school, except for medical and dental students. In a number of respects the new draft law represented a step backward in terms of equity. Burke Marshall commented that in his judgement the new bill made the Selective Service System worse than it was before. In a series of editorials, the New

York Times scored Congress for the new law.

The cavalier manner in which both houses of Congress junked the major reforms proposed by the Presidential study commission is bound to stir growing resentment among parents and youths as the consequences of the new measure become clear. Perhaps then the legislators will recognize that equity must be the foundation of any democratic draft system.

Nothing can undo the pettiness of Congress in yielding to the ugly spirit of some of its least enlightened members.

Congress certainly cannot congratulate itself on having done anything to remove the sense of young men too poor to go to college that family income thus becomes an important determinant of who goes to war and who stays home.

Dissenters in Congress immediately turned to the press to gain support for their position from the public and to reflect their distance from those politicians supporting the new law. Senator Mark Hatfield, for example, wasted no time in making his position on the issue clear to the widest possible readership. In a two-page article in the July 1 issue of the Saturday Evening Post, Senator Hatfield cried for the abolishment of the draft and the creation of a voluntary armed force. In extending the draft authority, Hatfield stated, "...we are consenting to a system that is inherently unfair, monstrously inefficient, and pernicious in its invasion of the individual liberty that eight generations of Americans have fought to preserve. I believe the draft is basically wrong; we should get rid of it." Meanwhile, as if oblivious to any rumbling of dissent, on July 13, President Johnson announced an increase in troop commitment to Vietnam at a press conference. Accompanied by Secretary McNamara, General Earle Wheeler, Chairman of the Joint Chiefs of Staff, and General Westmoreland, the U.S. Commander in Vietnam, President

Johnson stated that an additional 20 to 30,000 troops would be added shortly to the 480,000 troops already in Vietnam.<sup>129</sup>

Throughout the summer months of 1967, the outcry by a wide spectrum of Vietnam War and military draft opponents began to build toward a crescendo which was to occur in the fall. Many groups began to sidestep their differences and coalesce into groups with a single purpose. For example, in San Francisco, a new 70-member "Committee for Draft Resistance" was formally formed. The group was made up of lawyers, university professors, Quakers, Joan Baez, the popular folk singer, and prominent clergymen, including the Rev. William Sloan Coffin, the Yale University Chaplain. In Newark, New Jersey, the First National Conference on Black Power was held. In its statement concluding four days of deliberations on a black-power manifesto, the delegates called for boycotts of international Olympic competition and professional boxing, and supported the anti-draft "Hell, no, we won't go!" resolution. The Congress of the National Student Association, meeting in College Park, Maryland, in August, passed a resolution calling for an end to the Selective Service System and the implementation of a voluntary army which was supported by adequate salary increases for armed forces personnel. A Harvard University faculty group, led by Professor Thomas Schelling, met in a series of seminars over weekends to study military manpower policy. The study group developed recommendations to improve the equity of the draft in the short term, and the movement toward a voluntary army through salary increases over the longer term. In late September, a group of 320 professors, writers, ministers,

and other professionals signed a statement entitled "A Call to Resist Illegitimate Authority," and published the sharply worded manifesto supporting resistance as an advertisement in The New Republic and The New York Review of Books. The statement said that the war in Vietnam outraged the "deepest moral and religious sense" of a growing number of young men and called for assistance to youths who resisted the draft and the war. The signers of the statement included: Dr. Linus Pauling, Nobel Prize winner; Robert Lowell, the poet; the Right Reverend James A. Pike, Resigned Bishop of the Episcopal Diocese of California; Dr. Benjamin Spock, pediatrician and well-known author of baby care books; the Reverend William Sloane Coffin, Chaplain of Yale University; Noam Chomsky, Professor at Massachusetts Institute of Technology and world renown scholar of linguistics; and Edgar Snow, well-known author. By October 1967, a group of five liberal Republicans in the House of Representatives published a book entitled How to End the Draft: The Case For An All-Volunteer Army. The book, which was formally endorsed by 17 colleagues in the House, was co-authored by: Robert T. Stafford, Vermont; Frank J. Horton, New York; Richard S. Schweiker, Pennsylvania; Charles W. Whalen, Jr., Ohio; and Garner E. Shriver, Kansas. The book was a thorough treatment of the draft and the myths surrounding arguments against an all-volunteer armed force. It proposed a 31-point plan as preliminary steps toward the creation of an all-volunteer force, and set the cost of their proposal at \$4,380,000,000.<sup>130</sup>

On October 2, 1967, representatives of the 320 signers of the statement "A Call

To Resist Illegitimate Authority" convened a press conference at the New York City Hilton Hotel to announce plans for anti-war and anti-draft demonstrations to be conducted in eight cities beginning Monday, October 18. The planned demonstrations were to include an attempt by 500 to 1,000 men to return their draft cards to Federal authorities and a demonstration outside the Department of Justice in Washington on Friday, October 20. The week of demonstrations, soon called the "Stop the Draft Week of the Resistance," was extremely effective in conveying to the American people the depth of anger and resentment felt by a sector of society with the Vietnam War and the military draft policy. As a major media event and vividly alive in most American homes through intense television coverage, the week of resistance demonstrations may have served to hasten the crumbling of American support for the war and the Administration's policies to support the war effort. Between July and September 1967, the Louis Harris polls reported a rapid decline in American public support for the Vietnam War--from 72 percent in July and 61 percent in August, to 58 percent in September. On Monday, October 16, significant anti-war and anti-draft demonstrations occurred in San Francisco, Oakland, Los Angeles, Chicago, Boston, New York, Philadelphia, Washington, and Cincinnati. Among the 119 persons arrested at Oakland's military induction center was the popular folk singer, Joan Baez. The next day in Oakland was bloody when policemen charged the 3,000 demonstrators and used clubs and mace spray liberally, a scene which was to be repeated in several other American cities during the week. At week's end the demonstrators traveled from all corners of the country and from college

campuses to Washington for the final two days of demonstrations, including a turning-in of draft cards at the Department of Justice and a mass march from the Lincoln Memorial to the Pentagon. On October 20, with several hundred draft cards in a battered brief case, Dr. Benjamin Spock, Reverend Coffin, and a handful of others marched into the Justice Department in an attempt to deliver the draft cards to Attorney General Ramsey Clark. Greeted hospitably by a deputy assistant attorney general but who refused to accept the brief case, the demonstrators left the brief case behind. The following afternoon, Saturday, October 21, an estimated 50,000 to 55,000 persons assembled at the Lincoln Memorial and listened to speeches by leaders of the sponsoring "National Mobilization Committee to End the War in Vietnam," the crowd marched to the Pentagon where Defense officials had organized a guard and crowd control force of approximately 3,000 men, including troops flown in from various military posts. When several thousand demonstrators attempted to storm the line of troops and enter the building, a club-swinging and rifle-butt punching melee resulted in the arrest of some 250 demonstrators and a watchful all-night vigil between both sides. On Sunday, October 22, the demonstration was over and participants melted away, out of the capitol city and back to their homes and campuses.<sup>131</sup>

Although outwardly unphased by the Washington demonstrations, privately President Johnson was extremely agitated. When he read the wire-service report that several individuals had left 992 draft cards at the Justice Department, he shouted to Joseph Califano, "I want a memo to the Attorney General tonight. I want the FBI

investigating." That evening the President called General Hershey and delivered a monologue about the need to punish draft protesters, instructing him to do something about the draft card burners and people disrupting the Selective Service System. These responses by an agitated President Johnson may have contributed directly to the indictment of Dr. Spock and his companions. It is certain, however, that his angry call to General Hershey led to the Selective Service System's formalized policy of punishing draft law offenders. On October 24 and 26, General Hershey issued policy letter to all members of the Selective Service System regarding draft cards and demonstrations. When local draft boards received a draft card from a demonstrator, they were instructed to declare the registrant to be delinquent for failure to have the card in his possession and to reclassify the registrant into a class immediately available for military service. In the second policy letter, General Hershey instructed draft boards to reclassify demonstrators who impede the operations of the System. The outcry which ensued when these letters became known to the public served to further inflame anger against the draft and erode public confidence in the equity of the Selective Service System as well as support for the Johnson Administration.<sup>132</sup>

The year 1968 was a year of one seismic shock after another on the political landscape of the United States. A sub-set of those shocks, no small tremors themselves, were those caused by or those which had an effect on the country's military manpower policy. While Americans were still absorbed with the struggle between a headstrong General Hershey and Attorney General Ramsey Clark over the use of the authority to

draft as a form of punishment, suddenly the public was shaken again. On January 5, Dr. Benjamin Spock, Reverend William Sloane Coffin, and three other individuals were indicted on charges of conspiring to counsel young men to violate the draft law. The activities for which the five were charged occurred during the Stop the Draft Week in October, which culminated for them in the turn-in of draft cards at the Justice Department. Spock, Coffin, and their associates readily admitted to openly violating the statute, but upheld what they claimed was a "higher" moral law, and were willing to pay the legal penalty for their acts. The Government did not challenge the rights of Spock and the others to speak out against the war and the draft, but was challenging their right to incite and organize others to break the law. The accused easily captured the higher, moral ground, and the Government could not help but appear to be prosecuting the weak for standing up for high principles. For example, James Reston was to editorialize in the New York Times:

Maybe it [the charge against Spock, et. al.] is a good thing. The country has been arguing for months now about a great many other things: Is bombing effective or not? Should we negotiate with the Vietcong and the National Liberation Front or not? But this case of Coffin and Spock has raised even more fundamental questions: Is the policy of the United States in Vietnam morally right or wrong? Who is "committing offenses against the United States"--the people who oppose the war or the people who want to continue it or expand it?

The trial of Dr. Spock and his associates took place during May and June in Boston, and captured the attention of Americans for many months. On June 14, four of the five were found guilty of conspiring to "aid and abet draft registrants to refuse service in the armed

forces" and to "interfere with the administration of the draft."<sup>133</sup>

On January 23, North Korea seized the USS Pueblo, an intelligence gathering ship stationed off the east coast of the Korean peninsula. This was followed in short order, on January 31, by the launching by an estimated 67,000 Vietnamese Communist troops in the Tet offensive, a nation-wide attack in South Vietnam against more than 100 South Vietnamese towns and villages. The price of the attack in terms of Vietnamese Communist deaths was very high, but the damage to any remaining American illusion that the war could be won militarily was forever lost. The loss of credibility by President Johnson and American military leaders could not be recovered, though the war was to continue for five more years. Secretary of Defense McNamara resigned and was replaced by Clark Clifford on March 1, 1968. On March 31, President Johnson shocked Americans by solemnly announcing that he would not be a candidate for re-election in November, creating an open field for potential Democratic Party successors who wished to take up the challenge of overcoming a tarnished party image. Americans lurched through the remainder of the year until the Presidential elections, almost from one tragic event to another. In April, Dr. Martin Luther King was assassinated in Memphis, Tennessee. In June, Senator Robert Kennedy was assassinated in Los Angeles after winning the California Democratic Party Primary Election. In Europe, on August 21, Soviet forces invaded and occupied Czechoslovakia, smothering a nascent movement toward democratic reforms in that country and making the Cold War even more chilly. In Chicago just a week later, during the Democratic Party's National Convention, Mayor

Daly's police employed violent measures to suppress mass demonstrations against the Vietnam War and the military draft.

The debate over the military draft and alternative military manpower policies to the draft continued through the remainder of 1968 and for several years thereafter. The tide of books and journal article on the subject continued to be published, speeches were made in support of one alternative or another, and draft resisters continued to resist--but it appears to have been generally recognized that the debate was moving into another phase , a policy issue which would have to wait for resolution until a new Administration was installed formally in Washington.<sup>134</sup>

### Summary

The events and literature of the period during the years 1963 through 1968 concerning military manpower policy tend to support the conclusion that an existing public policy, well established and supported by significant and powerful politicians and policy makers, is difficult to change. The existing policy can become vulnerable to forces seeking a change in policy after a major triggering event--in the case of the well entrenched military draft policy, the Vietnam War and its significantly higher draft calls--which can cause the existing policy to be re-examined closely and to suddenly be challenged by opponents of the existing policy. The existing policy, once a triggering event takes place, tends to be challenged by forces favoring several different policy alternatives. In the case of the well-established Selective Service System, it came to be challenged by those who supported a variety of policy alternatives: reforms to the draft,

various forms of national service, universal military training, an all-volunteer armed force, and those who simply opposed the draft and had no alternative policy to be its replacement.

From the evidence in this case it appears that the combined efforts of the various factions supporting their favored policy alternative may be described accurately as a "Military Manpower Policy Subsystem." The subsystem consisted of all those individuals and organizations who were associated with the policy issues associated with military manpower in the 1960s. Available evidence indicates that individuals interested in the acceptance by the public and decision-makers of their particular policy choice were well aware of other individuals and groups which were their opposition, as well as those who were supporters of their policy choice. They communicated with each other and shared ideas and values in many forms--conferences, journal articles, books, letters, and simply in conversations. They tended to gain strength from each others' ideas and research which supported their own policy goals, and they tended to proselytize and seek converts to their policy position. For example, it is clear that the supporters of the all-volunteer force policy option during the 1960s gathered strength by increased association and influence as the debate over military manpower policy continued through the 1960s. Dr. Milton Friedman, in his book Capitalism and Freedom published in 1962, may have been the first academic figure of note to denounce the military draft and propose an all-volunteer armed force as an alternative policy option, and certainly Representative Thomas Curtis was the first national politician to call for an all-volunteer army. When

Dr. Walter Oi joined the Defense Department's team to study the draft in 1964, he became a major spokesman for the all-volunteer force. The influence of both Dr. Friedman and Dr. Oi in support of an all-volunteer force contributed directly to the recruitment of many converts through their journal articles and participation in conferences, and within a few short years the support for this policy position was recognized with respect in the Committees of Congress. Similarly, the individuals making up the other military manpower policy subsystem factions are clearly identifiable in the literature. Similar to Exhibit 2-2 in Chapter 2, Exhibit 4-7 on the next page illustrates the various factions which composed the military manpower policy subsystem in the 1960s.

The public debate over military manpower policy between 1963 and 1968 also tends to support the conclusions of agenda-building theorists. The debate was often bitter and acrimonious, and often spilled out into public demonstrations which became violent. The individuals who represented the pro-draft faction were representatives of the status quo and were able to wield great power. Policy-makers such as Representative Mendel Rivers, Representative Edward Hébert, and General Lewis Hershey were able to pursue their pro-draft interests with near impunity for many years. However, as the strength and influence of other policy alternatives increased they, more and more, were forced toward greater accountability for their support of Selective Service. As the on-going debate approached the 1968 Presidential elections it became clear to many observers that this particular policy, as well as the whole issue of American involvement in Vietnam,

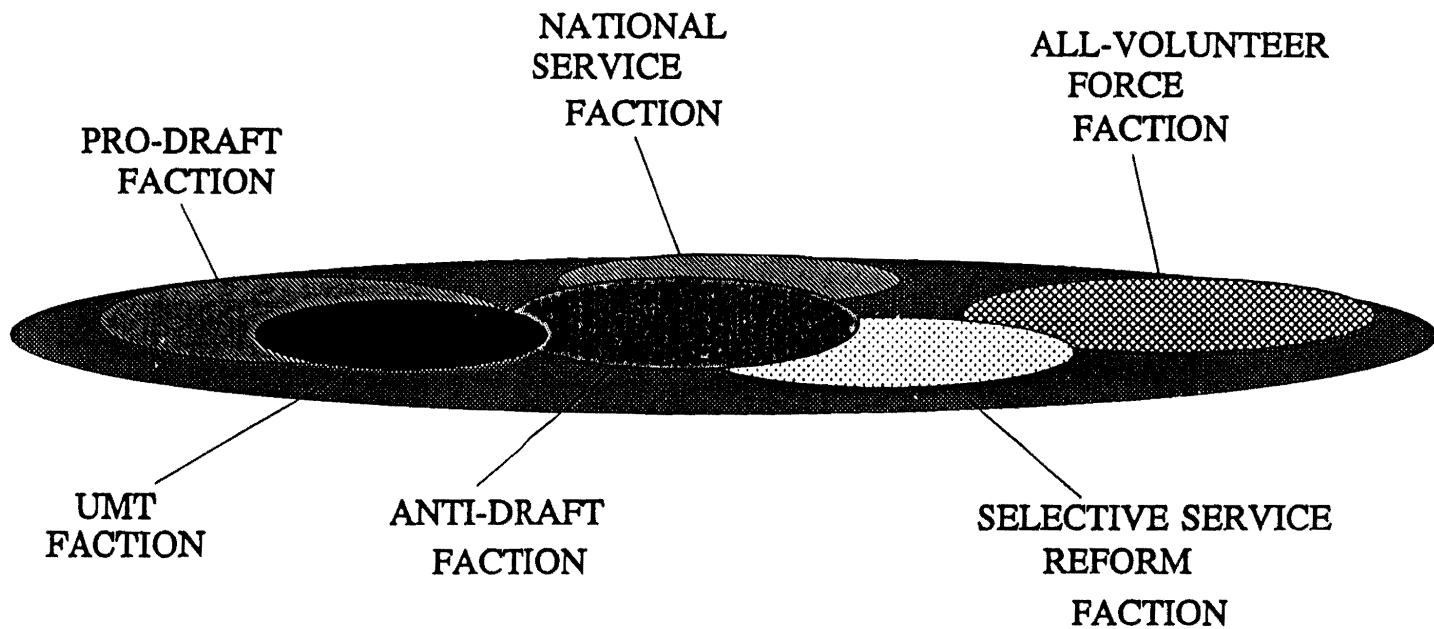


EXhibit 4-7, The Military Manpower Policy Subsystem

would have to be settled by the new occupant of the White House.

1. Kingman Brewster, Baccalaureate Address, Yale University, June 12, 1966. "Brewster Scores U.S. Draft Policy," New York Times, June 13, 1966, p. 1, 42.
2. U.S., Congress, House, Committee on Armed Services, Full Committee Consideration to Extend the Induction Provisions of the Universal Military Training and Service Act, and for Other Purposes. Hearings and Papers No. 3. 88th Cong., 1st sess., 1963, p. 76.
3. Ibid., p. 79.
4. Ibid., p. 92. Chairman Vinson commented that Hershey's statement showed how effective the Universal Military Training and Service Act had been. No lawmaker present made any comment for the record concerning the Orwellian, coercive nature of Hershey's organization in "channeling" American youth.
5. Ibid., p. 87.
6. Congressional Record, March 11, 1963, pp. 3917-3938.
7. U.S., Congress, Senate, Committee on Armed Services, Hearings Before a Subcommittee of the Committee on Armed Services on H.R.2438 (S. 846), a Bill to Extend the Induction Provisions of the Universal Military Training and Service Act, and for Other Purposes. 88th Cong., 1st sess., 1963.
8. Hanson W. Baldwin, "New Attitude on Peacetime Draft," New York Times, March 8, 1963, p. 10. When the act was passed into law an editorial in the New York Times commented casually on the event, identifying the draft's value as "insurance in a troubled world." New York Times, March 21, 1963, p. 6. Almost alone at that time among periodicals and journals, The Nation regularly spoke out against a renewal of the draft law. For an example see John C. Esty, Jr., "We Don't Need the Draft," The Nation 196 (February 23, 1963): 151-154. Another early and persistent critic of the draft over at least a ten-year period was John M. Swomley, Jr. A methodist minister who felt strongly that the draft was symptomatic of an increasingly militaristic society, Reverend Swomley was a frequent commentator on the ills of the draft and a society which tolerated the draft. See: John M. Swomley, Jr., The Military Establishment (Boston: Beacon Press, 1964); "End Conscription in 1959!," The Christian Century 76 (January 7, 1959): 14-17; "The National Service Proposal," The Christian Century 84 (January 11, 1967): 40-43; "Twenty-Five Years of Conscription," The Christian Century 84 (April 12, 1967): 465-468; "Why The Draft Should Go," The Nation 209 (August 11, 1969): 108-110.

9. The Selective Service System was established by an act of September 16, 1940 (54 Stat. 885). It was placed under the jurisdiction of the War Manpower Commission by Executive Order 9279 of December 5, 1942, and was identified as the Bureau of Selective Service. It was designated as the Selective Service System and made a separate, independent agency reporting to the President by Executive Order 9410, December 23, 1943. After World War II, the organization was transferred for liquidation to the Office of Selective Service Records, established by an act of March 31, 1947 (61 Stat. 31). Finally, the Selective Service System was reconstituted as an independent agency by an act of June 24, 1948 (62 Stat. 604).

10. To briefly describe the Selective Service System at the time I have used primarily one of the System's annual report for that period: Annual Report of the Director of Selective Service for the Fiscal Year 1964 to the Congress of the United States. Washington, D.C.: Government Printing Office, 1965. Of interest too is the official history of the Selective Service System, which was updated periodically. See Selective Service System, Outline of Historical Background of Selective Service. Revised, 1965 Edition. Washington: Selective Service System, 1965.

11. The Marshall Commission report, In Pursuit of Equity: Who Serves When Not All Serve?, stated that responses to a Commission questionnaire in October 1966, indicated that of a 96.3 percent response, only 1.3 percent of the local boards were black, 0.8 percent were Puerto Rican, 0.7 percent were Hispanic, 0.2 percent were Oriental, and 0.1 percent were American Indian. A December 1966 telegraphic inquiry by the Marshall Commission showed there were 261 blacks (1.5 percent) who were members of local boards. National Advisory Commission on Selective Service, In Pursuit of Equity: Who Serves When Not All Serve? Washington, D.C.: Government Printing Office, 1967, p. 19.

12. There were several excellent studies of the Selective Service System which were published in the 1960s which investigated the culture of the System and the atmosphere of local draft boards. These were: James W. Davis, Jr., and Kenneth M. Dolbeare, Little Groups of Neighbors: The Selective Service System. Chicago: Markham Publishing Company, 1968; Gary L. Wamsley, Selective Service and a Changing America: A Study of Organizational-Environmental Relationships. Columbus, Ohio: Charles E. Merrill Publishing Company, 1969; and Roger W. Little, "Procurement of Manpower: An Institutional Analysis," in Roger W. Little, ed., Selective Service and American Society. New York: Russell Sage Foundation, 1969.

13. Annual Report of the Director of Selective Service for the Fiscal Year 1964. Washington, D.C.: Government Printing Office, 1965, pp. 44-45.

14. Curtis W. Tarr, By the Numbers: The Reform of the Selective Service System 1970-1972 (Washington, D.C.: National Defense University Press, 1981), pp. 22-23.
15. U.S., Congress, House, Committee on Armed Services, Review of the Administration and Operation of the Selective Service System. 89th Cong., 2nd sess., June 22-24, 28-30, 1966, pp. 9993.
16. "Statement by the President on the Report of the Task Force on Manpower Utilization, January 5, 1964," Public Papers of the Presidents of the United States-Lyndon B. Johnson, 1963-1964 Vol I (November 22, 1963-June 30, 1964), (Washington, D.C.: Government Printing Office, 1965), pp. 110-111. President's Task Force on Manpower Conservation, One-Third of a Nation: A Report on Young Men Found Unqualified for Military Service (Washington, D.C.: Government Printing Office, 1964). "Draft Physicals to be Given at 18," New York Times, January 5, 1964, p. 1, 42.
17. "Statement by the President on the Need for Training or Rehabilitation of Selective Service Rejectees, September 30, 1963," Public Papers of the Presidents of the United States, John F. Kennedy (January 1-November 22, 1963) (Washington, D.C.: Government Printing Office, 1964), pp. 753-754. "Draft Overhaul Being Considered," New York Times, January 6, 1964, pp. 1, 10. "Revising the Draft," New York Times, January 10, 1964, p. 42.
18. Congressional Record 110 (January 16, 1964): 523-525; "The Draft Becomes an Issue," The Nation 198 (February 3, 1964): 109-110; "Step to End Draft Gains in Congress," New York Times, March 13, 1964, p. 14; Congressional Record 110 (April 14, 1964): 7931-7935; New York Times, April 15, 1964, p. 36.
19. General Hershey's biographer, George Q. Flynn, makes this statement based on his research of the Johnson Library files. George Q. Flynn, Lewis B. Hershey, Mr. Selective Service (Chapel Hill, N.C.: University of North Carolina Press, 1985), p. 226, citing a memorandum from Walter Jenkins to Hershey, et al., April 8, 1964, EX FG 282, cont. 303, LBJ.
20. "The President's News Conference of April 18, 1964," The Public Papers of the Presidents, Lyndon B. Johnson, 1963-1964 Vol I (November 22, 1963-June 30, 1964), (Washington, D.C.: Government Printing Office, 1965), pp. 485-486; "Johnson Orders Study to Assess the Draft," New York Times, April 19, 1964, pp. 1, 70; "Reviewing the Draft," New York Times, April 20, 1964, p. 28; Congressional Record 110 (April 21, 1964): 8573-8587.
21. "The Draft Studies," New York Times, May 20, 1964, p. 42.

22. An interesting exception to this apparent lack of attention occurred on June 29, when Senator Gaylord Nelson introduced legislation (S. 2960) which would bring an end to the draft and require the Secretary of Defense to develop an alternative program for manpower procurement based on voluntary recruitment. Congressional Record 110 (June 29, 1964): 15365-15372. Another exception to this apparent lack of attention was an article in Military Review, the journal of the U.S. Army Command and General Staff College, by Brigadier General Lynn Smith, the Army Staff's Director of Enlisted Personnel, Office of Personnel Operations. His article, "The Unsolved Problem," identified the basic problem facing Army commanders as "personnel turbulence." "By the time we are able to operate as a unit, the trained men leave and we have to start all over again." Smith pointed out that the Army lost more than 25 percent of its enlisted personnel every year and that at any one time as many as 140,000 enlisted men (the equivalent in enlisted strength to more than 10 divisions) were in the categories of students, trainees, or transients. After pointing out the inequities of the draft and the impracticality of universal military training, Smith stated that the Army needed a professional corps of men who would remain in the service for at least ten years. Smith pointed out, however, that, "Our present system has absolutely nothing to offer a man which would induce him to stay in the Army for 10 years...." Lynn D. Smith, "The Unsolved Problem," Military Review 44 (June 1964): 3-12.

23. Senator Goldwater's kick-off campaign speech was covered in the New York Times, September 4, 1964, p. 1, 12. The Pentagon response was covered in the same edition, p. 12, and the Times editorial appeared on p. 28. President's Johnson's rejection of the draft as a campaign issue is contained in New York Times, September 6, 1964, p. 1, 46. Apparently based on Goldwater's stance on the draft and thinking that it might become a campaign issue, Hanson Baldwin, the military editor of the New York Times, published a story in the Times Magazine. He outlined the principal objections to the draft, and then pointed out that there are many persuasive arguments for keeping the draft. Baldwin made several conclusions after sorting through the pros and cons: (1) There was no doubt that the system of procuring military manpower should be revised. (2) There was no doubt that it would be desirable to end the draft entirely. (3) The first priority for the foreseeable future was still national security, and while it may be desirable to end the draft, the price would be too high if it meant an enforced reduction in the size of the armed forces. (4) Far more intense and detailed studies were needed before any decision could be made. The study then underway by Defense was an essential beginning, but was not enough; it should be followed by a much broader and more comprehensive examination. (5) "...if the facts then clearly indicate that voluntary recruitment and long-term professionalism, encouraged by improved incentives, might supply service needs, the draft should be ended." Hanson W. Baldwin, "Should We End the Draft?" New York Times Magazine, September 27, 1964, pp. 20-21, 113-118.

24. The details of the Johnson Administration's steady sinking into bog of the Vietnam War are contained in The New York Times; The Pentagon Papers (New York: Bantam Books, Inc., 1971). The excerpts from President Johnson's campaign speeches are contained in Public Papers of the Presidents of the United States--Lyndon B. Johnson, 1963-1965 Vol II (July 1-December 31, 1964), (Washington, D.C.: Government Printing Office, 1965), pp. 1126 and 1164-1165. One month before the November election, on October 3, President Johnson provided a status report on the progress being made by the Defense Department in their study of the military draft, emphasizing that the study was indeed being conducted in a very thorough manner and that the study was to be completed by the following April, thus once again ensuring that this subject would not surface during the election campaign as an issue. Public Papers, pp. 1193-1194.

25. Memorandum for the Secretary of Defense, Subject: Draft Study Findings and Recommendations, May 12, 1965. File "Chron File-Jan 1, 1965-July 1, 1965," 330-76-0089, Box 2, Files of the ASD (M&RA), Washington National Records Center (WNRC).

26. Interview with Mr. William Gorham, Washington, December 7, 1992. Mr. Gorham was one of the McNamara "Whiz Kids" brought into the Defense Department with the Kennedy Administration, and enjoyed a close relationship with Secretary McNamara. The Defense Department's study of the draft, "Meeting Our Military Manpower Needs--A Report to the President from the Secretary of Defense," had at least three versions, all in draft. The first version was prepared in April-May 1965. A second, revised edition was prepared and formally provided on October 1, 1965, to Cyrus Vance, the Deputy Secretary of Defense, with an attached draft memorandum for Vance to sign transmitting the study to the President. The covering memorandum to Vance stated: "The revision incorporates new projections based on the currently planned military strength level. The thrust of the report is now somewhat different. The higher strengths make less urgent a major overhaul of the Selective Service System, and less promising any prospect of meeting our needs on purely a voluntary basis." This second version, and a third version dated March 3, 1966, were never released. The third version was marked, "Not to be reproduced without the authority of the Secretary of Defense or the Deputy Secretary of Defense." Mr. Gorham left his position at the Pentagon in late-1965 and became the Assistant Secretary for Program Coordination at the Department of Health, Education, and Welfare. The studies of the draft are located in "Draft Study," 330-76-0089, Box 3, Files of the ASD(M&RA), WNRC. The memorandum to Deputy Secretary Vance is located in "Chron-July 65-Dec 65," 330-76-0089, Box 2. Mr. Gorham kindly provided the author a complete copy of the October 1965 version of the study from his personal files.

27. Pentagon Papers, Chapters 6-8, pp. 308-509. The April 27 news conference of President Johnson is contained in Public Papers, Vol I (January 1-May 31, 1965), pp. 448-457.

His July 28, 1965, television address is contained in Presidential Papers, Vol II (June 1-December 31, 1965), pp. 794-803.

28. Selective Service System, Annual Report of the Director of Selective Service for the Fiscal Year 1966 (Washington, D.C.: Government Printing Office, 1967), p. 1.

29. Congressional Quarterly, Congressional Quarterly Almanac 21 (1965), (Washington, D.C.: Congressional Quarterly Service, 1966), pp. 168-169.

30. There are a number of books and journal articles which analyze the Vietnam War protest and anti-draft movements and the protest organizations which were involved. Several which are objective and well researched are: (1) Michael Useem, Conscription, Protest, and Social Conflict: The Life and Death of a Draft Resistance Movement (New York: John Wiley & Sons, 1973); (2) Julian Foster and Durward Long, ed., Protest! Student Activism in America (New York: William Morrow & Company, Inc., 1970); (3) Stephen M. Kohn, Jailed For Peace: The History of the American Draft Law Violations, 1658-1985 (Westport, Connecticut: Greenwood Press, 1986); (4) Hugo Adam Bedau, ed., Civil Disobedience: Theory and Practice (New York: Pegasus, 1969). Three additional books which provide an insider's glimpse of the anti-draft movement are: (1) Alice Lynd, We Won't Go: Personal Accounts of War Objectors (Boston: Beacon Press, 1968); (2) Staughton Lynd, Nonviolence in America: A Documentary History (Indianapolis, Indiana: The Bobbs-Merrill Company, Inc., 1966); and (3) Michael Ferber and Staughton Lynd, The Resistance (Boston: Beacon Press, 1971).

31. Several excellent analyses of the "New Left" movement are contained in Allen J. Matusow, The Unraveling of America: A History of Liberalism in the 1960s (New York: Harper & Row, Publishers, 1984), pp. 308-344; and William L. O'Neill, Coming Apart: An Informal History of America in the 1960s (Chicago: Quadrangle Books, 1971), pp. 275-305. Also see: John Corry, "Spokesman for the New Left," New York Times Magazine, January 23, 1966, pp. 12-13, 30-35. An interesting glimpse of the SDS organization is contained in Thomas R. Brooks, "Voice of the New Campus 'Underclass,'" New York Times Magazine, November 7, 1965, pp. 25-27, 134-140. For references to Representative Rivers' legislation, see: U.S., Congress, House, Committee on Armed Services, Hearings on Card Destruction 89th Cong., 1st sess., August 6, 1965, pp. 3129-3132; Congressional Record, House, August 10, 1965, pp. 19871-19872; New York Times, August 11, 1965, p. 14; Congressional Record, Senate, August 13, 1965, pp. 20408-20409; New York Times, August 14, 1965, p. 2; "Doubling the Draft," Life 59 (August 20, 1965): 22-31; Jean Carper, Bitter Greetings: The Scandal of the Military Draft (New York: Grossman Publishers, 1967), p. 17.

32. Secretary McNamara Memorandum for the President, Subject: Married Men and the Draft, July 31, 1965. Filed in "Chron-July 65-Dec 65," 330-76-0089, Box 2, Files of the ASD (M&RA), WNRC. See also: Annual Report of the Director of Selective Service, Fiscal Year 1966 (Washington, D.C.: Government Printing Office, 1967), p. 2; New York Times, August 27, 1965, pp. 1, 10; New York Times, September 1, 1965, p. 17.

33. The October 1965 nation-wide demonstrations and comments by Government officials are reported in: New York Times, October 16, 1965, pp. 1-2; October 17, 1965, pp. 1, 43; October 18, 1965, pp. 1, 8-9; October 19, 1965, pp. 1, 4-7. Prior to the arrest of David Miller, the arrest and conviction of David H. Mitchell for "willfully and knowingly failing to report for induction into the armed forces" received wide attention by the anti-draft groups. Mitchell, on September 15, was fined \$5,000 and sentenced to up to five years in prison. New York Times, September 16, 1965, p. 27; Ferber and Lynd, The Resistance, pp. 17-21; and Lynd, We Won't Go, pp. 92-108.

34. New York Times, December 22, 1965, p. 3.

35. Carper, Bitter Greetings, pp. 129-131.

36. General Hershey's annual report to Congress for Fiscal Year 1966, published in January 1967, states, "There was national publicity during this fiscal year concerning a sit-in at a Selective Service local board office by students of a Midwestern university. Because some of the male participants subsequently were reclassified I-A by their local boards, there was great hue and cry that the System was abrogating by punitive action the right of freedom of speech and the right to conduct public protest demonstrations. In replying to these widespread allegations, the Director of Selective Service said on several occasions that in reference to persons demonstrating against U.S. policies in Vietnam, or for other reasons, Selective Service has no intention toward the prompt induction of those demonstrators who violate laws not related to those of the System. The Director made it clear, however, that those who burn draft cards, engage in sit-ins in any Selective Service office which impede the operations of the System, or violate any other of its laws or regulations, may be treated legitimately as delinquents and ordered for accelerated induction. All such deliberate violators have been handled in this manner since the current legislation went into effect in 1948. The authority and procedure are spelled out clearly in the law and regulations." U.S. Selective Service System, Annual Report of the Director of Selective Service, Fiscal Year 1966, p. 43. Two law school review articles published in early 1966 agreed that the students who were reclassified I-A were not "delinquent" under Selective Service regulations, which defined "delinquents" as those who fail to register, give untruthful statements with regard to classification, fail to send the local draft board any change of address, fail to carry their draft card, or do

not report for induction. The activity of the students at the sit-in was criminal because it interfered with the administration of the overall process, and not because the individuals were trying to avoid their military obligations. The articles found that the students should be prosecuted in a court of law, but should not be inducted as "delinquents." See Thomas T. Ross, "Reclassification of the Sit-In Demonstrator: A Bezoar Stone for the Selective Service," University of Florida Law Review 19 (1966):pp. 143-163; and "Fairness and Due Process Under the Selective Service System," University of Pennsylvania Law Review 114 (May 1966): 1014-1049. See also: New York Times, December 26, 1965, Sec. IV, p. 2; New York Times, December 23, 1965, p. 1; Carl Cohen, "General Hershey's Big Stick," The Nation 201 (December 27, 1965): 520-522; George Q. Flynn, Lewis B. Hershey: Mr. Selective Service (Chapel Hill, N.C.: University of North Carolina Press, 1985), pp. 235-239; ; "Draft Director Tells What's Ahead: Interview With Lieut. Gen. Lewis B. Hershey," U.S. News & World Report 60 (January 10, 1966): 39; "U.S. Aide Disputes Hershey on Draft," New York Times, January 12, 1966, pp. 1, 8.

37. New York Times, January 4, 1966, p. 10; January 7, 1966, p. 3; January 10, 1966, p. 3; January 13, 1966, p. 1, 4; January 20, 1966, p. 4; January 29, 1966, p. 1,2; March 18, 1966, pp. 1, 29; "Draft Director Tells What's Ahead," U.S. News & World Report 60 (January 10, 1966): 38-44.

38. A distinction is made between "deserters" and "draft offenders." Deserters were those already on active duty in the armed services and at some point in their military career decided to desert. Draft offenders were those individuals who, prior to induction into the services, decided to resist the draft. Studies which were conducted after the Vietnam War and were associated with President Ford's amnesty program indicate there were some 100,000 military deserters and approximately 210,000 accused draft offenders during the Vietnam War period. An estimated 30,000 of the 210,000 draft offenders and some 20,000 deserters took flight. Of these 50,000 men, an estimated 10,000 lived in the American underground, 30,000 crossed the border into Canada, an estimated 1,000 fled to Sweden, 1,000 went to Mexico, and 8,000 lived in other countries. While the numbers of those young men fleeing military service were extremely unsettling to the Administration and policy makers in Congress, these were small numbers compared to the estimated 15 million men of draft age who managed to avoid even one day of military service without penalty. To my knowledge the best study on this subject, written by two senior officials of the Presidential Clemency Board, is Lawrence M. Baskir and William A. Strauss, Chance and Circumstance: The Draft, The War, and The Vietnam Generation (New York: Alfred A. Knopf, 1978). For a profile of exiles in Canada during this period, see Kenneth Fred Emerick, War Resisters Canada: The World of American Military Political Refugees (Knox, Pennsylvania: Knox, Pennsylvania Free Press, 1972). See also: Oliver Clausen, "Boys Without A Country," New York Times Magazine, May 21, 1967, pp. 25, 94-106; David A. Tate, "Draft

Evasion and the Problem of Extradition," Albany Law Review 32 (Winter 1968): 337-358; Edward Shils, "A Profile of the Military Deserter," Armed Forces and Society 3 (May 1977): 427-432; D. Bruce Bell and Beverly W. Bell, "Desertion and Antiwar Protest," Armed Forces and Society 3 (May 1977): 433-443.

39. Jack Raymond, "The Draft Is Unfair," The New York Times Magazine, January 2, 1966, pp. 5, 18, 20-21. A similarly balanced article on the draft issue which appeared about the same time was one by Keith Johnson, a reporter for Time magazine's Washington bureau. See Keith R. Johnson, "Who Should Serve?," The Atlantic 217 (February 1966): 63-69.

40. Raymond, "The Draft Is Unfair," New York Times Magazine, pp. 20-21.

41. Milton Friedman, Capitalism and Freedom (Chicago: The University of Chicago Press, 1962). Friedman's principal theme in this classic work is that the American people can benefit from the promise of government while at the same time avoiding the threat to freedom by government by adhering to two broad principles. First, the scope of government must be limited, and second, the power of government must be dispersed. He listed fourteen activities then being undertaken by government which, in his view, could not be justified in view of the two major principles. One of these activities was military conscription. See p. 36.

42. "The Lost Report," The Nation 202 (February 7, 1966): 142-143. Dr. Harold Wool, in 1966, was the Director, Manpower Procurement Policy, Assistant Secretary of Defense (Manpower). In an interview with Dr. Wool on October 1, 1992, he stated that there was no deliberate attempt on the part of Department of Defense personnel to hide the study results. However, the sudden escalation of the American commitment in Vietnam made the study's underlying assumptions invalid, therefore making it impossible to publish the study.

43. "Percentage of Negroes Drafted Is Higher Than That for Whites," New York Times, January 3, 1966, p. 3; February 12, 1966, p. 12; May 11, 1966, p.4. Lloyd B. Dennis, "Draft Law Revision," Editorial Research Reports 1 (June 22, 1966): 441-461.

44. "30 in House Ask Draft Inquiry," New York Times, March 2, 1966, p. 9; Jack Star, "How Fair Is the Draft?," Look 30 (April 19, 1966): 25-27; Robert G. Sherrill, "The Draft Under Fire," The Nation 202 (March 14, 1966): 285-288.

45. The American Civil Liberties Union also worked through the courts in an attempt to end the war in Vietnam through legal means. See Leon Friedman and Burt Neuborne, Unquestioning Obedience to the President (New York: W.W. Norton & Company, Inc., 1972).

46. Michael Walzer, "Democracy and the Conscript," Dissent 13 (January-February 1966): 21. Walzer has written two books on the rights and obligations of citizenship during wars, both of which have made valuable contributions to this field of study. See Michael Walzer, Obligations: Essays on Disobedience, War, and Citizenship (Cambridge, Massachusetts: Harvard University Press, 1970), and Michael Walzer, Just and Unjust Wars: A Moral Argument with Historical Illustrations (New York: Basic Books, Inc., Publishers, 1977).

47. J. William Fulbright, The Arrogance of Power (New York: Vintage Books, 1966), p. 38. For the support of SCO activities by church groups and the A.C.L.U., see New York Times, May 26, 1966, p. 42; July 10, 1966, p. 13; September 15, 1966, p. 12; and September 29, 1966, p. 29. See also Walter Goodman, "They March To Different Drummers," New York Times Magazine, June 26, 1966, pp. 7, 42-57. For a full exploration of the legal aspects of selective conscientious objection, see John A. Rohr, Prophets Without Honor: Public Policy and the Selective Conscientious Objector (Nashville, Tennessee: Abington Press, 1971). For insight into the thinking of SCOs, see James Finn, Protest: Pacifism and Politics (New York: Random House, 1967), pp. 385-428. See also: Walter Arnold, "Selective Objection and the Public Interest," The Christian Century 84 (September 27, 1967): 1218-1221; Edward N. Beiser, "God and the Draft," Commonweal 83 (March 4, 1966): 631-633; Lillian Schlissel, ed., Conscience in America: A Documentary History of Conscientious Objection in America, 1757-1967 (New York: E.P. Dutton & Co., 1968); Marion A. Bressler and Leo A. Bressler, Country, Conscience, and Conscription: Can They Be Reconciled? (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1970). For a current essay on conscientious objection, see James F. Childress, "Conscientious Objection to Military Service," in Conscripts and Volunteers: Military Requirements, Social Justice, and the All-Volunteer Force, ed. by Robert K. Fullinwider. (Totowa, New Jersey: Rowman & Allanheld, Publishers, 1983), pp. 148-164.

48. Donald J. Eberly, ed., A Profile of National Service (New York: Overseas Educational Service, 1966); Donald J. Eberly, National Service: A Promise To Keep (Rochester, New York: John Alden Books, 1988), pp. 46-50; New York Times, May 8, 1966, p. 6; May 9, 1966, p. 6.

49. Don Eberly is truly an exceptional and caring, dedicated person, whose name is synonomous in the United States with national service. Interestingly, it was Eberly who coined the term "national service." In his autobiography, Eberly wrote: "The expression 'national service' came from two sources. My GI life insurance policy was titled National Service Life Insurance. And national service was used by the British to describe their military service during World War II. The two words seemed to capture what I was trying to express. By their association with the military, the words suggested an activity that might be as important as military service." Donald J. Eberly, National

Service: A Promise To Keep, p. 27.

50. "McNamara Urges Two-Year Service for All U.S. Youth," New York Times, May 19, 1966, pp. 1, 10-11; "White House Bars Draft of Youths for Civilian Duty," New York Times, May 20, 1966, p. 1, 6; May 22, 1966, p. 8, 12; May 26, 1966, p. 9. Dr. Harold Wool stated that the portion of the McNamara speech in Montreal concerning national service originated with Adam Yarmolinsky, then the Special Assistant to Secretary McNamara. The Department of Defense, Wool stated, was under some pressure by other departments of the Johnson Administration to support the various Great Society War on Poverty programs for the nation's youth. Examples of such supporting programs at Defense were the Army's aborted Special Training and Enlistment Program (STEP), which was rejected by Congress in 1965, and Project 100,000, a program initiated by Defense in late 1966 to admit large numbers of low-aptitude individuals into the armed forces. Interview with Harold Wool, October 1, 1992. See also Adam Yarmolinsky, The Military Establishment: Its Impacts on American Society (New York: Harper & Row, Publishers, 1971), pp. 324-354. Yarmolinsky quotes Secretary McNamara, from his book The Essence of Security, published shortly after he resigned as Secretary of Defense, making clear that social change was a conscious goal in the Defense Department. "During my seven years in the Department it seemed to me that those vast resources could contribute to the attack on our tormenting social problems, both supporting our basic mission and adding to the quality of our national life. For, in the end, poverty and social injustice may endanger our national security so much as any military threat."

51. "Chicago U. Students Seize Building in Draft Protest," New York Times, May 13, 1966, pp. 1, 4; "150 at City College Take Over Building In Protest on Draft," New York Times, May 14, 1966, pp. 1, 9; "Protesters End Chicago Sit-In," New York Times, May 14, 1966, p. 10; "350,000 Students Take Draft Deferment Test Today," New York Times, May 14, 1966, p. 11; "Testing for the Draft," New York Times, May 14, 1966, p. 30; "Thousands Seek Draft Deferment In Student Tests," New York Times, May 15, 1966, pp. 1, 3; "Kennedy Decries Tests For Draft," New York Times, May 16, 1966, p. 4; "Chicago U. Students End 5-Day Sit-In Against Draft," New York Times, May 17, 1966, p. 8; "600 Students at U. of Wisconsin Seize Building in Draft Protest," New York Times, May 24, 1966, p. 3; "250,000 Students Take Draft Tests; Protests Are Few," New York Times, May 22, 1966, p. 5. See also Michael Levitas, "2-S--Too Smart to Fight?," New York Times Magazine, April 24, 1966, pp. 27, 125-135.

52. "Brooklyn Church Hears Governor," New York Times, May 30, 1966, p. 10; "Draft Policy," New York Times, May 25, 1966, p. 46; "Chicago U. To Hold A Parley On Draft," New York Times, May 29, 1966, p. 37; "Pressure to Change Draft Is Gaining in Washington," New York Times, pp. 1, 2; CBS Press Release, May 31, 1966, "Senators Jacob Javits, Ernest Gruening to Discuss Draft on 'Capitol Cloakroom'

June 1"; "G.O.P. Group in House Terms Draft Boards' Rules Capricious," New York Times, p. 4; "Gen. Hershey Assails Proposals for Lottery Draft," New York Times, June 2, 1966, p. 4; "Gates, Calling the Draft Unfair, Urges Universal Service," New York Times, June 7, 1966, p. 2; "Brewster Scores U.S. Draft Policy," New York Times, June 13, 1966, PP. 1, 42; "Draft Change Asked By Edward Kennedy," New York Times, June 13, 1966, p. 42; Press Release from the Office of Senator Edward M. Kennedy, "Senator Kennedy Urges Lottery System to Replace Current Military Draft," June 29, 1966. The six policy statements by the Republican Congressmen were: (1) "A Congressional Investigation of the Draft," May 27, 1966; (2) "College Deferments and the Draft," May 29, 1966; (3) "Military Service and Rehabilitation," May 30, 1966; (4) "The Absense of National Standards in the Draft," May 31, 1966; (5) "An Equal Draft Obligation on Each State," June 1, 1966; and (6) "Efficiency in the Draft," June 2, 1966.

53. U.S., Congress, House, Committee on Armed Services, Review of the Administration and Operation of the Selective Service System. Hearings and Papers No. 75. 89th Cong., 2nd sess., 1966, p. 9615. See also Harry A. Marmion, Selective Service: Conflict and Compromise (New York: John Wiley & Sons, Inc., 1968), p. 22.

54. Ibid., p. 9624.

55. Ibid., pp. 9626-9627.

56. Ibid., pp. 9639-9640.

57. Ibid., pp. 9697-9698.

58. Ibid., p. 9704. Mr. Frank M. Slatinshek, the Chief Counsel for the House Committee on Armed Services, served for many years in that position for both Representative Rivers and Representative Hébert. Slatinshek said that Rivers was an unabashed patriot and made no bones about his antipathy toward those demonstrating against the Vietnam War and the military draft. Slatinshek believed this hostility by Rivers, and many of his generation, stemmed in a large part because they were subject to the draft during World War II and could not understand why the younger generation did not also bear the burden of military service ungrudgingly. Interview with Frank Slatinshek, Alexandria, Virginia, November 17, 1992.

59. Ibid., pp. 9655, 9705, 9714.

60. Ibid., pp. 9725-9923.

61. Ibid., pp. 9923-9942.

62. *Ibid.*, p. 9947.
63. *Ibid.*, p. 9974.
64. Hanson W. Baldwin, "Debate on the Draft--The Pros and Cons," New York Times June 26, 1966, Sec. IV, p. 4. The Times' coverage of the testimony by Secretary Morris is contained in New York Times, July 1, 1966, pp. 1,13. A complete text of Morris' testimony is on p. 12.
65. Secretary McNamara was reported to have stated that the cost of an all-volunteer force would skyrocket to \$20 billion. For stinging comments on the Pentagon's study and the hearings see: Jean Carper, Bitter Greetings, pp. 178-186; and Harry A. Marmion, Selective Service: Conflict and Compromise (New York: John Wiley & Sons, Inc., 1968), pp. 22-35.
66. "Statement by the President Establishing a Commission To Study the Draft and Other Systems of National Service, July 2, 1966," Public Papers of the President of the United States--Lyndon B. Johnson, 1966. Vol II, July 1 to December 31, 1966. (Washington, D.C.: Government Printing Office, 1967), p. 698. See also: "President Orders a Sweeping Study of Draft Reform," New York Times, July 3, 1966, pp. 1,2. "The President's News Conference at the LBJ Ranch. July 5, 1966," Public Papers, p. 706. U.S., Congress, House, Committee on Armed Services, Review of the Administration and Operation of the Selective Service System--An Interim Report. House Document No. 76, 89th Cong., 2nd sess., 1966.
67. Representative Curtis exerted considerable pressure on the Defense Department through the summer to release details of the data which went into the Pentagon's study of the draft. On July 15, he sent a letter to Secretary Morris with nine penetrating questions about the Pentagon's data and methodology. These were answered on July 27 in an extensive report, only to be followed by another query by Morris on August 18. Folder "Draft-ASD (M) Testimony 6/30/66 Before House Armed Services Committee," Box 330-76-0089, Files of the Office of the ASD/M&RA, Washington National Records Center. See also New York Times, July 4, 1966, p. 7; July 5, 1966, p. 36.
68. "Remarks to the Summer Interns in the White House Seminar Program, August 18, 1966," Public Papers of the Presidents--Lyndon B. Johnson, 1966. Washington, D.C.: Government Printing Office, 1967, pp. 831-834. See also "Johnson Weighs Civilian Service As Draft Option," New York Times, August 19, 1966, pp. 1, 2.

69. Dwight D. Eisenhower, "This Country Needs Universal Military Training," Reader's Digest 45 (September 1966): 49-55; New York Times, August 22, 1966, p. 5; Bradley Patterson said that Eisenhower told Marshall and him about attempts in the 1930s to convince President Roosevelt that something had to be done about readiness training in the Army. Eisenhower said that at that time soldiers were training with wooden rifles. President Roosevelt ignored the Army's complaints, which Eisenhower believed was a serious mistake. Interview with Bradley Patterson, Washington, D.C., September 21, 1992.

70. "McNamara Plans To Salvage 40,000 Rejected In Draft," New York Times, August 24, 1966, pp. 1, 18; "Negroes Expected To Make Up 30% Of Draft 'Salvage'," New York Times, August 25, 1966, pp. 1, 6; "Rivers May Seek Change In Draft," New York Times, p. 3; "Rights Leaders Deplore Plan To 'Salvage' Military Rejects," New York Times, August 26, 1966, p. 3; "Student Unit Asks U.S. Abolish Draft, Set Up Alternatives," New York Times, September 1, 1966, p. 6.

71. During this period it was not unusual to see the military manpower debate being waged in the same journal edition. For example, the articles by Eli Ginzberg and Morris Janowitz were carried in the same issue of The Public Interest under the headings "Reforming the Draft-I" and "Reforming the Draft-II." Eli Ginzberg had written earlier that, "Military service, instead of being an obligation which all young men recognize, has become more of a gamble in which certain players hold marked cards. The consequence is that the young man who gets caught and who serves for two or more years on active duty is likely to consider himself a 'sucker,' for that is how his friends who escape military service regard him." James M. Gerhardt, The Draft and Public Policy, p. 318, citing Eli Ginzberg, with James K. Anderson and John L. Herma, The Optimistic Tradition and American Youth (New York: Columbia University Press, 1962), p. 79. Eli Ginzberg, "The Case for a Lottery," The Public Interest 5 (Fall 1966): 83-89; Morris Janowitz, "The Case for a National Service System," The Public Interest 5 (Fall 1966): 90-109; Daniel P. Moynihan, "Who Gets in the Army?," The New Republic 155 (November 5, 1966): 19-22.

72. The presentations presented at the conference appear in June A. Willenz, ed. Dialogue on the Draft (Washington, D.C.: American Veterans Committee, 1967). See also New York Times, November 12, 1966, p. 4, and November 13, 1966, p. 3. Secretary McNamara, in an interview with the staff of Harvard University's student newspaper, The Crimson, on November 7, had indicated his support for the induction of 19 year old men and a lottery system to overcome some of the unfairness of the draft's selection process. See New York Times, November 11, 1966, p. 9. On November 16, Secretary of Labor W. Willard Wirtz, in an address at Catholic University in Washington, proposed a new "policy for youth," that would require all 18 year-olds to register for two years of education, employment, community service, or military

service. Men would have been chosen for military service, under his program, by lottery, making Wirtz the third Administration official in a week to advocate a lottery system. New York Times, November 17, 1966, pp. 1, 27. Both Harold Wool and Irv Greenberg, who was responsible for managing Project 100,000, indicated their belief that Secretary McNamara was troubled by the draft and was sincerely attempting to explore alternatives. As well, McNamara wanted to use the resources of the Department to help, in so far as possible, in programs which could assist the nation's youth. Interviews with Harold Wool, Washington, October 1, 1992, and with Irv Greenberg, Washington, September 21, 1992.

73. Willenz, Dialogue on the Draft, p. 80.

74. Ibid., pp. 69-101. Harris Wofford, then an Associate Director of the Peace Corps and now a U.S. Senator from Pennsylvania, also attended the conference and spoke on volunteer service. See pp. 81-85.

75. Little detail of the Antioch College conference is available. The only formal record found is contained in U.S., Congress, House of Representatives, Committee on Armed Services, Extension of the Universal Military Training and Service Act. Hearings, No. 12. 90th Cong., 1st sess., pp. 2481-2484. Dr. Harold Wool spoke at the conference, but did not remember any details other than a hostile reception by students. Interview with Harold Wool, Washington, October 1, 1992. See also New York Times, November 21, 1966, p. 12.

76. The conference proceedings were documented in Sol Tax, ed., The Draft: A Handbook of Facts and Alternatives (Chicago: University of Chicago Press, 1967). That the atmosphere at the Conference was emotionally charged was commented on by both Harold Wool and Bradley Patterson. Both men remembered near constant attention by television cameras outside the conference hall, and television cameras being operated inside the conference hall at times. The luminaries of the Conference were guests of Chicago radio and television stations in the evenings. Dr. Wool remembered sharing a cab ride and being on a talk show with Representative Donald Rumsfeld of Illinois, and turning down a radio interview with a then relatively unknown disk jockey, Studs Terkel. Bradley Patterson remembered the talk shows, but was particularly impressed when he was invited to share his views on the military draft with Senator Edward Kennedy. Patterson was picked up in a limousine, driven to the Palmer House, and ushered into an elegant suite of rooms to spend an hour going over the mechanics of the Selective Service System, among opulent surroundings, with Senator Kennedy. Interviews with Bradley Patterson, September 21, 1992, and with Harold Wool, October 1, 1992.

77. Tax, The Draft, p. 289. In an interesting anecdote about the conference and the high interest on the part of many parties about the Marshall Commission's findings,

Bradley Patterson said he had given an impromptu news conference for television networks outside the conference hall, giving the television audience much the same message. Later that day he received a telephone call from the White House Assistant Press Secretary, who told Patterson, "No more speeches. Johnson is watching." President Johnson had watched Patterson's news conference on one of the network news broadcasts from his office, and ordered that the word be passed to Patterson that nothing was to be said about the Marshall Commission. Interview with Bradley Patterson, Washington, D.C., September 21, 1992.

78. Colonel Hays' paper for the Chicago conference was expanded and appeared several months later in Army, the publication of the Army Command and General Staff College. In the latter article he came down more firmly in support of Selective Service, but a Service which had been reformed to make it more equitable, uniform, and efficient. See Samuel H. Hays, "Military Conscription in a Democratic Society," Army 17 (February 1967): 31-41.

79. Tax, The Draft, pp. 3-22. The pro-draft position was also represented by Harry A. Marmion, Staff Associate of the American Council on Education, who furnished a paper and participated actively in the discussions. See pp. 54-61.

80. Ibid., 73-113, 390-424.

81. Professor Little's UMT presentation appears on pp. 339-343, and Senator Kennedy's short presentation appears on pp. 345-346 of Sol Tax, The Draft.

82. Ibid., pp. 365-366. The papers submitted by Friedman, Oi, and Chapman are at pp. 200-251. Bruce Chapman wrote a well-written book on the injustices of the draft and two significant journal articles, all published in 1967. See: Bruce K. Chapman, The Wrong Man in Uniform: Our Unfair and Obsolete Draft--and How We Can Replace It (New York: Trident Press, 1967). (The introduction of the book was written by Representative Tom Curtis.); Bruce K. Chapman, "The Politics of Conscription," New Individualist Review 4 (Spring 1967): 17-25; Bruce K. Chapman, "Why Not Abolish the Draft?" National Review 19 (March 21, 1967): 303-305. Similarly, Milton Friedman was a frequent contributor to journals and an extremely effective spokesman for the all-volunteer force. See: Milton Friedman, "A Volunteer Army," Newsweek 68 (December 19, 1966): 100; Milton Friedman, "Why Not a Volunteer Army?" New Individualist Review 4 (Spring 1967): 3-9; Milton Friedman, "The Case for Abolishing the Draft--And Substituting For It An All-Volunteer Army," New York Times Magazine, May 14, 1967: 23, 114-119; Milton Friedman, "The End of the Draft," Newsweek 72 (March 16, 1970): 90.

83. The comments by Kastenmeier and Rumsfeld appear on pp. 375, 442, and 444 of Sol Tax, The Draft. For press articles on the conference, see: New York Times, December 6, 1966, p. 42; December 7, 1966, p. 3; December 8, 1966, p. 5. A proponent of Selective Service (after some reforms) and who was a participant at the Conference, Harry A. Marmion, wrote in his book: "One of the most surprising results of the Conference was the strong endorsement of an all-volunteer force as an alternative to the present system....Friedman, Oi, Chapman, Rumsfeld, and others presented their case excellently. Oi demonstrated clearly the the economic feasibility of such a system under peacetime conditions, and the other proponents sketched in the remainder of the picture, particularly with regard to a "transitional system" designed to bring more volunteers into the military until the changeover was completed. This, in part, silenced those critics who felt that a change in the system of military manpower procurement during a war was folly." Harry A. Marmion, Selective Service: Conflict and Compromise, p. 82.

84. "A Congress Panel Is Studying Draft," New York Times, December 8, 1966, pp. 1, 4. See also Harry A. Marmion, Selective Service: Conflict and Compromise, p. 76. The motivation behind the formation of the Clark Panel remains unclear. Frank Slatinshek, the Chief Counsel to the House Armed Services Committee at the time, did not remember exactly why Chairman Rivers formed the panel and why its announcement was not made until December when supposedly it had begun its work on November 1. It appears that Representative Rivers may have learned of some policy position or event and was suddenly concerned that his control of military manpower policy may have been slipping from his grasp. He may have wanted another option, which he would gain with the creation of the Clark Panel, that he could play later in the spring. The timing of Rivers' announcement following so closely on the closing of the University of Chicago conference on the draft may not be entirely coincidental. Another interesting minor incident occurred during the University of Chicago Conference which was indicative of the political pressures which were being exerted. On the last day of the Conference, December 7, two statements had been placed on each of the attendees' desks when they arrived. The first document was a copy of a letter from Governor George Romney of Michigan, at the time the leading candidate for the Republican Party's nomination for the Presidency, to Burke Marshall in which he deplored the secrecy of the draft studies and called for the establishment of an Ad Hoc Joint House-Senate Committee to conduct a completely open and thorough study of the draft. The second document was a letter from Representative Tom Curtis in which he applauded Romney's statement. See Marmion, Selective Service, p. 80.

85. "Annual Message to the Congress on the State of the Union, January 10, 1967," Public Papers of the Presidents-Lyndon B. Johnson-1967. Vol I, January 1 to June 30, 1967. (Washington: Government Printing Office, 1968), pp. 5-6; "U.S. Court Bars Induction Penalty For Foes of War," New York Times, January 31, 1967, pp. 1,

2; "Dissent and the Draft," New York Times, February 1, 1967, p. 38. Bradley Patterson told of an incident in which a status report of Marshall Commission deliberations, which he had prepared for Burke Marshall for the White House, found its way into the press. For several days Patterson believed he would be fired for careless handling of the memorandum. When he finally worked up his nerve to discuss it with Joe Califano, Califano told Patterson that President Johnson had leaked the memo. See "Panel Is Reported Supporting Draft Of Youngest First," New York Times, February 8, 1967, pp. 1, 2. Interview with Bradley Patterson, Washington, September 21, 1992.

86. U.S., Congress, House, Committee on Armed Services, Civilian Advisory Panel on Military Manpower Procurement-Report to the Committee on Armed Services, House of Representatives, Ninetieth Congress, First Session. House Document No. 374, 90th Cong., 2nd sess., 1968.

87. Harry A. Marmion, Selective Service, p. 84. Marmion also noted that the Clark Panel's administrative staff consisted of one man, retired Marine Lt. Colonel Dennis D. Nicholson, Jr., who at the time was also the Executive Assistant to the President of The Citadel. It is obvious that the report could not have been produced so quickly without the major assistance of the two senior counsels of the House Committee on Armed Services, as well as secretarial and administrative assistance from the Committee staff.

88. National Advisory Commission on Selective Service, In Pursuit of Equity: Who Serves When Not All Serve? (Washington, D.C.: Government Printing Office, 1967). According to Bradley Patterson, Burke Marshall created the title for the report, believing that it captured the crux of the military manpower policy problem. The Commission found a talented editor for their final report, Harry J. Middleton, who interestingly is now the head of the Johnson Library. Interview with Bradley Patterson, Washington, September 21, 1992. At the University of Chicago Conference on the Draft, Patterson had outlined the methodology applied in the Commission's research and how widely they had cast their net for data. "The first thing the Commission did was to seek advice from beyond its own circle. We wrote to every one of the fifty-five governors of states and territories. We wrote and asked for the opinions and writings of 121 national organizations--student, professional, scientific, educational, civil rights, women's--every major national organization that had an interest in military manpower problems. We talked with forty college presidents. We invited the views of eleven agency heads in Washington, four of whom appeared before us in person. We asked nine universities to designate students to travel to 40 different campuses to select...the views of fellow students and tell us about them personally. We wrote to seventeen mayors of cities about the problems and possibilities of national service in the nation's cities. We consulted representatives of the National League of Cities, county officials, and the Governors' Conference...." Sol Tax, ed., The Draft, p. 288. Secretary Thomas

Morris' testimony before the Marshall Commission, which took place on October 6, was extensive. Morris had been asked in advance to comment on the pros and cons of policy options in addition to the draft--a lottery, President Eisenhower's proposal for UMT, national service--but not on a volunteer army. Memorandum to Morris from Marshall, 15 September, 1966, and Joint Chiefs of Staff Memorandum to Dr. Harold Wool, October 3, 1966, containing the JCS position on UMT. Folder "QD-HR8850-UMTS Act Amendment Exec. Order," 330-76-0089, Box 5, Files of the Office of the ASD(M), WNRC.

89. The issue of student deferments was the only issue in which there was not full agreement among Marshall Commission members. The majority, led by Burke Marshall and Kingman Brewster, urged the abolition of almost all student and occupational deferments. A substantial minority, reportedly seven or eight of the 20 Commission members and led by George Reedy, President Johnson's former press secretary, favored continued deferments for undergraduate study. National Advisory Commission, In Pursuit of Equity, pp. 40-46; New York Times, March 5, 1967, pp. 1, 83.

90. Donald J. Eberly and Morris Janowitz, advocates for national service, were consultants to the Marshall Commission and provided much information to the Commission in support of that policy option. Don Eberly was disappointed at the Commission's relatively casual dismissal of national service, and believed that the White House had at some point instructed the Commission to stop serious consideration of that option. Interview with Don Eberly, Washington, September 15, 1992. The Johnson White House was well informed about the progress being made by the Marshall Commission as its investigation progressed. In addition to regular memos from Marshall to Joe Califano, the President's domestic policy advisor, George Reedy and Warren Woodward, loyal friends of the President, were specifically named to the Commission to also be regular sources of information for the White House. As the Commission was concluding its work, Marshall and Patterson went to the Pentagon to brief Cyrus Vance, the Deputy Secretary of Defense, on the Commission's recommendations. Reportedly, Vance was pleased with the recommendations. Bradley Patterson, without Marshall, also briefed the Army Staff and General Westmoreland, later to become Chief of Staff of the Army, who were pleased that the Commission was recommending a continuation of the draft. Patterson was called by one of Vice President Humphrey's aides and asked to brief the Vice President. Patterson and Marshall were told by Califano not to brief Humphrey--"He's too leaky." After several weeks went by Patterson was called again by Humphrey's aide and was asked again to brief the Vice President. Califano told Patterson to wait until the Commission's report was going to press before briefing Humphrey. When finally given a briefing, the Vice President had a number of recommendations, which were ignored. President Johnson had a low regard for his Vice President, which affected his staff. On one occasion Johnson told reporters, "Boys, I've

just reminded Hubert that I've got his balls in my pocket." Joseph A. Califano, Jr., The Triumph & Tragedy of Lyndon Johnson. New York: Simon & Schuster, 1991, p. 197. Bradley H. Patterson, Jr., The Ring of Power. New York: Basic Books, Inc., Publishers, 1988, p. 289. Interview with Bradley Patterson, Washington, September 21, 1992.

91. "Draft of Youngest First Urged In Study Made for House Panel," New York Times, February 28, 1967, pp. 1, 16; "Draft Panel Calls For A Crackdown," New York Times, March 4, 1967, p. 7; "Johnson Panel Asks Draft By Lot Beginning At 19," New York Times, March 5, 1967, pp. 1, 82, 83; "Special Message to the Congress on Selective Service, March 6, 1967," Public Papers of the Presidents-Lyndon B. Johnson January 1-June 30, 1967, pp 277-288.

92. This new study group, which was established on April 4, 1967, consisted of Secretary of Defense McNamara, Director of the Budget Charles L. Schultz, and General Hershey. A "Task Force on the Structure of the Selective Service System," headed by General Carter B. Magruder, U.S. Army (Retired), was organized and investigated the *current* Selective Service organization, not the feasibility of the reorganization recommended by the Marshall Commission. The Task Force was staffed largely by Selective Service personnel and was dependent on the System for data. Not surprisingly, the Task Force's report, published in October, 1967, recommended that the organizational structure of the System be retained. Task Force on the Structure of the Selective Service System, Report of the Task Force on the Structure of the Selective Service System (Washington, D.C.: Government Printing Office, 1967). Hershey's biographer states that General Hershey was reasonably confident that, when Congress began hearings on the draft extension, there would be little interest in abolishing the local boards. As one Marshall Commission member was quoted to have said, "General Hershey is an institution in himself. He personifies the system, the local draft boards and the whole process. To accept our recommendation and completely reorganize the system, the President would have to get rid of the general, and you don't do away with institutions very lightly." George O. Flynn, Lewis B. Hershey, p. 249; "Hershey Opposes Panel's Plan to Abolish Local Draft Boards," New York Times, March 12, 1967, p. 52.

93. "Making the Draft Fairer," New York Times, March 8, 1967, p. 44.

94. New York Times, March 6, 1967, pp. 1, 7; March 7, 1967, pp. 1, 33; March 8, 1967, p. 6.

95. U.S., Congress, Senate, Committee on Labor and Public Welfare, Manpower Implications of Selective Service, Hearings Before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare. 90th Cong., 1st sess., 1967.

96. Ibid., p. 12.
97. Ibid., pp. 23-25. New York Times, March 21, 1967, p. 12.
98. Ibid., pp. 29-55.
99. Ibid., p. 108. One of the persistent problems that advocates of national service had during the 1966-1967 military manpower policy debate was the lack of agreement on a single program that could be proposed as a viable replacement for the draft. In Mr. Eberly's own words in this testimony, "...we have a national service advisory board, among whom there is agreement regarding the national service concept, the notion of the basic responsibility between youth and society, but among whom there is very little agreement about any particular program of national service." This lack of unity among advocates tended to discredit national service entirely among potential advocates for such a policy.
100. Ibid., p. 140.
101. Ibid., pp. 231-246.
102. "Ten Who Lead Congress," New York Times Magazine, May 5, 1963, pp. 18-19.
103. U.S., Congress, Senate, Committee on Armed Services, Amending and Extending the Draft Law and Related Authorities. Hearings Before the Committee on Armed Services on S. 1432. 90th Cong., 1st sess., 1967.
104. Ibid., p. 3.
105. Ibid., p. 29. General Clark was President of The Citadel, The Military College of South Carolina, between 1953 and 1965.
106. Ibid., p. 34.
107. Ibid., p. 43.
108. The investigation of the Selective Service System by the Marshall Commission was conducted largely by James W. Davis and Kenneth M. Dolbeare, faculty members from the University of Wisconsin who were on loan to the Commission as consultants for six months. They had conducted an extensive field study of the Selective Service System in Wisconsin, and probably were the country's leading experts at the time on the inner workings of the System. Their monographs and book were the best studies available at the time, and members of the Marshall Commission questioned

them at length to gain a full understanding of the System. See: James W. Davis, Jr., and Kenneth M. Dolbeare, Little Groups of Neighbors: The Selective Service System (Chicago: Markham Publishing Company, 1968); James W. Davis, Jr., and Kenneth M. Dolbeare, "A Social Profile of Local Draft Board Members: The Case of Wisconsin," in Roger W. Little, ed., Selective Service and American Society (New York: Russell Sage Foundation, 1969).

109. Senator Gruening was an outspoken critic of the United States' entry into the Vietnam War, arguing that the conflict was a civil war in which the United States should never have become involved, that the corrupt Saigon regime and poor fighting capabilities of the South Vietnamese Army could not be propped up with American military intervention, and that in no way was the national interest or survival of the United States ever threatened by this conflict. In addition, Gruening believed "...this war, waged for reasons not justified by official allegations, a war waged upon a small peasant people fighting for their independence, is so repulsive to those who know the facts that the drafting of our young men to go there to fight and die there cannot be justified morally, spiritually or for any other reason." Senate, Committee on Armed Services, Amending and Extending...., p. 167.

110. Ibid., pp. 168-187.

111. Ibid., pp. 187-194.

112. Representative Rumsfeld's testimony appears at Ibid., pp. 425-481. Senator Hatfield's testimony is at Ibid., pp. 481-509.

113. General Hershey's testimony is at Ibid., pp. 609-657. Until March 21, General Hershey had been an outspoken critic of any form of a draft lottery. In testimony before the Senate Subcommittee on Employment, Manpower, and Poverty on that date, General Hershey admitted his recent capitulation to the President's wishes.

114. The Second National Service Conference was unquestionably a success. It was attended by some 160 persons, including Eli Ginzberg of Columbia University; Colonel Jeanne Holm, Director, Women in the Air Force; Senator Jacob Javits; Margaret Mead, The American Museum of Natural History; John Naisbitt, IBM; Representative Lucien Nedzi, Democrat from Michigan and member of the House Committee on Armed Services; and Dr. Harold Wool, Director of Procurement Policy and General Research, Office of the Assistant Secretary of Defense (Manpower). Vice President Humphrey had agreed to be the keynote speaker at the conference; however, he was sent by the White House to Europe at the last minute for an unexplained reason. Arrangements were made quickly for Margaret Mead to deliver the keynote speech. Don Eberly believes that Humphrey was a strong moral supporter of national service, but he was restrained by

having to support President Johnson's policies. For details of the conference see Donald J. Eberly, ed., National Service: A Report of a Conference (New York: Russell Sage Foundation, 1968). Interview with Don Eberly, Washington, September 15, 1992.

115. Ayn Rand, "The Wreckage of the Consensus," The Objectivist 6 (May 1967): 1-8; Barry Goldwater, "End The Draft!," The New Guard 5 (May 1967): 10. The newsletter publication of the Young Republicans of New York was titled Persuasion. A complete set of this publication is available at the Hoover Institution Library, Stanford University. The University of Chicago-based Council for a Volunteer Military began publishing the CVM Newsletter, only a few of which I found among the files of Martin Anderson from the Nixon White House. For example, see Martin Anderson, "Military Draft-Miscellaneous," Box 14, White House Central Files, NPMS. The formation of the Council for a Volunteer Military was recorded in the New York Times, May 22, 1967, p. 17.

116. Conrad J. Lynn, How to Stay Out of the Army: A Guide to Your Rights Under the Draft Law (New York: Grove Press, Inc., 1967). Other small books of this genre which followed include: Allan Blackman, Face to Face with Your Draft Board (Berkeley, California: World Without War Council, 1969); David Kendall and Leonard Ross, The Lottery and the Draft: Where Do I Stand? (New York: Perennial Library, 1970); Gerald Leirwand, The Draft (New York: Pocket Books, 1970); John Griffiths and J. William Heckman, Jr., The Draft Law (New York: Barnes & Noble, Inc., 1970); Stephen H. Butter, Legal Rights to Draft Deferments (Cleveland, Ohio: Centre House Publishers, 1971); and Richard L. Killmer and Charles P. Lutz, The Draft and the Rest of Your Life (Minneapolis, Minnesota: Augsburg Publishing House, 1972). An example of a well-written book of this type is the one prepared by Arlo Tatum, the Executive Secretary of the Committee for Conscientious Objectors. See Arlo Tatum and Joseph S. Tuchinsky, Guide to the Draft 2nd ed. (Boston: Beacon Press, 1969).

117. American Friends Service Committee, The Draft? (New York: Hill and Wang, Inc., 1968). A paperback of this book was published a year earlier. Another serious work, published later and dealing with the legal aspects of the draft, was John Remington Graham, A Constitutional History of the Military Draft (Minneapolis, Minnesota: Ross & Haines, Inc., 1971).

118. U.S., Congress, House, Committee on Armed Services, Extension of the Universal Military Training and Service Act, Hearings before the Committee on Armed Services. Hearing Report No. 12. 90th Cong., 1st sess., 1967.

119. For Secretary Morris' testimony, see *Ibid.*, pp. 1920-2016. See also New York Times, May 3, 1967. p. 6.

120. Ibid., pp. 2506-2507.

121. For General Clark's testimony, see Ibid., pp. 2538-2612. General Hershey's testimony appears at Ibid., pp. 2612-2677. The testimony of Burke Marshall and George Reedy appears at Ibid., pp. 2677-2719.

122. U.S., Congress, Senate, Amending and Extending the Draft Law-Report to Accompany S. 1432. Report No. 209. 90th Cong., 1st sess., 1967; Congressional Record, Vol. 113, Part 9 (May 10, 1967): 12279-12294; Congressional Record, Vol 113, Part 9 (May 11, 1967): 12322-12505; New York Times, May 5, 1967, pp. 1, 7; New York Times, May 12, 1967, pp. 1, 8.

123. Congressional Record, May 25, 1967, p. 14150; New York Times, May 26, 1967, pp. 1,2.

124. U.S., Congress, House, Committee on Armed Services, Military Selective Service Act of 1967--Report to Accompany S. 1432. House Report No. 267. 90th Cong., 1st sess., 1967. The text changes in the law for the conscientious objectors section appears on p. 61, and the explanation by the Committee is contained on p. 31.

125. Ibid., pp. 32 and 36.

126. Congressional Record, May 25, 1967, pp. 14092-14154. The impatience of House members to hurry the vote on the bill was reported by Harry A. Marmion, Selective Service: Conflict and Compromise, pp. 130-131. See also New York Times, May 26, 1967, pp. 1, 2. Interestingly, of the nine votes against the bill, eight were those of Democrats. Representative Alvin E. O'Konski of Wisconsin cast the sole dissenting Republican vote. The New York Times commented in an editorial several days later: "The disgraceful speed with which a holiday-bent House of Representatives rushed through its version of the bill to extend the military draft will add neither to public confidence in the fairness of the draft nor to respect fro the legislative process. The lack of deliberation on a measure that affects the future of millions of young Americans was doubly outrageous since the bill the House approved is much worse than the one recommended by the Johnson Administration. The cause of equity in calling up military manpower will be best served if the conference committee discards most of the House changes and returns to the version passed by the Senate." New York Times, May 28, 1967, p. 12.

127. Congressional Record, June 12, 1967, pp. 15424-15441; Congressional Record, June 14, 1967, pp. 15750-15772. See also New York Times, June 15, 1967, pp. 1, 3.

128. Congressional Record, June 20, 1967, pp. 16427-16441. The new draft law, now entitled "Military Selective Service Act of 1967," became Public Law 90-40 (81 Stat. 100). See also New York Times, June 21, 1967, p. 2; New York Times, July 1, 1967, pp. 1, 6.

129. New York Times, June 25, 1967, Sec. IV, p. 8; New York Times, June 21, 1967, p. 46; New York Times, June 9, 1967, p. 44. Mark O. Hatfield, "The Draft Should Be Abolished," Saturday Evening Post 240 (July 1, 1967): 12-14. Senator Hatfield was an early and outspoken critic of the Vietnam War as well as of the military draft. For an interesting insight into his views and experiences at the time, see Mark O. Hatfield, Not Quite So Simple (New York: Harper & Row, Publishers, 1968). "The President's News Conference of July 13, 1967," Public Papers of the Presidents of the United States-Lyndon B. Johnson-1967. Vol. II, July 1-December 31, 1967, pp. 690-696.

130. New York Times, July 18, 1967, p. 27; New York Times, July 24, 1967, pp. 1, 16; New York Times, August 21, 1967, pp. 1, 17; Thomas C. Schelling, "On the Draft," The Public Interest 9 (Fall, 1967): 93-99; New York Times, September 27, 1967, p. 13; "A Call To Resist Illegitimate Authority," The New Republic 157 (October 7, 1967): 34-35; Robert T. Stafford, et. al., How To End The Draft: The Case For An All-Volunteer Army (Washington, D.C.: The National Press, Inc., 1967). The book by the Congressmen was ghost-written by Douglas L. Bailey and Stephen E. Herbits, two young staffers for the Wednesday Group of liberal Republican Congressmen. As will be seen in the chapter to follow, Herbits was to play a significant role in the forthcoming change in military manpower policy.

131. New York Times, October 3, 1967, p. 5; October 17, 1967, p. 3; October 18, 1967, pp. 1, 10; October 19, 1967, p. 8; October 20, 1967, pp. 1-4; October 21, 1967, pp. 1, 8, 9; October 22, 1967, pp. 1, 58, 59. An excellent summary of the week of demonstrations is provided in Nancy Zaroulis and Gerald Sullivan, Who Spoke Up? American Protest Against the War in Vietnam 1963-1975 (Garden City, N.Y.: Doubleday and Company, Inc., 1984), pp. 123-148. See also Jim F. Heath, Decade of Disillusionment: The Kennedy-Johnson Years (Bloomington, Indiana: Indiana University Press, 1975), pp. 243-247, for a commentary on the shock effect of the New Left counter-culture and the anti-war demonstrations on sober-minded, "straight" Americans.

132. President Johnson's anger with the demonstrations in Washington and his handling of the controversy over General Hershey's policy memoranda are detailed in Joseph A. Califano, Jr., The Triumph & Tragedy of Lyndon Johnson-The White House Years (New York: Simon & Schuster, 1991), pp. 198-203. See also New York Times, November 8, 1967, pp. 1, 10; November 9, 1967, pp. 2-3; November 10, 1967, pp. 1, 12; November 11, 1967, p. 5. The hue and cry in the press and journals was steady throughout the remainder of 1967. Examples of the commentary by law school journal

editors who rushed to press on the subject of the draft include Robert Layton and Ralph I. Fine, "The Draft and Exhaustion of Administrative Remedies," The Georgetown Law Journal 56 (December 1967): 315-335; and John Ritter, "New Draft Law: Its Failures and Future," Case Western Reserve Law Review 19 (January 1968): 292-326.

133. The "Boston Five" were: Dr. Benjamin Spock; the Reverend William Sloane Coffin; Michael Ferber, a 23-year old Harvard University graduate student; Mitchell Goodman, a 44-year old spokesman for the group signing the manifesto "A Call To Resist Illegitimate Authority" and a senior leader in the planning for the Draft Resistance Week; and Marcus Raskin, co-director of the Institute for Policy Studies in Washington and leading contributor to the creation of the manifesto. Marcus Raskin was acquitted. A year later, on July 11, 1969, the U.S. Court of Appeals for First Circuit overturned the convictions of the four when all members of the Court agreed that the trial judge had improperly instructed the jury, depriving the defendants of a fair trial. Spock and Ferber were acquitted and new trials were ordered for Coffin and Goodman. The Justice Department dropped all charges and the case was never retried. New York Times, January 6, 1968, pp. 1, 2; January 7, 1968, Sec. IV, p. 14. For an interesting insight into the trial of the five, see: Jessica Mitford, The Trial of Dr. Spock (New York: Alfred A. Knopf, 1969); Daniel Lang, "The Trial of Dr. Spock," The New Yorker 44 (September 7, 1968): 38-80.

134. Prominent among the books which continued to be published on the military manpower debate were: George Walton, Let's End The Draft Mess: A Proposal For A Fair System of Universal Service For All (New York: David McKay Co., 1967) (Supported universal military service); James C. Miller, III, ed., et. al., Why The Draft?: The Case for a Volunteer Army (Baltimore, Maryland: Penguin Books Inc., 1968); Thomas Reeves and Karl Hess, The End of the Draft: A Proposal for Abolishing Conscription and for a Volunteer Army, for Popular Resistance to Militarism, and the Restoration of Individual Freedom (New York: Random House, 1970); Robert Liston, Greeting: You Are Hereby Ordered for Induction...The Draft in America (New York: McGraw-Hill Book Company, 1970); Jacquin Sanders, The Draft and the Vietnam War (New York: Walker and Company, 1966); Eli Ginzberg, Manpower Agenda for America (New York: McGraw-Hill Company, 1968). (Chapter 13, "Reforming the Draft," explores the various alternatives to the draft, then supports a draft lottery system.) Indicative of the continuing on-going debate over the proper policy for military manpower, a debate handbook was published at this time to assist debate students. See Mid-West Debate Bureau, Debate Handbook: Manpower For Defense--How Can the United States Best Maintain Man-Power for an Effective Defense System? (Norman, Illinois: Mid-West Debate Bureau, 1968).

## CHAPTER 5

### SETTING THE POLICY AGENDA

Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Who will show me any constitutional injunction, which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous Government may require it? An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free Government.

Daniel Webster<sup>1</sup>

#### **Introduction**

The military manpower policy debate, which began gradually in 1964 as a rumbling storm and became a raging maelstrom after the decision was made to escalate American involvement in the South Vietnam conflict, continued into the late-1960s. It is clear from the record--the newspapers, books, and journal articles, and to a lesser extent the primary government records--that the debate between advocates of the differing alternatives for military manpower policy resembled very closely the model described by the Agenda-Building Theorists. The policy which was "in power" and generally accepted by policy makers--the military draft--gradually began to loose its supporters,

who cast about for an acceptable alternative to the existing policy. The supporters of the "in" policy employed various devices to buttress their policy, such as launching yet another study of the issue and the smothering of debate on the issue in Congress. Supporters of the military draft appeared to be, at times during the long debate, callous and unsympathetic to the impact of conscription on individuals and the depth of the divisiveness they were creating. Often the advocates of the military draft were blind to the injustice and inequity of the Selective Service System, as well as to the merits of other policy choices, and were deaf to the growing rage of a very vocal segment of the American population. They refused to give ground to alternative policy choices and fought as hard and as long as possible for their military manpower policy choice, even in the face of a massive challenge to the legitimacy of the draft by wide segments of the American people, from nearly all social levels, and from members of both political parties.

A public policy debate of this magnitude cannot go on indefinitely; it must be resolved. As outlined in Chapter 2, the Agenda-Building Theorists believe policy resolution, in most cases, comes about by the issue becoming sufficiently critical that it is placed on the agenda of a political or administrative figure who has the power to achieve its resolution. They identify the person who manages to put the problem on the decision-maker's agenda as a "gatekeeper." This chapter will examine further the case of the United States' military manpower policy in the late-1960s, to see how this particular policy issue was resolved and whether or not the case conforms generally to

the model of the Agenda-Building Theorists.

### **The 1968 Presidential Election**

Long before the shattering events of 1968, the Presidential hopefuls began to take the measure of Lyndon Johnson's hold on the White House and their chances of unseating a president whose grip on power was exceptionally strong. The most probable Republican candidates were George Romney, Governor of Michigan, and Nelson Rockefeller, Governor of New York. In the secondary ranks but still regarded as possible contenders were Ronald Reagan, Governor of California, and William Scranton, Governor of Pennsylvania. Another potential candidate was Richard M. Nixon, who ran and lost a very close race for the Presidency against John F. Kennedy in 1960 and who suffered a humiliating defeat by Pat Brown in the 1962 election for Governor of California. Thereafter dismissed seriously as a candidate who could win elections by politicians and the press alike, Nixon watched and waited on the political sidelines for another opportunity. In 1963, he joined a prestigious New York City law firm and gained a level of financial and personal security he had never known, which contributed immensely to his revitalized personality in the 1968 elections. The disastrous campaign for the Presidency by Senator Barry Goldwater in 1964, in which the Republican Party virtually was dismissed by the American voters, provided a faint possibility of an opening foothold for Nixon. He gave unstintingly of himself to the cause of rebuilding the party during the off-year elections in 1966, and in the process gained an overpowering level of grass-roots support among local and state Republican Party stalwarts throughout the

country. In the latter part of 1966, Richard Nixon began to build a small team of supporters in New York City who were to help in the preparations by the potential candidate for another run for the Presidency.<sup>2</sup>

In December 1966, a young professor at Columbia University, Dr. Martin Anderson, had dinner with a colleague from the Graduate School of Business. Other guests at the dinner party included a young lawyer who had recently joined Richard Nixon's law firm. The intensity of the political discussion increased as the evening wore on, and the young lawyer, in exasperation, looked at Anderson and said, "With views like that you should be working for Nixon." A few days later Martin Anderson received a telephone call from Leonard Garment, one of Nixon's senior law partners, who invited Anderson to join him and several others for dinner later that week. Anderson went to the dinner and gradually became a member of a small group--made up of Leonard Garment, Patrick Buchanan, John Sears, and Raymond Price--who were deeply involved in the policy development of Richard Nixon's still very unofficial presidential campaign.<sup>3</sup>

In March 1967, during one of the weekly meetings to discuss campaign issues, Anderson relates, someone raised the issue of the military draft and a discussion ensued over Nixon's position on the draft.

For as long as anyone remembered, Nixon had consistently supported the draft, and since 1952 when he became Eisenhower's running mate, he had loyally supported Eisenhower's idea of establishing a universal military service that would try to ensure that all young males, not just a select few, served some time in the military. What should Nixon's position be in the

upcoming presidential campaign? Stay with universal military service? Propose modifications to the current draft system that was under increasing attack for being unfair? Or perhaps propose a radical new plan of universal national service for everyone?

I was familiar with the debate on the military draft and had just read an article by Milton Friedman that summed up the arguments in favor of ending the draft completely and changing to an all-volunteer system.... As I looked around the table it was clear that no one thought that having Nixon call for universal military training was going to be much of a political plus in 1968. But it was also clear that unless there was a solid, substantial alternative he would be forced to stay with his old views.

'I have an idea,' I said, thinking about the powerful arguments in Friedman's article. 'What if I could show you how we could end the draft and increase our military strength at the same time? Let me put together a paper on this.'<sup>4</sup>

Anderson spent the next several weeks combing his personal files and doing research at the Columbia University library. The result was a policy memorandum for Nixon, a copy of which is contained in this dissertation at Appendix B, which spelled out the arguments in the ongoing military manpower debate and advocated the cessation of the draft and the adoption of an all-volunteer armed force. Nixon read the memorandum and indicated to Anderson that he found it "very interesting" and that he wanted to think about it further. Nixon found the idea intriguing and sent Anderson's memorandum to a number of his old political and military friends for their comments. For the next several months the comments came back to Nixon; about half were supportive of ending the draft and the all-volunteer armed force proposal, and the other half, mostly from military officers, were opposed. Anderson states that Nixon said nothing about the proposal and nothing further transpired on the subject until later in the fall of the year.

As the campaigns of the potential presidential candidates began to increase in intensity in the latter half of 1967 and gain more attention from the public, a young reporter with the New York Times, Robert Semple, was assigned to cover the Nixon campaign.<sup>5</sup> During an airplane trip returning to New York in mid-November, Martin Anderson got up out of his seat next to Nixon so that Semple could interview the possible candidate. The interview ranged over a number of domestic and foreign issues and was reaching its end when Anderson, who was leaning over the seat, heard Semple suddenly ask Nixon, "What would you do about the military draft?" Semple expected to hear Nixon state his support for the draft or for some form of universal military training. Both Semple and Anderson were shocked when Nixon smiled and replied, "I think we should eliminate the draft and move to an all-volunteer force." As Anderson wrote later,

As Nixon continued to elaborate in great detail about his new idea, Semple sat stunned, hurriedly scribbling notes. Nixon had just totally reversed his long-standing position on what could be a critical issue in the next year's campaign, and was confidently explaining just why he now favored such a move. It had taken six months, but Nixon apparently had been persuaded by the logic of the argument that it was possible to end the draft, enhance our freedoms, and do so without impairing our national security. From that day on, his policy was to end the draft. And as his campaign gathered speed and his primary victories piled up, he elaborated on the idea more and more.<sup>6</sup>

In the first public elaboration of his newly adopted position, Nixon was addressing the University of Wisconsin Student Bar Association, on November 17, 1967, when he was asked for his views on the merits of the Selective Service System. In response, Nixon stated: "A change in the Selective Service System at this time is not likely and would

probably not be wise. It would be a stop-gap--and the wrong kind of change--in a system that needs a complete reappraisal." Nixon acknowledged that the military draft had served useful purposes in earlier wars, but that the present system was not fully relevant to the Vietnam War or the kinds of wars the United States was likely to fight in the future. These wars, Nixon said, would probably be of two types--a nuclear exchange, in which case the Selective Service System would not matter, or guerrilla wars. "What is needed," Nixon said, "is not a broad-based draft, but a professional military corps." "The nation," he continued, "must move toward a volunteer army by compensating those who go into the military on a basis comparable to those in civilian careers."<sup>7</sup>

The 1968 Presidential campaign, as in any race for the White House, was a series of debates over political issues of the day. In the case of the issue of military manpower policy, the on-going public debate and the contest in Congress over the issue was simply transferred to the programs of the various candidates. Governor George Romney, almost a year before the New Hampshire Primary, stated his belief that a draft lottery system was the solution to the issue. Governor Nelson Rockefeller, the other leading Republican contender, did not state his position on the issue--also supporting a draft lottery--until the Iowa Primary in May 1968 and after Governor Romney had dropped out of the race. Within the Democratic Party, Vice President Hubert Humphrey, in May 1968, stated that he favored "a new system of national service," but shifted his position in July to support a draft lottery. Senator Eugene McCarthy called for a more "fair and equitable" draft law, but principally pleaded for a broader definition of conscientious objection and for

greater opportunities for alternative service. Senator Robert Kennedy of New York, the last major Democratic candidate, appears to have supported the draft reforms proposed by the Marshall Commission, including a ban on all student deferments. Senator George McGovern of South Dakota, on the fringe of the presidential campaign in 1968, came out for an all-volunteer armed force in his book, A Time of War/A Time of Peace, which was hurried into publication prior to the opening of the Democratic National Convention in Chicago in late-August. In an editorial which reviewed the positions of the potential candidates on the military manpower issue, the New York Times concluded by stating mildly, "This is clearly a national issue that merits more attention than it has received not only from the candidates but, more urgently, from the Administration and the Congress." Theodore White, in his review of the issues in his quadrennial book on the presidential election, was more outspoken than the Times on this particular issue.

The draft policies of the United States have been obsolete for so long as to make World War II's Flying Fortress look like advanced design. Selective Service, unchanged since World War II, was designed for survival of civilization. What is required now, for American defense, is something entirely different--a policy to provide technical manpower for its strategic nuclear arm, as well as a truly selective service to provide the limited manpower needed for garrisoning and policing the *limes* of the orderly world. America's youth now lives...under a system of random, incoherent, confusing conscription in which service, possibly death, is a matter of almost pure chance. The system unsettles all with its sporadic call-ups; it hangs over every college talk, every plan for the future; and service and death, since they come by accident, deprive duty and life of meaning. An almost obscene condition of thought is stimulated in which the best and highest-motivated of the young accept fraud, hypocrisy, evasion, influence and dishonesty as part of the game. (The only more obscene political condition that I know of in this country is its method of financing elections.)<sup>8</sup>

Richard Nixon's superior campaign organization, as well as the generous financial support from his backers, put him well ahead of the rivals in his own party as well as the Democratic contenders. When he announced his candidacy on the eve of the New Hampshire primary on February 1, President Johnson's withdrawal from contention was still two months away and the only other Democratic hopeful, Senator Eugene McCarthy, was only beginning to launch his erratic and very idiosyncratic campaign. How much Nixon's position on the all-volunteer force contributed to his success can only be guessed; however, it appears that Nixon's position was at least a contributing factor to his success with (or perhaps more correctly, the lack of overt hostility from) college-aged youth. In contrast, Vice President Humphrey was greeted consistently with jeers and the drowning-out chants of "Dump the Hump" from the youth in his audiences. By the time of the Republican and Democratic National Conventions in August there was a clear distinction between the positions of the candidates on the issue of military manpower. The plank developed by the Republican Party at their convention in Miami stated:

For greater equity we will further revise the Selective Service policies and reduce the number of years during which a young man can be considered for the draft, thereby providing some certainty to those liable for military service. When military manpower needs can be appreciably reduced, we will place the Selective Service System on standby and substitute a voluntary force obtained through adequate pay and career incentives.

The Democrats' plank in their platform, though couched cautiously, was in stark contrast to that of the Republicans in that it would maintain the draft.

The lives of millions of young men are deeply affected by the requirement for military service. The present system leaves them in uncertainty

through much of their early manhood. Until our manpower needs can be fully met by voluntary enlistment, the Democratic Party will insist upon the most equitable and just selection system that can be devised. We support a random system of selection which will reduce the time period of eligibility for the draft and ensure equality in selection procedures.

We urge review of draft board memberships to make them more representative of the communities they serve.<sup>9</sup>

Vice President Humphrey attempted, unsuccessfully it appears, to use the military manpower issue to his advantage during the campaign. In mid-August, after the Republican convention and before the Democratic convention in Chicago, he denounced Nixon's proposal for an all-volunteer armed force as "highly irresponsible." Humphrey stated that Nixon was not making clear to the voters the high cost of an all-volunteer force, and that the cost of such a policy could add \$8.3 billion to \$16.7 billion a year to the Defense budget. "No responsible candidate for high public office can, in my opinion," he said, "legitimately hold out the promise of ending the need for draft calls in the foreseeable future." It appears that this was the last time that Humphrey raised this issue during the campaign.<sup>10</sup>

At a meeting with his key staff members, in October, in Key Biscayne, Florida, Richard Nixon decided that he wanted to give a series of fifteen-minute radio speeches every night for the next several weeks. In the discussion on possible topics for the radio addresses, Martin Anderson suggested a speech be presented on the all-volunteer force policy. Nixon seized on the idea and, after checking with Bryce Harlow, the candidate approved and it was added to the list of issues to be addressed in the speeches. "On the

voluntary army, Bryce, if you're for it, we'll go."<sup>11</sup> Nixon's radio address on his position on military manpower, "The All-Volunteer Armed Force," was delivered on October 17, 1968, just two-and-a-half weeks before the election. In his speech, Nixon made his central policy position very clear. "In the short run," he said, "we need to recognize the limits imposed by the war in Vietnam." "However we might wish to, we can't stop the draft while we are in a major war. What we can do, and what we should do now, is to commit ourselves as a nation to the goal of building an all-volunteer armed force." In addressing the supporting arguments for his position, Nixon first outlined his sense of the normative aspects of the issue.

I feel this way: A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. Its only justification is compelling necessity.

The longer it goes on, the more troublesome are the questions it raises. Why should your son be forced to sacrifice two of the most important years of his life, so that a neighbor's son can go right along pursuing his interests in freedom and safety? Why should one young American be forced to take up military service while another is left free to make his own choice?

We all have seen, time and again, how hit-or-miss the workings of the draft are. You know young people, as I do, whose lives have been disrupted first by uncertainty, next by conscription. We all have seen the unfairness of the present system.

Some say we should tinker with the present system, patching up an inequity here and there. I favor this too, but only for the short term. But in the long run, the only way to stop the inequities is to stop using the system.

Turning to the practical aspects of providing for an all-volunteer armed force, Nixon

asked rhetorically, "How, then, do we recruit these servicemen? What incentives do we offer to attract an adequate number of volunteers?" Nixon stated that military life had to be more competitive with the attractions of the civilian sector of society. The principal incentives were obvious: higher pay and increased benefits in order to be able to compete in the job market. Nixon stated that a private in the American Army was paid less than \$100 a month, about a third of the minimum wage in the civilian economy, and many married servicemen were forced to depend on relief payments to support their families. The total cost of the pay increases needed to recruit an all-volunteer armed force, Nixon said, was \$5 to \$7 billion more a year in the Defense budget. This increased cost would be offset by reductions in the costs associated with the heavy turnover of enlisted personnel caused by the lack of incentives for enlisted personnel to stay in the military. Nixon countered the three arguments most often used by those opposed to an all-volunteer armed force--that the volunteer army would become a black army, that it would be a "mercenary" army, and that the armed forces would become more "militaristic" and pose a threat to civilian control of the military--and concluded his talk with the following words.

Today all across the country we face a crisis of confidence. Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty, which it is. To them, it represents a government insensitive to their rights, a government callous to their status as free men. They ask for justice, and they deserve it. So I say, it's time we looked to our consciences. Let's show our commitment to freedom by preparing to assure our young people theirs.<sup>12</sup>

Richard Nixon's radio address was to become the major policy statement of the

new administration on the issue of military manpower and serve as a guide for those tasked to implement the new policy. As a policy statement it tended to crop up frequently in my research of files of the White House and the Defense Department from the period. Because of its significant impact on military manpower policy, the radio address is included as Appendix C of this dissertation.

The 1968 presidential election, held on November 5, 1968, resulted in a close win by Richard Nixon. The Democratic Party's nominee, Hubert Humphrey, managed to turn his disastrous campaign around after a relatively strong speech in Salt Lake City on September 30, in which the candidate indicated his independence of Lyndon Johnson. This speech, coupled with the American voters' growing concern with the increasing strength of the third-party candidate, George Wallace of Alabama, and a bombing halt of North Vietnam declared by President Johnson, was nearly enough to completely melt away the strong lead Richard Nixon enjoyed throughout the campaign. On election day the American voters elected Nixon by 31,770,237 votes (43.4 percent of the total national vote) over Humphrey's 31,270,533 votes (42.7 percent of the votes cast). George Wallace captured nearly 10 million votes (13.5 percent of the total votes cast), indicating that the voters were rejecting Lyndon Johnson and the Democratic Party they had swept into office in a landslide in 1964. However, the voters who rejected the Democratic Party were splitting their votes between Nixon and Wallace, making the win by Nixon a very close thing. In the Electoral College votes, Nixon had 302 votes against Humphrey's 191 and Wallace's 45.<sup>13</sup>

### **Establishing Military Manpower Policy on the President's Agenda**

It is one thing to establish a position on an issue and make a promise in the midst of a hectic presidential campaign. It is an entirely different matter to establish that position as the Government's policy and to have it be fully accepted by lawmakers and members of the Executive Branch who must implement the new policy. The senior members of the Nixon Administration were not novices to the rites and rituals associated with establishing policy in Washington, and they knew they faced a number of obstacles before candidate Nixon's positions could be established as President Nixon's policies. As Martin Anderson stated the case for the new president's position on military manpower,

Nixon knew that turning that campaign commitment into legislation was going to be extremely difficult. Key members of Congress, virtually the entire hierarchy of military leaders, and many of his own appointees--including the new Secretary of Defense Melvin Laird, and his National Security Advisor Henry Kissinger--had long supported the draft. The public's support for the all-volunteer force was growing, but it was still nowhere strong enough to propel the Washington power structure to a change of heart on this issue.<sup>14</sup>

As an indicator of the uphill fight ahead for the new administration on this issue with Congress, the Congressional Quarterly Weekly Report wrote,

One of the more noteworthy proposals made by Mr. Nixon during the Presidential campaign was his promise to eliminate the military draft when Vietnam requirements were ended. The concept of an all-volunteer military has been widely discussed and attention probably will be intensified by Mr. Nixon's support. His proposal has been called a long-range one by Nixon associates and is not expected to be seriously considered until the massive commitment of troops in Vietnam is halted. Even then, influential members of the Congressional Armed Services

Committee, who opposed previous draft changes, and the military services are expected to block such proposals. Others also oppose the concept as too costly, too inflexible and too likely to produce a powerful military class.<sup>15</sup>

A month after the election President-Elect Nixon began to announce his selections for his cabinet and senior advisors on the White House staff. Martin Anderson, by that time 32 years old, was named Special Assistant to the President. Anderson soon became the deputy to Dr. Arthur Burns, a former Chairman of the Council of Economic Advisors in the Eisenhower Administration and, at the time, the chairman of the National Bureau of Economic Research and John Bates Clark Professor of Economics at Columbia University. Burns, after Nixon's inauguration, was appointed Counselor to the President, a cabinet-level position and the most senior of Nixon's advisors, and was given broad powers in overseeing domestic affairs. During the transition period before the inauguration, however, Burns and Anderson were tasked by Nixon to head an interim "Program Coordination Group" which was to coordinate the development of the new administration's legislative programs and to map the campaign promises with the legislative program. To complete this task Burns and Anderson isolated themselves in a New York hotel room for about a week and prepared a thick notebook which contained the President's campaign promises and the recommended actions required to pursue those promises. From this notebook, which was titled "Suggestions for Early Action, Consideration, or Pronouncement," Nixon selected those subjects which he wanted to receive immediate attention. As can be seen from Appendix D, which is an excerpt from

the notebook, Burns and Anderson listed the all-volunteer armed force policy as Number 6 within the category of Federal Expenditures, and which was accompanied by a two-page summary of their recommendation. The all-volunteer force policy was one which Nixon selected in his first pass through the book. Also among his various duties and actions, Anderson sent newly named cabinet members the policy statements and commitments of President-Elect Nixon from the campaign. Secretary-Designate Laird received copies of Nixon's policy statements on the all-volunteer armed force in a December 24 memorandum from Anderson.<sup>16</sup>

Meanwhile, senior appointees at the Defense Department from the Johnson Administration had already begun planning for the new administration and its stated goal of establishing an all-volunteer armed force. Mr. Alfred B. Fitt, the Assistant Secretary of Defense (Manpower), at the height of the political campaign in the fall, had ordered a re-examination of previous studies of the draft and the alternative of moving toward an all-volunteer force. He soon concluded that it would be insufficient to merely update the previous efforts, and that a fresh study would be required. He prepared, and submitted to Secretary of Defense Laird soon after the Nixon inauguration, a detailed outline for a 12-to-18 month study of ways to reduce dependence on, and possibly eliminate the need for, the Selective Service System. The study proposed by Fitt was to cost \$1 million and involve the services of a 25-man full-time study group, as well as support from the Services. On January 29, Secretary Laird received President Nixon's memorandum, which had been prepared by Anderson, directing the Defense Department to establish a

special commission which would devise a detailed plan to replace the draft with an all-volunteer force when the manpower commitment to Vietnam had been reduced substantially. Secretary Laird's response to President Nixon, which was prepared by Assistant Secretary Fitt and dated January 31, balked at establishing a special commission. Instead, Laird's memorandum recommended a one-year study by the Defense Department to assess and plan for the adequate compensation levels which an all-volunteer armed force would require to be successful. The special commission, as conceived by Burns and Anderson, Laird said, would have to be delayed for a year until Defense had finished its study effort. Attached to Laird's memorandum was Assistant Secretary Fitt's long outline of a study, now dubbed "Project Volunteer." The response from President Nixon, prepared by Anderson and Burns and dated February 6, essentially removed the Defense Department from any position of control over the special commission. "I am glad to learn," Nixon said, "that your department has already taken the initial steps for moving toward an all-volunteer armed force....However, the very fact that some initial steps are already underway makes me feel all the more strongly that the time has come to develop a detailed plan of action for ending the draft once expenditures on Vietnam are reduced substantially. Such a plan should be developed by an outside commission which should, of course, draw heavily on the experts in your department....When the special commission *reports to me* [italics added], I will want you to review their work and give me your recommendations." The only response requested of Secretary Laird was his recommendations for members of the special commission.

Thus in the initial weeks after President Nixon assumed the powers of his office, he effectively sidestepped resistance from the Department of Defense in the implementation of his program to establish the all-volunteer force as his military manpower policy. Additionally, the Defense Department was maneuvered out of the way so they would have almost no control of the special commission, and there would not be just another Department of Defense study of the military manpower problem.<sup>17</sup>

The special commission, which was being organized by Martin Anderson and Arthur Burns at the White House, did not come into being until March 1969. In the meantime there was a stir of political activity on Capitol Hill on the issue of Military Manpower. On January 22, Senator Mark Hatfield, with eight other Senators, introduced S. 503, identified as the "Voluntary Military Manpower Procurement Act of 1969," a bill which would abolish the military draft six months after the bill's enactment and depend entirely on volunteers for the nation's military personnel. The other Senators supporting the bill were: Cook (R., Kentucky), Dole (R., Kansas), Goldwater (R., Arizona), McGovern (D., South Dakota), Nelson (D., Wisconsin), Packwood (R., Oregon), Prouty (R., Vermont), and Schweiker, the newly elected Republican Senator from Pennsylvania who beat out Senator Joseph Clark in a state which went for Hubert Humphrey in the Presidential election. On February 25, Senator Edward Kennedy introduced legislation (S. 1145) which would reform the draft by requiring the Selective Service System to call up the youngest registrants first through the mechanism of a lottery. There was at least one indication of a growing sentiment in Congress that the existing military manpower

procurement policy must be changed. A Christian Science Monitor poll of 50 percent of the House members and 40 percent of the Senate members, in February 1969, indicated that those in favor of an all-volunteer armed force were running about two to one ahead of those in opposition. The poll also indicated most members of Congress saw little hope of moving to an all-volunteer system in the near-term because of the Vietnam War, and that there was wide-spread support for "changes to the present draft law," including a lottery system.<sup>18</sup>

The Defense Department, also, was actively involved in planning for the future shift in military manpower policy which could be foreseen because of the new President's stated policy goal of eventually ridding the country of the draft. The leadership in the Pentagon was faced with two delicate tasks; first, they must climb aboard the President's policy program and support it, and second, they must ensure that the President's new policy, if carried to its full implementation, would not threaten or undercut the stability of the armed forces and the ability of the Armed Forces to perform their missions. At President Nixon's first meeting of the National Security Council, on January 25, the President had asked Secretary of Defense Laird for two papers related to Selective Service. The first paper was on the subject of the special commission which Defense was to organize, and which resulted in the miscalculation by Defense and the special commission effectively being removed from its control. The second paper was to provide the President with the Secretary's views on reforms of the Selective Service System which could be implemented in the short-term before the all-volunteer force was

implemented. In Secretary Laird's response to the second issue, dated February 3, he recommended a change in the law to require Selective Service to take the youngest registrants first, and stated that Congress might approve a draft lottery if the President were to get behind the proposed legislation. Secretary Laird, through Vice Admiral William Mack, the Acting Assistant Secretary of Defense (Manpower), initiated "Project Volunteer" to begin planning for the eventual implementation of an all-volunteer force. Within several weeks Admiral Mack produced a plan for "Project Volunteer," which laid out the key assumptions of the effort, its organization, and the areas which required investigation (e.g., pay, benefits and living conditions, improvement in overall armed service image, etc.). The "Project Volunteer" plan also considered measures which could be taken to cope with the short-term problem of draft inequity due to the need to select only a few from the burgeoning numbers of young men in each age group. Admiral Mack's study concluded that the Selective Service law should be amended to require a "youngest first" induction procedure, creating a pool from which inductees would be selected based on a lottery system. On February 18, Secretary Laird held a press conference in which he stated that Defense, on behalf of the Nixon Administration, was preparing to submit proposed legislation to Congress to reform the draft law. Admiral Mack was called upon to brief the press on the "Project Volunteer" study and the details of the draft reform measure.<sup>19</sup>

#### **Laying the Foundation Stones for a New Policy**

On March 27, 1969, after several months of intensive maneuvering and planning

by Martin Anderson and Arthur Burns, President Nixon formally announced the appointment of the President's Commission on an All-Volunteer Armed Force. The Commission's chairman was Thomas Gates, a former Secretary of Defense in the Eisenhower Administration, a member of the Marshall Commission which studied the draft in 1966-1967, and Chairman of the Executive Committee of Morgan Guaranty Trust Company in New York. The "Gates Commission," as it came to be known, was made up of fourteen additional distinguished members, as shown in Exhibit 5-1, and was supported by a very competent commission staff. There was no equivocation as to the Commission's charter in the statement by the President which announced the creation of the Commission.

I have directed the Commission to develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force. The Commission will study the broad range of possibilities for increasing the supply of volunteers for service, including increased pay, benefits, recruitment incentives, and other practicable measures to make military careers more attractive to young men. It will consider possible changes in selection standards and in utilization policies which may assist in eliminating the need for inductions. It will study the estimated costs and savings resulting from an all-volunteer force, as well as the broader social and economic implications of this program.

The transition to an all-volunteer armed force must, of course, be handled cautiously and responsibly so that our national security is fully maintained. The Commission will determine what standby machinery for the draft will be required in the event of a national emergency and will give serious consideration to our requirements for an adequate reserve forces program.

The Gates Commission was to complete its task and submit its report to the President in early November.<sup>20</sup>

**PRESIDENT'S COMMISSION  
ON AN ALL-VOLUNTEER ARMED FORCE**

Thomas Gates, Chairman	Chairman of the Executive Committee of Morgan Guaranty Trust Company. Former Secretary of Defense.
Thomas Curtis	Vice President and General Counsel, Encyclopedia Britannica. Former Congressman from Missouri and ranking Republican on the Joint Economic Committee, United States Congress.
Frederick Dent	President, Mayfair Mills.
Milton Friedman	Paul Snowdon Russell Distinguished Service Professor of Economics, University of Chicago.
Crawford Greenewalt	Chairman, Finance Committee, E. I. duPont de Nemours and Company.
Alan Greenspan	Chairman of the Board, Townsend-Greenspan & Company, Economic Consultants.
Alfred Gruenther	Former Supreme Allied Commander, Europe.
Stephen Herbits	Student, Georgetown University Law Center.
Theodore Hesburgh	President, University of Notre Dame. Chairman, U.S. Commission on Civil Rights.
Jerome Holland	President, Hampton Institute.
John Kemper	Headmaster, Phillips Academy.
Jeanne Noble	Professor, New York University. Vice President, National Council of Negro Women. Former member, National Advisory Commission on Selective Service.
Lauris Norstad	Chairman of the Board, Owens-Corning Fiberglas Corporation. Former Supreme Allied Commander, Europe.
W. Allen Wallis	President, University of Rochester.
Roy Wilkins	Executive Director, National Association for the Advancement of Colored People (NAACP).

**Exhibit 5-1, Gates Commission Membership**

Martin Anderson and Arthur Burns took particular care in the selection of the Commission's members to ensure that the Commission was strong and credible, and its findings, because of its respected membership make-up, would be an asset on the road to a viable all-volunteer force. They decided to appoint Commission members who held independent views, and had strong reputations for integrity and honesty. They agreed that the final number of members would be fifteen--five of whom who were strongly committed to the all-volunteer force, five members who were opposed to the concept, and five who were thought to not have any strong view on the idea one way or another. One of the striking features of the membership of the Gates Commission was the balance which was struck through the selection process. The academic community was represented by: Theodore Hesburgh, President of the University of Notre Dame; Jerome Holland, President of Hampton Institute; John Kemper, Headmaster of Phillips Academy; W. Allen Wallis, President of the University of Rochester; Milton Friedman, Professor of Economics at the University of Chicago; and Jeanne Noble, Professor at New York University. Two members, General Alfred Gruenther and General Lauris Norstad, had completed distinguished careers in the armed services, and both were formerly the Supreme Allied Commander in Europe. The business and financial community, in addition to Mr. Gates, was represented by: Crawford Greenewalt, Chairman of the Finance Committee of E. I. duPont de Nemours and Company; Thomas Curtis, a former Congressman from Missouri and a Vice President with the Encyclopedia Britannica; Alan Greenspan, Chairman of the Board of Townsend-Greenspan Company, an economic

consulting firm; and Frederick Dent, President of Mayfair Mills. Blacks were represented by Roy Wilkins, the Executive Director of the National Association for the Advancement of Colored People (NAACP), as well as Jeanne Noble and Jerome Holland. The Commission also had a member who represented the youth of the nation, Stephen Herbits. Herbits, who was a 26-year old student at Georgetown University Law School, had been a researcher and editor of the 1967 book, How To End The Draft: The Case for An All-Volunteer Army, which ostensibly had been written by five Representatives in Congress. As an indication that the selection of the Gates Commission was a success, there was almost no criticism indicated in the press of the Commission's membership, nor by Congress or the Department of Defense.<sup>21</sup>

While it can be fairly said that the White House achieved a balance of views regarding military manpower policy in the Commission's membership, the same cannot be said for the Commission's staff. The Executive Director of the Gates Commission Staff, Dr. William H. Meckling, was Dean of the University of Rochester's Graduate School of Management. Of the four Directors of Research on the Commission Staff, the most well known was Dr. Walter Oi, formerly on the faculty of Washington University and a recent addition to the faculty at the University of Rochester. It should be recalled that Dr. Oi was a prominent supporter, both in conferences and in academic journal articles, of the all-volunteer force concept, and was asked by Senator Edward Kennedy, after the December 1966 University of Chicago Conference on the Draft, to testify on his views before Kennedy's subcommittee. The other three Directors of Research, Dr.

Harry J. Gilman, Dr. Stuart Altman, and Mr. David Kassing, had all worked together with Dr. Oi on the 1964 Defense Department study of the draft, and Dr. Gilman had been assigned to support the Marshall Commission study when he was employed at the Center for Naval Analyses. Like Dr. Oi, Dr. Gilman had recently taken a faculty position at the University of Rochester. All five of the senior Commission staff members were proponents of the all-volunteer force concept, and all were well connected to Dr. Milton Friedman and W. Allen Wallis, proponents of an all-volunteer force and members of the Gates Commission.<sup>22</sup>

President Nixon personally selected Thomas Gates to chair the Commission, having known Gates when Nixon was Eisenhower's Vice President and Gates headed the Defense Department. In a meeting in the Oval Office prior to the announcement of the Commission, President Nixon explained to Gates what he wanted him to do. Gates stated, "But Mr. President, I'm opposed to the whole idea of a volunteer force. You don't want me as Chairman." "Yes, I do, Tom," Nixon said. "That is exactly why I do want you as the Chairman. You have experience and integrity. If you change your mind and think we should end the draft, then I'll know it's a good idea." Gates was dubious, but reluctantly agreed.<sup>23</sup>

Also occurring while the Gates Commission was becoming organized, the White House staff and the Defense Department were considering interim measures which could be taken in the near term to make the draft more equitable and before the all-volunteer force policy could be implemented. The Defense Department recommended

enactment of legislation which would reverse the order of induction, taking the youngest first, but using a random selection process for choosing those needed from the available pool of those in the "youngest first" pool. At Martin Anderson's urging , a meeting was held of White House staff members in Martin Anderson's office in the Old Executive Office Building to review four problems associated with the draft. These were: (1) Whether the "youngest first" random selection system of induction should be substituted for the then current "oldest first" system; (2) The membership and structure of the National Selective Service Appeals Board; (3) Whether a review of the existing policy against graduate student deferments should be undertaken; and (4) Whether serious attention should be given to the issue of amnesty for draft evaders and military deserters. The meeting resulted in basic agreement to support proposed legislation for an amendment to the draft law which would authorize the "youngest first" and lottery procedures. This proposed legislation may have been spurred somewhat by Secretary Laird's proposal, on April 29, that he brief the May meeting of the Cabinet on Defense's proposed draft reforms. Subsequent to Laird's comments to the Cabinet, a position paper was prepared for the President on the draft issues, and on May 13, President Nixon sent a special message to Congress containing proposed reform measures for the military draft. The suggested reforms were: (1) Change from an oldest-first to a youngest-first order of call; (2) Reduce the period of prime draft vulnerability from seven years to one year; (3) Select those who are actually drafted through a random system; (4) Continue undergraduate student deferments, with the understanding that the year of maximum

vulnerability would come whenever the student's deferment expired; and (5) Allow graduate students to complete the full academic year in which they were ordered for induction. The President's message drew mixed reactions from members of Congress. Senator Edward Kennedy praised the President's proposals, stating, "...there is no reason whatever to delay approval...and perhaps to work other needed changes at the same time." Senator John Stennis, Chairman of the Senate Armed Services Committee, said he would back a lottery on the limited trial basis approved by the Senate in 1967. "I don't think we can go any further than that," he added. Representative Mendel Rivers, Chairman of the House Armed Services Committee, said he would have no objection to the proposed lottery if the Administration could show it would be fairer and if the measure had no offsetting disadvantages. On June 2, Representative Leslie C. Arends (R., Illinois) introduced H.R. 11780, the bill to grant the President's request, and on August 13, Senator John Stennis (D., Mississippi) and Senator Margaret Chase Smith (R., Maine) introduced S. 2843 in the Senate to legislate the same measure. Later in August, a House Armed Services Committee member stated that the bill had little chance of being considered, and Senator Stennis, according to a staff member, "...doubts we will get to it this year."<sup>24</sup>

### **The Gates Commission Gets Started**

The first meeting of the Gates Commission and its senior staff, and which Martin Anderson attended, took place on May 15, 1969, in the Roosevelt Room of the White House.<sup>25</sup> To lead off the meeting, the minutes of the meeting stated, Mr. Gates

described his meeting with President Nixon.

...the President expressed his hope that an all-volunteer armed force would prove to be the ultimate solution to the draft problem, although intermediate reforms would also be necessary. The President had observed that he had both the desire and a commitment to do something about this problem, as indicated by his proposal of an alternative to the draft during the campaign. The President believes that no alternative to the draft could be considered if it weakened national security.

Mr. Gates went on to state that President Nixon realized the draft could not be eliminated immediately and that a complete transition to an all-volunteer force might involve a phased program which would take some time. The basic purpose of the Commission, Mr. Gates reiterated, was to develop a plan for an all-volunteer armed force, to determine the budgetary and manpower implications of such a plan, and to weigh its feasibility and desirability. At this point, Mr. Gates was asked a key question by Mr. Greenewalt--Was the Commission obligated to recommend an all-volunteer force? Mr. Gates answered that there was no such commitment and that the final report submitted by the Commission could contain both a plan for a transition to an all-volunteer force as well as a critique of such a plan. It was not necessary, Mr. Gates stated, for members of the Commission to assume at the outset that an all-volunteer force solution was either feasible or desirable. Mr. Greenewalt stated that his only concern was that he be free to reject an all-volunteer solution, if necessary.<sup>26</sup>

At Mr. Gates' request, the Department of Defense conducted two days of briefings for the Commission, on Saturday and Sunday, June 28 and 29. The briefing sessions, which in addition to Commission and staff members were attended by Arthur

Burns and Martin Anderson, were explanatory and informative rather than analytical and evaluative. Secretary Laird, in his introductory remarks, stressed the importance of the work of the Commission for the Department of Defense, the difficulty of achieving an all-volunteer force, and the need for the Commission and the Department to work closely in this effort. He was followed by Assistant Secretary of Defense (Manpower) Roger Kelley, who outlined the Project Volunteer studies which were underway. Kelley's presentation was followed by a series of briefings on a wide range of Defense manpower topics by Defense Department and Service representatives. The briefings appear to have been treated routinely by the Defense Department staff; however, the Commission members at a later meeting were to be consistent in their belief that the Army believed that it would be impossible to maintain a credible reserve force without the inducement of the draft.<sup>27</sup>

The third meeting of the Commission took place during the weekend of July 12 and 13 in New York City at Mr. Gates' office on Park Avenue. As the Commission staff had yet to prepare substantive studies for the Commission to review, the meeting dealt largely with issues of interpretation of the Commission's task, whether or not the Commission should conduct open hearings, and the potential for conflict with the Pentagon's Project Volunteer study effort. The Commission was asked if the staff should move beyond a plan to develop an all-volunteer force and incorporate an estimate of the hidden tax imposed on conscripts by the draft. Although the Commission generally favored making the public more aware of the issues surrounding the switch in military

manpower policy, the majority of members were opposed to pre-selling the all-volunteer force concept and preferred to wait until the staff had completed its initial research before deciding whether or not an all-volunteer force solution was the most feasible or desirable. There was also consensus that the Commission's plan, if it did propose an all-volunteer force, should recommend a gradual or phased transition to the new policy. Concerning the issue of whether or not the Commission should conduct open hearings to permit more public exposure to their proceedings, Mr. Gates reported as the meeting opened on the second day that he had talked to Arthur Burns, and that Burns had said the Commission was under no obligation to conduct a referendum or to hold hearings. Based on that guidance, Mr. Gates recommended that there be no hearings. A number of Commission members indicated their concern that a parallel Defense Department study on the all-volunteer force policy might conflict with or undermine the Commission's work. Mr. Gates agreed to contact Secretary Laird to ensure that there would not be any conflict between the two efforts.<sup>28</sup>

The Commission's meeting on September 6, in Washington, was contentious as the members and staff grappled with several fundamental and difficult issues. The morning meetings, supported by a team from the Defense Department led by Deputy Assistant Secretary of Defense (Manpower) Paul Wollstadt, were devoted to a thorough probing of the "Reserves problem." This discussion, aside from revealing that the Defense Department was in the process of attempting to deal with the problem, was inconclusive. At the afternoon session, attended only by Commission and Commission

staff members, a split in the member's basic views became apparent. Mr. Gates, apparently having heard dissenting views in private, asked Mr. Greenewalt and General Norstad to express their views for the benefit of the rest of the Commission. Mr. Greenewalt stated his belief that there was something immoral in "seducing," through an all-volunteer force, young people to die for their country. It was his opinion that under an all-volunteer force policy the burden of combat would fall upon the poor and the black, and that risking one's life for your country should not be regarded as "just another job." He believed that if ever such an attitude arose within the military, morale and esprit de corps would be vitiated. General Norstad expressed the view that the effectiveness of a small unit in combat depended upon the natural leadership abilities of the two or three key individuals in the unit who possessed "superior intelligence and/or background." To eliminate the draft, General Norstad believed, would deprive the services of "people with better educations and backgrounds," making the services less effective. Both Mr. Greenewalt and General Norstad stated their view that an all-volunteer armed force would result in the armed forces not being representative of the total population, and thus there would be an inequitable allocation of the burden of military service. Dr. Milton Friedman, on the other hand, argued that he could not see how morale and effectiveness of a unit could possibly be enhanced by paying soldiers substandard wages. The logic of this argument, he pointed out, dictated that these soldiers should be paid nothing in order to improve their morale and effectiveness still more. Dr. Friedman and others on the Commission argued that the draft was a source

of inequity and widespread dissatisfaction, and that volunteers, regardless of their background, would be superior to draftees because they would be embarking on a military career willingly. Mr. Gates and Dr. Meckling, for the remainder of this prickly meeting, carefully steered the Commission through a proposed draft outline of the Commission's report, skillfully avoiding impassable obstacles to agreement and seeking out delicately balanced compromises in the wording to be used in the report.<sup>29</sup>

### Draft Reform Legislation

While the Gates Commission was intent on its analyses and future report to the President, the White House began to step up the pressure on a Congress which had ignored the President's request for legislation to enact reforms of the existing draft law. On September 19, 1969, President Nixon announced that the programmed draft calls for November and December--32,000 for November and 18,000 for December--would be cancelled, and the draft call for the month of October of 29,000 would be spread over the entire last three-month quarter. He took the opportunity that announcement provided to complain of the inaction of Congress on the draft reform legislation which he had proposed in May, and threw down a challenge to Congress.

...we have decided that if the Congress does not act on this legislation during this session of the Congress that then I shall take, by unilateral action, by Executive Order, the recommendation of the Secretary of Defense...which will move toward that objective and which will remove uncertainties from the age group of 20 to 26, although it will not accomplish the objective as clearly and as fairly as would the legislation if it were passed.

The Administration's proposed legislation was to repeal the sentence in the law which

specifically prohibited a lottery system, which was inserted into the 1967 renewal of the draft law by Representative Mendel Rivers. Secretary Laird, who spoke at the White House press conference following the President's remarks, said that the size of future draft calls would depend on progress in the "Vietnamization" of the U.S. combat effort in South Vietnam.<sup>30</sup>

In an attempt to dodge the bullet he knew was coming his way, Representative Rivers, on the day before the President's press conference, addressed the House of Representatives and pointed out that the President had abundant statutory authority to implement all the changes he had proposed in May with the single exception of the institution of a random selection system. Because of this White House pressure, hearings before the Special Subcommittee on the Draft of the House Committee on Armed Services, chaired by Representative Edward Hébert, were begun on September 30, and lasted for three days before they became stalled. Again, a special message to Congress from President Nixon, dated October 13, relative to the Administration's current legislation program, served to turn up the temperature. The message identified the Administration's "reform of the draft" as deserving the highest priority among all of his pending legislative proposals. The language of the President's message clearly was intended to apply political heat.

I have asked Congress to make the most extensive changes in the way we select young men for military service since the draft became an accepted feature of American life. We have the administrative power--and we will exercise it if Congress fails to act--to make far-reaching reforms in the Selective Service System, reducing the period of prime vulnerability for

young Americans from seven years to twelve months. However, we need Congressional approval to shift from the inequitable requirement of choosing the "oldest first" to the more just method of random selection. I asked Congress five months ago for this power; I ask again today. Basic fairness to our young people is the prime reason for this recommendation. I see no reason why this vital piece of legislation cannot be enacted *now*.

Hearings by Representative Hébert's Subcommittee on the proposed legislation were concluded the next day, and two days later the Subcommittee reported out the legislation to the full Committee. In his report, Representative Hébert stated that his Subcommittee "was not persuaded" that President Nixon's proposal was more equitable than the existing "oldest first" system, but that "in view of the strong recommendation of the President in this regard, urging the Congress to permit him to modify the existing system of selection, the Subcommittee believes that this request of the Commander-in-Chief of our Armed Forces should be honored." The full Committee on Armed Services of the House unanimously approved the legislation without amendment and recommended it to the House of Representatives on the same day. On October 30, after two days of debate, largely over a Rules Committee resolution passed by a voice vote which prevented any amendments to the bill, and after a promise from the House floor by Representative Rivers that his Committee would undertake a comprehensive revision of the draft law in 1970, the House passed H.R. 14001 by a roll call vote of 382-13.<sup>31</sup>

Also on October 30, Senator Mike Mansfield, the Senate Majority Leader, announced that the Senate did not intend to take any action on the President's requested legislation, but that action would be taken in the next session of Congress to carry out

a comprehensive review of the entire Selective Service System. A public statement from President Nixon quickly followed on the same day.

I deeply regret the announced decision of the Democratic leadership to deny the United States Senate an opportunity to consider draft reform until next year. It is clear that the vast majority of Americans share the sense of urgency which I feel concerning reform of the Selective Service System. The House of Representatives by an overwhelming vote has today indicated that it holds the same opinion. Yet the action of the Senate Democratic leaders means that the members of that body--even including, apparently, the members of the duly constituted committees--will not even have a chance to vote on my recommendation.

The American people, and particularly our young people, have questioned from time to time whether our political institutions can still be responsive to clearly felt needs. The proposed Selective Service reforms present the Senate of the United States with an opportunity to confirm those doubts--or dissipate them. I am still hopeful that the Senate will approve--during this session--this high priority legislation.

Pointing to the further reforms which might be made is no excuse to make no reforms at all. Clearly, this is not a matter which should be casually dismissed or made a political football. I respectfully, but urgently, suggest that the decision of the Democratic Senate leadership to block action be reconsidered.

Not even the most secure of politicians can withstand this intense political heat very long.

Senator Edward Kennedy, the Senate Democratic Whip and Chairman of the Subcommittee on Administrative Practice and Procedure, had been conducting hearings before his subcommittee on the operation of the Selective Service System. Senator Kennedy had stated earlier that the entire draft law needed revision and that he intended to offer amendments to the President's lottery amendment bill when it reached the floor of the Senate. With the Administration's bill hanging in limbo after Senator Mansfield's

announcement, and his chance to make significant changes to the bill disappearing, Senator Kennedy unexpectedly agreed, on November 5, to a suggestion made by President Kingman Brewster of Yale University. Brewster, testifying before Kennedy's Subcommittee, appealed for immediate action on the lottery, to be followed by a general overhaul of the draft law in 1970. Suddenly and unexpectedly, on November 10, Senator Stennis' Armed Services Committee unanimously agreed to report H.R. 14001 out to the floor of the Senate, agreed to oppose any amendments to the bill, and pledged to hold hearings on broader reforms by February 15, 1970. Senator Stennis met with Senators Mansfield and Kennedy on November 11, at which time it was agreed that the bill would proceed quickly to a vote before the full Senate. During the brief Senate debate on November 19, Senator Stennis again pledged to hold hearings by his Committee early in the next session of Congress. Draft reform proponents, although not entirely satisfied with the President's measure, did not attempt to amend the bill, and the legislation was passed by a voice vote. The Draft Reform Bill was formally signed into law by President Nixon at a ceremony at the White House on November 26, 1969. On the same day, Proclamation 3945, "Random Selection for Military Service," as well as Executive Orders 11497 and 11498, implemented the draft reform legislation.<sup>32</sup>

#### **General Hershey Departs**

The rumors of General Hershey resigning or being forced to step down as Director of Selective Service began almost immediately upon President Nixon assuming his office. President Nixon tasked Peter Flanigan, a senior White House staff member,

to monitor the Selective Service System closely. Jonathan Rose, a Flanigan aide, David Klineberger of the Bureau of the Budget, and Herbert Klein in the White House press office were assigned the extra duty of keeping tabs on Hershey and his operation. More and more, General Hershey had become a symbol of an unfair draft system, and his candid expressions of doubts about the feasibility of an all-volunteer force and the Administration's draft reform measures grated on the nerves of White House staff members. Constantly embroiled in one controversy or another, Hershey became a very real political liability in the minds of senior White House staff members. Peter Flanigan's memorandum to President Nixon in late-April, which outlined interim draft reforms, had the following concluding paragraph.

...it is the unanimous judgement of all who considered the above issues that General Hershey must ultimately be replaced as Director of the Selective Service System. In spite of what many have said, he remains as engaging, intelligent and wiley as ever. His image among persons subject to the draft, however, is a distinct liability to the Administration. The timing of his replacement is obviously of the utmost political importance. We do not believe it should be attempted while we are seeking the passage of the lottery legislation; however, it should be done as soon as feasible after the conclusion of this current legislative effort.

While the draft reform legislation remained stalled in Congress through the summer months, General Hershey continued to become involved in various controversies. In August 1969, the outgoing Chairman of the National Selective Service Appeal Board and another Board member charged that Hershey had meddled constantly in the affairs of the Board in attempts to make it a rubber stamp for his policies. In September, when some 500 student leaders were invited to the White House for a conference on the draft, he

proved an embarrassment to the Administration by his cracker-barrel, folksy manner and answers to questions which were at odds with the Nixon Administration's policies.<sup>33</sup>

When the "National Movement Against the War" organization called for a Vietnam Moratorium Day for October 15, 1969, to include major demonstrations in Washington, the senior White House staff suddenly saw an urgent need for Hershey's prompt removal. It was hoped that the General's dismissal prior to the demonstrations would defuse the demonstrators' resentment somewhat and serve as a symbol of President Nixon's sincerity about draft reform. In the midst of the period when political pressure on Congress was being maximized to pass the Administration's draft reform measures, and just days before the Vietnam Moratorium day demonstrations were to take place in Washington, Peter Flanigan and Bryce Harlow visited General Hershey and explained that the President wished him to assume a new assignment. Hershey agreed to abide by the President's wishes. On October 10, General Hershey was called to the White House for a meeting with President Nixon. He was slipped through a side door of the White House and met with the President for a fifty-minute chat in the Oval Office, and then was slipped back out of the White House without being noticed by the press. It was only later in the day that Hershey learned from a press release the details of his removal.<sup>34</sup>

General Hershey remained in his position as Director of Selective Service until February 16, 1970, the fifty-ninth anniversary of his enlistment in the Indiana National Guard. On that date, it was agreed, he was to be promoted to the rank of full general and assume his new role as Presidential Advisor on Manpower and Mobilization Policies.

As his last official act as Director of Selective Service, General Hershey presided over the Nixon draft lottery on December 1, 1969. In keeping with his insistence that the lottery should be simple and understandable to small-town America, Hershey disregarded all plans to use computers and had the World War II fishbowls brought out from storage. Even this last act culminating a long, dedicated career was to embroil Hershey in controversy. It was discovered after the lottery drawing that not all precautions had been taken to ensure the drawing was completely random, and his successor was forced to make particularly special precautions for the next drawing.<sup>35</sup>

#### **The Gates Commission's Final Push**

At the fifth meeting of the Gates Commission, in Washington on October 4, Mr. Gates led off the meeting by describing a briefing which had been given by Secretary Kelley and his deputy, Paul Wollstadt, of the Department of Defense, to Mr. Gates and Dr. Meckling. The briefing was a description of a draft pay proposal prepared by Defense which was weighted in favor of first term and lower ranking enlisted personnel. In the proposal, first term enlisted personnel would receive an average pay increase of 33 percent, which would result in pay in excess of \$5,000 per year for E2s and E3s. Assuming the then current force level of 3.4 million, the pay proposal would cost an estimated \$4.8 billion gross, but would be offset by \$2.6 billion in taxes, a result of the proposed conversion of all military compensation to a taxable basis. While the Gates Commission staff favored amending the pay proposal slightly, both Mr. Gates and Dr. Meckling believed the pay proposal was commendable. Mr. Gates pointed out that the

pay proposal had not been approved by the President and the Bureau of the Budget, although Defense was informally sounding out members of the Armed Services Committees. Dr. Meckling pointed out that the Bureau of the Budget had seen the proposal and their response had been negative. The Commission, after a lengthy discussion, agreed that it was crucial that they come out in favor of a major raise in enlisted personnel salaries before their final report could be prepared, otherwise there would be no prospect, because of the timing of the budget cycle, for eliminating the draft during Fiscal Year 1971. Although the budget did not take final form until December, Dr. Greenspan explained, funds for important items, such as a large military pay increase, would already have been spoken for by November. Dr. Friedman suggested that a letter to President Nixon supporting the Defense Department's proposed pay increases be prepared overnight and reviewed by Commission members the next day. Support for Dr. Friedman's motion was unanimous.<sup>36</sup>

The letter from the Commission to President Nixon, their first attempt to influence public policy directly, read in part:

Our work demonstrates that a change in military pay is required to correct the severe financial disadvantage imposed on draftees and on volunteers in their first two years of service. This correction will promote fairness and will also facilitate moving toward an all-volunteer force.

Enlisted men in the first two years of service now receive little more than one-half as much in pay and benefits as their fellows in civilian life. After two years of service, they come far closer to receiving a sum equivalent to civilian pay. Since the draft was established in 1948, the pay of men with more than two years of service has risen by twice as large a percentage as the pay of new recruits.

Correction of this unfairness will increase significantly the number of men who volunteer for the armed forces. It will thereby permit a reduction and perhaps even a complete suspension of draft calls.

A pay increase concentrated in the initial years of service will not only attract more volunteers but also will reduce turnover since a far larger fraction of volunteers than draftees re-enlist. The reduction in turnover will lower the number of recruits needed each year to maintain an armed force of any specific size and will bring substantial savings in the cost of training and veterans' benefits.

The Commission telephoned Assistant Secretary of Defense Kelley, who listened to a reading of the letter and expressed his complete approval of its content. Kelley said that the letter was especially welcome because it supported the same objectives that Defense was trying to accomplish through its pay reform. The letter was prepared in final form and delivered to Martin Anderson for delivery to the President the next day.<sup>37</sup>

The Commission's letter was forwarded to President Nixon with a covering memorandum from Arthur Burns which recommended the Commission's suggestions be forwarded to Secretary Laird. The memorandum from President Nixon, dated October 16, requested the Secretary to "...evaluate the major military pay alternatives that are practically available to us for Fiscal Year 1971, giving special consideration to their effect on moving toward an all-volunteer armed force." For the next month, Dr. Meckling and the Commission staff were busy working with officials at the White House (Arthur Burns and Martin Anderson) and the Defense Department in developing alternate pay proposals which would solve, or at least alleviate, the equity problems in military pay. At a November 13 meeting with Assistant Secretary Kelley and General Leo

Benade, his Deputy, Dr. Meckling presented the Commission staff's three suggested approaches to the pay equity problem. These were:

- (1) Straighten out the military's own pay relationships between grades.
- (2) Give first term servicemen a sufficient pay increase to make up for the fact that their pay had lagged relative to career compensation since 1948.
- (3) Make military pay comparable to civilian pay for each grade by length of service.

By the time the sixth weekend meeting of the Gates Commission took place, on November 23, Dr. Meckling and Dr. Gilman had been asked to meet with Bureau of the Budget Director Mayo, and they were expecting to hear that the Joint Chiefs of Staff would also want a meeting to discuss pay issues. Mr. Gates and other Commission members were somewhat anxious that the Commission staff had overstepped the bounds of the Commission's charter and there was a lengthy discussion of the Commission staff's brief excursion into military pay policy making. Mr. Gates said that it was his understanding that the Joint Chiefs of Staff would oppose the kind of pay increases for first term enlisted personnel advocated by the Commission. He thought there would be resistance within the Services to the allocation of a large pay increase to the lower ranks because of the problems of retention of career personnel in the middle-grade enlisted ranks.<sup>38</sup>

Mr. Gates arranged for a personal meeting with the Joint Chiefs of Staff on December 16, and described that meeting to other Commission members at their next

meeting, on December 20. Mr. Gates said the Joint Chiefs had told him that they had had informal meetings with unidentified senators about the subject of the all-volunteer force, in part to prepare themselves for their testimony in hearings before the Senate Armed Services Committee which Senator Stennis reportedly was planning to hold in mid-February. The Joint Chiefs' major objection to the Commission's recommendations, Mr. Gates said, would be that the Commission's proposed pay raise would favor first-termers at the expense of the more senior career force. In addition, Mr. Gates said, the Joint Chiefs feared that any pay raise for first-termers, in a very tight budget year as Fiscal Year 1971 was expected to be, would have to "come out of their own hides," that is, they would receive no additional funds for a larger manpower budget. General Wheeler, the Chairman of the Joint Chiefs, Mr. Gates said, had asked about the likelihood of an all-black armed force, commenting that some members of Congress believed an all-volunteer force would be dominated by minority groups, regardless of what the Gates Commission might say in its report. General Westmoreland, according to Mr. Gates, said he believed there was little likelihood of there being an all-black all-volunteer force. Coming back to the budget situation, both Mr. Gates and Mr. Greenspan stated that budget cuts were putting tremendous pressure on the military, and the Service Chiefs understandably would try to spend the funds they were allocated as efficiently as possible. Later in the morning session of the Commission's meeting, they were visited by Secretary of the Navy Chafee, who had arranged a meeting with the Commission through Secretary Laird. Secretary Chafee told the Commission that he

favored an all-volunteer force, but sufficient inducements would be essential in order to attract the required level of enlisted personnel. Secretary Chafee believed that obtaining of the necessary inducements was problematic. The Commission members also met with the Joint Chiefs of Staff the next day, December 21, to exchange views on all-volunteer force issues. In preparing for the Joint Chiefs' visit, the Commission reviewed what they believed to be the Joint Chiefs' principal concerns with an all-volunteer armed force.

These were:

- (1) Would an all-volunteer force attract an adequate number of quality personnel?
- (2) In a completely volunteer environment, could the Reserves and National Guard components be maintained in a viable state?
- (3) Would an all-volunteer Army be all-black?
- (4) Would an all-volunteer force prove to be a great deal more costly than the present force?

The Commission met with the Joint Chiefs in executive session and the details of that meeting were not recorded. However, it is unlikely that the discussion varied appreciably from the above areas of major concern.<sup>39</sup>

While the Gates Commission spent some time and resources attempting to pave the way for the all-volunteer force, the military manpower policy which was to be recommended in their report, most of their energies were consumed by the review of the Commission staff's papers, the building blocks of the final report. As the date set for the final report approached, now having slipped into mid-January 1970, differences of

opinion became sharper and tempers shorter. Three issues were resolved by being put to a vote. First, the majority of Commission members voted in favor of Congressional rather than Presidential authority to restore the draft and bring it back into full operation in case of dire need. Second, the Commission accepted the basic proposition that military forces "...can and should be raised by voluntary means," although some members had reservations and wanted to add a controlling phrase such as "if an adequate number of men can be obtained." Third, after much discussion the Commission agreed that the minimum military pay and compensations should be comparable to those of the civilian sector.

The strong personalities and views of Commission members, particularly those of Mr. Crawford Greenewalt, General Lauris Norstad, and Dr. Milton Friedman, made the achievement of consensus difficult for Mr. Gates and other Commission members. Mr. Greenewalt made obvious his deep distrust of the econometric projections offered by the Commission staff, and expressed his doubts that a given increase in military pay would result in a given increase in enlistment. He was also concerned that there would be a decline in the quality of the troops which would be recruited under an all-volunteer system, fearing that the better quality of America's youth simply would not enlist, no matter how rewarding a military career could be made to appear. General Norstad took issue with nearly all Commission members concerning the standby draft. He believed the President, if faced with a severe crisis or if the all-volunteer force manpower levels were to fall dangerously low, ought to be empowered to act to restore the draft quickly.

Congress, he believed, was incapable of reconstituting the draft rapidly unless there were a major, national emergency. The arguments of both Mr. Greenewalt and General Norstad irritated Dr. Friedman, particularly when they seemed hardened to issues of equity and the power of the state to compel young men into the armed forces and not even pay them decent wages.<sup>40</sup>

The problem of how to achieve unanimity among strong personalities and with conflicting views was one which the Commission grappled with from the first meetings. At the meetings late in the year, Mr. Greenewalt voiced his opinion that he may be forced to write a number of minority statements, and General Norstad indicated that a dissenting note from him was possible. Dr. Friedman believed it was essential that the Commission reflect the maximum degree of unanimity in the report to the President, thereby maintaining a strong and credible front to those critics who would attempt to find flaws in the Commission's effort and thus endanger the acceptance and passage of needed legislation. For this reason Dr. Friedman proposed the entire document be reviewed by each Commission member and portion which was unacceptable be deleted. Stephen Herbits, too, wanted the entire Commission to stand behind the whole report, otherwise some important issues might not be entirely credible. Mr. Greenewalt, at the December 20 meeting, made the first suggestion for a solution to the impasse. He suggested that the Commission members sign a short positive section which each member would review, word for word. Dr. Friedman and Mr. Gates seized on this suggestion, and turned it into a proposal that Commission members agree to a detailed 15-to-20 page summary.

By endorsing this section, which would summarize the Commission's findings, basic philosophy and recommendations, unanimity would be preserved and members could still dissent with specific details in the report's other sections if they so desired.

At the meeting on January 9, 1970, the Gates Commission slowly hammered out their final agreement on the wording to be used in the cover letter to the President and in Part I of the final report. Arguments over wording and the feasibility of an all-volunteer force at various force levels threatened to destroy unanimity again. It appeared that dissents from Mr. Greenewalt, General Norstad, and General Gruenther were inevitable until Mr. Greenewalt, again, suggested a solution. The cover letter to President Nixon which had been prepared by the staff stated, "The members of the Commission unanimously believe that Armed Forces within the ranges estimated to exist in the future can and should be raised by voluntary means." Mr. Greenewalt proposed avoiding the issue of size altogether by simply stating, "We unanimously believe that the nation's interests would be better served by an All Volunteer Force than by a mixed force of volunteers and conscripts." Greenewalt also suggested that another sentence be added to the letter stating the Commission's position on the importance of additional pay for first term enlisted personnel. From this compromise, which was accepted readily by other Commission members, came a powerful statement from a highly respected group of individuals. In essence, the Commission unanimously endorsed the President's commitment to a new military manpower policy. The Gates Commission's letter to the President read, in part:

We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction; and that the first indispensable step is to remove the present inequity in the pay of men serving their first term in the armed forces.

We have satisfied ourselves that a volunteer force will not jeopardize national security, and we believe it will have a beneficial effect on the military as well as the rest of our society.

The members of the Commission began their work with different views, based on their own diverse experiences. They represent a wide cross section of age, race, sex, religion, political affiliation, and occupation. It is somewhat remarkable that, starting from different backgrounds and opinions, they concluded the report in agreement.

Although the Commission members, within their internal debate, had been far from united regarding an all-volunteer force policy, this strong endorsement from all of its members had the effect of appearing to close ranks, representing a daunting front to possible opponents of the policy.<sup>41</sup>

As the work of the Gates Commission was nearing completion and the report was being prepared for formal delivery to President Nixon, the work of maximizing the effect of the report was also being carried out. In addition to the usual paperback publication produced by the Government Printing Office, Martin Anderson went to considerable effort to ensure maximum public exposure of the Gates Commission report through the report's publication by a commercial publishing firm, the Macmillan Company. The 100,000 paperback copies were available to the public in early-March, and the 5,000 hardbound copies were available about March 18. Arrangements were made to have the

President mention the Gates Commission effort in his annual State of the Union message to Congress, and in late-January, Mr. Gates made courtesy calls with Senator Stennis and Senator Margaret Chase Smith of the Senate Armed Services Committee. The meeting of the full Commission with President Nixon, which took place on February 21, was carefully staged and was followed by a press conference with the Commission members. After ten months of intensive effort, the Gates Commission had successfully constructed a foundation for a new military manpower policy.<sup>42</sup>

#### **The Project Volunteer Committee**

At the Department of Defense, in parallel with the study activities being carried out by the Gates Commission, Secretary of Defense Laird had his staff proceed with its own study of the all-volunteer force, preparing the Department for a possible future shift in military manpower policy. On April 10, in a memorandum to the Service Secretaries and the Chairman of the Joint Chiefs of Staff, Secretary Laird formally constituted the "Project Volunteer Committee." The Committee, to be chaired by Assistant Secretary Roger Kelley, was tasked to "...direct the multiple activities concerned with the development of a comprehensive action program for moving toward a volunteer force." The Committee, in addition to Secretary Kelley, was made up of the Assistant Secretary of Defense (Systems Analysis); the Assistant Secretaries for Manpower of the Military Departments; the Deputy Chiefs of Staff for Personnel of the Army, Marine Corps, and Air Force; the Deputy Chief of Naval Operations for Manpower and Reserve Affairs; and the Director, J-1 (Personnel) of the Joint Staff, Joint Chiefs of Staff (JCS). The

Secretary of the Committee was Dr. Harold Wool, Director of Procurement Policy and General Research in Kelley's office, and who would also act as Staff Director of Project Volunteer. Dr. Wool was the key man behind the scenes in organizing the Project Volunteer Committee and steering its activities through its initial activities. Gus Lee, a contemporary of Wool's in the Manpower office, was to write several years later:

The initial Defense planning effort was largely the work of Harold Wool, Director of Procurement Policy--long one of the Department's top experts in military manpower policy. Wool had special, personal interests in the subject of the All-Volunteer Force because he had participated in the 1964 draft study. He was the only member of the permanent ASD (M&RA) staff who had taken part, most of the group in the 1964 study having come from universities or from the services on a temporary basis. Wool had a high regard for the professional abilities of the key members of the 1964 study group who had now become the Directors of Research of the Gates Commission. He did not, however, share their general conclusion that a volunteer force of 2.5 million men could be achieved by making military pay competitive. In his view the prudent course was for Defense to conduct its own studies as a "check and balance" on what he considered to be the missionary zeal of the Gates Commission staff. He designed a far-ranging study plan to position Defense to arrive at its views independently of the Gates Commission.<sup>43</sup>

As Roger Kelley and Harold Wool were preparing for the first meeting of the Project Volunteer Committee on April 21, they also met with their counterparts on the Gates Commission, Thomas Gates and William Meckling, respectively, to assure the Commission of the Pentagon's full support and to arrange for the coordination of information and data requests. Meckling explained to Wool over lunch that his two key assistants would be Dr. Walter Oi, who would be responsible for "Requirements Studies" and Dr. Harry Gilman for "Supply Studies." As stated in the quote by Gus Lee above,

both Oi and Gilman were well known to Wool as they had both worked for him on the previous Pentagon study of the draft. Wool also learned that Meckling interpreted the Gates Commission charter to include moving to an all-volunteer force even while the Vietnam War was going on, and that Meckling did appreciate that one of the major troublesome areas would be the "problem of the Reserves." This "problem" was the concern by many manpower experts that, in a completely voluntary system, the Reserve forces could not be kept in a reasonably ready and fully manned state because they would lack the impetus of the draft to pressure personnel to join the Reserves.<sup>44</sup>

The first meeting of the Project Volunteer Committee, which took place on April 21, resulted in agreement with the "Study Plan for Project Volunteer" which Dr. Wool had prepared. The plan stated that the central objective of the planned study was, "To develop a program to meet future quantitative and qualitative manpower requirements, to the greatest extent practicable, without reliance upon the draft," indicating that there was qualified support for the all-volunteer force within the Defense Department. The plan made it clear, too, that Dr. Wool believed that achieving an all-volunteer force was more than an economic issue which could be solved by increased salaries. The scope of the Project Volunteer effort, as indicated by the words in the study plan prepared by Dr. Wool, was considerably wide-ranging.

Virtually every aspect of military manpower management in the Department of Defense has some relevance to this central objective, including policies affecting recruitment, selection, training, utilization, compensation and retention--as well as those affecting the categories of personnel to be employed in particular functions (i.e., male military,

female military, direct-hire civilians, civilian contractor). It will, therefore, be necessary to review a wide range of relevant military personnel policies and programs and to identify those feasible improvements and innovations which--in combination--will substantially expand the supply of volunteers and/or reduce requirements for manpower accessions.

The Project Volunteer Committee agreed on a number of separate planning studies and research tasks which would have to be conducted concurrently. The planning studies included assessments in manpower management and policy action, such as improvement of the overall military image, recruiting service operations, military compensation, etc. The research tasks included such subjects as projections of manpower requirements, recruitment marketing research, and the socioeconomic implications of an all-volunteer force. In view of the fact that ultimately each Service would be responsible for the success of accomplishing the Project Volunteer objectives, Secretary Kelley requested that each Service develop its own program and recommendations which would support the overall Defense objectives. Based on this direction from Secretary Kelley and the guidelines mapped out in the study plan, each Service organized their own study effort and was to complete their initial study and make recommendations to the Project Volunteer Committee by July 1969.<sup>45</sup>

By early July 1969, the Services had completed their initial studies and submitted over 300 recommendations for consideration, many of which were very minor. In general, the Services agreed on the following major recommendations:

- Adoption of major pay reform proposals.

- Increased pay for entry-level enlisted personnel.
- Use of enlistment bonuses for first-term enlisted personnel with critically needed skills and higher entry grades for civilian-trained specialists.
- Increased educational benefits, including pre-service scholarships and Reserve Officer Training Corps (ROTC) officer programs, as well as in-service and post-service educational benefits.
- Increased amounts and quality of both bachelor and family housing.
- Expanded entitlements, such as payment of dependent travel and transportation of household goods to first-term personnel.
- Increased funds for recruitment advertising and for public opinion research.

Dr. Wool expressed to Secretary Kelley his disappointment that the Services did not make many specific recommendations in the areas of improved personnel utilization, qualitative standards, or civilian substitutions. In addition, Dr. Wool felt the special problem of being able to maintain the Reserves with an active duty all-volunteer force was not addressed fully. Based on an earlier discussion he had with Secretary Kelley, Dr. Wool recommended from that point that two processes be conducted in parallel. The first would consist of a staff review and evaluation of the Services' recommendations, and the second would be the formation of a "Program Evaluation Group," which would consolidate the staff recommendations and prepare a detailed master plan. The Program Evaluation Group, which would be chaired by Mr. Paul Wollstadt, Secretary Kelley's Deputy Assistant Secretary, was to have the master plan completed by August 29, six weeks away. The month of September, according to Dr. Wool's suggested schedule,

would be available for policy review of the plan, necessary revision, and interaction with the Gates Commission. The suggested final target date for the Project Volunteer report was October 15, a date which would position the Department of Defense well with respect to the original date for completion of the Gates Commission's report, early-November.<sup>46</sup>

Of the reports received from the Services, clearly the most thoughtful and thorough was the input from the Army. In a memorandum from Assistant Secretary of the Army (Manpower) William K. Brehm to Secretary Kelley, the Army briefly outlined programs which would enhance the Army's image, provide enhanced professional development, and increase the compensation for young Army personnel. The first recommendation made by Secretary Brehm was a tenfold increase in the Army's recruiting and advertising budget. The next several key recommendations were in the areas of image enhancement and professional development. Secretary Brehm stated that to change from the "Beetle Bailey" image to the "Steve Canyon" image the Army would require more than advertising. It would require the elimination of the traditionalized and institutionalized rounds of KP, trash collecting, and latrine scrubbing which intrude on the young soldier's training and development. "Young men are not going to be persuaded that we consider their time and talents valuable if we squander them on janitorial or custodial duties. A college student who was told that he would have to mop the hallways, scrub washrooms, police grounds, and work in the cafeteria for no additional compensation because alumni donations were falling off would soon

matriculate at another school." Professional development would be enhanced through a varied program of career pattern changes and increased educational opportunities. These improvements, as well as increased pay for the lower ranking enlisted personnel, provided a body of sound recommendations for the Project Volunteer Committee to consider. The conclusions contained in the memorandum from Secretary Brehm were based on a study prepared by the Army Staff under Project Volunteer in Defense of the Nation (PROVIDE), usually identified simply as "Project Provide."<sup>47</sup>

Secretary Kelley agreed with Dr. Wool's proposal for a two-part study program, with the two parts running in parallel--a staff analysis of the many proposals from the Services, and the creation of a Program Evaluation Group which would develop a master plan for implementation of the all-volunteer force policy. Within several days of Dr. Wool's recommendations, Secretary Kelley approved a series of memoranda which tasked offices within the Office of the Secretary of Defense to provide analytical support, and the creation of the Program Evaluation Group chaired by Mr. Paul Wollstadt. It was at this time, in mid-July 1969, the Gates Commission became aware of the creation of the Program Evaluation Group and its tasking to develop an implementation master plan. As stated earlier, Mr. Gates interceded through Secretary Laird to ensure that the President's Commission remained preeminent and that there would be no conflict between the efforts of the Gates Commission and the Defense Department.<sup>48</sup>

The report from the Program Evaluation Group was provided formally to Secretary Kelley in mid-January 1970, as the Group probably adjusted their schedule to

the slips in the schedule of the Gates Commission for its report. Assistant Secretary Wollstadt's forwarding memorandum summarized the recommendations of the Group and on what points they differed, they believed, from the expected findings of the Gates Commission. The Group believed that achievement of an all-volunteer force was possible, but their endorsement was qualified.

...members of the Program Evaluation Committee [sic] believe an All-Volunteer Force is feasible at the low total force levels that have been discussed as possibilities for the future [2.25 million] if we provide sufficient incentives including, but not limited to, better pay. They also believe that we must guard against underestimating what it will take in money and effort to sustain an all-volunteer force beyond the rapid draw-down period [in Vietnam].

The Program Evaluation Group differed from what they perceived the principal finding of the Gates Commission would be--that given a sufficient level of funding support for salaries, the all-volunteer force was achievable. The Program Evaluation Group concluded that "...pay adjustments alone cannot ensure attainment of foreseeable volunteer force recruitment goals." The Group borrowed from the findings in 1967 of the Australian Department of Defence, which was compelled to reinstate the draft in the mid-1960s despite generous pay raises. The Australian report stated:

...pay is not the only, or the determining factor in influencing a man's decision to join the Services....Emotional factors, motivation towards or against life in the Services or what the man of recruiting age imagines life to be, the influence of parents, school teachers, the early retiring ages, the likelihood of constant movement, and personal attitudes towards our military involvement in Southeast Asia, all play their parts. The level of pay is certainly a factor, but it was found that the substantial raises granted to both officers and other ranks in 1964 improved recruiting only slightly.

The Group recommended a comprehensive approach to the goal of achieving an all-volunteer force. In addition to significant pay raises, particularly for the first-term enlisted personnel, the Group pushed for educational and training benefits, improved housing, improved working conditions, and strengthened recruitment programs. In addition, the Group recommended the requirements for uniformed males be reduced wherever possible and that civilians and uniformed females be used in their stead. Above all, however, there must be a vast improvement in the image of the Services in the view of the public. The Group stated:

We recognize, however, that these measures...may still not accomplish the fundamental improvement in Service image which will be essential to move us to a volunteer force. The human goals of DOD management must be translated into tangible actions at all echelons within the Armed Services. Execution must be bold, imaginative, well-coordinated and widely publicized.<sup>49</sup>

Soon after receiving the report of the Program Evaluation Group, Secretary Kelley reconvened the Project Volunteer Committee to begin a series of Saturday meetings to develop the specific recommendations of the Department of Defense and the timetable for the actions to implement an all-volunteer force. The Committee made a word-for-word review of the report of the Program Evaluation Group and structured the 41 recommendations of the Group into a prioritized list, with the highest priority going to a strengthening of the Recruiting Services. Meanwhile the Department of Defense was also waiting for the Gates Commission to complete its task and to provide its report to the President. For this reason the Project Volunteer Committee decided to not release

its report to Secretary Laird until after the President had received the Gates Commission report. Secretary Laird, however, had been hinting in his public addresses that an implementation on an All-Volunteer Force policy, because of the policy's high cost in a forecasted tight-spending fiscal year, may prove difficult. In a September, 1969, speech to the National Press Club, Secretary Laird warned that demands for higher spending for domestic needs and President Nixon's goal of an all-volunteer force after the Vietnam War may be on a collision course. Secretary Laird's skepticism about the all-volunteer force policy seems to have increased as the months went by and Defense waited for the release of the Gates Commission's report. In late-January, 1970, Secretary Laird remarked that the military would have to be reduced to about two million personnel and, given the global commitments of the United States, the regular forces had to be backed-up by strong Reserve and National Guard forces. "The volunteer Army is tied with dollars more than anything else. Certainly if we are going to move in the direction of a volunteer force, we have to have the assurances that we can receive the additional financing that will be needed and necessary from the Congress. I'm not sure whether we have that kind of support presently in the Congress...."<sup>50</sup>

After the Gates Commission report was finally released, it was found that there was much common ground between the findings of the Gates Commission and the results of the Defense Department's Project Volunteer study. Both agreed that the draft could be ended, and there was much similarity in the programs recommended by the two to achieve an all-volunteer force. The principal difference between the two reports centered

on the timing of the full implementation of the new military manpower policy. The Defense Department viewed the Gates Commission's recommendation to end the draft on July 1, 1971--when the then current draft induction authorization was to expire and only sixteen months away--as unrealistic and irresponsible. Instead, the Project Volunteer Committee recommended the draft be extended for at least two years beyond July 1, 1971, to permit sufficient time for the Administration to obtain the necessary legislative approval and funding from Congress. The Project Volunteer Committee's close review of the Gates Commission report uncovered the following areas of disagreement.

- (1) As stated above, the Project Volunteer Committee did not agree that pay increases alone would be enough to change to a manpower policy based entirely on volunteerism. The Gates Commission, the Project Volunteer Committee believed, paid too little attention to the retention of a career force through other motivational factors, such as a restoration of a sense of "duty, honor, country" and a respect for the military in American society.
- (2) The Gates Commission failed to recommend a military housing program, a serious omission in view of the importance of family housing as a retention incentive.
- (3) The econometric analysis of the Gates Commission staff was based on pre-Vietnam data and upon after-the-fact surveys of what induced "voluntary" enlistments. The major unknown variables, the Department believed, were the effect of anti-Vietnam War demonstrations and propaganda on youngsters of high school age, as well as how young soldiers already in the Services would respond to reenlistment.
- (4) The Project Volunteer Committee believed the Gates Commission greatly underestimated the costs of an all-volunteer force.
- (5) The Gates Commission's recommendation to end the draft on July 1, 1971,

was completely impractical.

The Army, in particular, had serious reservations about the findings of the Gates Commission. Depending on the data used in the calculations, the Army believed the costs to achieve an All-Volunteer Force would range from the estimate of \$2.7 billion used by the Gates Commission up to \$8 billion. In general, the initial reaction to the Gates Commission report throughout the Department of Defense was one of apprehension, and among those who had been working on the problem for many months there was the sense that the Gates Commission had gravely underestimated the difficulties of achieving an all-volunteer force. A memorandum from Secretary Kelley which summarized the Department's reservations was sent to Martin Anderson within a week of the Gates Commission's meeting with President Nixon, and a memorandum stating the Department's reservations with the Gates Commission report was being prepared for Secretary Laird's approval and release to the President.<sup>51</sup>

The views of the Department of Defense and major political figures regarding the Gates Commission report were made known to the public almost immediately. The day after the Gates Commission formally delivered their report to President Nixon, Secretary of Defense Melvin Laird appeared on NBC's "Meet the Press" television program. In response to a question about the timing of the implementation and the funding required to support an all-volunteer force, Secretary Laird stated, "...if the Congress is willing to give support that is needed and necessary for this kind of program and not take it out of the hide of some other major portion of our budget, we can move in this direction.

I don't want to establish any date....It depends on the progress we can make towards Vietnamizing the war and it depends on how soon we can get down to a force structure between two and two and a half million people." On the same day, Senator John Stennis, Chairman of the Senate Armed Services Committee, appeared on the CBS program "Face the Nation." When the moderator asked Senator Stennis if he thought it was possible or desirable to move to an all-volunteer force by mid-1971, Stennis stated that the all-volunteer force was desirable in the long term, but that he had doubts that it could be fully implemented for several years. He believed the transition should be made gradually to ensure a continuing supply of qualified leadership at the noncommissioned officer and junior officer levels. Additionally, Senator Stennis stated he believed a standby Selective Service System would be required for 10 to 15 years. In a surprise move and within several days of the Gates Commission report release, Senator Margaret Chase Smith, the ranking Republican on the Senate Armed Services Committee and long a supporter of the military draft, announced that she now would support an all-volunteer force. "If the military manpower required by our national security," she said, "can be obtained both in quality and quantity by an all-volunteer force and at an increased cost that the American taxpayers are willing to pay, then I can see no reason for opposition to such an all-volunteer force." From the House of Representatives, House Armed Services Committee Chairman L. Mendel Rivers released a statement to the press which read, "While I have certain reservations about the philosophy of an all-volunteer force, nevertheless, I have an open mind." Rivers praised the Nixon Administration for its

support for pay raises of lower ranking enlisted personnel, but made it clear that his biggest issue with the Gates Commission's recommendations was the July 1971 cut-over date for the all-volunteer force. "Letting the induction authority of the draft lapse," he said, "before we have demonstrated our capability to maintain, qualitatively and quantitatively, the military manpower force to meet our commitments in Vietnam and elsewhere in the world is...overly optimistic and possibly premature." It was clear to observers at the time that the all-volunteer force concept still faced some very close scrutiny and stiff opposition before it would be fully approved, funded, and implemented.<sup>52</sup>

### **The Presidential Decision**

The White House staff agreed that there needed to be an internal review of the Gates Commission findings and recommendations prepared before President Nixon could make his decision on the all-volunteer force. As well, the review needed to include comments from the Defense Department and consider the Project Volunteer Committee's findings. Coming to a head at the same time was the need for a Presidential decision on potential reforms of the deferments and exemptions system within Selective Service.<sup>53</sup> Martin Anderson was assigned the responsibility for guiding a review of the all-volunteer force, and Peter Flanigan chaired a working group to review the proposals for draft reforms. Both working groups were to consolidate their recommendations to the President through the mechanism of a National Security Council meeting. The working group which Anderson chaired was made up the following Administration officials: Ken

Belieu, John Ehrlichman, Peter Flanigan, and General Alexander Haig of the White House staff; Robert Mayo, Director of the Bureau of the Budget, and James Schlesinger, the Bureau of the Budget's Deputy Director; and Secretary Laird and Assistant Secretary Roger Kelley, Department of Defense.

The conclusions of Martin Anderson's working group on the all-volunteer force, for the most part, were shaped by the arguments and rhetoric of the Department of Defense. Secretary Laird, on March 11, signed a memorandum to the President which contained the Department of Defense position--that the Department supported an all-volunteer force and endorsed the basic conclusion of the Gates Commission that the draft should be phased out. However, the Department wanted this phase-out of the draft to be gradual rather than to end abruptly on July 1, 1971, as the Commission had recommended. "It is our view," Laird's memorandum read, "that as we proceed toward this goal, the main emphasis should be on reducing draft calls to zero rather than achieving the All-Volunteer Force, even though the objective of each is identical." Secretary Laird went on to recommend that the President request from Congress a two-year extension of the draft induction authority beyond June 30, 1971. During that two-year period, Laird argued, it would become clear whether or not it would be possible to shift the military draft to a standby status without jeopardizing national security. The memorandum made three observations concerning the Gates Commission's report. First, the Department of Defense had considerably less confidence than the Gates Commission that draft calls could be reduced to zero by July 1, 1971. Second, the Department

believed the Gates Commission made a serious error in suggesting that little or no problem existed with the compensation of career military personnel. And third, concerning the Reserves and National Guard, the Gates Commission was mistaken when they suggested that manpower strengths could be maintained principally through increases in pay for lower ranking personnel. Secretary Laird went on to outline, in broad terms, the initiatives the Defense Department intended to pursue in implementing a goal of zero draft calls. These initiatives were:

- (1) Expand the Services' recruiting efforts for both Active and Reserve/National Guard forces.
- (2) Restore the sense of "duty-honor-country" by enabling the military serviceman to feel pride in himself, his uniform, and the military profession.
- (3) Improve on-base housing and increase housing allowances.
- (4) Improve the conditions of service and increase career satisfaction through such actions as increased education opportunities, expansion of ROTC scholarships, etc.

As a final reminder to the Commander-in-Chief of United States' Armed Forces, the memorandum stated, "The Administration cannot be placed in the position of having to reduce forces below National Security Council recommendations because it has acted too soon in taking irreversible steps to eliminate the draft."<sup>54</sup>

At the National Security Council meeting, which took place on March 24, 1970, President Nixon stated that the Administration should and must move in the direction of achieving an all-volunteer force. President Nixon made the following observations: (1)

The draft must be extended beyond the July 1, 1971 expiration date; (2) The Administration could not spend funds at the level suggested by the Gates Commission for Fiscal Year 1971 (\$3.4 billion); and (3) The Administration must not be committed to a timetable for ending the draft that could not be achieved (i.e., a sufficient level of volunteers would not have been attained). Based on the comments at the meeting, Martin Anderson and others on the White House staff prepared a Decision Memorandum for the President which laid out the various options for both the transition to an All-Volunteer Force and draft reform measures. The all-volunteer force Decision Memorandum asked the President to decide whether the current draft induction authority should be extended for two years or for three years and whether or not a standby draft should be established when the draft was ended. When the Decision Memorandum came out of the Oval Office, the White House staff had the answers it needed to prepare the legislative package for Congress. President Nixon decided in favor of the two-year extension of the draft and the maintenance in standby of the draft after the all-volunteer force was achieved.<sup>55</sup>

#### **The Legislative Decision Process**

An interesting phenomenon in the policy-making process regarding military manpower occurred in 1970 which was to leave close observers of military manpower issues somewhat confused. While the Nixon Administration was in the process of slowing down its rush toward an all-volunteer force, lawmakers on Capitol Hill themselves were building up a head of steam for a dash toward the goal of an all-

volunteer force by mustering political support that did not exist previously. In prior years members of Congress had steamrolled military draft legislation through the two chambers in quick order and with very little debate. The alternative to the draft, an all-volunteer force, was always there, but was largely ignored and swept aside by the most powerful of Congressmen. The Nixon advocacy of an all-volunteer force to replace the draft as United States' military manpower policy received polite attention by Congress, but still was largely ignored by the great majority of lawmakers. As the Nixon Administration began to take hold of this issue, however, the American people began to listen and to change their views. In March 1969, just as the Gates Commission was being organized, a Harris poll reported that the public preferred continuing the existing draft system over an all-volunteer force system by 51 percent to 38 percent. A Gallup poll completed two months earlier made the same conclusion--62 percent to 31 percent favored a continuation of the draft. Less than one year later, in January 1970, another Harris survey reported that the tide had shifted. In this survey 52 percent of those polled favored the volunteer plan, while 38 percent opposed it. Members of Congress, equipped with the sensors to detect how the wind is blowing, respond to such shifts of public opinion and adjust their legislative programs accordingly. As of mid-March 1970, there were at least five bills and two resolutions favoring an all-volunteer force which had been introduced in the House of Representatives, and as stated above, Senators Stennis and Smith, supporters of the military draft for many years, were beginning to waver in their positions. A new, reversed role for the Administration, now that it had

been decided to seek a gradual decline in the draft accessions through the "Zero Draft" policy, was to attempt to rein-in the all-volunteer force advocates in Congress.<sup>56</sup>

On March 13, 1970, in the midst of the White House staff's preparations for the National Security Council meeting to resolve the all-volunteer force policy issue, Senator Mark Hatfield sent a letter to President Nixon stating the Senator's intent to introduce legislation which would implement the recommendations of the Gates Commission's report, including the mandatory adoption of an all-volunteer force and the abolishment of the draft on July 1, 1971. Senator Hatfield wanted to know if this step met with the President's approval. When the Senator's letter was processed through the National Security Council staff, the note appended to the letter read, "Answer after the President's message appears--set forth his position on AVAF."<sup>57</sup>

The President's special message to Congress on draft reform was issued on April 23, 1970. In the message, President Nixon stated the policy of his Administration: "From now on, the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security." As the Defense Department had so convincingly argued, the message went on to state that the draft could not be ended all at once, but must be phased out. The message also advised Congress to expect the White House to introduce legislation in the next Congress to extend the draft authority beyond July 1, 1971, and that it was the Administration's intent to establish a standby draft system that could be used in case of an emergency. The President proposed legislation for an additional 20 percent pay increase for enlisted men

with less than two years of service, and stated his intent to ask for an additional \$2.0 billion for added pay and other benefits when the next Congress began its session in January 1971. In the second portion of the message, the President stated that, "...future occupational, agricultural and student deferments are no longer dictated by the national interest...", and that he was issuing that day an Executive Order which directed that no future deferments would be granted on the basis of employment. He asked Congress to make several changes in the Military Selective Service Act of 1967--discretionary authority for the President on the deferment of undergraduate students, and the establishment of a direct national call, by lottery sequence numbers each month, to improve the random selection process. Underscoring the Administration's cautious stand on eliminating the draft and establishing an all-volunteer force, the message stated:

No one can predict with precision whether or not, or precisely when, we can end conscription. It depends, in part, on the necessity of maintaining required military force levels to meet our commitments in Vietnam and elsewhere. It also depends on the degree to which the combination of military pay increases and enhanced benefits will attract and hold enough volunteers to maintain the forces we need, the attitude of young people toward military service, and the availability of jobs in the labor market.<sup>58</sup>

President Nixon's message had a mixed reception in Congress, and generally the key leaders of both Houses expressed reservations about some of the measures. Congressional reaction hardened considerably when, on April 30, President Nixon announced that he was sending U.S. combat troops into Cambodia to uproot Vietnamese Communist sanctuaries across the border from South Vietnam. This was followed shortly thereafter by the tragic death of four students at Kent State University, on May

4, when an Ohio National Guard unit opened fire on demonstrating students. At some point in mid-1970 it was decided that a revamping of the draft system through legislation could wait until the next session of Congress in January. The White House and the Department of Defense, however, had a major fight on their hands with Republicans in the Senate who were now out in front of their policy position on the draft.<sup>59</sup>

In the Senate, on July 22, Senator Mark Hatfield, with 12 co-sponsoring colleagues, introduced an amendment to H.R. 17123, the Military Appropriations Bill, which would implement the recommendations of the Gates Commission, including the end of the draft on July 1, 1971. Similarly, in the House the next day, Representatives Steiger and Lowenstein joined together with 59 other House members to introduce a bill which would implement the Gates Commission recommendations. The Administration was suddenly cast into the role of being brakeman for a policy which had been touted by the Administration since the Nixon Presidential campaign three years earlier. After the expenditure of much time, energy and political capital, the proposed Hatfield amendment was voted down by a roll-call vote of 35-52 after a lengthy debate on August 25. The voting and the debate on the measure pointed out clearly, more and more, that military manpower policy had become a non-partisan issue, cutting across party and ideological lines with Senators of both liberal and conservative persuasions supporting and opposing Senator Hatfield's proposal.<sup>60</sup>

At the Department of Defense during this lull when Administration-sponsored legislation was not being pressed, on October 12, Secretary Laird held a news conference

for the principal reason of announcing that he was formally committing the Department to the goal of achieving a zero draft by the end of Fiscal Year 1973 (June 30, 1973). The directive which he signed and addressed to all of the Service Secretaries required they personally review the recommendations of the Project Volunteer Committee and take the necessary action to carry out those recommendations. Of interest because of the coupling Secretary Laird made to his announcement, Secretary Laird also stated that General Westmoreland, the Chief of Staff of the Army, would be delivering an important message the next day, October 13, to the Association of the United States Army in which the General would discuss the Army's plan to move to a zero draft. In General Westmoreland's address to the Association he stated: "I am announcing today that the Army is committed to an all-out effort in working toward a zero draft--a volunteer force." "I am well aware," he said, "of arguments for and against selective service. Furthermore, I recognize that the Administration has committed itself to reducing the draft to zero. But I am also aware of the problems that confront the Army as we move toward a zero draft."<sup>61</sup>

The Nixon Administration's legislative proposals sent to Congress in January 1971, essential to the establishment of an all-volunteer force as the United States' military manpower policy, touched off one of the most intense policy debates to have taken place in the chambers of Congress. The President's legislative package for the all-volunteer force, which consisted of four proposed bills, was sent to Congress on January 28, 1971. It was not until September 28, 1971, that President Nixon signed into law the

bill which Congress had approved and which was to bring the draft to an end in the not too distant future. In that eight-month period, the all-volunteer force legislation provided the pulpit for a debate in Congress which considered 83 amendments to the bills which came out of committees, 60 in the Senate and 23 in the House. The Senate succeeded in reversing itself twice in the debate--first, by adopting greater pay increases than the President had requested after rejecting a similar pay hike six days before; and in the second instance, adopting for the first time a proposal calling for the withdrawal of U.S. troops from Indochina after rejecting a somewhat stronger measure two weeks before. While the legislation provided a battleground for the issue of changing military manpower policy to that of volunteerism, the debate also ranged over foreign policy considerations such as a reduction of the number of troops stationed in Europe and the withdrawal of American forces from Indochina. In most instances, Congress supported the views of the Administration, which insisted on a two-year extension of the authority to draft despite a commitment to end the draft. In the end, after much labor and behind the scenes pulling and tugging of political strings, and after the authority to draft had expired, the Nixon Administration could finally claim victory. Also, the President could now claim that he was well on the way toward fulfilling a promise he made to the American people in his 1968 presidential campaign.

In his message to Congress, President Nixon reiterated his belief, outlined in his message to Congress the previous April, that the authority to draft had to be extended in order to provide enough time to bring the draft calls to zero. "While I am confident,"

he said, "that our plan will achieve its objective of reducing draft calls to zero, even the most optimistic observers agree that we would not be able to end the draft in the next year or so without seriously weakening our military forces and impairing our ability to forestall threats to the peace." As he did in the message to Congress the previous April, the President made proposals which extended the draft, provided substantial salary increases for the military, and reformed the draft system in several key respects. The Administration's legislative package was made up of the following four bills.

- HR 2476 (S. 427) -- A bill which would extend the draft authority for two years and would drop undergraduate deferments.
- HR 3496 (S. 496) -- This bill, which was estimated to cost an estimated \$1.5 billion, would increase the base pay for recruits by 50 percent and extend other financial benefits to all ranks.
- HR 3497 (S. 494) -- This bill would provide additional funds for the reimbursement of "actual and necessary" expenses for recruiting personnel.
- HR 3498 (S. 495) -- This bill would allow a bonus of \$3,000 for persons enlisting in Army combat units.

There were three additional bills which were originated by members of Congress and which were also considered by the legislators. In the House, Representative William Steiger (R., Wisconsin) submitted H.R. 4450, the "Voluntary Military Manpower Procurement Act of 1971," which was an attempt to enact the program recommended by the Gates Commission. Indicative of the bill's support, the bill had over 80 co-sponsors.

In the Senate, the same bill was submitted as S. 392 by Senator Mark Hatfield and had a dozen co-sponsors. Another bill which contributed to the complexity of the ensuing debate was Senator Edward Kennedy's bill, S. 483, which would extend induction authority of the draft for two years and would also attempt to make the draft more equitable by abolishing occupational and student deferments and implementing a national draft call system based on a lottery. The third bill submitted from within Congress was Senate Joint Resolution 20, proposed also by Senator Hatfield, which sought to repeal the Military Selective Service Act, thereby abolishing the Selective Service System altogether. These bills were all cast into the legislative caldron and the mixture was permitted to simmer, and then boil, over the heat of Congressional debate during most of the summer.<sup>62</sup>

Senator Stennis, Chairman of the Committee on Armed Services, as a courtesy to the House, normally would have held hearing by his Committee after the House Armed Services Committee had completed its hearings. In this session of Congress he broke with tradition and began his Committee's hearings almost immediately, on February 2.<sup>63</sup> Chairman Stennis made his views clear in his opening statement.

If I thought there was any chance of successfully manning the armed forces without the draft and on a fully voluntary basis, I would be among those to urge this course of action. The volunteer force objective to me, however, is a flight from reality unless the size of the armed forces can be greatly reduced in the years ahead to a figure far below any I consider would meet our minimum requirements.<sup>64</sup>

The Administration's spokesmen for their proposed legislation were Secretary Laird,

Assistant Secretary Kelley, and Director of Selective Service Curtis W. Tarr. They skillfully and succinctly walked the Committee through the legislation and the reasoning for a planned gradual decline in draft calls until a point could be reached when the draft could be ended. Secretary Laird stated that the Administration's plan had already been begun.

Over the course of the last two years, draft calls have been markedly reduced. The draft call in the calendar year just ended, 163,500, is the smallest annual draft call since 1964. This was before the major commitment of the United States ground forces in Vietnam. It is approximately one-half the number inducted in the calendar year of 1968.

We are on the way toward achieving the goal of zero draft calls. We have set June 30 of 1973 as the target date for reaching a zero draft call.

Failure to extend the induction authority at the end of the current fiscal year would foreclose any realistic prospect of maintaining the Armed Forces of the size and quality required for our Nation's security.<sup>65</sup>

On the second day of hearings, Senator Edward Kennedy and Senator Mark Hatfield testified in support of their respective legislative proposals. Senator Kennedy first pointed out several statistics which were cited as evidence of the inequity of the draft: (1) 68 percent of combat infantry, armor, and artillery enlisted men were draftees; (2) Army draftees were killed in Vietnam in 1969 at more than double the rate of non-draftee enlisted men; (3) 65 percent of Army enlisted men killed in action for the first five months of 1970 were draftees. Paradoxically, Senator Kennedy stated, "The compulsion of a system is a violation of the most basic values of a democratic society; the right of the individual to be free from Government coercion. It can be accepted only when there

is an overwhelming national need." He then explained that his bill, S. 483, contained sixteen provisions which would reform the conscription system of the United States to make it more equitable. He indicated his disgust with the concept of an all-volunteer force by stating it would be,

...grossly inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the Army by the attraction of higher military pay. And it would be particularly repugnant to use a \$3,000 bonus as an added inducement for men to enlist in combat units, as the recent proposal of this Administration has suggested.<sup>66</sup>

Senator Hatfield testified in defense of his proposed bills--S. 392, which would enact the recommendations of the Gates Commission, and S.J. Res 20, his joint resolution which would repeal the Military Selective Service Act of 1967 effective December 31, 1971.

Senator Hatfield explained to the Committee that, in his view,

...Congress should have three goals as a part of its agenda this year....First, implementation of the recommendations of the President's Commission on an All-Volunteer Armed Force; second, non-extension of the President's authority to induct men into the Armed Forces; third, the total abolition of the Selective Service System.<sup>67</sup>

The Senate Armed Services Committee concluded its hearing on February 19 and thereafter slipped back into its traditional role of waiting until the House had concluded its deliberations.

The tone of the proceedings of the House Committee on Armed Services, which was now chaired by Representative Edward Hébert of Louisiana since the death of Representative Mendel Rivers the previous December, was markedly different than it had been in the past. The questioning by House members was more free and open, and the

Chair was much more tolerant than had previously been the case. Chairman Hébert began the hearings of his Committee on February 23, and the hearings lasted through March 11. In his opening comments, Chairman Hébert made clear his doubts about the efficacy of an all-volunteer force. "Members of the Committee are aware that I have publicly stated I have grave reservations about the feasibility of an all-volunteer Army. In our present situation I think the only way to get an all-volunteer Army is to draft it." Chairman Hébert went on to remark that the Administration had come around to his view that the draft had to be continued, and that the Administration's proposals were not to set up an all-volunteer force but to move toward it by bringing the draft inductions down.

Commenting on his view of the agenda before the Committee, Hébert said:

Those who support the all-volunteer force in principle must ask themselves if the recommendations of the Administration are sufficient to move us any appreciable way toward that concept. And those who do not support an all-volunteer force in principle must nevertheless ask themselves if substantial pay raises for men who are inducted--in the amount recommended by the Administration or in greater amounts--are not nevertheless justified because of the exceptional commitments to their country that we ask of these young men.

The Administration is proposing a 50-percent increase in basic pay for draftees. It is my present view that we should consider pay raises for our draftees in excess of those suggested by the Administration.

We must also consider once again in these hearings the question of student deferments. I have always maintained...that the President has the authority to suspend undergraduate student deferments under present law....I am...going to ask the Committee to settle the matter once and for all and make crystal clear the President's discretionary authority in this matter.

One of the most difficult issues we face is the question of what constitutes

conscientious objection to military service. Many young registrants today express great reservations concerning our participation in the war in Vietnam. These reservations in some cases have been of such magnitude as to prompt the young registrant to claim a conscientious objector status. ...recent court decisions make it extremely difficult for local draft boards to evaluate claims for conscientious objector classification....In view of these circumstances, it might be well for the Committee on Armed Services to consider a possible amendment to the draft law involving the conscientious objector classification. Perhaps the Committee may wish to amend this provision in the draft law in a manner which will embrace the philosophy of these court decisions.... Thus, though the registrant may have views which are essentially of a personal nature and not based upon any "religious training or belief," the depth of his conviction would be sufficient to justify consideration as a conscientious objector.<sup>68</sup>

As with the Senate Armed Forces Committee testimony, the advocates for the Administration's bills were Secretary Laird, Assistant Secretary Kelley, and Director of Selective Service Curtis Tarr. Secretary Laird's testimony was concluded with the following comment.

What you are considering today, Mr. Chairman, is a legislative proposal of the highest importance. People--not arms or equipment, not buildings or computers, not any of the hardware requirements of defense--are the priceless vital asset of our national defenses. People are the most important asset in our national security planning. A wise, just and fair manpower policy is the keystone of our national security, and the keystone to guaranteeing the safety of our people.<sup>69</sup>

To bolster the Administration's argument for a two-year extension of the draft, Assistant Secretary Kelley believed it was necessary to refute the Gates Commission's view that the draft could be ended on July 1, 1971. He pointed out two flaws in the Commission's analysis of the problems of the transition to an all-volunteer force.

- The Commission estimated the FY1972 accession requirements to be only

280,000, while the Defense estimate was 528,000--a difference of 247,800.

- The Commission estimated that there would be a shortfall in the Army of 116,000 in FY1973, but this estimate was not discussed in the Commission's report to the President.

Representative William Steiger (R., Wisconsin) appeared before the Committee to explain and defend his proposed legislation, H.R. 4450, which would establish an all-volunteer force in accordance with the recommendations of the Gates Commission after a one-year extension of the draft law. Dr. Walter Oi, one of the research directors on the Gates Commission staff, appeared before the Committee on its final day of hearings to support Representative Steiger's proposal for a one-year extension of the draft and to counter Assistant Secretary Kelley's statement that the estimates of the Gates Commission were flawed. Dr. Oi argued that the draft law had to be extended for one year. He pointed out that one year had transpired since the publication of the Gates Commission report, and that it was not possible in the 117 days remaining before the draft induction authority expired to create an all-volunteer force without any accompanying changes in pay or other recruitment incentives. Concerning errors in his calculations which went into the Gates Commission's report, Dr. Oi stated that his estimate in December 1969 was built on very different strength assumptions and that he underestimated net losses because of the failure to include early releases and to take into account the expansion of two-year enlistments, errors which were easily made. Dr. Oi, in turn, pointed out difficulties with the Defense Department's projections, but nothing he stated altered the need for an

extension of the draft authority.<sup>70</sup>

The testimony received by both House and Senate Committees from lobbying individuals and organizations was in contrast to that provided four years earlier when the renewal of the draft law was being debated. Representatives of more than 50 organizations appeared before the Senate and House Armed Services Committees or presented written testimony for the record. The preponderance of the interest groups supported the all-volunteer force concept. However, the veterans organizations presented solid support for a draft extension and were skeptical of converting to an all-volunteer manpower system, although they did support pay increases. The most active groups campaigning for a draft extension and against the all-volunteer force policy were the National Guard Association, the Reserve Officers Association, the American Legion, and the American Veterans Committee. The most active lobby organization during this period was the National Council to Repeal the Draft (NCRD), which was a coalition of student peace groups, draft counseling committees, draft resistance leagues, student government organizations, and the conservative Young Americans for Freedom. The NCRD mounted a massive letter-writing campaign to members of Congress throughout the summer, in addition to personal visits for discussions with members of Congress who the NCRD regarded as swing voters. Testimony provided by religious organizations before the Committees dealt largely with efforts to broaden the definition of the conscientious objector. None of the organizations favored a draft extension, but not all were totally opposed. The American Civil Liberties Union (ACLU) launched a major attack on

Senator Kennedy's draft reform and extension bill. The ACLU's Executive Director, Arveh Neier, said Kennedy's attempts to change the draft system were "...like manure in the Augean stables. To clean out one inequity is to invite its replacement by two more."<sup>71</sup>

Following the hearings by Chairman Hébert's Armed Services Committee, the Committee held two weeks of closed door meetings and voted to extend the draft for two years, to June 30, 1973; to empower the President to drop student deferments; and to reject Representative Steiger's proposed legislation (H.R. 4450) to implement the Gates Commission recommendations. On March 23, the Committee reported a "clean" bill, which consolidated various proposals into one, to the full House. The new bill, H.R. 6531, called for a two-year draft extension, an end to student deferments, an extension of alternative service for conscientious objectors, a national lottery call to replace state quotas, and special compensation for recruiting personnel in the field. In addition, the bill raised the Administration's recommended pay and compensation package of \$1.5 billion to \$2.7 billion. The Committee's bill did not include the \$3,000 enlistment bonus for men enlisting in combat units, and Assistant Secretary Kelley was quick to announce to the press that attainment of an all-volunteer force was "very, very doubtful" without the bonus package. The bill was debated for three days on the House floor, and reportedly became the most extensive review of U.S. policy in Indochina ever permitted by the House leadership. Not since the passage of the 1951 Universal Military Training and Service Act, which reinstated the draft as U.S. military manpower policy and which

made the draft a part of the fabric of American life, had the House spent more than one day debating the draft. On April 1, 1971, the House approved the bill by a 293-99 roll-call vote--the largest protest vote against the draft since before World War II.<sup>72</sup>

Amidst an atmosphere of huge anti-Vietnam War rallies in Washington and mass arrests on the Capitol steps, the Senate Armed Services Committee unanimously reported H.R. 6531, with amendments in the form of a substitute bill, to the full Senate on May 5. The only major provision of the bill which was identical to the House-passed bill was the two-year extension of the draft. The Senate version of the bill denied the President discretion to remove student deferments, it restored the conscientious objector service requirement to two years where the House established a three-year requirement, the House increase in military pay and compensation of \$2.7 billion was cut to \$1.0 billion, and it included a 150,000 annual ceiling on the draft and a 2.55 million manpower ceiling on total military personnel.<sup>73</sup>

Debate in the Senate on the bill, which began the next day, May 6, and lasted through June 24, appears to have touched-off a number of buried frustrations with American foreign policy. Many Senators indicated that they would use the draft bill as a vehicle for proposing amendments to end the Vietnam War and to cut military spending. Senators Mark Hatfield and George McGovern said they would offer an amendment to delete all funds for military activity in Vietnam effective December 31, 1971. Majority Leader Senator Mike Mansfield, on May 11, offered an amendment to cut by half the 525,000 U.S. troops and dependents in Europe, which immediately caused

the White House to pull out all stops in an effort to disuade Mansfield from this course. Three members of the Armed Services Committee--Senators Schweiker (R., Pennsylvania), Symington (D., Missouri), and Hughes (D., Iowa)--said they would offer an amendment to extend the draft for only one year and add back the \$1.7 billion the Committee removed from the House bill. Senator Gravel (D., Alaska) announced during the first day of debate that he intended to talk the military draft to death if none of the amendments offered to ban the draft were accepted. In a surprise move, on May 11, Senator Stennis offered a resolution which would restrict the power of the President to involve the United States in foreign wars. In response to the news of the Stennis resolution, Senator Javits (R., New York) exclaimed, "I say we are witnessing a miracle. It is both a miracle of the human personality and a miracle of this chamber."<sup>74</sup>

In a 36-61 roll-call vote, on May 19, the Senate rejected Senator Mansfield's amendment to reduce the number of troops stationed in Europe. On June 4, the Senate also rejected, by a vote of 23-67, an amendment proposed by Senator Mark Hatfield which would have eliminated the draft on June 30, 1971. An amendment offered by Senators Hatfield and McGovern, which sought to force the Administration to withdraw all troops from Indochina by December 31, 1971, went down to defeat on June 16 by a 42-55 roll-call vote. Finally, on June 24, only one week before the draft authorization was to expire, the Senate passed H.R. 6531 by a vote of 72-16 and sent the bill to a conference of the House and Senate for resolution. The bill as passed contained a controversial amendment, introduced by Senator Mansfield in the last days of debate,

which would set as national policy the withdrawal of American troops from Indochina nine months after enactment of the bill.<sup>75</sup>

Before the House and Senate conferees met to resolve conflicting provisions of the bill, on June 28, the House refused, by a roll-call vote of 219-175, to instruct conferees from the House to accept the Senate-passed Mansfield amendment. Although the motion to so instruct House conferees was defeated, this vote represented the largest anti-Vietnam War vote ever made in the House. The Conference Committee was able to resolve all but one of the 28 differences in the two bills within two days. This single obstacle was the controversial Mansfield troop withdrawal amendment. The conferees met again after the July 4 recess--and after the draft law authorization had expired--but were no closer to resolution. Finally, on July 30, the Conference Committee was able to reach a compromise which would satisfy both chambers of Congress and not tie the Administration's hands in negotiations with the North Vietnamese in the peace talks in Paris. In early June, the White House made it clear that President Nixon would not accept any military draft bill which included any dates for a withdrawal from Vietnam. Instead of declaring it to be the policy of the United States that a withdrawal of U.S. troops from Vietnam would be completed in nine months, the conference version made it the sense of Congress that a withdrawal should be completed as soon as possible (with no specific deadline) and that the President should begin negotiations immediately for a cease-fire, a definite withdrawal deadline, and the release of American prisoners. With the adoption of the conference report, the House went on record for the first time in

support of the withdrawal of all U.S. troops from Indochina "at the earliest practicable date."<sup>76</sup>

The House, on August 4, 1971, by a 297-108 roll-call vote, adopted the House-Senate compromise on the military draft extension bill, H.R. 6531, thus clearing it for final Senate approval. By that time the adjournment for the summer recess of Congress, scheduled to begin on August 6, was upon Senate members. Senator Stennis had warned the Senate that, "Unless we can get this bill passed, we will face a dire and distressing emergency for the necessary manpower to protect our own security here at home." Nevertheless, a number of Senate members objected to the severe time limit which would have been imposed on debate and balked at any attempt to pass the measure before adjournment. The Senators agreed to consider the bill on September 13 when they had reconvened. When debate in the Senate resumed after recess, Senators who opposed the Vietnam War or any extension of the military draft attempted to either send the bill back to the House-Senate Conference Committee for revision or initiate a filibuster against Senate approval. On September 17, by a 36-47 roll call vote, the Senate rejected an attempt to send the bill back to the Conference Committee for a second round of negotiations which, in effect, would have killed the bill. It appeared that the forces attempting to table the bill would win until Senator Gordon Allott (R., Colorado), who had led the Republican effort to table the bill because he believed that an insufficient amount of the bill's pay increase was to go to first term enlisted personnel, received a call from President Nixon. The President promised Senator Allott that he would support

future supplemental legislation to increase the amount of pay for first term enlisted personnel if Allott would drop his push to have the bill recommitted to the Conference Committee. Senator Allott agreed. Having split the opposition and with Senator Allott and his supporters now in the Administration's camp, the vote on the motion to recommit the bill was made and lost. After the vote against those wishing to table the bill, Senator Stennis immediately filed a cloture petition to stop the threatened filibuster. On September 21, the filibuster attempt was thwarted by a 61-30 roll-call vote, the exact two-thirds required to invoke cloture. The Senate approval of the military draft legislation came only minutes later, by a vote of 55-30. In the final vote, Democrats were split evenly (23-23). Southern Democrats overwhelmingly supported the measure (15-1), but northern Democrats opposed the bill 8-22. As might be expected, Republicans supported the President's position by a 32-7 margin.<sup>77</sup>

An unusually intense level of pressure was applied to Senate members by the White House and the Defense Department to ensure passage of the new draft law. In addition to the President's telephone call to Senator Allott, Secretary Laird announced on September 14 that he was cancelling all of his appointments and would head the Pentagon's lobbying effort. Laird met with the Service Secretaries to enlist their help, and arranged a strategy conference between Senators Stennis and Margaret Chase Smith, the Joint Chiefs of Staff, and the Service Secretaries to plan a lobbying strategy. The next day, Secretary Laird appeared on a nationally televised morning talk show to urge the defeat of the proposed motion to table the draft bill. In addition, every Senator

received a hand-delivered letter, signed by all three Service Secretaries, urging their support in defeating the motion to table the bill, and every Senator received a personal letter from the White House with the same message. In an unusual strategem, White House speechwriter William Safire made calls to selected newsmen and spread the rumor that Senator Mansfield had threatened to cut off party campaign funds to any Senator who did not support the motion to table the legislation. The single-most critical move which permitted the winning cloture vote, and which broke the back of the opposition, was the last minute filling of a Senate vacancy. Senator Winston L. Prouty (R., Vermont) had died on September 10. The Governor of Vermont quickly named Representative Robert T. Stafford, long an advocate of the all-volunteer force policy, to replace Senator Prouty, and a White House-dispatched aircraft flew Stafford to Washington in time for the critical vote.<sup>78</sup>

In its final form, the draft extension bill (H.R. 6531) contained the following provisions:

- A two-year extension of the draft authority, to June 30, 1973.
- A sense of Congress resolution urging the President to negotiate for a Vietnam cease-fire and for the President to withdraw American troops from Indochina at the earliest practicable date pending the release of all American prisoners of war.
- An increase in pay and other types of compensation for servicemen estimated to cost a total of \$2.4 billion for the first year.
- A nationalized lottery call eliminating the local board quota system.
- The return to the President of authority to draft college students who

entered school after the spring of 1971.

- An expansion of the procedural rights of the draft registrant.
- Interim steps for setting up programs to identify, treat, and rehabilitate drug addicts and alcoholics in the military.
- A 2.5-million person ceiling on the Armed Forces' active duty strength, and a 130,000-man ceiling on the number of men who could be drafted during Fiscal Year 1972.
- An expansion of the statute of limitations making a person who failed to register for the draft eligible for prosecution until age 31.

The new draft law was a compromise among the many parties who were responsible for framing new public policy. The law obviously was not one for which members of the Gates Commission would have hoped. Nor was it completely ideal from the vantage point of leaders in the Defense Department. It did represent, however, Congress' support to an accelerated program to achieve an all-volunteer force by June 1973. The Administration had planned for the necessary pay and compensation measures to be spread over two years; instead, Congress shifted the needed financial compensations for military personnel so they would take effect immediately, representing a more substantial "down payment" and commitment by Congress. The new draft law was the culmination to that point of years of effort to shed the United States of conscription, and signified the achievement of a major plateau on the path to an all-volunteer force from which it would be very difficult, if not impossible, to turn back. For all intents and purposes the military manpower policy debate had been settled with the passage of H.R. 6531. The achievement of an all-volunteer force was not to occur until July 1973, after the last draft

call had been issued six months earlier and the authority to draft was allowed to lapse. But in September 1971, it was almost certain that the Congress, after the struggle of the preceding eight months, would never permit a return to peacetime conscription--and it was seen as very likely that the American people would never permit a return to military conscription unless there were an extremely grave emergency. As President Nixon stated when he signed H.R. 6531 into law on September 28, 1971:

I am most hopeful that this is the last time a President must sign an extension of draft induction authority. Although it will remain necessary to retain a standby draft system in the interest of national security, this Administration is committed to achieving the reforms in military life as well as the public support for our Armed Forces which will make possible an end to peacetime conscription.<sup>79</sup>

### Summary

This chapter was introduced by a portion of a speech given on the floor of the House of Representatives in 1814 by a young Congressman from New Hampshire, Daniel Webster. He was pleading against Congress supporting what he believed to be a tyrannous proposal by President Madison's Administration--a military draft. It is ironic that over one-hundred-and-fifty years later the roles between the White House and the Congress became reversed on this issue. In the early-1970s, the White House was trying to convince lawmakers in Congress to abolish the military draft, instead of Congress expressing outrage at the thought of an oppressive draft system. In our Government it is generally Congress which is the final decision-maker on policy matters. The Administration and its multitude of departments and agencies can select policy options

and prepare for a policy change to a certain extent, but it is Congress that approves the policy and supports the policy with the necessary funds. As was illustrated in this chapter, the switch in military manpower policy did not become policy until Congress agreed to the change and breathed life into the policy.

This chapter has described how a particular public policy issue achieved agenda status and was eventually resolved. As we saw in Chapter Four, the debate which took place within the military manpower policy subsystem, and spread to the larger mass public, in the period from 1965 through 1968, had reached a level of conflict that it begged for some form of resolution. With the major escalation of American involvement in the conflict in Vietnam, in which the United States assumed a direct combat role in order, so it was believed, to stave off a collapse of the South Vietnamese Government, a triggering device had been set off. It appears that those supporting the various alternative military manpower policy choices--such as a reform of the draft, national service, universal military training, or an all-volunteer armed force--were unable alone to overcome and unseat the military manpower policy which had been accepted by policy makers and the electorate since World War II.

The resolution of this policy issue came through a Presidential election in which the major candidates took a position favoring one of the policy alternatives. The winning Presidential candidate, Richard M. Nixon, took the position early in the campaign that the United States should change its military manpower policy from one of conscription to one of volunteerism. The story of how Richard Nixon came to that conclusion and

then made his choice into a campaign issue is fascinating. Dr. Martin Anderson, a young professor at Columbia University and one of the small group of insiders in the Nixon campaign, wrote a paper advocating that Nixon adopt the all-volunteer force policy option for his position during the campaign. Nixon, in a surprise move, supported the idea and his position became a campaign issue. Campaign promises, in some cases, become policy actions when the White House has been won. This was the case with Richard Nixon's agenda when he became President in January, 1969. Martin Anderson's move from presidential campaign worker to senior White House advisor ensured that the President's campaign promise for an eventual all-volunteer force would become an item on the President's agenda.

However, as the details of the events of this case study point out clearly, it is one thing to get a policy choice on a policy-maker's agenda. It may be an entirely different matter to achieve that policy goal or to see the policy implemented. Martin Anderson set out on the path toward a change in United States military manpower policy--to abolish the draft and develop in its stead an all-volunteer force. The way was difficult and there many obstacles. There were few supporters on the White House staff, other than the President, and the support from the Defense Department was grudgingly provided until it was made clear that the all-volunteer force was the President's policy and that he intended to see it carried out.

There were several clearly distinguishable stages through which the fledgling manpower policy passed. First, the stage of study by an independent and distinguished

commission was necessary to build credibility for the policy and to measure its feasibility. This stage of policy development had to be carefully staged so the new policy could be nurtured in a protected environment. If the commission had been tied in any way to the Defense Department or to the Selective Service System, the policy probably would have died in its infancy. Once the new policy was endorsed by the Gates Commission it gained respectability and legitimacy, and began to pick up more and more endorsements from a growing community of supporters.

The second phase of implementation of the All-Volunteer Force policy was official acceptance by the Administration. For this stage a National Security Council meeting was held to obtain ceremonial acceptance by the President and his senior advisors. The Gates Commission's recommendations for an all-volunteer force, as well as the recommendations of a National Security Council study of Selective Service deferment policy, were staffed within the Administration prior to the National Security Council meeting to ensure all disagreements were resolved. The Defense Department balked at the Gates Commission's recommendation that an all-volunteer force be phased in and the draft be phased out by 30 June 1971, when the draft induction authorization was to expire. Secretary Laird and Project Volunteer Committee officials insisted that the draft had to be phased down gradually, until a "Zero Draft" had been achieved and there had been a corresponding increase in volunteers. Secretary Laird wanted a two-year extension of the draft induction authority--until 30 June 1973--to ensure that a transition to the all-volunteer force policy would not fail. The Defense position was

agreed to readily by the White House, the meeting of the National Security Council was staged, and the Nixon Administration's all-volunteer force and Zero Draft policy position was solidified.

In the third stage of policy development, legislative and funding support had to be obtained from Congress. In deference to the long-standing tradition of Congress that legislation on military manpower would not be addressed during an election year, the Administration waited until January 1971 to submit its military draft extension and reform legislation. The perception of members of Congress toward the military draft, like their views of the Vietnam War, had changed considerably since 1967 when legislation on the draft was handled somewhat heavy-handedly. The attitude of the American people concerning the draft had changed from general apathy to one of increasing support for the concept of an all-volunteer force. The chambers of Congress were now filled with outspoken advocates of an all-volunteer force, whereas such advocates were generally in hiding four years earlier. In addition, there was a rage among powerful legislators to get the United States out of Vietnam, whereas four years earlier the mood of Congress was to support the long, costly, and futile war. These factors combined to make the Administration's cautious approach to abolishing the draft unpalatable with many members of Congress--who now were out in front of the President on this issue. After eight months of bitter debate, and a major drive by senior legislators to force the President's hand at the Paris peace negotiations, the Administration finally succeeded in gaining Congressional approval of the Administration's military manpower

policy position. In essence, the Congress had underwritten the additional burden of building and maintaining an all-volunteer force.

It appears from the data supporting this case study that the Agenda-Building Theorists and the Agenda-Building model of policy making (See Exhibit 2-3, page 57) are generally accurate. From this case study we have seen that there was an individual who could be identified as a "gatekeeper," the person who was almost singly responsible for placing this policy issue in front of a policy-maker and seeing that the policy decision was implemented--Dr. Martin Anderson. This particular policy issue was not easy to carry out; it was extremely complicated and difficult. The evidence in this case study would support an elaboration of the Agenda-Building model to indicate that policy-making goes well beyond the success of getting a policy issue on a policy-maker's agenda, and must include the very difficult phase of gaining policy acceptance and final implementation.

1. On December 9, 1814, Representative Daniel Webster delivered a stinging speech attacking the idea of conscription, and was instrumental in defeating the 1814 bill by which the Madison Administration proposed to draft all able bodied males in the United States between the ages of eighteen and forty-five. Webster's speech was not published and was believed lost until it was found in the archives of the New Hampshire Historical Society around the turn of the century. Daniel Webster, "An Unpublished Speech," The Military Draft. ed. by Martin Anderson. (Stanford, California: Hoover Institution Press, 1982), p. 639.
2. The best overview of the 1968 Presidential election is provided by Theodore White's quadrennial analysis. See Theodore H. White, The Making of the President 1968 (New York: Atheneum Publishers, 1969). For the views of insiders in the 1968 campaign, see: John Ehrlichman, Witness to Power: The Nixon Years (New York: Pocket Books, 1982); William Safire, Before the Fall: An Inside View of the Pre-Watergate White House (New York: Belmont Tower Books, 1975). For contemporary insight by the press into the Nixon campaign, see : "Core of Nixon Advisers and Experts Is Advancing His Cause for 1968," New York Times, October 23, 1967, p. 66; "Tight-Knit Nixon Brain Trust Busy on 5th Avenue," New York Times, January 27, 1968, p. 16.
3. Interview with Martin Anderson, Hoover Institution, Stanford University, California, February 19, 1993. Martin Anderson has written of his contribution to the All-Volunteer Armed Force policy decision in a chapter of a book, yet to be published, which is to be the second of a three-volume set on Richard Nixon. Dr. Anderson kindly provided me an advanced copy of that chapter, and much of his story in this dissertation has been gained through that written piece. Martin Anderson, "The Making of the All-Volunteer Armed Force," Pamphlet Published by the Hoover Institution, Stanford University, 1991. The chapter, with the same title, will appear in Leon Friedman and William Levantrosser, ed., Richard M. Nixon: Cold War Patriot and Statesman (Greenwood Publishing Group, Inc). For a slightly different version of the same story, see Robert K. Griffith, Jr., "About Face? The U.S. Army and the Draft," Armed Forces and Society 12 (Fall 1985): 108-133.
4. Anderson, "The Making of the All-Volunteer Armed Force," Hoover Institution, 1991, pp. 2-3. The article by Milton Friedman referred to by Anderson was "Why Not a Volunteer Army?" New Individualist Review 4 (Spring 1967): 3-9. Interestingly, Nixon's campaign staff may not have been aware that Nixon, the previous summer, spoke out in favor of a lottery-type draft system. See "Nixon Urges Lottery," New York Times, June 1, 1966, p. 4.

5. Robert Semple is now a member of the Editorial Board of the New York Times. He told me that the several Times reporters assigned to cover the campaigns of the possible candidates drew straws. He "lost" the drawing when he pulled the straw for Nixon. Semple said that the "winner" was the reporter who drew the candidate most likely to be elected, George Romney of Michigan. Telephone conversation with Robert Semple, October 5, 1992.

6. Anderson, "The Making of the All-Volunteer Armed Force," p. 4.

7. "Nixon Backs Eventual End of Draft," New York Times, November 18, 1967, p. 21. In one of the puzzles in this research to which no solution was found, Martin Anderson remembers Nixon expounding on his new-found faith in an all-volunteer armed force to Bob Semple on the night of Friday, November 17, 1967, on an Eastern Airline shuttle flight to New York from Washington. Bob Semple's story to the Times, cited above, had Nixon in Madison, Wisconsin, on November 17. It appears that Nixon's first public revelation of his new policy position occurred at the University of Wisconsin on November 17, 1967, and that the Semple interview of Nixon occurred at an earlier time. Unfortunately, Semple's notes from this period were lost sometime later when he was transferred to London to be the Times' bureau chief there, and he was not able to pinpoint the date of the airplane interview with Nixon.

8. "Romney Calls Draft Lottery Better Than System Now," New York Times, March 14, 1967, p. 93; "Rockefeller Backs A Draft Lottery," New York Times, May 3, 1967, pp. 1, 24. The Rockefeller campaign also took out a full-page advertisement in the Times, stating the candidate's position. See "Our Hated Draft," New York Times, July 8, 1968, p. 29. "Humphrey Issues Domestic Pledge," New York Times, May 11, 1968, p. 16; "Humphrey Backs A Draft Lottery As Fair To Youths," New York Times, July 16, 1968, pp. 1, 27; "McCarthy Charms Leftist Hecklers," New York Times, April 5, 1968, p. 35; "Kennedy Uses Humor to Relax Crowds and Disarm the Hostile," New York Times, March 27, 1968, p. 31; "Kennedy Scolds Student on War," New York Times, May 14, 1968, p. 31; "McGovern Would Place Army On High Paid, Volunteer Basis," New York Times, August 19, 1968, p. 32; "The Draft," New York Times, July 17, 1968, p. 42. Senator McGovern's position favoring an all-volunteer army is also contained in the Congressional Record, Vol. 113, Part 9, May 10, 1967, p. 12242. Theodore H. White, The Making of the President 1968, p. 212.

9. For the plank on the AVF in the Republican platform, see "Republicans Adopt Moderate Stance in 1968 Platform," Congressional Quarterly Weekly Report 26 (August 9, 1968): 2101. Also see "Excerpts From the Republican Platform Proposed by Committee on Resolutions," New York Times, August 5, 1968, p. 25. For the Democrats' platform plank, see "Complete Text of the 1968 Democratic Platform," Congressional Quarterly Weekly Report 26 (August 30, 1968): 2307. For an assessment

of the weight of military manpower policy as a campaign issue, see James A. Huston, "Selective Service as a Political Issue," Current History 55 (October 1968): 218-223, 244-245.

10. "Humphrey Rejects Imposed Coalition for Vietnam," New York Times, August 18, 1968, pp. 1, 67. A part of Humphrey's difficulty with the issue of military manpower was the fact that he was attempting desperately to gain the public endorsement of Senator McCarthy. McCarthy consistently spoke out against the inequity of the draft and the position the party had taken on this issue, and did not provide his lukewarm endorsement until the final days of the campaign. As one of the conditions for his endorsement of Humphrey, McCarthy urged Humphrey, in early-October, to accept the position that the draft was inherently unfair, even when reformed into a lottery draft, and that something should be done to improve exemptions for conscientious objectors. Humphrey rejected McCarthy's conditions for his endorsement. See "McCarthy Resists Party Unity Move," New York Times, October 9, 1968, p. 35; and "Humphrey Rebuffs McCarthy Over Conditions for the Senator's Support," New York Times, October 10, 1968, p. 53.

11. Martin Anderson stated that he was consistently trying to insert the Nixon position on the all-volunteer armed force into Nixon's speeches, but Bryce Harlow, a senior Republican strategist and Nixon confidant, always thought it was a poor political position for Nixon to have taken and always sought to avoid it. Early in the campaign, Harlow was appointed to act as a clearing house for all speeches and papers to ensure there was consistency in the candidate's message. When Anderson suggested the all-volunteer force speech at Key Biscayne, Anderson received a quick dirty look from Harlow before Harlow agreed. Interview with Martin Anderson, Stanford, California, February 19, 1993. The quote is from William Safire, at the time a Nixon speechwriter. William Safire, Before The Fall: An Inside View of the Pre-Watergate White House (New York: Belmont Tower Books, 1975), p. 77.

12. Radio Address by Richard M. Nixon, "The All-Volunteer Armed Force," Republican National Committee, October 18, 1968, File "Speech on All-Volunteer Force (Pres. Nixon, 10/18/68)," 330-76-0085, Box 3, Files of the ASD (M&RA), WNRC. See also "Two Nixons Emerge in '68 Race: Stump Sloganeer, Radio Thinker," New York Times, October 17, 1968, p. 38.

13. For a thorough analysis of the events of the last month of the campaign and the voting, see Theodore H. White, The Making of the President 1968, Chapters 11 and 12, pp. 352-411.

14. Martin Anderson, "The Making of the All-Volunteer Force," p. 4.

15. "Surtax, Foreign Aid, Poverty, Crime, Defense Systems Are Major Issues for Congress and New Administration," Congressional Quarterly Weekly Report 26 (December 27, 1968): 3325.

16. Interview with Martin Anderson, Stanford, California, February 19, 1993. Subsequent to our meeting, Anderson provided the excerpt from the notebook to me. The notebook was submitted to President-Elect Nixon on January 6, 1969. Memo, Anderson to Laird, December 24, 1968, File "Secretary Laird (1968-1969)," Box 35, Martin Anderson Files, WHSF, NPMS; News Release, Ron Zeigler Announcement and Introduction of Arthur Burns to the Press, January 23, 1969, File "Arthur Burns (1969)," Box 35, Martin Anderson Files, WHSF, NPMS; News Release, Biographical Data on Arthur Burns, February 4, 1969, File "Arthur Burns (1969)," Box 35, Martin Anderson Files, WHSF, NPMS.

17. Memo, Melvin Laird to President Nixon, January 31, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC; Memo, President Nixon to Melvin Laird, February 6, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC; Memo, Melvin Laird to President Nixon, February 7, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC; New York Times, December 11, 1968, p. 24; New York Times, December 22, 1968, p. 43; New York Times, Jan 24, 1969, pp. 1, 15; New York Times, January 25, 1968, p. 14; New York Times, January 25, 1969, p.3; New York Times, January 31, 1969, p. 1; Washington Post, January 31, 1969, p. 1.

18. New York Times, January 23, 1969, p. 1; New York Times, February 26, 1969, p. 41; Christian Science Monitor, February 27, 1969, p. 1. A copy of Senator Hatfield's bill, S. 503, and the Christian Science Monitor poll were found in Martin Anderson's White House files. See: File "AVAF #2 (1967-70) (2 of 2)," Box 37, Martin Anderson Files, WHSF, NPMS; File "All Volunteer Force (OA 1240)(1968-70)(2 of 4)," Box 11, Martin Anderson Files, WHSF, NPMS. For a thorough treatment of Senator Hatfield's views on support for the all-volunteer force policy and opposition to reforms of the draft, such as a lottery method of selection of inductees, see Mark O. Hatfield, "A Volunteer Army Is the Answer," New York Times Magazine, March 30, 1969, pp. 34-54. The numbers of pieces of legislation introduced in early-1969 which dealt with military manpower was extremely unusual--seven separate bills were introduced in the Senate and 12 bills were introduced in the House. See "1969 Prospects on the Draft-Repeal Or Revision," a report published by the Friends Committee on National Legislation, April 1, 1969, File "Speech on All-Volunteer Force (Pres. Nixon, 10/18/68)," 330-76-0085, Box 3, Files of the ASD (M&RA), WNRC.

19. Memo, Secretary Laird to President Nixon, February 3, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC; Briefing by Vice Admiral Mack at Secretary Laird's News Conference, February 18, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC; "Laird Hints Test of Draft Lottery Before War Ends," New York Times, February 19, 1969, pp. 1, 7; Memo, Harold Wool to Martin Anderson (with attached Defense proposed draft lottery legislation, which had been forwarded to the Bureau of the Budget on March 4), March 13, 1969, File "All Volunteer Force (1968-70)(2 of 4)," Martin Anderson Files, OA-1240, WHSF, NPMS. At the 18 February news conference, Secretary Laird also introduced nine appointees to senior civilian positions at Defense, three of whom were to play critical roles in the implementation of the all-volunteer force policy. These men were: (1) Roger T. Kelley, the newly appointed ASD (M&RA), and Admiral Mack's new boss; (2) Dr. Curtis W. Tarr, the newly appointed Assistant Secretary of the Air Force for Manpower, and to be the replacement for General Hershey as Director of Selective Service in April 1970; and (3) William K. Brehm, a hold-over from the Johnson Administration who would continue as the Assistant Secretary of the Army for Manpower, and who would later replace Roger Kelley as the ASD (M&RA).

20. Public Papers of the Presidents of the United States--Richard M. Nixon, 1969 (Washington, D.C.: Government Printing Office, 1971), pp. 258-259.

21. Martin Anderson, "The Making of the All-Volunteer Armed Force," p. 5. New York Times, March 28, 1969, p. 10. The strong supporters of the all-volunteer armed force were: Milton Friedman, Alan Greenspan, W. Allen Wallis, Thomas Curtis, and Stephen Herbits. The views of Milton Friedman and Thomas Curtis have been outlined in Chapter Four. W. Allen Wallis was a long-time professional acquaintance of Arthur Burns and had written a short piece favoring the all-volunteer force which appeared in the Science magazine issue published just three days before President Nixon's inauguration. Wallis said in an interview twenty years later that he interceded with Burns after Nixon's election to nudge the process of establishing a special commission. See W. Allen Wallis, "Abolish the Draft," Science 163 (January 17, 1969):235; and Ingram Olkin, "A Conversation with W. Allen Wallis," Statistical Science 6 (February 1991): 127-128. Stephen Herbits, after completion of the Gates Commission report, joined the staff of Senator Stafford (R., Vermont) and later moved to Defense to the staff of the Assistant Secretary of Defense (Manpower and Reserve Affairs) as Special Assistant for the All-Volunteer Force, and in 1976, became the Special Assistant to the Secretary of Defense.

22. In my interviews with Dr. Oi and Dr. Gilman, I commented on the strong University of Rochester connection to the Gates Commission (i.e., Wallis, Meckling, Oi, and Gilman), to which they both laughed and pointed out several anecdotes indicating a

strong networking relationship between these individuals. It should also be noted that there was a strong correlation between those who were supporters of the all-volunteer force concept and an academic training in economics. Economists among all-volunteer force proponents included Martin Anderson, Arthur Burns, Milton Friedman, Walter Oi, W. Allen Wallis, Thomas Curtis, Alan Greenspan, Stuart Altman, and Harry Gilman. To a great extent proponents of the all-volunteer force saw the military manpower problem as simply an economic problem, to the consternation of military observers. For example, years after the all-volunteer force became policy, Dr. William Meckling was to state at a conference, "...if you give me the right to decide on the pay scale and the terms of employment, I guarantee you I can get you any kind of military force you want up to the limits of the human numbers there are on the face of the earth. That's *all* there is to the idea of whether the All-Volunteer Force works or not, pure and simple." Interviews with Dr. Walter Oi, October 5, 1992, and Dr. Harry Gilman, November 19, 1992. Dr. Meckling's statement appeared in Martin Anderson, ed., Registration and the Draft: Proceedings of the Hoover-Rochester Conference on the All-Volunteer Force (Stanford, California: Hoover Institution Press, 1982), p. 97. See also William H. Meckling, "The Draft Is an Unfair Tax on Unlucky Young Men," Fortune 102 (July 14, 1980): 169-170.

23. Martin Anderson, "The Making of the All-Volunteer Armed Force," p. 5; Memo, Arthur Burns to President Nixon, March 17, 1969, File "Commission on an All-Volunteer Armed Force (1969-1970)(1 of 2)," EX FG249, WHCF, Nixon Presidential Materials Staff. At Gates' request, Burns went back to the President in a memo of April 10, for Nixon's signature, which provided a clear-cut charter for Gates and the Commission, as well as documentation on the finances, salaries to be paid, etc. An April 16th memo from the Bureau of the Budget to the President contained the estimate that the Commission's expenses would be approximately \$250,000 per quarter. On April 19, President Nixon signed a memo to Gates authorizing the expenditure of \$250,000 from the "Emergency Fund for the President" for the period until July 1. Memo, Arthur Burns to the President, April 10, 1969, and Memo, BOB to the President, Subject: Financing the Advisory Commission on an All-Volunteer Armed Force, File "AVAF-Budget Cost of a Volunteer Military(1969-70)," Box 4, Martin Anderson Files, WHSF, NPMS. Memo, President Nixon to Thomas Gates, April 19, 1969, File "Commission on an All-Volunteer Armed Force (1969-1970)(1 of 2)," EX FG249, WHCF, NPMS.

24. Memo, Jonathan Rose to Bud Krogh, Dick Moose, and Martin Anderson, April 23, 1969, File "Military Draft (1969-70)," Box 27, Martin Anderson Files, WHSF, NPMS; Memo, Jonathan Rose to Peter Flanigan, Subj: Interim Reforms of Selective Service System During Approach to an All-Volunteer Armed Force, April 26, 1969, File "Military Draft (1969-70)," Box 27, Martin Anderson Files, WHSF, NPMS; Memo, Secretary Laird to John Whitaker, Secretary to the Cabinet, April 29, 1969, File "Project

Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2 Files of the ASD (M&RA), WNRC. The memo carries Laird's hand-written note: "John-I understand the President agrees with my proposal and will forward his approval to Congress. I suggested this presentation at a time I thought proposal was being questioned by White House."; Note to Anderson from Jonathan Rose, April 30, 1969, "The lottery is apparently on the Cabinet meeting agenda for today...Peter thinks this must be submitted before then.", with attached Memo to the President, same date, with position paper, Subj: Interim Reforms of the Selective Service System During Approach to an All-Volunteer Armed Force; "Special Message to the Congress on Reforming the Military Draft, May 13, 1969," Public Papers of the Presidents-Richard Nixon, 1969 (Washington, D.C.: Government Printing Office, 1970), pp. 365-369; Memo, Hershey to Speaker John McCormack, May 13, 1969, with attached proposed legislation, File "Lottery-President's Message 5/13/69-Q & As-Fact Sheet-News Analysis," 330-76-0089, Box 5 of 5, Files of the ASD (M&RA), WNRC; New York Times, May 14, 1969, pp. 1, 20; "Nixon Draft Proposals," Congressional Quarterly Weekly Report, May 16, 1969, p. 739. "Status of Legislation," Congressional Quarterly Weekly Report, August 29, 1969, p. 1597.

25. The minutes of the meetings of the Gates Commission are the principal source material for this portion of the dissertation. A complete set of the minutes were found among Anderson's White House papers. See File "AVAF-Minutes of Meetings of Pres. Commission on All-Volunteer Armed Force (1969-1970)(1 of 4 through 4 of 4)," Box 38, Martin Anderson Files, WHSF, NPMS.

26. Memo, Minutes of First Meeting Held on May 13 [sic], 1969 and other matters, May 29, 1969, File "AVAF-Minutes of Meeting of Pres. Commission on All-Volunteer Armed Force (1969-70)(1 of 4)," Box 38, Martin Anderson Files, WHSF, NPMS; Agenda, Discussion Paper and Preliminary Outline for the All-Volunteer Army Study, Undated, File "All-Volunteer Force (OA 1240)(3 of 4)," Box 11, Martin Anderson Files, WHSF, NPMS.

27. A complete set of the briefings and slides is contained in File "DOD Briefing of Pres. Comm. on an All-Volunteer Armed Force, 28-29 June 1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC. Gus C. Lee, who was the Director of Manpower Utilization and Management in the office of the ASD (Manpower) at the time, presented one of the briefings to the Commission. In his book, Lee indicated there was nothing particularly noteworthy about the briefings or the discussions. See Gus C. Lee and Geoffrey Y. Parker, Ending The Draft--The Story of the All Volunteer Force (Alexandria, Virginia: Human Resources Research Organization, 1977), p. 42. Lee was later to become the Director of Manpower Procurement Policy, relieving Dr. Harold Wool. However, at the September 6, 1969, meeting of the Commission there was agreement as to what they thought all had heard the Army say at the 28-29 June briefing

session--that the Army would be unable to recruit and man a reserve force under completely voluntary conditions. See "Minutes of Meeting, President's Commission on an All-Volunteer Armed Force, September 6, 1969," File "AVAF-Minutes of Meeting of President's Commission on an All-Volunteer Armed Force (1969-70)(1 of 4)," Box 38, Martin Anderson Files, WHSF, NPMS.

28. The Commission's thinking about a phased transition to an All-Volunteer Force was to change. The Commission's final report recommended ending the draft on July 1, 1971--a difficult one-year transition period. Stephen Herbits objected to the recommendation that there be no public hearings, and asked that his dissent be formally recorded. Herbits felt that youth, in particular, would lend no credibility to a report which had been produced by a closed Commission. In addition, Mrs. Noble stated her belief that the failure to hold hearings would increase the likelihood that the Commission's report might be ignored by both Congress and the President. Memo to Commission Members, Subj: Minutes of July Meeting and Other Matters, August 28, 1969, File "AVAF-Minutes of Meeting of President's Commission on All-Volunteer Force (1969-1970)(1 of 4)," Box 38, Martin Anderson Files, WHSF, NPMS. Mr. Gates' letter to Secretary Laird stated in part: "In creating this Commission, the President has placed on us the responsibility for producing a report which hopefully can be the basis for a Presidential initiative to achieve an all-volunteer armed force. If a parallel study were released by your office, it is likely to lead to unnecessary public controversy and confusion, even though we find ourselves in full accord on the major issues." Secretary Laird's response assured Mr. Gates that his Department had no plan to prepare a formal report on the all-volunteer armed force which would parallel the Gates Commission report. Letter, Gates to Laird, July 29, 1969, and Letter, Laird to Gates, August 7, 1969, File "8-69 Project Volunteer-General-1969," Box 7, Stephen Herbits Files, Hoover Institution.

29. Minutes of Meeting of the President's Commission on an All-Volunteer Armed Force, September 6, 1969, File "AVAF-Minutes of Meeting of President's Commission on All-Volunteer Armed Force (1969-70)(1 of 4)," Box 38, Martin Anderson Files, WHSF, NPMS.

30. "Remarks Concerning Changes in Draft Calls and Pending Draft Legislation, September 19, 1969," Public Papers of the Presidents--Richard Nixon, 1969 (Washington, D.C.: Government Printing Office, 1970), pp. 731-732; "Draft Reductions," Congressional Quarterly Weekly Report, September 26, 1969, p. 1764.

31. "Hearings Begin on President's Draft Lottery Proposal," Congressional Quarterly Weekly Report, October 3, 1969, pp. 1841-1842; U.S., Congress, House, Armed Services Committee, Special Subcommittee on the Draft Hearings on H.R. 14001 and H.R. 14015, To Amend the Military Selective Service Act of 1967 to Authorize

Modifications of the System of Selecting Persons for Induction into the Armed Forces Under This Act. H.A.S.C. No. 91-19, 91st Cong., 1st sess., 1969; "Draft Reform," Congressional Quarterly Weekly Report, October 10, 1969, pp. 1919-1920; "The Draft: Congress Moves Slowly Despite Controversy," Congressional Quarterly Weekly Report, October 10, 1969, pp. 1925-1936; U.S., Congress, House, Committee on Armed Forces, Authorizing Modifications of the System of Selecting Persons for Induction into the Armed Forces, Report to Accompany H.R. 14001. Report No. 91-577, 91st Cong., 1st sess., 1969; "House Passes Administration Bill on Draft Lottery," Congressional Quarterly Weekly Report, November 7, 1969, pp. 2178-2180. See also New York Times, October 17, 1969, p. 1; and New York Times, October 31, 1969, p. 4.

32. "Statement About the Decision of the Democratic Leadership To Defer Consideration of Draft Reform, October 30, 1969," Public Papers of the Presidents-Richard Nixon, 1969 (Washington, D.C.: Government Printing Office, 1970), p. 893; U.S., Congress, Senate, Committee on the Judiciary, The Selective Service System: Its Operation, Practices, and Procedures. Hearings before the Subcommittee on Administrative Practice and Procedure. 91st Cong., 1st sess., 1969; U.S., Congress, Senate, Committee on Armed Services, Random Selection System for Induction into Armed Forces. Hearings before the Committee on Armed Services. 91st Cong., 1st sess., 1969; "Congress Faces Legislative Glut in Final Weeks," Congressional Quarterly Weekly Review, November 14, 1969, pp. 2261 and 2269; "Senate Clears Draft Lottery Bill For President," Congressional Quarterly Weekly Review, November 21, 1969, p. 2314; "Remarks on Signing the Draft Reform Bill, November 26, 1969," Public Papers of the Presidents-Richard Nixon, 1969 (Washington, D.C.: Government Printing Office, 1970), pp. 970-971; "Proclamation 3945, Random Selection for Military Service," Federal Register, Vol. 34, No. 229, November 29, 1969. See also New York Times, November 6, 1969, p. 13; November 11, 1969, p. 8; November 12, 1969, p. 1; November 15, 1969, p. 7; November 20, 1969, p. 1; and November 27, 1969, p. 1. It is interesting to note, in the author's view, that on November 4, 1969, a young professor of political science from Vanderbilt University, Dr. Gary Wamsley, testified before Senator Kennedy's Subcommittee on the Selective Service System.

33. Memo, Peter Flanigan to President Nixon, Subj: Interim Reforms of the Selective Service System During Approach to an All-Volunteer Armed Force, April 30, 1969, File "Military Draft (1969-1970)," Box 27, Martin Anderson Files, WHSF, NPMS; "Director Hershey: Storm Center of Draft Criticism," Congressional Quarterly Weekly Review, October 10, 1969, p. 1932; New York Times, September 18, 1969, p. 12; New York Times, September 18, 1969, p. 46; New York Times, September 21, 1969, p. 1; New York Times, September 24, 1969, p. 46. Hershey's biographer, George Flynn, researched Hershey's dismissal thoroughly, including a number of interviews with persons who were senior White House officials at the time. George Q. Flynn, Lewis B. Hershey: Mr. Selective Service (Chapel Hill, North Carolina:

University of North Carolina Press, 1985), pp. 269-287.

34. George Q. Flynn, Lewis B. Hershey, pp. 278-280; New York Times, October 11, 1969, pp. 1, 36.

35. New York Times, December 2, 1969, p. 1, 20; Curtis W. Tarr, By The Numbers: The Reform of the Selective Service System, pp. 45-48; "Lottery Draft--How It's Working," U.S. News & World Report, 68 (January 19, 1970):13; "Lottery Draft Memo Stirs Confusion," Washington Post, January 24, 1970, p. 1,7; David Kendall and Leonard Ross, "Draft Odds," The New Republic 210 (January 31, 1970): 9-10.

36. The date of the briefing by Kelley to Gates and Meckling is not known, but was probably during the week of 29 September-3 October when Gates was in Washington for a September 29 meeting of the Commission to receive testimony from interested organizations (e.g., American Legion, Veterans of Foreign Wars, NAACP, etc.). Mr. Robert Mayo, Director of the Bureau of the Budget, was briefed by Defense on the pay proposal, which resulted in a memo to Secretary Laird from Mayo of the same day which stated, in part: "During the months ahead I trust that you will keep me fully informed of any further plans or revisions that you have in this area. As we are both exceedingly aware, the 1971 budget picture is grim. This [proposed pay increase] program, despite its high intrinsic merit, would have a tremendous impact on the 1971 budget. In fact, if this proposal were to be surfaced at any time in the near future, it could lead to unfortunate and premature commitments. For this reason we should plan on consulting before any additional steps are taken." Memo, Mayo to Laird, September 25, 1969, with attached internal BOB memo to Mayo, 22 September, 1969, File "AVAF-Minutes of Meeting of President's Commission on All-Volunteer Armed Force (1969-70)(3 of 4)," Box 39, Martin Anderson Files, WHSF, NPMS. There are nine enlisted personnel pay grades, E1 being the entry level and lowest pay grade, and E9 being the highest. The Defense-proposed pay reform was based on the Hubbel Plan, named after Rear Admiral Lester Hubbel, who chaired an inter-service committee which proposed a complete salary system of military compensation and would place all military wages on a taxable basis.

37. The Commission's letter to President Nixon is attached to the minutes of the meetings of October 4 and 5. The letter also advised President Nixon that, due to the numerous detailed studies which were required, the Commission's report would not be available before mid-December. See Memo, David Callard to Commission Members, December 1, 1969, File "AVAF-President's Commission on All-Volunteer Armed Force (1969-70)(1 of 4)," Box 40, Martin Anderson Files, WHSF, NPMS.

38. Memorandum for the President, Arthur Burns, Subj: Change in Military Pay for Fiscal Year 1971, October 14, 1969, and Memorandum for Melvin Laird from

Richard Nixon, same subject, October 16, 1969, File "Commission on an All-Volunteer Armed Force (1969-1970)(1 of 2)," EX FG249, WHCF, NPMS; Memo, David Callard to Commission Members, Subj: Minutes of Meetings on November 23, 1969; December 6-7, 1969; and December 20-21, 1969, January 28, 1970, File "AVAF-Minutes of Meeting of President's Commission on All-Volunteer Force (1969-70)(4 of 4)," Box 39, Martin Anderson Files, WHSF, NPMS.

39. Memorandum to Commission Members from David Callard, Subj: Minutes of Meetings on November 23, 1969; December 6-7, 1969; and December 20-21, 1969, January 28, 1970, File "AVAF-Minutes of Meeting of President's Commission on All Volunteer Armed Force," Box 39, Martin Anderson Files, WHSF, NPMS.

40. Minutes of Gates Commission meetings, December 6 and December 20, 1969, File "AVAF-Minutes of Meeting of President's Commission on All Volunteer Armed Force," Box 39, Martin Anderson Files, WHSF, NPMS. Martin Anderson stated that when Secretary of the Army Resor visited with the Commission, at the January 10, 1970, meeting of the Commission, Secretary Resor kept referring to volunteers as "mercenaries." Reportedly, at some point Friedman couldn't take it anymore and responded to Resor, "Look, let's make an agreement. If you will promise to stop calling my volunteers 'mercenaries,' I will promise to stop calling your draftees 'slaves.'" Martin Anderson heard this anecdote from Friedman, an associate Senior Fellow at the Hoover Institution and friend. Interview with Martin Anderson, Hoover Institution, Stanford University, February 19, 1993.

41. One member of the Commission, Roy Wilkins, did not participate in the last five meeting due to an illness and operation. He did not endorse the findings of the Commission, but in a letter to President Nixon included in the report stated his support for moving toward an all-volunteer force. Letter of Transmittal, The Report of the President's Commission on an All-Volunteer Armed Force (New York: The Macmillan Company, 1970).

42. Memo, David Callard to Robert Odle, Subj: Public Relations Regarding an All-Volunteer Force, March 11, 1970, File "All-Volunteer Force #1 (1970)," Box 37, Martin Anderson Files, WHSF, NPMS; Memo, Martin Anderson to Ken Cole, Subj: Publication of the Report of the President's Commission on an All-Volunteer Armed Force as a Paperback Book, December 4, 1969, with attached Memo from David Callard, Subj: Printing of the Commission's Final Report, November 26, 1969, File: "All-Volunteer Force (1968-70)(1 of 4)," Box 11, Martin Anderson Files, WHSF, NPMS; Memo, John Ehrlichman to President Nixon, Subj: Inclusion of All-Volunteer Armed Force in the State of the Union Address, January 12, 1970, File "Commission on an All-Volunteer Armed Force (1969-1970)(1 of 2)," EX FG249, WHCF, NPMS; Memo from David Callard, Subj: Meetings with Senators Stennis and Smith, January 30,

1970, undated, File "All-Volunteer Force #2 (1967-1970)(1 of 2)," Martin Anderson Files, WHSF, NPMS. There are at least six memos in Martin Anderson's files dealing with setting up the meeting between the Gates Commission and President Nixon so the President could be formally presented with the Commission's report. Of these the most interesting is the memorandum to President Nixon which gave the President two options: A breakfast meeting in the Family Dining Room, or a 30-minute meeting in the Oval Office. The President checked (approved) a meeting in the Oval Office for Friday, February 20. (The meeting subsequently was moved to Saturday, February 21, and took place in the Cabinet Room.) The memorandum states, "Martin Anderson points out that this report, which is unanimous and strongly supports your announced policy, is only the beginning of a long and difficult process." Memorandum for the President, February 11, 1970, File "Commission on an All-Volunteer Armed Force (1969-1970)(1 of 2)," EX FG249, WHCF, NPMS. In the staffing of the Gates Commission meeting with President Nixon, a memorandum from Henry Kissinger reflected caution: "I approve of Marty Anderson's suggestion that the President meet with the Gates Commission shortly after they present their report. However, you should ensure that this meeting is not over-publicized and that the President's remarks are not interpreted as a public endorsement of the Commission's findings." Memo, Henry Kissinger to Hugh Sloan, February 16, 1970, File "Commission on an All-Volunteer Armed Force (1969-1970)(1 of 2)," EX FG249, WHCF, NPMS. See also New York Times, February 22, 1970, pp. 1, 77.

43. Memo, Melvin Laird to the Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Assistant Secretaries of Defense, Subj: Project Volunteer, April 10, 1969, File "Project Evaluation Group," Box 2, 330-76-0085, Files of the ASD (M&RA), WNRC; Gus C. Lee and Geoffrey Y. Parker, Ending the Draft-The Story of the All Volunteer Force, pp. 50-51.

44. To my knowledge no record exists of the meeting between Gates and Kelley; however, the meeting was mentioned in the minutes of the first meeting of the Project Volunteer Committee when Kelley advised the Committee members of the meetings with the Gates Commission and the parallel but close working relationship between the Commission and the Committee. Dr. Wool's meeting with Dr. Meckling is documented in Wool's Memo for the Record, Subj: Developments on Project Volunteer, April 18, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC.

45. Memo, Secretary Laird to Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Assistant Secretaries of Defense, Subject: Project Volunteer, April 10, 1969, File "Project Volunteer Evaluation Group," Box 2, 330-76-0085, Files of the ASD (M&RA), WNRC; Memo, ASD Kelley to Project Volunteer Committee Members, Subj: Notice of Meeting of Project Volunteer Committee, April

15, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, Files of the ASD (M&RA), WNRC; Letter, Kelley to Meckling, April 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, ASD (M&RA), WNRC; Memo, Minutes of First Meeting, Project Volunteer Committee, April 21, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," 330-76-0085, Box 2, ASD (M&RA), WNRC. It should be noted that the Services were not completely on their own in the development of plans. Dr. Wool, prudently, organized two committees--the Manpower Projections Committee, and the Survey Analysis Committee--which would be under his control and serve to bound the assumptions, data, and modeling which the Services would use in their studies. Memo, Wool to Service Liaison Officers, Project Volunteer, Subj: Support for Project Volunteer, May 9, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," Box 2, 330-76-0085, Files of the ASD (M&RA), WNRC.

46. Memorandum to Kelley, through Wollstadt, from Wool, Subj: Development of Project Volunteer Action Programs, July 14, 1969, File "Project Volunteer-H. Wool's Copy, 1968/1969," Box 2, 330-76-0085, Files of the ASD (M&RA), WNRC.

47. Memo, Brehm to Kelley, Subj: Ongoing, Planned and Other Actions to Reduce Reliance on the Draft, Undated (Approx. June 15, 1969), File "Project Volunteer-H. Wool's Copy, 1968/1969," Box 2, 330-76-0085, Files of the ASD (M&RA), WNRC. The Army's Project Provide study, which had an unclassified Executive Summary (Volume I) and a SECRET classified main study portion (Volume II), was furnished to Martin Anderson on March 18, 1970. See Memo, Lee Doyle to Martin Anderson, March 18, 1970, with attached Project Provide study, File " AVAF-Project Volunteer (1969)," Box 41, Martin Anderson Files, WHSF, NPMS. Mr. Brehm was to succeed Secretary Kelley in 1973 and to be responsible for the full implementation of the all-volunteer force policy after the authority to draft was allowed to lapse in that year. The actions of the Army Staff to prepare for the potential of a shift in military manpower policy from the draft to one of complete volunteers is a fascinating case study in itself. The broad outline of this story is provided in Robert K. Griffith, Jr., "About Face? The U.S. Army and the Draft," Armed Forces and Society 12 (Fall 1985): 108-133. Griffith has written a book on the subject which currently is in the editorial process by the book's publisher. See Robert K. Griffith, Jr., The Transition of the U.S. Army from the Draft to the All-Volunteer Force. Unpublished manuscript, U.S. Army Center of Military History.

48. The two memoranda from Kelley tasking the analysis effort of Project Volunteer are dated July 16, 1969, and are located in File "Project Volunteer-H. Wool's Copy, 1968/1969," Box 2, 330-76-0085, Files of the ASD (M&RA), WNRC. The citation for the exchange of letters between Gates and Laird appears in Endnote 28.

49. Memo, Wollstadt to Kelley, Subj: All-Volunteer Force - Report of Program Evaluation Group on Project Volunteer, January 14, 1970, File "All-Volunteer Force #2 (1967-1970)(2 of 2)," Box 37, Martin Anderson Files, WHSF, NPMS.
50. Memo, Kelley to Project Volunteer Committee members, Subj: Project Volunteer, January 22, 1970, File "All-Volunteer Force #2 (1967-1970)(2 of 2), Box 37, Martin Anderson Files, WHSF, NPMS; Gus Lee, Ending the Draft, pp. 54-55; Washington Daily News, September 26, 1969, p. 7; Washington Post, January 30, 1970, p. 1. Paul Wollstadt provided Martin Anderson with a copy of the report of the Program Evaluation Group on February 9, 1970, with the statement that the final Defense report being prepared by the Project Volunteer Committee would have appended the costs for the needed incentives and would state that the cost for the first-term enlisted mens' salaries should not "...come out of the hide of the career military man or the present DOD budget." Memo, Wollstadt to Anderson, February 9, 1970, File "All-Volunteer Force #2 (1967-1970)(2 of 2)," Martin Anderson Files, WHSF, NPMS.
51. Memo, Gus Lee to Paul Wollstadt, Subj: Preliminary Position on Gates Commission Report on All Volunteer Forces Issues, February 1970, File "Position--All-Volunteer Force," Box 1, 330-76-0084, Files of the ASD (M&RA), WNRC; Gus Lee, Ending the Draft, pp. 65-67; Memo, Roger Kelley to Martin Anderson, February 27, 1970, File "All-Volunteer Force #2 (1967-1970)(2 of 2)," Martin Anderson Files, WHSF, NPMS.
52. NBC News, Transcript of "Meet the Press" Program, Sunday, February 22, 1970, File "All-Volunteer Force #2 (1967-1970)(1 of 2)," Box 37, Martin Anderson Files, WHSF, NPMS; CBS News, Transcript of "Face the Nation" Program, Sunday, February 22, 1970, File "All-Volunteer Force #2 (1967-1970)(1 of 2)", Box 37, Martin Anderson Files, WHSF, NPMS; Washington Post, February 23, 1970, pp. 1, 19; Washington Times, February 23, 1970, p. 1; Statement of Senator Margaret Chase Smith, February 25, 1970, File "All-Volunteer Force #2 (1967-1970)(1 of 2)," Box 37, Martin Anderson Files, WHSF, NPMS; Boston Globe, February 25, 1970, p. 18; "Volunteer Army," Congressional Quarterly Weekly Report, March 6, 1970, pp. 665-666.
53. President Nixon, in his May 13, 1969, special message to Congress with his proposed legislation to institute a draft lottery, stated that he would ask the National Security Council to review all guidelines, standards and procedures in an attempt to develop a more consistent policy of draft deferments and exemptions. It was not until early-October 1969, however, that the National Security Council directed the study. A National Security Study Memorandum (NSSM 78) was signed by Dr. Henry Kissinger on October 8, 1969, initiating the study, and Dr. Stephen Enke of General Electric's TEMPO organization was put under contract to lead the study effort. Enke's study, The

President's Review of Deferments and Exemptions from Selective Service, was completed by mid-January 1970, and it was natural that the NSSM 78 study's recommendations were considered at the same time as the Gates Commission's recommendations. Martin Anderson's White House files contain extensive and scattered pieces of correspondence with Dr. Enke and a copy of the study. See Files "Draft Reform (1969-1970)," Box 25; "AVAF-Draft Reform (1970)," Box 38; and "AVAF-NSSM 78 (#1)," Box 40, Martin Anderson Files, WHSF, NPMS.

54. Memo, Secretary Laird to President Nixon, Subj: Future of the Draft, March 11, 1970, File "AVAF-National Security Council Meeting-Wednesday, March 24, 1970, 4 P.M.," Box 39, Martin Anderson Files, WHSF, NPMS. The memo appears as one tab of many in Martin Anderson's book for the National Security Council meeting. The term "zero draft," Gus Lee wrote, originated in a meeting between Paul Wollstadt, Lee, and a representative of the ASD (Public Affairs). When Lee observed that much of the criticism of the draft would diminish if draft calls were reduced to a level of 3,000-4,000 a month, the Public Affairs Officer exclaimed, "Zero draft--that's our objective!" Wollstadt liked the idea and promoted the use of the term to convey the sense that draft calls had to be reduced gradually to zero as a means of achieving an all-volunteer force. Gus Lee, Ending the Draft, p. 69.

55. Martin Anderson's Briefing Book, National Security Council Meeting, March 24, 1970, File "AVAF-National Security Council Meeting-Wednesday, March 24, 1970, 4 P.M.," Box 39, Martin Anderson Files, WHSF, NPMS; Memo, Martin Anderson to John Ehrlichman, Subj: Decision Memorandum on All-Volunteer Force and Draft Reform, March 31, 1970, File "AVAF-Decision Memorandum (1970)(#2)," Box 37, Martin Anderson Files, WHSF, NPMS. For an interesting insight into the National Security Council meeting, see Curtis Tarr's account of one of his first official acts as the new Director of Selective Service, briefing the President on draft reforms. Curtis W. Tarr, By The Numbers: The Reform of the Selective Service System 1970-1972 (Washington, D.C.: National Defense University Press, 1981), pp. 11-14.

56. The Harris survey report was contained in the New York Times, January 27, 1970, p. 40. "Volunteer Army Gains Support But Passage Is Doubtful," Congressional Quarterly Weekly Report 28 (April 3, 1970): 927-931. An April 13, 1970, memo from Gus Lee to Secretary Kelley advised that Ed Brasswell, Senator Stennis' Senior Consultant on the Senate Armed Services Committee, very badly wanted the assistance of DOD in evaluating ten bills which were before the Committee, all related to draft reform and the all-volunteer force. Memo, Lee to Kelley through Wollstadt, Subj: Importance of Administration's Position on 10 Bills in Connection with Timing of the Stennis Hearings, April 13, 1970, File "Draft Hearings-Sen. Stennis Position Papers," Box 1 of 5, 330-76-0089, Files of the ASD (M&RA), WNRC. As 1970 wore on, more and more members of Congress declared themselves to be advocates of the all-volunteer

force policy. In a poll of members of Congress conducted by Congressional Quarterly in September, 1970, over half of the total members of Congress (54 percent) stated that the draft should be replaced by an all-volunteer force. "GOP, Democratic Candidates Differ On Key Issues," Congressional Quarterly Weekly Report 28 (October 16, 1970): 2568.

57. Letter, Senator Hatfield to President Nixon, March 13, 1970, File "Commission on an All-Volunteer Armed Force (1969-1970)(2 of 2)," EX FG249, WHCF, NPMS. Hatfield's letter included his press release of late-February in which he stated his intent to introduce the Gates Commission legislation, as well as copies of his previous two attempts to legislate a prohibition of the draft.

58. "Special Message to the Congress on Draft Reform. April 23, 1970." Public Papers of the Presidents of the United States-Richard Nixon, 1970 (Washington, D.C.: Government Printing Office, 1971), pp. 394-398.

59. "Nixon's Draft Plan Gets Mixed Reception In Congress," Congressional Quarterly Weekly Report 28 (May 1, 1970): 1152; "Protests, Violence Follow Nixon's Cambodia Decision," Congressional Quarterly Weekly Report 28 (May 8, 1970): 1207-1208. The fact that 1970 was an election year had more than a little to do with the fact that legislation on the draft was delayed until the following year. In the Senate, there were no hearings on the draft held in 1970, despite Senator Stennis' promise early in the session to do so. In the House, Representative Hébert, Chairman of the Special Subcommittee on the Draft, Committee on Armed Services, conducted aperiodic hearings between July 23 and November 18 which were principally designed to review the Administration's draft lottery system. U.S., Congress, House, Committee on Armed Services, Review of the Administration and Operation of the Draft Law, H.A.S.C. No. 91-80. 91st Cong, 2nd sess., 1970.

60. Congressional Record, Senate, July 22, 1970, pages unidentified, and Congressional Record, House, July 23, 1970, p. E6955, File "AVAF-Legislation (Draft)(1970)," Box 38, Martin Anderson Files, WHSF, NPMS; "Senate Rejects Plan to Set Up All-Volunteer Army," Congressional Quarterly Weekly Report 28 (August 28, 1970): 2127-2128. The many notes and memoranda in Anderson's files and those of the Defense Department indicate that both the White House and Defense were forced to wage a strenuous campaign to defeat the Hatfield amendment, even to the point of preparing the speeches of Senator Stennis. Concerning the non-partisan nature of the issue of the draft and the all-volunteer force, the author of an article in The New Republic at this time commented: "Like Gaul, the coalition supporting an all-volunteer army is divided into three parts: the ideological conservatives, the ideological liberals, and those who, for want of a better term, might be called middle-class pragmatists. (Richard Nixon falls into this last-mentioned category.) The conservatives quite persuasively contend that

conscription is a gross infringement upon individual liberty. The liberals, tormented by Vietnam, maintain with equal persuasiveness that no one should be compelled to fight in a war that is immoral, undeclared, and non-defensive. In addition, the liberals see an end to peacetime conscription as a way to limit the military's size, and thus its power. The middle-class pragmatists put forward a number of largely technocratic arguments for an all-volunteer army. Their underlying objection is not to control the military more firmly but to quell the restless students." Peter Barnes, "All-Volunteer Army?", The New Republic 162 (May 9, 1970): 19.

61. News Briefing by Secretary of Defense Melvin R. Laird at Pentagon, Monday, October 12, 1970, File "SecDef News Briefing-Zero Draft Calls by July 1, 1973," Box 2 of 3, 330-76-0084, Files of the ASD (M&RA), WNRC; News Release, Address by General W.C. Westmoreland at the Annual Meeting of the Association of the United States Army, October 13, 1970, File "Briefing-SecDef/ASD(M&RA)/Gen. Westmoreland--Oct 70," Box 2 of 3, 330-76-0084, Files of the ASD (M&RA), WNRC. Reportedly, in October 1970, senior officials at the White House heard rumors that Westmoreland was not entirely behind the President's all-volunteer force policy. According to Martin Anderson, Laird was called by a senior Administration official and was told that the Defense Department, and particularly the Army, needed to get in line behind the President's policy. Laird, reportedly, called Westmoreland to his office and told him he had better show support for the policy or the President would be looking for a new Army Chief of Staff. Thereafter the General became a reluctant disciple. Interview with Martin Anderson, Stanford, California, February 19, 1993. Neither General Westmoreland's biography, nor that of his Vice Chief of Staff, General Bruce Palmer, indicate any open opposition to the all-volunteer force policy, but they do indicate a lack of enthusiasm. See William C. Westmoreland, A Soldier Reports (Garden City, New York: Doubleday & Company, Inc., 1976), pp. 454-456; and Bruce Palmer, Jr., The 25-Year War: America's Military Role in Vietnam (Lexington, Kentucky: The University of Kentucky Press, 1984), pp. 83-84, 89, 93.

62. "Special Measures to the Congress About Draft Reform, January 28, 1971," Public Papers of the Presidents-Richard Nixon, 1971 (Washington, D.C.: Government Printing Office, 1972), pp. 75-78. An excellent summary of this complex legislative activity is provided by "Draft Extended After War, Foreign Policy Debate," Congressional Quarterly Almanac, 92nd Congress, 1st Session, 1971-72 (1972): 257-296.

63. According to Ed Braswell, the Chief Counsel to the Senate Armed Services Committee at the time, Senator Stennis generally preferred to respond to actions of the House rather than to initiate action. Braswell speculated that Senator Stennis recognized that military manpower policy issues were going to occupy much of his attention throughout the 1971 term, and he wanted to get an early start. Gus Lee and Geoffrey Parker, Ending the Draft, p. 101, citing their interview with Braswell, April 21, 1976.

64. U.S., Congress, House, Committee on Armed Services, Selective Service and Military Compensation--Hearings Before The Committee on Armed Services on S. 392, S. 427, S. 483, S.J. Res. 20-Selective Service; S. 494, S. 495, S. 496-Military Compensation. 92nd Cong., 1st sess., 1971, p. 2.

65. Ibid., p. 26.

66. Ibid, pp. 108-114.

67. Ibid., pp. 216-239.

68. U.S., Congress, House, Committee on Armed Services, Extension of the Draft and Bills Related to the Voluntary Force Concept and Authorization of Strength Levels--Hearings before the Committee on Armed Services. H.A.S.C. No. 92-2, 92nd Cong., 1st sess., 1971, pp. 36-37. Regarding the court decisions on conscientious objectors, Representative Hébert was referring principally to the Supreme Court ruling the previous June (Welsh v. U.S., 398 U.S. 333) in which the Court held that persons objecting to war because of deeply held moral or ethical beliefs were entitled to conscientious objector exemption, even if any religious basis for the belief was expressly disavowed. The views expressed by Representative Hébert were remarkably tolerant and stood in stark contrast to those of the previous Chairman, Mendel Rivers.

69. Ibid., p. 43.

70. Ibid. Assistant Secretary Kelly's testimony concerning the errors in the Gates Commission report appears on p. 62, Representative Steiger's testimony is on pp. 253-316, and Dr. Oi's testimony appears on pp. 854-995.

71. The National Director of the National Council to Repeal the Draft (NCRD) was Stewart W. Kemp, whose honors thesis at Harvard College was titled "The Economics of Military Manpower Procurement in Peacetime." Based on the strength of the research supporting his thesis, Kemp was given a position as a staff member on the Gates Commission by Martin Anderson. See May 27, 1969, letter from Stewart Kemp to Lee Huebner of the White House staff, and Martin Anderson's July 3 note to Jonathan Rose stating, "I talked to him sometime ago and referred him to the AVAF Commission--where he is now happily at work." Memo, Martin Anderson to Jonathan Rose, File "Commission on an All-Volunteer Armed Force (1969-1970)(2 of 2)," EX FG29, WHCF, NPMS. For more information on the NCRD see John L. Moore, "Defense Report/Draft, Volunteer Army Proposals Head for a Showdown in Congress," National Journal 3 (March 6, 1971):489-498. For Aryeh Neier's testimony against the Kennedy bill, see U.S., Congress, Senate, Committee on Armed Services, Selective Service and Military Compensation--Hearings before the Committee on Armed Services. 92nd Cong., 1st sess., 1971, p. 414.

72. "Draft: Two-Year Extension, Large Pay Increases," Congressional Quarterly Weekly Report 29 (March 26, 1971): 694; "Congressional Battle: Draft or All-Volunteer Army," Congressional Quarterly Weekly Report 29 (April 2, 1971): 752-758; "House Approves Two-Year Extension of the Draft," Congressional Quarterly Weekly Report 29 (April 2, 1971): 735-738; "Draft Extended After War, Foreign Policy Debate," Congressional Quarterly Almanac, 92nd Congress, 1st Session, 1971-27 (1972): 257-296; New York Times, April 2, 1971, p. 1.

73. "Draft Extended After War, Foreign Policy Debate," Congressional Quarterly Almanac-1971, p. 271; New York Times, May 11, 1971, p. 9. On April 1, the day the House passed H.R. 6531, Senator Stennis sent a letter to Secretary Laird asking for the Secretary's views on the House bill. Secretary Laird's response, dated April 9, recommended against the House-imposed \$1.7 billion increase in spending and the neglect of the House to include the enlistment bonus package. Memo, Stennis to Laird, April 1, 1971, and Memo, Laird to Stennis, April 9, 1971, File "Draft Reform-1971-File #2," Box 1 of 5, 330-76-0089, Files of the ASD (M&RA), WNRC.

74. Congressional Quarterly Almanac-1971, pp. 272-274. "Senate Defeats Plans to Reduce U.S. Troops in Europe," Congressional Quarterly Weekly Report 29 (May 21, 1971): 1101-1103.

75. "Senate Rejects 18-Month Draft Extension, Pay Hikes," Congressional Quarterly Weekly Report 29 (May 28, 1971): 1156-1159; "Senate Reverses Itself, Adopts Military Pay Increase," Congressional Quarterly Weekly Report 29 (June 11, 1971): 1261-1264; "Senate Rejects Deadlines for Indochina Withdrawal," Congressional Quarterly Weekly Report 29 (June 18, 1971): 1295-1298; "Mansfield Vietnam Withdrawal Amendment Adopted," Congressional Quarterly Weekly Report 29 (June 25, 1971): 1362-1363; New York Times, June 24, 1971, p. 8; New York Times, June 25, 1971, p. 1.

76. "House Rejects Mansfield Troop Withdrawal Amendment," Congressional Quarterly Weekly Report 29 (July 2, 1971): 1420-1422; "Military Draft Bill," Congressional Quarterly Weekly Report 29 (July 16, 1971): 1533-1534; "House-Senate Conference Deadlock on Draft Law," Congressional Quarterly Weekly Report 29 (July 23, 1971): 1581; "House Adopts Conference Version of Military Draft Bill," Congressional Quarterly Weekly Report 29 (August 6, 1971): 1647-1649; New York Times, July 31, 1971, p. 1.

77. "Senate Rejects Move to Kill Compromise on Draft Bill," Congressional Quarterly Weekly Report 29 (September 18, 1971): 1957; "Senate Rejects Further Draft Delay; Action Completed," Congressional Quarterly Weekly Report 29 (September 25, 1971): 1973-1976; New York Times, September 22, 1971, pp. 1, 34.

78. "A Chronology of Lobbying," Congressional Quarterly Weekly Report 29 (September 25, 1971): 1974. A copy of the letter to each Senator can be found in the archives of the Hoover Institution, Stanford University. See Letter, Chafee, Seamans, and Froehlke to Symington, File "8-11 Project Volunteer-GARPEG," Box 7, Files of Stephen Herbits, Hoover Institution.

79. "Statement on Signing Bill Authorizing Extension of the Draft and Increases in Military Pay, September 28, 1971," Public Papers of the Presidents-Richard Nixon, 1971 (Washington, D.C.: Government Printing Office, 1972), pp. 1008-1009. Eleven months after President Nixon signed H.R.6531 into law, he received a formal report from Secretary Laird on the progress being made in the effort to end the draft and achieve an All-Volunteer Force. Based on the strength of the report from Defense, President Nixon made a formal statement that "...we will no longer need conscription to fill manpower requirements after July 1973. This means that it will not be necessary to require from the Congress an extension of induction authority of the Selective Service Act past July of 1973." Melvin R. Laird, Report to the President and the Chairmen of Armed Services Committees of the Senate and of the House of Representatives--Progress in Ending the Draft and Achieving the All-Volunteer Force. (Washington: Department of Defense, August 1972); "Statement About Progress Toward Establishment of an All-Volunteer Armed Force, August 28, 1972," Public Papers of the Presidents-Richard Nixon, 1972 (Washington, D.C.: Government Printing Office, 1973), pp. 825-826.

## **CHAPTER 6**

### **SUMMARY AND CONCLUSIONS**

...each man has a moral obligation to serve his country, but he must be granted the freedom to accept his responsibility and the right to determine what form his service will take. Anytime a man is forced, against his wishes, into military service his individual liberty and freedom of choice have been denied. The surrender of this right to liberty can only be justified when there is no other alternative to conscription and when it is absolutely necessary for national survival.

Senator Mark O.Hatfield<sup>1</sup>

#### **Introduction**

Senator Mark Hatfield, as indicated by the brief excerpt above from one of his many speeches from the floor of the Senate in opposition to the military draft, believed deeply that conscription was a terrible injustice visited on the American people. Such an oppressive measure, he stated consistently, had absolutely no justification unless the survival of American society was at risk. When he was an active campaigner against the draft in the late-1960s and early-1970s, he certainly was not alone. But as has been pointed out in this study, righteous indignation and wrath alone will not change a policy which has become entrenched and is favored by those policy-makers with the power and influence to maintain and protect the policy.

This research has been an investigation of public policy-making and how a particular public policy came to be changed. This chapter provides brief summaries of

the findings in previous chapters, but also points out conclusions which may be derived based on those findings. First, the central problem and the purposes of the study are pointed out once more. Next, observations and conclusions based on the study are outlined and are grouped into two categories to match the two purposes of the study. Finally, the chapter and the dissertation are concluded with a final observation.

### **Purposes of the Study**

The central problem that this dissertation addresses is the lack of a full knowledge, and thus understanding and documentation, of the processes by which the United States decided to switch its military manpower procurement policy from conscription to one of complete volunteerism. This decision had a profound impact in three areas. First, it had a significant impact on the military of the United States and how the military viewed itself and its role in American society. Secondly, and more importantly, it had a lasting impact on the way the American people came to view the military, both as individual persons and as a profession. And third, one mechanism of the state to control and interfere with the American peoples' lives was removed. Even with such effects as these, the story of the switch in military manpower public policy from conscription to volunteerism has never been fully told. This was the central problem which was addressed in the study, and was its central focus throughout. It is because of this central purpose that the research was shaped as a case study.

This research study has two basic purposes. The first, and dominant, purpose is to determine if research of the central problem, the lack of a full understanding of the

decision to shift from conscription to volunteerism, could contribute to the existing body of theory on public policy-making. This required that the literature of public policy-making be explored thoroughly to determine what characteristics to look for during the case study research. From the exploration of the literature of policy-making a model was developed based on the research findings of a small group of theorists identified as Agenda-Building Theorists. This review of the literature of policy-making theory and the model used in this research are described in Chapter 2. As the research into the details of this particular public policy decision progressed, interim conclusions were made and points of similarity with the model were pointed out. The events surrounding the decision to shift from the military draft to an all-volunteer force policy were described in some detail in Chapters 4 and 5.

The second purpose of the research was to explore, in so far as possible, the normative underpinning of the decision to change the policy. As pointed out at the beginning of this study, Samuel Huntington observed that the military in any society is shaped by two forces--the society's perception of the external threat to the country which creates a functional imperative, and the internal cultural values, social forces, and ideologies of the society which create a societal imperative. The societal imperatives of the United States, as Alexis de Tocqueville observed, consists of two cross-currents or strains of dominant thought. One is Anglo-Saxon liberalism and the second is democratic egalitarianism. The liberalism strain, as it affects the American military and its manpower procurement practices, requires the individual to be free of compulsion from

the state and proclaims volunteerism to be the only policy government should pursue in seeking its military personnel, if the government is to remain true to its principles of freedom. Democratic egalitarianism, on the other hand, insists that military service is a duty and a responsibility of citizenship and, as such, should be born by all equally. The second purpose of the research has been to detect signs of those two strains of thought as the research progressed and to see if these and other underlying values contributed to this change in public policy.

### **Observations and Conclusions**

#### **A. Contribution to Theory**

Regarding the contribution which this case study has made to the literature of public policy-making theory, it is clear that there are many aspects of the Agenda-Building Theorists' hypotheses, as well as other theorists, which are born out by the details of this case study. These conclusions and observations are outlined below.

##### **(1) Policy Subsystems:**

A policy subsystem, such as that described by policy-making observers such as David Truman, J. Leiper Freeman, Douglass Cater, Emmette Redford, and Gary Wamsley, is an accurate description of the community of policy interest encountered in this research. The policy subsystem observed in this case study, and labeled the "Military Manpower Policy Subsystem," consisted of various factions, each supporting and advocating a particular policy option for an ultimate decision by Government policy-makers. As illustrated in Exhibit 4-7, the Military Manpower Policy Subsystem at the

time consisted of factions which supported a variety of policy options. These factions were: (1) the pro-draft faction, (2) the anti-draft faction (with no particular alternative option advocated), (3) the national service faction, (4) the universal military training faction, (5) the draft reform faction, and (6) the all-volunteer force faction. The military manpower policy choice of one of these factions, the Selective Service System which was supported by the pro-draft faction, had been an entrenched policy of the United States Government since before World War II. Supporters of other policy options were forced to wait until there was an opportune moment to gain acceptance for a change in policy.

It is important to note that a policy subsystem may achieve some level of equilibrium through one policy faction achieving acceptance and, therefore, dominance over other factions within a subsystem. However, there will continue to be a state of tension and competition within the subsystem as the factions out of power continue to seek to displace the dominant faction. For example, though beyond the scope of this case study, the advocates of a military draft continued to fight to regain their former position within the subsystem long after the All-Volunteer Force had been firmly implemented. Within three years of its initiation, the All-Volunteer Force began to experience lagging enlistments and an apparent sagging of quality among recruits, which required all-volunteer force advocates to resist being displaced themselves. It appears, therefore, that the activity within a policy subsystem should be seen as a continuum of competition among the factions making up the policy subsystem.

(2) Initiators and Triggering Devices:

The Agenda-Building Theorists hypothesize a model, similar to the model shown in Exhibit 2-3, which portrays a large, swirling debate or political struggle in which factions contest for the ascendancy of their policy choice and the control of policy-making as it relates to their policy choice. This struggle, or debate, they theorize, can either be precipitated by an "initiator" or by a "triggering device." An "initiator" is a person of influence who took the initiative to attempt to create a ground swell of support for a change in policy and was sufficiently powerful or influential to stimulate debate on an issue. There were persons who could be identified as initiators in this case of the shift in policy from the draft to an all-volunteer force--Representative Tom Curtis, Senator Mark Hatfield, and Dr. Milton Friedman are just several such individuals. Individual initiators, however, were not effective in this particular change of policy. Instead, this case study tends to support the "triggering device" metaphor, an event of such magnitude and impact on individuals that it stimulates almost immediate recognition among many that a problem exists and action to change a certain policy must be initiated. Clearly the sudden American escalation of the war in South Vietnam and the sudden upsurge of draft calls of young men needed to support the war was such a triggering device in this case. This brought the war home to many American families, just as the miracle of television brought combat and death into the American living room each evening. What was seen initially as an American attempt to save an allied country from being overtaken by Communist guerrillas, and therefore a patriotic duty, slowly became seen as totally futile, wasteful, and repugnant to most Americans. The military draft,

so thoroughly intertwined with the war, very quickly became the target of American youth, many of whom saw the draft as an oppressive measure by the Government against the people. In all respects the sudden escalation of the Vietnam War in mid-1965 fits the description of a "triggering device" as described by the Agenda-Building Theorists in their model.

(3) The Great Debate:

The Agenda-Building Theorists, as well as other public policy theorists, would support the observation that components of policy subsystems often will debate among themselves and within the confines of their policy subsystem due to a perceived problem or issue. In such cases, the Agenda-Building Theorists would state, the issue being debated is part of a larger "systemic agenda" of the body politic, the larger agenda of the hundreds of problems and issues which are being debated by the public and which are jostling for position to gain the attention, and policy solution, of a policy-maker in Government. Within the typical policy subsystem the external triggering device may set off a raging debate among the factions which make up the subsystem. The goal of the several factions is to gain control of the policy issue and impose stability within the subsystem.

As was pointed out in some detail in Chapter 4, just such a debate occurred within the military manpower subsystem, the community of Government workers and academics who were attentive to military manpower issues, after the 1965 escalation of the Vietnam War. The advocates and supporters of the incumbent faction, the pro-draft

faction, suddenly were faced with a major effort by other factions to supplant the draft with another alternative military manpower policy. The debate spilled out into the larger arena of the public at large, who suddenly began to see a major problem. Persons who were never part of the military manpower subsystem prior to that time suddenly joined in the debate in favor of the policy choice of one of faction over another, and the ranks of the policy subsystem suddenly swelled. Individuals who were never concerned with the draft or military manpower issues suddenly joined in the fray, deliberating and debating the advantages of one policy option over another. Conferences were held to discuss the issues, and protest demonstrations were staged to symbolize for the people and the Government policy-maker that the issue was not frivolous and solution was required. In short, this study of the shift in policy from the draft to an all-volunteer force tends to support the supposition that a debate occurs within a policy subsystem after a triggering device has served to draw attention to a major problem or issue.

(4) Gatekeepers:

Access to the "formal agenda," the relatively short list of problems and issues which a government policy-maker wishes to resolve, observe the Agenda-Building Theorists, is controlled by "gatekeepers." For an issue to attain formal agenda status, it must command the attention of at least some key decision-makers who are the ultimate guardians of the formal agenda. The Gatekeeper serves to keep the numbers of policy issues on the agenda of the decision-maker reasonably small, and within the realm of policy issues which are solvable. From time to time, of course, there are sudden and

unforeseen events which suddenly propel a policy issue to the head of the line on the policy-maker's formal agenda, such the Iraqi invasion of Kuwait or a major civil disaster. By and large, however, the gatekeepers around government decision-makers tend to filter issues from the systemic agenda and select those which should be placed on the formal agenda, reason the theorists.

This supposition by the Agenda-Building Theorists was born out in this case study. Through an unusual set of circumstances, Dr. Martin Anderson happened to become associated with the campaign effort to elect Richard Nixon to the Presidency. Although only grudgingly supported by fellow campaign workers, Anderson prepared a paper for Nixon on this particular policy issue, and Nixon accepted Anderson's recommendation that he actively support the eventual shift to an all-volunteer force and eliminate the draft. After Nixon was elected, Anderson worked with Arthur Burns to compile a book of potential issues for the new President's agenda, and from which Nixon selected those which he chose to pursue actively. Among those that Nixon selected was the shift in military manpower policy to an all-volunteer force, and Anderson became the overseer of this shift in policy from his vantage point at the White House until his departure in 1971.

One qualifier to the agenda-building theory, however, is indicated by the findings of this case study. It is not enough to simply place an issue on a decision-maker's formal agenda, unless the issue is exceedingly simple to execute. In the case of the all-volunteer force decision, Martin Anderson and others on the White House staff had to develop a

course of action which would eventually achieve an all-volunteer force through the acceptance of the concept by other key Government decision-makers--particularly within the Department of Defense and Congress. This course of action--from the Gates Commission, through Presidential decision, through legislation--took nearly four years to accomplish. Even with the accomplishment of enabling and supportive legislation in September 1971, it was not June 1973 that the military draft was finally ended and became a chapter in United States history. This case study indicates that choosing a policy option and getting that choice on an agenda may be only the beginning of policy making, and that the difficult part may be in ensuring that the policy choice is implemented.

In general, the model developed in Chapter 2 was supported by the data uncovered in the research for the case study, and it appears that the model may have value in the examination of other cases in the study of public policy-making. In this respect, it is my conclusion that this case study has made a contribution to the theory of policy-making.

#### B. Normative Considerations

The second purpose of this research project has been to investigate the normative aspects of the policy decision to move away from conscription and adopt a policy of complete volunteerism for the manning of United States' Armed Forces. It must be emphasized that this purpose was not pursued in any methodical manner, nor was there any particular methodology adopted to capture and attempt to measure data in this area.

The normative aspects of the case study's findings were apparent as the research was being performed. For example, a particular speech, document, or letter may have contained thoughts which indicated there were veins of ethical and philosophical considerations behind the person's thought processes. Such data, it was believed, could not be collected and catalogued in any meaningful and academically useful manner. Having stated that caveat, however, from this case study it is possible to draw several conclusions regarding this aspect of the case study.

(1) Liberalism vs. Egalitarianism:

The history of military manpower policy in the United States, which was outlined in Chapter 3, indicates clearly that the United States' policy for manning its military forces, over time, is within the liberalism tradition in political philosophy. As stated in the summary to Chapter 2, of the 366 years between 1607 and 1973, from the first colonial settlement on America's shores to the demise of conscription, a formal and statute-driven system of conscription was in existence for only a period of 35 years. In addition, most of those 35 years when some form of compulsion was exacted by the United States Government were concentrated in the period between World War II and the end of the Vietnam War, 32 years. To be sure, the colonial period before the founding of the United States had its scattered laws and colonial charters which required military service in the militia and periodic training, but these instances are not regarded in the same manner as conscription imposed in the United States period. Those early colonial measures were designed for the military protection for small communities and

regional areas and cannot be considered to have the full weight of conscription laws which were imposed beginning with the Civil War.

An additional thought must be stated about the strain in America of egalitarianism. The rhetoric of egalitarianism has always been part of the American political makeup. As was pointed out on the first page of this study, Alexis de Tocqueville noted the American taste for freedom, but believed Americans cherished and demanded equality more than they cherished and demanded freedom. There is some truth to this observation, as could be seen in this case study. When the threat to the nation's survival was believed to be particularly strong, beginning with World War II, the political leaders and the American people were inclined to sacrifice freedom for a conscription system--as long as it affected nearly all men equally. When conscription could no longer be sustained on a basis of equality, and could no longer be sugar-coated as a patriotic duty of citizenship and have that reasoning still be plausible, conscription came seen to be seen as a transgression of America's basic tenet of liberalism and had to go. It appears, based on the evidence of this case study, that generally the United States will only run against the grain of liberalism in the area of military manpower policy when the external military threat is grave and more men are needed than can possibly be expected to respond to the Nation's bugle call through volunteerism.

It is for this reason that I also conclude that the period after the Korean War, and perhaps somewhat earlier, was an anomaly in the history of American military manpower policy. The general military strategy against the principal external threat, the Soviet

Union, was based on deterrence through the threat of massive retaliation. With military doctrine such as this, and its variations to follow in the 1960s, there was little logic for a manpower procurement system based on national mobilization for either a nuclear war or a guerrilla war. One possible explanation for this anomaly is that the several administrations beginning with the Eisenhower Administration, as well as the Congress, simply did not want to have to pay for an armed force which was manned entirely through volunteerism. The draft certainly was a reliable and cheap method for the procurement of manpower, and the American people with few exceptions came to take the country's conscription system for granted.

(2) Legitimacy

David Easton commented on the need for public policy to have "bindingness," that is, the quality of being fully accepted as "legitimate" by the people affected by the policy because the persons making the policy decision have the necessary authority and the decision is "right." Legitimacy rests on the acceptance and obedience of the political society at large. It would follow that when a Government policy is not accepted by a large number of the electorate, or is being generally and directly disobeyed, the policy's legitimacy has been challenged. If this were the case over a long period of time, it would appear that the policy's legitimacy may no longer be operative. This appears to have been the case with the military draft policy after 1965. Discontent with the Vietnam War, and coupled with it the draft, became widespread and many who would have been drafted into the military fled to avoid induction and participation in a war

which was increasingly seen as unjust. At what point a public policy runs out of "legitimacy" under such circumstances would make an interesting subject for further research.

The change in American military manpower policy to one based on complete volunteerism can also be seen as having had an effect on another aspect of legitimacy. American political leaders became bound by the undefined but finite limits of the numbers of personnel which could make up an all-volunteer force, inhibiting any major military adventures which could quickly drain the lifeblood of the military. Gone were the days when military manpower for the enlisted ranks was plentiful and inexpensive to procure. Indirectly, the advent of the All-Volunteer Force meant, too, that more direct control of the American military forces had been regained by Congress, in the sense that an expanded cost for military manpower brought about closer scrutiny of other sectors of the Defense budget, such as weapons systems procurement. In the final analysis, the American people regained control of the military through choosing to volunteer, or not to volunteer, for the military, and allowing the will of a democratic, "free market" process to control the size of the military. Because the American military leaders were dependent on the good will of the public to maintain military personnel levels, they soon realized they had to remedy past practices in the treatment and training of new military recruits and seek higher levels of professional development for their young personnel. Thus, one aspect of legitimacy that has grown from the shift in military manpower policy is an enhanced control of the American armed forces by the American people, and an

American armed force which is dependent on the respect and good will of the people.

(3) Philosophical and Ethical Values:

The arguments raised against the military draft in the 1960s were largely based on normative grounds and the arguments in defense of the draft were largely based on perceived national defense and military efficiency requirements. Men such as Dr. Milton Friedman, Senator Mark Hatfield, and Congressman Tom Curtis were early advocates for ridding the United States of conscription, and used arguments based on ethical and moral grounds. Dr. Friedman, in his 1962 book Capitalism and Freedom, was one of the first after World War II and the Korean War to point to the country's conscription system and label it as a major deterrent to personal freedom and a violation of the country's guiding principles. Senator Hatfield's position against the draft, like many others, was somewhat of a spin-off of his views on the Vietnam War. As the major American involvement in the Vietnam War was beginning in 1965 and President Johnson sought the unanimous endorsement of the nation's Governors for his Vietnam policies, Governor Hatfield was the sole dissenter, drawing the scorn of the other Governors as well as officials at the White House. As a freshman Senator, Hatfield never missed an opportunity to point out his belief in the illegality of the war, but also the injustice and draconian nature of the draft which fed the war machine its manpower. Representative Tom Curtis, in his testimony before the Armed Services Committees of Congress beginning in 1959, and every four years thereafter, denounced the draft as inefficient and wasteful of the nation's youth. When the escalation of the Vietnam war began in 1965,

Congressman Curtis added a strong moral argument to his anti-draft stance. These three early advocates of an all-volunteer force, like many other commentators in numerous journal articles, adopted an anti-conscription stance largely due to the growing realization that the system was inequitable and probably could never be reformed to make it into a just and equitable method of selecting manpower for military needs.

Martin Anderson commented that there were basically three reasons in Richard Nixon's mind for wishing to resolve the military manpower policy issue when he did and why he agreed to the reasoning for an all-volunteer force. These reasons were:

- National defense and security would become strengthened because the Armed Services, through an all-volunteer force, would become more professional, and thus more efficient and less wasteful.
- The inequity and injustice of the draft system demanded that it be replaced with a system which was more morally sound.
- The all-volunteer force policy position in the Nixon presidential campaign would, in effect, force his Democratic opponent, Hubert Humphrey, into a less defensible position (i.e., supporting the draft in some form). Nixon's position advocating an all-volunteer force, thus, was intended to capture the high ground on this issue and become more appealing to young voters.

Dr. Anderson points out that President Nixon was the quintessential politician, constantly weighing the pluses and minuses of an issue or policy choice. In the case of this policy

decision, the shift to an all-volunteer force from the draft, Anderson believed Nixon was motivated by all three more or less equally.<sup>2</sup>

### **Final Observation**

The public policy decision by Richard Nixon to move the United States away from conscription to a military manpower system based completely on volunteerism was an act of some political courage. It also required a significant degree of political leadership to continue to push within his Administration and with Congress to see that the policy was fully accepted and implemented. This policy and its resultant all-volunteer force of professional soldiers, sailors, airmen, and marines stand as remarkable achievements from the administration of a President which will ever be tainted by scandal. It is one of the ironies of modern American political and military history that President Nixon, despite the obvious success of the policy that he adopted and fostered, later changed his mind and renounced his previous policy position.

...I believe that from the standpoint of the country at this time, clearly apart from what the economics would be, it would be better to have the draft than the volunteer army. The volunteer army is an idea that I supported. It was developed by Martin Anderson, one of the bright young men I had with me....

...At first, like others, I was inclined to support the argument that conscription was involuntary servitude. I backed the concept that military service should be voluntary. And I remember the day after we finished the Paris peace agreements on Vietnam, we got rid of the draft. But in retrospect I would say that today I believe that a draft across the board with no exceptions, except of course for health, would be good for the country, and I think it would be a very positive foreign policy as well.<sup>3</sup>

1. Congressional Record, March 14, 1967, p. 6503.
2. Interview with Martin Anderson, Stanford, California, February 19, 1993.
3. C. L. Sulzberger, The World and Richard Nixon (New York: Prentice-Hall Press, 1987), p. 48.

## **APPENDIX A**

### **CHRONOLOGY OF EVENTS IN THE DEVELOPMENT OF AN ALL-VOLUNTEER ARMED FORCE**

## CHRONOLOGY

- 1-4 March 1963: Hearings were conducted by the House Committee on Armed Services on H.R. 2438, the bill to extend the induction authority under the Universal Military Training and Service Act. The bill was approved by the House by a vote of 388 to 3 on 11 March.
- 12 March 1963: Hearings were conducted by the Special Subcommittee of the Senate Committee on Armed Services on S. 846 (H.R. 2438). The hearings were concluded after four hours of testimony. The Senate approved the bill by a voice vote on 15 March.
- 28 March 1963: The bill was signed by President Kennedy. Induction authority under the Universal Military Training and Service Act was extended for four years, until July 1, 1967.
- 10 September 1963: President Kennedy issued Executive Order 11119, which, in effect, exempted married men from the draft by placing them in a draft call of lower priority.
- 30 September 1963: A statement was made by President Kennedy on the need for the rehabilitation of Selective Service rejectees. Kennedy established the Task Force on Manpower Conservation which was to be chaired by the Secretary of Labor. The report of the Task Force was due not later than January 1, 1964.
- 22 November 1963: President Kennedy was assassinated in Dallas.
- 5 January 1964: A statement was made by President Johnson on the report of the Task Force on Manpower Utilization ("One Third of a Nation," January 1, 1964). The President directed the Secretary of Defense and the Director of Selective Service to conduct an examination of all new Selective Service registrants who are out of school and available for military service.
- March 1964: Representative John Lindsay, Republican of New York, introduced proposed legislation (H.R. 10227) to create a Presidential commission to study the administration of the draft law.
- 11 March 1964: Representative Tom Curtis, Republican of Missouri, introduced his bill (H.R. 10395) to establish a Joint Congressional Committee on

Manpower and National Security which would make a study of the peacetime draft.

- 16 March 1964: Secretary of Defense McNamara sent a memorandum to President Johnson stating that the situation in South Vietnam was worsening and recommended new pressures be applied on North Vietnam: (1) "Border Control and Retaliatory Actions," and (2) "Graduated Overt Pressure." President Johnson approved McNamara's recommendations at a National Security Council meeting on 17 March. The planning for Operation Rolling Thunder, a full-scale 30-day bombing of North Vietnam, was completed by 23 May.
- 18 April 1964: At a news conference, President Johnson announced he had directed Secretary McNamara to conduct a comprehensive study of the draft and related manpower policies. "The study will consider alternatives to the present draft selection system, including the possibility of meeting our requirements on an entirely voluntary basis in the next decade." The Pentagon's report was to be completed in one year.
- 21 April 1964: Sixteen Republican members of the House of Representatives, led by Representative Tom Curtis of Missouri, advocated a thorough study of the draft and alternative military manpower procurement methods.
- 2 May 1964: The May Second Movement published the first "We Won't Go" statement.
- 4 August 1964: The Gulf of Tonkin Incident occurs, in which North Vietnamese torpedo boats attacked the USS Maddox and USS Turner Joy. The Gulf of Tonkin Resolution, giving President Johnson support for a pursuit of the Vietnam War, was approved by Congress on 7 August.
- 29 August 1964: In a campaign speech, President Johnson said, "I have had advice to load our planes with bombs and drop them on certain areas that I think would certainly enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land."

- 3 September 1964: Senator Barry Goldwater, the Republican Party candidate for President, stated that if elected he would end the draft as soon as possible.
- 7 September 1964: A White House strategy meeting reached "general consensus" that air attacks against North Vietnam would probably have to be launched, but "tactical considerations" (the Presidential election) required a delay. During the election campaign Johnson portrayed himself as the candidate of reason and restraint; Senator Goldwater, who advocated the bombing of North Vietnam, was cast as quixotic and rash.
- 3 November 1964: Lyndon Johnson was elected President. He was inaugurated on 20 January 1965.
- 13 February 1965: President Johnson ordered the sustained bombing of North Vietnam.
- 8 March 1965: The Supreme Court issued their decision in United States v. Seeger (380 U.S. 163), in which the Court interpreted the conscientious objector provisions of the Selective Service Act to include nontheistic religions and exempted from combat training anyone who by reason of religious training and belief was conscientiously opposed to war.
- 1 April 1965: President Johnson decided to use American ground troops for ground offensive action, but wanted the decision to be kept secret. It was realized that the bombing campaign against North Vietnam was not going to cause Hanoi's collapse or force the North Vietnamese to sue for peace. There was to be an 18-20,000 man increase in American combat forces. By early-June 1965, the American combat forces committed to South Vietnam numbered 70,000 in 13 battalions.
- 17 April 1965: The Students for a Democratic Society (SDS) sponsored the first mass protest against the Vietnam War in Washington, D.C. An estimated 20,000 marchers gathered at the Washington Monument.
- 12 May 1965: The conclusions of the Defense Manpower Study were briefed to Secretary McNamara by William Gorham. Although several drafts of the study were prepared, a final formal report was never published.

- 7 June 1965: General Westmoreland asked for a total of 44 battalions. (He already had 10 on hand.)
- 17 July 1965: President Johnson approved the plan for an additional 34 battalions as Westmoreland requested for his search-and-destroy strategy.
- 28 July 1965: At a press conference, President Johnson stated: "I have asked the commanding general, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs. I have today ordered to Vietnam the Airmobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as requested....I have concluded that it is not essential to order Reserve units into service now." President Johnson also announced that draft calls would be doubled, from 17,000 to 35,000 per month. By the end of 1965, United States' forces in South Vietnam numbered 184,314.
- 29 July 1965: Approximately 400 war protestors picketed the Whitehall Street Selective Service Induction Center in New York City. Chris Kearns burned a draft card (apparently borrowed for the occasion) and Life magazine ran a picture of the event, capturing the attention of Representative Mendel Rivers.
- 11 August 1965: Rioting broke out in the Watts District of Los Angeles, California.
- 26 August 1965: President Johnson signed the draft card burning law, which had been rushed through Congress by Mendel Rivers, Chairman of the House Armed Services Committee, and Senator Strom Thurmond.
- September 1965: David Mitchell was brought to trial for refusing induction.
- 15 October 1965: The first "International Day of Protest" took place, in which about 70,000 protestors took part. David Miller burned his draft card in New York City. A sit-in took place at the Ann Arbor, Michigan, Draft Board and three dozen University of Michigan students were arrested.
- 16-21 October 1965: "Stop the Draft Week" demonstrations took place in forty major cities.

- 2 November 1965: Norman Morrison burned himself to death at the Pentagon. On 9 November, Roger LaPorte committed suicide by immolation at the United Nations Building in New York.
- 6 November 1965: Tom Cornell and four others burned their draft cards.
- 27 November 1965: A march on Washington for "Peace in Vietnam" took place, including a demonstration at the White House and a gathering at the Washington Monument.
- December 1965: The Student Nonviolent Coordinating Committee (SNCC) Executive Committee agreed to support draft resistance.
- 5 January 1966: General Hershey issued a policy letter to all local draft boards stating that the local boards, rather than universities, would determine whether young men were satisfactory students.
- 14 February 1966: President Johnson sent a letter to the Speaker of the House requesting supplemental appropriation for the Selective Service System (as well as the National Teacher Corps and the Rent Supplement Program). It was estimated that draft inductions during Fiscal Year 1966 would total approximately 360,000 instead of the previous estimate of 125,000.
- 31 March 1966: David O'Brien and several companions burned their draft cards on the steps of the South Boston Courthouse. O'Brien was subsequently convicted of violating the provisions of the 1965 amendment to the Universal Military Training and Service Act which prohibited the destruction of draft cards. (See entry for 27 May 1968.)
- 7 May 1966: The first National Service Conference took place in New York City. The National Service Secretariat, headed by Donald J. Eberly, was created.
- 14 May 1966: The first of three Selective Service examinations for education deferments took place on college campuses across the country and was protested by the Students for a Democratic Society (SDS). The same examination was administered on 21 May and 3 June.
- 18 May 1966: Secretary of Defense McNamara, in a speech in Montreal, indicated

he believed the government should move away from the draft and toward a form of national service. McNamara was to back away from this position later.

- June 1966: Carl Oglesby and Stokely Carmichael, the leaders of the SDS and the SNCC, respectively, issued a joint statement condemning all forms of national service and calling for an abolition of the draft.
- 22-30 June 1966: Hearings were conducted before the House Committee on Armed Services to review the administration and operation of the Selective Service System. Selected findings of the Defense Manpower Study of 1965 were made public by Thomas D. Morris, Assistant Secretary of Defense (Manpower), on 30 June.
- 2 July 1966: President Johnson appointed a National Advisory Commission on Selective Service (the Marshall Commission). The results of the Commission's study were to be reported by January 1, 1967.
- 18 August 1966: In remarks to some 14,000 summer interns of the White House Seminar Program, President Johnson remarked that the Selective Service System "...has become a crazyquilt, applying to some but not to others. We inherited the system--but we need not be wedded to it."
- 21 August 1966: Former President Eisenhower, in the September 1966 issue of Reader's Digest, recommended the adoption of universal military training (UMT) to replace the draft.
- 23 August 1966: Secretary McNamara announced a new program, "Project 100,000," to draft and "salvage" borderline draft rejects through a special training program.
- 25-26 August 1966: A draft resistance conference took place in Des Moines, Iowa.
- 14 October 1966: In a press conference in the President's office following a trip to Vietnam, Secretary McNamara stated that draft calls were decreasing--the November call was to be cut from 47,000 to 37,000.
- 28-30 October 1966: The Eastern Conference on Noncooperation with Conscription took place.

- 5 November 1966: At a news conference at the LBJ Ranch, President Johnson stated that the draft calls for 1967 would be lower than in 1966. He said that during 1966, U.S. forces in Vietnam were increased by approximately 200,000 men. "The increase next year will be nothing on that order." Secretary McNamara, in response to a question, stated that there were 182,000 men in Vietnam at the beginning of the year, and that the total by the end of 1966 would be about 385,000.
- 11-12 November 1966: A National Conference on the Draft was held in Washington, D.C., sponsored by the American Veterans Committee (AVC).
- 17-20 November 1966: A National Collegiate Conference on Selective Service Reform was held at Antioch College, Yellow Springs, Ohio.
- 4-5 December 1966: A "We Won't Go!" Conference was held at the University of Chicago.
- 4-7 December 1966: The University of Chicago sponsored a Conference on the Draft, which was attended by major academic and political figures.
- 7 December 1966: The House Armed Services Committee announced the formation of the Civilian Advisory Panel on Military Manpower Procurement (Clark Panel). The Panel was to report no later than 1 March 1967 and reportedly had been functioning since November 1.
- 14 December 1966: Bruce Daniels tore up his draft card, which led to the call for a mass draft card burning on 15 April 1967.
- 10 January 1967: In his State of the Union address, President Johnson stated, "We should modernize our Selective Service System. The National Commission on Selective Service will shortly submit its report. I will send you new recommendations to meet our military manpower needs. But let us resolve that this is to be the Congress that made our draft laws as fair and as effective as possible."
- 7 February 1967: Representative Richard Schweiker introduced his proposed legislation, the "Draft Reform Act of 1967."
- 23 February 1967: Senator Edward Kennedy introduced his Concurrent Resolution 12, which conveyed "the sense of Congress" to the President that the

Selective Service System required major reforms.

- 28 February 1967: The Clark Panel report was published and provided to the House Armed Services Committee. It was released to the general public on 4 March.
- 4 March 1967: The Marshall Commission report was released to the public by the Texas White House.
- 6 March 1967: President Johnson sent a message to Congress, with the Administration's proposed legislation, requesting authority to continue draft inductions for four more years, until July 1, 1971.
- 6 March 1967: President Johnson issued Executive Order 11350, "Amending the Selective Service Regulations," which directed Secretary McNamara and General Hershey to develop a fair and impartial random (FAIR) system of selection.
- 20 March 1967: Hearings on the draft were held by the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare. The hearings were temporarily chaired by Senator Edward Kennedy.
- 2-4 April 1967: The Second National Service Conference was held at the Mayflower Hotel, Washington, D.C.
- 4 April 1967: Dr. Martin Luther King delivered an address at the Riverside Church in New York City, which came to be known as his "Declaration of Independence from the War in Vietnam."
- 6 April 1967: A national conference on the draft, "The Draft: Its Impact on Society," sponsored by the American Friends Service Committee, was held in St. Louis, Missouri.
- 12-19 April 1967: The Senate Committee on Armed Services conducted its hearings on the proposed extension of the draft law.
- 15 April 1967: More than 150 persons burned their draft cards at Sheep's Meadow in New York City. In San Francisco, David Harris called for the mass return of draft cards on 16 October.

- 2-11 May 1967: The House Committee on Armed Services conducted its hearings on the proposed extension of the draft law.
- 23 May 1967: In Ames, Iowa, a bus carrying men bound for induction was blocked by demonstrators who stood in the path of the bus and wrapped chains around its wheels.
- 29 June 1967: A sit-in by twenty demonstrators took place at the Oakland, California, Selective Service Induction Center.
- 30 June 1967: The Military Selective Service Act was signed into law, extending the authority to draft until 1 July 1971.
- 4 July 1967: Dr. Martin Anderson, professor at Columbia University, and who was assisting in policy development for the forthcoming Nixon Presidential campaign, submitted a policy analysis memorandum to Nixon recommending a shift in the candidate's position toward supporting an All-Volunteer Armed Force.
- 13 July 1967: At President Johnson's news conference, Secretary McNamara stated there were 450,000 to 460,000 troops in Vietnam, and there were an additional 20,000-30,000 troops to be added to that force level in Vietnam.
- 7 October 1967: "A Call to Resist Illegitimate Authority" was published by the New Republic. The tract was also published by the New York Review of Books on 12 October.
- 16 October 1967: The first national draft card turn-in took place. Three hundred draft cards were turned-in at the Federal Building in San Francisco, and 120 people were arrested for their sit-in at the Oakland, California, induction center.
- 16 October 1967: The Task Force on the Structure of the Selective Service, made up of Secretary McNamara, General Hershey, and the Director of the Bureau of the Budget, published their report. The report recommended against any reorganization of the Selective Service System as recommended by the Marshall Commission.
- 20 October 1967: Draft cards turned-in throughout the country on 16 October were presented to the Department of Justice by Dr. Spock, et. al.

In Oakland, California, The "Stop the Draft Week" reached a climax when 10,000 demonstrators surrounded the Selective Service Induction Center. Reportedly, approximately 1,200-1,500 young men turned-in their draft cards during this period.

- 21-22 October 1967: Anti-draft and anti-war protestors conducted a mass march from the Lincoln Memorial to the Pentagon. After an all-night vigil at the Pentagon, a "teach-in" was conducted with the military troops on the steps of the Pentagon on the second day.
- 26 October 1967: General Hershey sent a letter to all members of the Selective Service System ordering the immediate induction of anyone registered for the draft who interfered with the operation of the Selective Service System.
- 27 October 1967: Father Berrigan and three others poured blood on draft files in Baltimore.
- 17 November 1967: For the first time, Presidential candidate Richard Nixon publicly stated his position that he would, if elected, eliminate the military draft and move toward an all-volunteer force.
- 4 December 1967: The second national draft card turn-in took place.
- 13 December 1967: Senator Edward Kennedy introduced S. 2773, which provided that the draft laws could not be used to punish persons because of their protest activities.
- 21 December 1967: Yale President Kingman Brewster, on behalf of the presidents of all Ivy League schools, sent President Johnson a letter of concern that local draft boards would assume a judicial role in judging the legality of the conduct of individuals.
- 5 January 1968: Dr. Benjamin Spock, Rev. William S. Coffin, Michael Ferber, Mitchell Goodman, and Marcus Raskin are indicted for conspiring "...to counsel, aid, and abet violations of the Selective Service law and to hinder administration of the draft."
- 23 January 1968: The USS Pueblo, a U.S. Navy intelligence collection ship, was seized by North Korea. President Johnson ordered the call-up of 14,000 Air Force and Navy reservists to active duty.

- 31 January 1968: Vietnamese Communists initiated their Tet Offensive, in which an estimated 67,000 enemy troops invaded more than 100 villages and towns, sending shock waves through the American political and military scene.
- 1 February 1968: Richard M. Nixon formally announced that he was a candidate for the Republican Party's Presidential nomination.
- 16 February 1968: Upon direction from the National Security Council, General Hershey sent a memorandum to all state directors abolishing deferments for all graduate students and most "critical" occupations.
- 28 February 1968: Senator Edward Kennedy introduced S. 3052, which called for a draft lottery, a reorganization of the Selective Service System, and a six-year term for the Director of Selective Service.
- 1 March 1968: Secretary of Defense McNamara resigned and was replaced by Clark Clifford.
- 10 March 1968: General Earl Wheeler, Chairman of the Joint Chiefs of Staff, blundered by revealing to the press that 206,000 troops would be committed to Vietnam.
- 31 March 1968: President Johnson announced he would not be a candidate for re-election.
- 3 April 1968: The third national draft card turn-in took place.
- 4 April 1968: Dr. Martin Luther King was assassinated in Memphis, Tennessee.
- 10 April 1968: Senator Edward Long (D., Missouri) introduced S. 3303, a bill to permit prospective draftees the right to be represented by counsel in appearances before draft boards.
- 23 April 1968: A student rally at Columbia University protesting the disciplining of six SDS leaders led to the student occupation of five university buildings and severe police repression.
- 29 April 1968: A 13-member Presidential Task Force, headed by General Hershey, rejected the major recommendations of the Marshall Commission and recommended retaining the current draft procedures.

- 20 May 1968: The trial of Dr. Spock, et. al., began in Boston. The Arlington Street Church, Boston, provided sanctuary to two young men, a draft refuser and an AWOL serviceman.
- 27 May 1968: The Supreme Court, in U.S. v. O'Brien, by a seven to one vote, upheld the draft card burning amendment to the draft law which was enacted by Congress in 1965.
- 4 June 1968: Senator Robert Kennedy was assassinated in Los Angeles after having won the California Democratic Party Primary Election.
- 3 July 1968: General Westmoreland was sworn in as the Army Chief of Staff.
- 15 July 1968: Nine AWOL servicemen were given sanctuary in the Howard Presbyterian Church, San Francisco.
- 8 August 1968: Two draft refusers were given sanctuary in the Unitarian Universalist Church, Buffalo, New York. On 19 August, the police and FBI arrested nine of the demonstrators at the church, including the two draft refusers.
- 21 August 1968: The Soviet Union invaded and occupied Czechoslovakia.
- 25-29 August 1968: The Democratic Party National Convention took place in Chicago. Mass demonstrations against the Vietnam War and the draft were suppressed by Mayor Daly.
- 12 October 1968: Several hundred active duty servicemen took part in an anti-war march in San Francisco.
- 14 October 1968: Twenty-seven prisoners in the stockade at The Presidio, San Francisco, launched a sit-down strike in protest of the shooting of a fellow prisoner.
- 17 October 1968: Presidential candidate Richard Nixon promised in a radio address to move toward an all-volunteer armed force once the Vietnam War was over.
- 5 November 1968: Richard M. Nixon was elected President.
- 14 November 1968: The fourth and last national draft card turn-in took place.

- 20 January 1969: Richard M. Nixon was sworn in as the 37th president of the United States.
- 29 January 1969: President Nixon sent a memorandum to Secretary of Defense Melvin Laird which stated his intention to establish an all-volunteer armed force and instructed the Secretary to prepare a plan for a transition from the draft to an all-volunteer armed force.
- 20 March 1969: At Fort Jackson, Columbia, South Carolina, twenty-seven servicemen were arrested for attending an anti-war meeting.
- 27 March 1969: President Nixon announced the appointment of the Commission on an All-Volunteer Armed Force (the Gates Commission), which was to "...develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force." The commission was to submit its report in early-November 1969.
- 10 April 1969: Secretary Laird appointed the Department of Defense's Project Volunteer Committee, which was chaired by Roger T. Kelley, Assistant Secretary of Defense (Manpower & Reserve Affairs), to develop a program to move toward an All-Volunteer Force.
- 13 May 1969: President Nixon sent a special message to Congress to amend the draft law to: (1) Change the order of call from an oldest first to a youngest first, (2) Reduce the period of prime draft vulnerability from seven years to one year, (3) Select those actually drafted through a random (lottery) system, (4) Continue student deferments with the understanding that the year of maximum vulnerability would come whenever the deferment expired, and (5) Allow graduate students to complete the full academic year in which they were ordered for induction.
- 5 June 1969: A rebellion broke out in the stockade at Fort Dix, New Jersey, after prisoners had been made to stand in the hot sun for five hours.
- 6 June 1969: President Nixon announced a new program of youth advisory committees to provide information/feedback to State Selective Service System Directors.
- 6 August 1969: In Honolulu, about three dozen AWOL servicemen were given

sanctuary at four churches and at the University of Hawaii.

- 27 August 1969: In the New York Times, James Reston reported the refusal of soldiers in Company A, 196th Light Infantry Brigade, to continue fighting in the Songchang Valley, South Vietnam.
- 19 September 1969: President Nixon announced that the programmed draft calls for the months of November and December would be cancelled, and that the call for the month of October would be phased over the final quarter of the year. President Nixon also stated that if Congress did not act on his proposed reforms of the draft law (see 13 May entry above) he would take unilateral action through an Executive Order.
- 20 September 1969: A White House Conference on the draft was conducted, involving some 500 student leaders.
- 30 September 1969: Hearings were begun by the Special Subcommittee on the Draft, House Armed Services Committee, on H.R.14001, the Administration's bill to permit a lottery selection of draftees.
- 10 October 1969: General Hershey was called to the White House for a personal meeting with President Nixon. Hershey was relieved as Director of Selective Service and given a new role as Presidential Advisor on Manpower Mobilization Policies.
- 15 October 1969: Vietnam Moratorium Day, which included a large protest demonstration in Washington, was declared by the National Movement Against the War organization. In a town near Camp Pendleton, South Carolina, 500-700 active duty Marines led a parade down main street.
- 30 October 1969: H.R. 14001 was approved by the House of Representatives. President Nixon voiced his regret that the Democratic leadership in the Senate decided to not consider his draft reform legislation until the next year, and urged the Senate to reconsider their decision.
- 3 November 1969: President Nixon outlined his Vietnamization program and the withdrawal of American combat forces from South Vietnam.

- 8 November 1969: Secretary Laird conducted a news briefing on the draft reform legislation which was being held up by the Senate.
- 14 November 1969: Hearings were conducted by the Senate Armed Services Committee on H.R. 14001, the draft reform measure which permitted a draft lottery.
- 26 November 1969: President Nixon signed the draft reform/lottery legislation into law. Nixon stated that the bill was merely one step toward his real objective, "a system of a completely volunteer armed force."
- 1 December 1969: The first draft lottery drawing since 1942 was conducted at the Selective Service System Headquarters.
- 14 January 1970: The Program Evaluation Group of the Defense Department's Project Volunteer Committee reported that an All-Volunteer Force was feasible if sufficient incentives were made available.
- 16 February 1970: This was General Hershey's last day as Director of Selective Service.
- 21 February 1970: President Nixon received the report of the Commission on the All-Volunteer Armed Force (Gates Commission).
- 24 March 1970: At a meeting of the National Security Council, President Nixon decided that the Administration would move toward an All-Volunteer Force, but that the draft law's induction authority would have to be extended beyond its expiration date of 1 July 1971.
- 6 April 1970: Dr. Curtis W. Tarr was sworn in as Director of Selective Service.
- 23 April 1970: In a special message to Congress, President Nixon announced the Administration's decision to seek military pay raises and an extension of the draft beyond 1 July 1971, and to move toward ending the draft. President Nixon also issued Executive Order 11527, which eliminated deferments for occupation, agriculture, and paternity.
- 30 April 1970: President Nixon announced that the Cambodia Campaign, a cross-border operation into Cambodia to eliminate Vietnamese Communist sanctuaries, had begun.

- 4 May 1970: At Kent State University, in Ohio, the tragedy of National Guardsmen opening fire on demonstrating students occurred. Four students were killed and nine were wounded.
- 19-21 May 1970: The founding conference of the Union for National Draft Opposition took place at Princeton, New Jersey.
- 15 June 1970: The Supreme Court, in a five to three vote in Welsh v. U.S. (398 U.S. 333), held that persons objecting to war because of deeply held moral or ethical beliefs were entitled to conscientious objector exemption, even if any religious basis for the belief was expressly disavowed.
- 1 July 1970: The second draft lottery was held.
- 22 July 1970: Senator Hatfield, joined by Senator Goldwater and eleven other co-sponsors, introduced an amendment to the Military Appropriations Bill which would implement the recommendations of the Gates Commission. The proposed amendment was defeated on 25 August.
- 14 August 1970: The Defense Department's Project Volunteer Committee submitted its report, Plans and Actions to Move Toward an All Volunteer Force, to the Secretary of Defense.
- 12 October 1970: Secretary Laird informed the Secretaries of Military Departments and the Chairman of the Joint Chiefs of Staff that the "goal is to reach zero draft calls by the end of Fiscal Year 1973."
- 13 October 1970: General Westmoreland announced in a speech to the Association of the U.S. Army that the Army would leave "no stone unturned" to reach a volunteer force.
- 25 October 1970: Lt. General George Forsythe, Jr., was appointed Special Assistant for the Modern Volunteer Army (SAMVA) and reported directly to General Westmoreland and Secretary of the Army Resor.
- 30 November 1970: General Westmoreland, at the Army Commanders' Conference, emphasized the changes to be made in the Army to move in the direction of the Modern Volunteer Army.

- 28 December 1970: Secretary Laird approved a \$1.5 billion Project Volunteer program for Fiscal Year 1972.
- December 1970: The First Annual Joint DoD Recruiting Conference was held to plan for the expansion and strengthening of Recruiting Services.
- December 1970: Representative L. Mendel Rivers died. He was succeeded as Chairman of the House Committee on Armed Services by Representative F. Edward Hébert.
- January 1971: The Army reprogramed funds to initiate Project Volunteer Army (VOLAR) to improve Army service living conditions and to conduct a paid radio-TV advertising campaign.
- 28 January 1971: President Nixon sent to Congress a legislation package of four bills to increase military pay, to reform the draft, to extend the draft induction authorization for two years, until 1 July 1973, and to permit the reimbursement of expenses incurred by military recruiters.
- 2 February 1971: The Senate Armed Services Committee began hearings on the Administration's bills related to the All-Volunteer Force.
- 23 February 1971: The House Armed Services Committee began its hearings on the Administration's bills. The hearings were concluded on 11 March.
- February 1971: The Army began its offer of attractive new enlistment options: unit-of-choice, geographic area of choice, school, and career field of choice.
- March 1971: The Army began its paid radio-TV advertising campaign.
- 1 March 1971: A bomb exploded in the U.S. Capitol building.
- 25 March 1971: A bill which had been re-drafted by the House Armed Services Committee (H.R. 6531) was introduced on the floor of the House.
- 1 April 1971: The House passed H.R. 6531, approving most of the Administration's program but doubled the Administration's recommendations for increased compensation.

- 18-24 April 1971: Led by the "Vietnam Veterans Against the War," approximately 2,300 Vietnam veterans participated in "Dewey Canyon III," a military incursion into the country of Congress." The demonstrations and marches in Washington by the veterans was followed, on 24 April, by a massive rally in Washington of an estimated 175,000 persons organized by the National Peace Action Coalition. This demonstration, which was a mass march from the Ellipse down Pennsylvania Avenue to the Capitol, was believed to be the largest rally ever held at the Capitol.
- 26 April-5 May 1971: The largest sustained mass protest against the Vietnam War took place in Washington. After several days of increasingly violent acts, some 10,000 persons were arrested in the last three days of protest rallies. Some 1,200 were arrested on the Capitol steps on the final day.
- 24 June 1971: The Senate passed an amended version of the House bill and reduced the compensation provisions to the level of the Administration's proposal. Attached to the bill was an amendment of Majority Leader Senator Mike Mansfield which declared that it was U.S. policy to withdraw American troops from Indochina within nine months of the passage of the bill.
- 1 July 1971: Robert F. Froehlke succeeded Stanley R. Resor as Secretary of the Army, who had held the appointment for a record-breaking six years, from 7 July 1965.
- 1 July 1971: Under the Fiscal Year 1972 budget, new funds became available for the All-Volunteer Force (i.e., an action which did not require legislative authority).
- 30 July 1971: The House and Senate conferees agreed on a compromise bill to extend and reform the draft and to increase compensation to \$2.4 billion. The Mansfield amendment was modified to make it a sense of Congress that American troops should be withdrawn from Indochina as soon as practicable in the future.
- 4 August 1971: H.R. 6531, the draft extension bill, was approved by the House of Representatives, 297-108.
- 21 September 1971: After intense lobbying by the Administration to prevent H.R. 6531

from being recommitted to the House-Senate Conference Committee and an attempt to filibuster the bill was prevented, the Senate approved the bill by a vote of 55-30.

- 28 September 1971: President Nixon signed the Military Draft Extension bill (HR 6531-- Public Law 92-129). The legislation extended the authority to draft until 30 June 1973, ended undergraduate deferments, implemented a direct national draft call, and provided substantial increases in entry level pay. The goals of a zero draft and an All-Volunteer Force were now achievable.
- September 1971: The Air Force began offering a guaranteed school-of-choice in return for a six-year enlistment.
- 5-6 October 1971: The Second Annual Joint Recruiting Conference was held at Randolph Air Force Base, Texas. The conference was attended by Mr. Roger T. Kelley, Assistant Secretary of Defense (Manpower & Reserve Affairs), and Dr. Curtis Tarr, Director of Selective Service.
- December 1971: The Office of Management and Budget limited the Fiscal Year 1973 Project Volunteer budget to a continuation of the existing program; an expansion of the program was disapproved.
- 24 January 1972: In his annual budget message to Congress, President Nixon stated: (1) the authorized troop level in Vietnam would be reduced from 549,500 in January 1969 to 69,000 as of May 1, 1972, and (2) draft calls were to be reduced from a Vietnam War high of 382,000 to 94,000 in Calendar Year 1971.
- 11 January 1972: At the Defense Department, a Central All-Volunteer Force Task Force was appointed to furnish staff assistance in the AVF effort.
- March 1972: The Special Pay Act of 1972, which was designed to solve special manning problems of the AVF, was introduced in Congress; the bill never got out of committee.
- May 1972: The Ground Combat Enlistment Bonus was initiated in the Army and Marine Corps.
- June 1972: General Westmoreland, ending his tour of duty as Army Chief of

Staff and retiring, recommended in a letter to President Nixon that the Selective Service law be retained for use when needed. "Such standby authority would serve as an incentive for enlistments...keep the draft mechanism alive, and enable the President to ensure that a cross-section of America is represented in its Armed Forces. The actual use of the draft authority under such conditions would, I believe, be so limited that it would not be onerous."

- June 1972: Rear Admiral (later Vice Admiral) Emmitt Tidd was appointed Commander, Naval Recruiting Command, to reverse a downward trend in Navy recruiting.
- August 1972: Congress approved \$14 million in supplemental funds for Navy recruiting and advertising.
- 28 August 1972: A public statement was made by President Nixon about the progress being made toward establishing an All-Volunteer Force. Nixon stated that it would not be necessary for his Administration to request an extension of the draft authority from Congress beyond July 1, 1973. The President stated that he was to meet with Secretary Laird and the Youth Advisory Board of the Selective Service System at San Clemente to discuss Secretary Laird's report on the progress being made toward an All-Volunteer Force.
- September 1972: Congress passed the Uniformed Services Health Professions Revitalization Act of 1972, authorizing the creation of a medical university for the Services and an increase in medical school scholarships.
- December 1972: The last draft call was issued.
- January 1973: A Medical Task Force was appointed at the Defense Department to prepare a detailed plan for achieving an all-volunteer Health Force.
- 27 January 1973: Secretary Laird was replaced as Secretary of Defense by Elliot Richardson.
- 19 February 1973: The Army limited its level of non-graduates from high school to 30 percent of accessions.

- March 1973: Secretary of Defense Elliot Richardson announced that the Department of Defense did not need to renew the draft authority.
- 27 March 1973: General Hershey retired.
- 31 May 1973: Roger T. Kelley resigned as Assistant Secretary of Defense (Manpower & Reserve Affairs). He was replaced by William Brehm, but not until September 1973.
- 1 July 1973: The authority to draft under the current law expired.
- May 1974: Congress passed the Uniformed Services Bonus Act of 1974.
- June 1974: The All-Volunteer Force was considered to have achieved a sustaining basis.

## **APPENDIX B**

**An Analysis of the Factors  
Involved in Moving to An  
All-Volunteer Armed Force**

**Professor Martin Anderson  
Columbia University  
New York City  
4 July 1967**

"The compulsory draft is far more typical of totalitarian nations than of democratic nations. The theory behind it leads directly to totalitarianism. It is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy."

Senator Robert A. Taft, 1940

Despite the fact that the draft was recently extended for another four years, it continues to be a highly controversial issue that is of direct, immediate importance to literally tens of millions of Americans. If the Vietnam war continues and draft calls escalate, it promises to become a topic of increasing importance to more and more people.

The drafting of the youth of our country constitutes two years of involuntary servitude to the State. It is inimicable to the basic principles of freedom that are the moral foundations of our Republic. In the past it has been tolerated reluctantly by many people only because it has been thought to be absolutely necessary to preserve and protect the national security of the United States. Many reasons have been given why we must maintain the draft, but the two fundamental ones concern (1) the economic cost of abandoning it and (2) the effect such a move might have on our military effectiveness.

In his opening remarks on the draft hearings in 1966, the influential chairman of the Armed Services Committee, L. Mendel Rivers of South Carolina, stated: "...despite the fact that the philosophy of conscription is inimicable to our basic concept of individual freedom, we as a nation recognize that the alternatives can only result in jeopardizing our national security. ...Perhaps it would be possible to maintain a completely voluntary professional military force of three million men by providing massive increases in their compensations. However, these costs would be astronomical..."

To most men the moral case against the draft is clear and beyond question. The existence of a draft raises difficult questions. Why should some men be forced to serve, when others are exempt? Why should some men be forced to sacrifice two of the most important years of their lives to risk possible maiming and death, so that the great majority of the people may pursue their own interests, safe and secure?

In principle there is a clear way out of this dilemma; no one has any duty to serve the State, no one should be forced by others to make sacrifices or risk bodily harm for their benefit. One of the great principles of the United States government is the idea that the government serves the people (all the people), not that the people serve the government. The key to effectuating this principle in the military sphere lies in the ultimate establishment of a modern, highly-trained armed force of competent professionals, staffed completely by volunteers.

Virtually all men would agree that such a course is the right one, but many have sincere doubts that it is a practical one. These fears are no longer justified. Recent studies by reliable experts now show clearly that it is within our power to eliminate this last vestige of involuntary servitude without weakening our national defenses, without incurring "astronomical" costs. To the contrary, it is likely that our national defenses would be strengthened, and that the additional cost would be relatively small.

#### The Effect on National Security

Our current reliance on the draft has resulted in an armed force that includes a significant number of men, particularly in the enlisted ranks, who don't want to be there, who grudgingly learn enough to "get by," and who leave as soon as possible. The changing nature of military strategy and technology is making large masses of men more obsolete; more and more we need highly specialized men, with extensive training and experience, to operate our sophisticated weapons systems. By relying on the draft, we have developed an armed force which is characterized by a high number of trainees and inexperienced men who must constantly be replaced.

Fully 93 percent of draftees leave the military as soon as possible, and their expensive training is largely wasted. In the Army approximately 70 percent of the enlisted men have less than two years experience. According to Brig. General Lynn Smith, "As soon as we are able to operate as a unit, the trained men leave and we have to start all over again."

This situation would not exist with an all-volunteer armed force. According to the Department of Defense, people who enlist are five times as likely to reenlist as draftees. An armed force of volunteers would have a higher percentage of skilled, motivated men, far fewer men would constantly be in training, and fewer of our most experienced personnel would be tied down as training instructors.

Individual fighting units would not be subject to constant turnover within their ranks. Men who are making the military a career would be working together for long periods of time, and would develop into a close-knit, efficient team. Highly trained specialists would be far more likely to stay in the military and utilize their skills in the defense of the country. A highly trained, highly motivated team of professionals, skilled in the technical aspects of modern war should be -- man for man -- a far more effective fighting force. A good recent example of such a force is Israel; pitted against numerically greater forces who were heavily armed with the latest weapons, they demonstrated clearly the importance of individual ability and motivation in their quick rout of the Arabs.

### The Economics of An All-Volunteer Armed Force

The basic reason why the draft is necessary today is simply that we have not been willing to pay even reasonably fair wages to our men in the military. During his first tour of duty in the military an enlisted man earns only the equivalent of \$2,400 a year, including all benefits. His base pay starts at about \$91 a month. When we pay slave wages we should not be surprised that we must resort to the practice of involuntary servitude.

Policemen protect us from domestic criminals, servicemen protect us from foreign criminals. If we suddenly lowered the starting pay of policemen, or for that matter, CIA personnel and FBI agents, to the equivalent of \$46 a week, we would undoubtedly have to draft them also. Perhaps a more basic question than "Can we afford a volunteer armed force" is "How can we justify the incredibly low pay offered?"

One deceptive feature of the draft is that it appears to be less costly than it really is. It has been estimated that a typical enlisted man could earn about \$3,600 a year in a civilian job. When forced to work for \$2,400 he is, in effect, paying a special hidden tax of \$1,200 -- twice that paid by the average taxpayer. The more his potential earnings in civilian work, the higher his hidden tax.

The amount of money the federal government offers young men to take on a risky, responsible job is far below the so called poverty level, far below the hourly wage set by minimum wage legislation. We pay clerk-typists in Washington more than we pay combat soldiers in Vietnam. The entering level pay of a soldier from the United States, the richest country in the world, is below that of the Canadian and Australian recruit.

If we intend to eliminate the draft, we must move in the direction of increasing the pay and other benefits offered to the military. But how much will it cost? Is the cost feasible; or is it so high that we would be unable to pay it, even if we were willing?

In estimating the costs of moving to an all-volunteer armed force, it will be necessary to consider many factors. A number of factors, all of which have a direct bearing on the total cost, will change -- some of them will increase costs, others will decrease costs. These factors will change simultaneously; the savings must be considered along with the added costs in order to arrive at a correct estimate of the final result. Of necessity these estimates will not be precise, but they will be accurate enough for decision-making purposes.

In 1957, England decided that she could afford to eliminate involuntary servitude, abolished the draft and established an all-volunteer armed force.

The cost estimates that follow are based primarily on the methods and data incorporated in an extensive study of this issue by the Department of Defense. In addition they are supplemented by material developed by Walter Oi, a Professor of Economics at Manchester University. Professor Oi is a manpower expert who was a key consultant to the Department of Defense for one year during their study.

On the basis of the testimony of Mr. Morris, the Assistant Secretary of Defense for Manpower, before the Committee on Armed Services, and the widely publicized interpretation of his testimony by the press, a misleading impression has been given that the additional cost of an all-volunteer armed force would be likely to cost in the neighborhood of \$17 to \$20 billion. A careful reading of the full study conducted by the Department of Defense shows that this impression is false; the actual estimated cost is far lower.

Let us begin by estimating the cost of an all-volunteer force of 2.65 million men, a figure which approximates closely the recent average level of manpower in the armed forces. Unusual situations, like Korea, the Berlin crisis, and Vietnam will cause this figure to be higher for short periods of time. Later, we will examine how much higher the costs are likely to go under conditions such as these.

The Estimating Procedure

The number of men required for the defense of the country will be affected by the degree of the threat posed to the national security of the United States, and the level of wages that must be paid. It will be assumed that the military makes its judgment concerning the level of manpower solely on the basis of military strategy and does not consider the level of military pay. However, it is likely that military planners would be more prudent in calculating their needs if the cost of supplying them were substantially higher; this would result in a more efficient use of manpower, with a consequent reduction in the number of men required. Thus, the following cost estimates will be biased upward to some degree.

The number of men that will volunteer for the armed forces at any given level of pay is affected by many factors. These would include (1) the number of qualified men in the country, (2) the level of pay for civilian work, (3) the level of unemployment, (4) the pressure exerted by the presence of a draft law, and (5) the degree of the threat to the national security.

To begin with, all the above factors -- with the exception of the draft -- will be assumed constant. Assuming that we need an armed force of 2.65 million men we will proceed in the following manner: (1) Assuming that the level of military pay stays at the current level, we will estimate how many men we could get on a volunteer basis if the draft law were repealed, and then (2) we will

estimate how much more it would cost the government to raise the number of men required under the assumption of an all-volunteer force.

Assume the Draft is Repealed

If the draft were suddenly repealed there is little doubt that the number of men in the armed forces would drop sharply, given the existing levels of pay. The present armed force is composed of three groups: (1) True volunteers, (2) Reluctant Volunteers and (3) Draftees. True volunteers are those who find the military an attractive occupation, even at the present low pay level. Reluctant volunteers are those who elect to volunteer because they are motivated to some degree by the threat of eventually being drafted. Draftees are those who are forced into the military.

It should be noted that even under current conditions -- with the draft -- a considerable number of men volunteer for the armed forces. Virtually all the enlisted men in the Air Force, the Navy and the Marines are volunteers. All officers in all branches are volunteers. Essentially the Army is the only branch that is required to rely on draftees to fill their enlisted ranks. During the period 1960-1965, 645,000 men annually entered the armed forces; 539,000 or 84 percent of them entered through a variety of voluntary programs. And while it is true that some were "reluctant volunteers," the majority volunteered freely.

In late 1964, the Department of Defense surveyed over 600,000 regular enlisted personnel and divided volunteers into true and reluctant volunteers on the basis of their responses. It was concluded that about 62 percent were true volunteers. A similar survey for officers indicated that about 59 percent of them were true volunteers. Thus, approximately half of our current armed force is composed of true volunteers.

#### The Additional Annual Cost of Staffing an All-Volunteer Force

The most obvious effect of moving to an all-volunteer force is the "loss" of draftees and reluctant volunteers. If all other factors remain constant it will be necessary to raise military pay levels high enough to induce enough men to join each year to meet manpower needs. However, the nature of the armed forces also changes in such a way as to reduce costs. These cost reductions are primarily associated with the size of the armed force that is necessary to provide a particular level of national security, the number of new recruits needed each year, and the number of experienced men needed as instructors.

A partially drafted army is characterized by a high degree of turnover; the higher the proportion of draftees, the higher the rate of turnover. The records of the Department of Defense show that approximately 93 percent of those

men who are drafted leave after their initial tour of duty is up; on the other hand only about two-thirds of the volunteers leave then.

Consequently the move to an all-volunteer force would result in much greater stability. The higher reenlistment rates of volunteers would result in much greater stability. The higher reenlistment rates of volunteers would result in lower personnel turnover. Fewer men would leave the military each year, and thus fewer men would be needed to maintain any given level of manpower.

In addition it should be noted that the same amount of military protection could be provided with fewer men in an all-volunteer force than in a partially drafted one. At any given time the armed forces are composed of experienced men and trainees, and it is the experienced men who provide the protection. Thus, if we have an armed force of, say, 2.7 million men, and 500,000 are in training, our effective force is only 2.2 million men. According to Brig. General Lynn Smith, over 43 percent of our Army is composed of men with less than one year's experience. With a volunteer force, fewer trainees would be required, and consequently the same level of effective manpower could be provided with fewer men.

At the same time that the number of trainees is being reduced, the number of experienced men required to conduct the training is also reduced. This will further reduce the total amount of manpower required.

A fairly conservative estimate of the additional annual cost involved in moving to an all-volunteer armed force can be obtained by estimating the number of men required annually without taking into account the savings from lower training costs. Professor Oi has estimated, on the basis of the historical record of men who volunteered at existing low pay levels, and their reenlistment rates, that the number of new recruits needed each year to maintain an all-volunteer force of 2.65 million men would be approximately 362,000. This is about two thirds the number required annually with a partially drafted force. This estimate does not take into account the likelihood that, at considerably higher levels of pay, more men will reenlist in the future than in the past; this omission will also bias the cost estimate upward.

At existing pay levels, the 362,000 volunteers required will not be forthcoming. This is particularly true for the Army, where the estimated annual requirements would be 145,000 men, and only 90,000 would be expected to volunteer. To estimate what increase in pay would be necessary to induce the required number of men to volunteer, the differences in current voluntary enlistment rates in various geographic regions of the United States was analyzed and correlated with civilian opportunities in each region and measured by civilian pay and unemployment rates. It was found that the lower the level of civilian pay and the higher the unemployment rate, the higher was the voluntary enlistment rate. On the basis of what was considered to be a significant

statistical correlation Professor Oi has estimated that a pay raise of 68 percent for enlisted men would be sufficient to attract enough volunteers. The Department of Defense, using the same technique, came up with slightly higher figures (80 percent with an unemployment rate of 5.5 percent). The pay scale used includes (1) base pay, (2) money payments for subsistence, quarters and uniforms, (3) the implicit value of subsistence and quarters if the servicemen receive no money allowance for these, and (4) the appropriate adjustment for taxes.

A 68 percent pay raise would increase an enlisted man's annual pay during his first tour of duty from \$2,400 to \$4,200 -- or to about \$81 a week. In order to avoid any imbalance in the total pay structure, it was also estimated that current career men, who already are volunteers, would have their pay raised an average of 17 percent.

The pay scale varies according to the serviceman's job and the length of time he has been in the service; these factors are incorporated in the cost calculations. With pay raises of this order of magnitude, the armed forces should be able to meet all its requirements with volunteer personnel.

According to the defense budget for 1965, the annual cost of active duty personnel was approximately \$12 billion. Making the necessary adjustments for the higher pay scales, and the higher retention rates, it is estimated that an

all-volunteer force of 2.65 million men would cost about \$16 billion a year. The defense budget would have to be increased about \$4 billion a year to obtain an all volunteer force of 2.65 million men. Today the federal government spends about \$175 billion a year; \$4 billion would increase annual expenditures by less than 2 1/2 percent.

In addition there are considerable savings that could be realized in training costs. If, for example, the active duty force could be cut by only five percent, approximately \$800 million in annual savings would result, reducing the additional annual cost to \$3.2 billion. It should be noted that these are most likely estimates, and, as with all economic forecasts, there is some uncertainty involved.

The Department of Defenses own cost estimates of eliminating the draft are higher than those of Professor Oi, although they are based on essentially the same data. But even these estimates do not preclude the economic feasibility of an all-volunteer armed force. Reproduced below is a summary of the cost estimates the Department of Defense submitted in June, 1966.

**Estimated Increase in Payroll Costs Necessary  
to Obtain an All Volunteer Force of 2.7 million  
(in billions of dollars)**

Unemployment Rate	5.5 percent			4.0 percent		
Quality of Estimate	low	best	high	low	best	high
Total Additional Cost	\$3.67	\$5.42	\$10.28	\$5.51	\$8.34	\$16.66

With a 5.5 percent unemployment rate, the additional annual cost ranges from \$3.67 to \$10.28 billion, but it should be noted that these extremes are unlikely. Their most likely estimate, which is most relevant, is \$5.42 billion. If the unemployment rate should possibly fall as low as 4.0 percent and stay there, their most likely estimate rises to \$8.34 billion.

The above cost estimates are for maintaining an all-volunteer force, and they do not take into account the fact that the annual cost would probably be somewhat higher during the transition years. According to Professor Oi, this factor would probably increase annual costs by about \$600 million a year until the higher reenlistment rates of the new volunteers reduced the number of new recruits required each year.

Thus, even during the more expensive transition phase, the additional cost of maintaining an all-volunteer armed force of 2.65 million men would be in the range of \$3.8 billion (Professor Oi's estimate) to \$6 billion (Department of Defense's most likely estimate). There will always be a degree of uncertainty concerning these figures, but it is highly unlikely that the actual cost would deviate significantly from this range. The widely publicized additional costs of anywhere from \$17 to \$20 billion are totally unrealistic. For the Department of Defense to state, as Mr. Morris, the Assistant Secretary for Manpower did, that the additional costs could range from \$4 billion to \$17 billion is comparable to Mr. McNamara, when he was with the Ford Motor Company, estimating the cost of a new Ford at "somewhere between \$2,000 and \$8,500." Defense cost projections are admittedly uncertain, but they are not that uncertain,

The previous cost estimates are based on an armed force of 2.65 million men. Our current level of military manpower is close to 3.3 million men, and it may be raised in the future. Even if these conditions continue, an all-volunteer armed force is still economically feasible. For example, Professor Oi's estimate of the additional cost of maintaining an all-volunteer force of 3.0 million men is \$6.7 billion. It should be noted that the cost estimates for higher levels of manpower are subject to a greater degree of uncertainty than for lower levels. For example, the estimated additional cost of maintaining an all-volunteer force of 3.3 million men ranges from \$8 to \$10 billion a year. Thus, even in time of hostilities, such as Vietnam, the additional cost is feasible within the context of our federal budget.

#### Other Factors Affecting Cost

There are many other factors which affect military manpower costs, both for a partially drafted and an all-volunteer force, although they would have a relatively higher effect on an all-volunteer force. One factor which is likely to increase military manpower costs is the level of civilian pay. As the level of civilian pay in the economy rises, military pay must also increase proportionately or an increasing shortage of manpower will result. The important thing to watch is the differential between civilian and military pay. The smaller the differential, the more attractive the military is relative to civilian occupations and vice versa.

The general level of unemployment in the country also will have a significant effect on manpower recruitment. If unemployment rises, military occupations will become more attractive and relatively more men will seek to enlist. The reverse is true if unemployment falls.

On the other hand there are a number of factors and courses of action that could lower significantly the annual cost of military manpower. At this stage it is difficult to form any precise estimates of the effect they will have, but we can be reasonably sure that they will operate in the direction of reducing costs. Hopefully, some extensive research will be conducted in these areas in the near future.

One of the most important ways to reduce military manpower costs is to increase the number of qualified people; the greater the number of people qualified for military service, the lower military pay has to be to attract any given number of them. The combination of a natural increase in population coupled with a more reasonable, realistic manpower policy on the part of the armed forces could increase the number of qualified people dramatically.

According to the Bureau of the Census, there were approximately 12<sup>1/2</sup> million men aged 18 to 25 in the United States in 1965. This figure is expected to increase to 13.1 million in 1970, and further to 17<sup>1/2</sup> million in

1975. An increase of about 50 percent in the number of men in this age bracket will make it relatively less costly to obtain a given number of men for military service.

And while the increase in population gradually ameliorates the recruitment problem, there are steps that can be taken today that could expand the qualified number of people significantly. One of the most important things that could be done is to develop a more sophisticated mental and physical classification system for potential military recruits. Since the Korean conflict about half of the men in the appropriate age bracket have been disqualified for military service for various mental, physical and moral reasons. In 1964 fully 57.9 percent of them were disqualified, although the recent pressures of the Vietnam war have managed to drop this sharply to about 40 percent. But even so it is hard to believe that four out of ten young men in the United States are "unfit" for all kinds of military service.

The key to eliminating this situation lies in the creation of a multiple-level physical and mental classification system. There is no reason why a football player with a trick knee cannot be utilized in one of the thousands of military jobs where it would be of no consequence. For example, potential enlistees could be classified in one of, say, ten levels of physical condition and mental ability.

Then each military job could be analyzed in regard to the degree of physical fitness and mental ability required for that particular job, and the appropriate assignment could be made. In one of the healthiest societies in the world where the illiteracy rate is only 0.6 percent, it is likely that such a policy would produce increases of anywhere from 50 to 75 percent in the number of qualified men.

Along this same line serious consideration should be given to encouraging women to enlist in the armed forces, and every effort should be devoted to determining which jobs they could handle competently. Women were used very successfully in World War II by the United States; Israel proved even more dramatically a few weeks ago the important role women can play in the defense of their country. The result of such a policy would be to increase still further the number of qualified people.

As the number of people qualified for military service increased, steps could also be taken to increase the percentage of this number that will enlist voluntarily in the armed forces at any given level of military pay. Much more attention should be given to the recruitment techniques used by the armed forces. Massive promotion campaigns, designed to acquaint qualified people with the occupational and educational opportunities available in the armed forces, would have the effect of increasing the number of volunteers. If people are uncertain about what they may be getting into they will be reluctant

to join. In developing this policy the added costs of recruitment should be weighed against the potential savings in manpower costs that would result. One of the sad consequences of the existence of the current draft law is that it tends to create a dependence on its use, for the military realizes that any needs that they do not fulfill by current recruiting techniques will be swiftly met by General Hershey's conscription machine.

Further the number of men actually required by the armed forces to carry out their obligations could probably be reduced by a more efficient utilization of manpower within the military. The neglect of this area is shameful. During the Congressional hearings in May, 1967, Mr. Morris, Assistant Secretary of Defense for Manpower, ruefully admitted, "The manpower field, no one can deny, is as important, if not more important than any other aspect of our military strength. But I recently found in checking expenditures made for research and development that for every dollar spent on manpower research, we are spending \$300,000 on weapons or weapons-related research." When the price paid for manpower is fixed, there is little incentive for the military to devote much effort to better utilization of its men. Increases of efficiency of only five or six percent could result in savings of upward of \$1 billion a year.

In today's world there is increasing utilization of advanced technology and equipment in the armed forces. As this trend continues there will be an increasing substitution of advanced weapons systems for brute manpower. The

armed force of the future promises to be more and more characterized by the experienced, skilled technician, and less and less by the tough, courageous foot soldier. As these developments progress there will be a gradual reduction in the number of men required for any given level of military protection.

Thus, there are many important courses of action that can be taken today to substantially reduce the cost of military manpower. Perhaps one of the most ironic consequences of the existence of the draft is that it tends to perpetuate and compound the very situation that forms much of the rationale for its use.

#### The Remaining Objections to an All-Volunteer Armed Force

##### (1) We Can't Be Absolutely Sure It Will Work

Many people seem to fear that our military defenses would be subject to a great deal of uncertainty if we suddenly repealed the draft and relied on volunteers. They are afraid that the country might be subject to great danger if enough men did not volunteer to protect it.

The answer here is that any movement toward an all-volunteer force would be gradual. One possible course is to repeal the draft in principle and immediately begin to institute pay raises and other reforms. Then, as the number of men volunteering increased, draft calls would be correspondingly reduced. At some time in the future -- perhaps two or three years -- the

number of men volunteering would be more than sufficient to meet our military needs. At that point the draft would fade into the history books.

At no time during this transition phase would the national security of the United States be in any greater danger than would exist under a partially drafted force. In fact, because the volunteers would most likely make far more effective fighting men, we would experience an actual increase in military protection as the percentage of volunteers gradually increased.

Moreover, if politically necessary, standby draft provisions, which could only be used in times of extreme emergency, could be developed. However, not only would this be morally wrong, it is also likely to be (as we shall see shortly) unnecessary and ineffective. The rational alternative to emergency standby draft provisions is a powerful, truly ready, active reserve force of experienced, skilled men, supplemented by a justifiable confidence in the willingness of Americans to rise to the defense of their country in time of extreme danger regardless of pay or benefits.

#### (2) A Volunteer Force Lacks Flexibility

A number of influential people have asserted that an all-volunteer force would permit no flexibility in time of crises. The President's National Advisory Commission on Selective Service, headed by Burke Marshall, stated in February, 1967, "The sudden need for greater numbers of men would find the

nation without the machinery to meet it. To a Commission deliberating grave issues of life and death in an atmosphere created by just such a sudden need, this is of overriding significance." This particular assertion has gained fairly widespread credibility, and is often used as the only reason for retaining the draft. For this reason it is very important to examine it closely, to determine if there is any thread of justification in it.

With all respect to the President's Commission the opposite of what they conclude is true. Flexibility, in the context of military defense, refers to the speed with which a country can mobilize its manpower and resources to meet a sudden, serious threat to its national security. In such a situation a draft is useless, and reliance on it would place us in danger.

The process of conscripting a man for military service takes, at the very least, weeks, and, at a time when hundreds of thousands are required, it is likely to take months. Moreover, a teenage draftee, suddenly wrenched from his home, is going to require several months of intensive training to make even a passable soldier. Past experiments with accelerated training in the armed forces have proven that military training cannot be successfully crammed into a short period of time. When tried, the youths collapsed under the mental and physical strain.

And even if it were somehow possible to conscript and train hundreds of thousands of young men in say, three to four months, the final result would be a sudden influx of inexperienced, unskilled men who would be difficult to assimilate effectively into our fighting forces. Their contribution to our military security would be doubtful -- and many months too late.

What is required in time of extreme, sudden emergency is a large active ready reserve force, composed of experienced, skilled men who can be mobilized and assimilated quickly and effectively into the career armed force. A brilliant recent example of the efficaciousness of this procedure was the mobilization of ten percent of the entire population of Israel in just 48 hours. If something comparable could be effectuated in the United States, it would mean the mounting of an incredible force of 20 million men in two days.

Such a system is the only really effective way to increase military manpower quickly. The establishment of an all-volunteer reserve force, that was really well-trained, that was really ready, would accomplish this. According to the Department of Defense, such a reserve force could be maintained by the additional expenditure of \$1 billion a year. This, of course, would become an integral part of any move toward an all-volunteer career armed force and would increase the cost accordingly.

If the emergency developed more gradually -- giving us time to increase our military strength -- more extensive recruiting efforts (including an explanation of the impending danger) and increased pay could be used to gradually increase both our career force and our ready reserve force.

Thus, an all-volunteer armed force, supplemented by small-volunteer ready reserve, is not only adequate in terms of flexibility, it is necessary. The conclusions of the President's Commission, if widely accepted in the highest levels of our government, could lull us into the potentially dangerous attitude of relying on draftees to meet sudden threats to our national security. The only "flexibility" to be gained by having conscription is the ability of the federal government to force men into military service when they cannot persuade them with valid reasons.

(3) There is More Danger of a Military "Take-over"

A few people have raised the specter of a possible military takeover of the United States if we establish a professional armed force. Although the historical record and the current situation in the United States gives little, if any, justification for such a fear, it should be examined closely. To begin with, any potential military takeover would almost certainly initiate in the top ranks of the officer corps of the armed forces. And today's officer corps is already composed solely of volunteer, professional military men. A move to an all-volunteer force would only affect the lower ranks.

of enlisted men, particularly in the Army. It seems quite unlikely that the replacement of teenage conscripts with teenage volunteers, who have no control over military policy, would seriously enhance the chances of a military takeover in the United States. If anyone is concerned about this, the proper course would be an examination of the relationship between the military and civilian authority at the highest levels.

(4) It is Not "Right" to be Defended by "Mercenaries"

A mercenary is a man who fights for anyone -- regardless of nationality or ideology or moral conviction -- for money. To maintain that giving a man a fair wage to perform a difficult, risky job makes him a so-called mercenary is to smirch the 2.2 million men who currently compose the volunteer, professional ranks of our armed forces. It is scarcely possible that Americans would be indifferent to whom they fought for. The objection to mercenaries is invalid on its face, and is probably injected into the debate to obscure the real issues.

(5) We Would be Defended by an All-Negro Armed Force

Any reluctance to be defended by Negroes per se is overt racism. Moreover, an all Negro armed force is physically impossible. Even in the highly unlikely event that all qualified Negroes volunteered, the majority of the armed forces would still be white. On the other hand, it is possible, even likely, that a relatively higher percentage of Negroes would enlist

voluntarily, but they would only do so if they found it to their advantage. As Professor Milton Friedman put it, "Clearly, it is a good thing, not a bad thing, to offer better alternatives to the currently disadvantaged.... Our government should discriminate neither in the civil nor in the military services."

(6) It Would be Impossible to Get the Right Men For the Right Jobs

Obtaining the appropriate men for particular jobs is a technical manpower problem that has already been solved admirably with volunteers by our Navy, our Air Force, our Marines, and our officer corps in all branches of the armed forces. For jobs that are relatively difficult to fill, appropriate adjustment in pay and other incentives would be made as they are being made today, for example, with doctors.

(7) In Time of Great Danger Men Have to be Forced to Fight

If there ever was a serious threat to the national security of the United States, men would be strongly motivated to fight to defend their lives, their families, and their property. Judging from our experience in prior times of great stress, it is likely that there would be far more volunteers than could be incorporated usefully into an effective fighting force.

Summary

Over an extended period the additional annual cost of an all-volunteer armed force, including an all-volunteer active ready reserve, would most likely average about \$5 billion a year; even the most likely estimate of the Department of Defense places it only slightly higher at \$7 billion a year. Therefore, because it is moral and fair, because it increases our national security, and because it is economically feasible, we should establish a volunteer armed force that will offer the young people of our country the opportunity to participate in her defense with dignity, with honor, and as free men.

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## **APPENDIX C**

# **NIXON SPEAKS OUT**

**Major Speeches and Statements  
by  
Richard M. Nixon  
in the  
Presidential Campaign of 1968**

## THE ALL-VOLUNTEER ARMED FORCE

I speak tonight about a matter important to us all, but especially to young Americans and their parents.

I refer to compulsory military service—or, as most of us know it, “the draft.”

We have lived with the draft now for almost thirty years. It was started during the dark uncertainty before the Second World War, as a temporary, emergency measure. But since then we have kept it—through our ordeals in Korea and Vietnam, and even in the years of uneasy peace between.

We have lived with the draft so long, in fact, that too many of us now accept it as normal and necessary.

I say it's time we took a new look at the draft—at the question of permanent conscription in a free society.

If we find we can reasonably meet our peacetime manpower needs by other means—then we should prepare for the day when the draft can be phased out of American life.

I have looked into this question very carefully.. And this is my belief: once our involvement in the Vietnam war is behind us, we move toward an all-volunteer armed force.

This means, that just as soon as our reduced manpower requirements in Vietnam will permit us to do so, we should stop the draft and put our Selective Service structure on stand-by.

For the many years since World War II, I believed that, even in peacetime, only through the draft could we get enough servicemen to defend our nation and meet our heavy commitments abroad. Over these years it seemed we faced a Hobson's choice: either constrict the freedom of some, or endanger the freedom of all.

But conditions have changed, and our needs have changed. So, too, I believe, our defense manpower policies should change.

Tonight, I would like to share with you some of the reasons why I think this is so.

First, let me talk about what we cannot do.

First of all, we must recognize that conditions in the world today require us to keep a powerful military force. Being prepared for war is our surest guarantor of peace. While our adversaries continue to build up their strength, we cannot reduce ours; while they continue to brandish the sword, we cannot lay aside our shield.

So any major change in the way we obtain military manpower must not keep us from maintaining a clearly superior military strength.

In the short run we need also to recognize the limits imposed by the war in Vietnam. However we might wish to, we can't stop the draft while we are in a major war.

What we can do—and what we should do now—is to commit ourselves as a nation to the goal of building an all-volunteer armed force.

The arguments about the draft center first on whether it's right, and second, on whether it's necessary.

Three decades ago, Senator Robert Taft declared that the draft "is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy."

I feel this way: a system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. Its only justification is compelling necessity.

The longer it goes on, the more troublesome are the questions it raises. Why should your son be forced to sacrifice two of the most important years of his life, so that a neighbor's son can go right along pursuing his interests in freedom and safety? Why should one young American be forced to take up military service while another is left free to make his own choice?

We all have seen, time and time again, how hit-or-miss the workings of the draft are. You know young people, as I do, whose lives have been

disrupted first by uncertainty, next by conscription. We all have seen the unfairness of the present system.

Some say we should tinker with the present system, patching up an inequity here and there. I favor this too, but only for the short term.

But in the long run, the only way to stop the inequities is to stop using the system.

It does not work fairly—and, given the facts of American life, it just can't.

The inequity stems from one simple fact—that some of our young people are forced to spend two years of their lives in our nation's defense, while others are not. It's not so much the way they're selected that's wrong, as it is the *fact* of selection.

Even now, only about 40 percent of our eligible young people ever serve. As our population grows, and the manpower pool expands, that percentage will shrink even further. Ten years ago about a million men became of draft age each year. Now there are almost two million.

There has also been a change in the armed forces we need. The kinds of war we have to be prepared for now include not only conventional war and nuclear war, but also guerrilla war of the kind we are now experiencing in Vietnam.

In nuclear war huge ground armies operating in massive formations would be terribly vulnerable. That way of fighting, where nuclear weapons are in use, is a thing of the past.

An all-out *non-nuclear* war, on the other hand—that is, what we knew before as large-scale conventional war—is hard to see happening again. Of course, a sudden Soviet ground attack from Eastern Europe could mix Soviet forces with the populations in the West and thereby prevent swift resort to nuclear weapons. But even in this situation a massing of huge ground units would be impossible because of their nuclear vulnerability. So again, even this kind of struggle would break up into smaller unit actions.

In a guerrilla war of the Vietnam type, we face something else entirely. Here we need a highly professional, highly motivated force of men trained

in the techniques of counterinsurgency. Vietnam has shown us that success in such wars may depend on whether our soldiers are linguists and civil affairs specialists, as well as warriors. Also, the complex weapons of modern war demand a higher level of technical and professional skill.

Of course, we will still need conventional forces large by standards of only a few decades ago to guard our vital interests around the world. But I don't believe we will need them in such quantity that we cannot meet our manpower needs through voluntary enlistments.

Conscription was an efficient mechanism for raising the massive land armies of past wars. Also, it is easier—and cheaper—simply to order men into uniform rather than recruiting them. But I believe our likely military needs in the future will place a special premium on the services of career soldiers.

How, then, do we recruit these servicemen? What incentives do we offer to attract an adequate number of volunteers?

One kind of inducement is better housing, and better living conditions generally. Both to recruit and to retain the highly skilled specialists the services need, military life has to be more competitive with the attractions of the civilian world.

The principal incentives are the most obvious: higher pay and increased benefits.

The military services are the only employers today who don't have to compete in the job market. Supplied by the draft with the manpower they want when they want it, they've been able to ignore the laws of supply and demand. But I say there's no reason why our military should be exempt from peacetime competition for manpower, any more than our local police and fire departments are exempt.

A private in the American army is paid less than a \$100 a month. This is a third of the minimum wage in the civilian economy. Now to this we should add food, uniforms and housing which are furnished free. Taken all together, a single young man can probably get by on this. But it's hardly competitive with what most people can earn in civilian life.

Even with allowances, many married servicemen in enlisted ranks have actually been forced to depend on relief payments to support their families.

These pay scales point up another inequity of the draft system. Our servicemen are singled out for a huge hidden tax—the difference between their military pay and what they could otherwise earn. The draftee has been forced by his country not only to defend his neighbors but to subsidize them as well.

The total cost of the pay increases needed to recruit an all-volunteer army cannot be figured out to the dollar, but authoritative studies have suggested that it could be done for 5 to 7 billions of dollars more a year. While this cost would indeed be heavy, it would be increasingly offset by reductions in the many costs which the heavy rate of turnover now causes. Ninety-three percent of the Army's draftees now leave the service as soon as their time is up—taking with them skills that it costs some \$6,000 per man to develop. The *net* additional annual cost of shifting to an all-volunteer armed force would be bound to be much less.

It will cost a great deal to move to a voluntary system, but unless that cost is proved to be prohibitive, it will be more than worth it.

The alternative is never-ending compulsion in a society consecrated to freedom. I think we can pay a great deal to avoid that.

In any case, in terms of morale, efficiency and effectiveness, a volunteer armed force would assuredly be a better armed force.

Today, seven out of every ten men in the Army have less than two years' military experience. As an Army Chief of Personnel put it: "As soon as we are able to operate as a unit, the trained men leave and we have to start all over again." A volunteer force would have a smaller turnover; it would be leavened by a higher percentage of skilled, motivated men; fewer would be constantly in training; and fewer trained men would be tied down training others.

The result would be, on the average, more professional fighting men, and less invitation to unnecessary casualties in case of war.

The same higher pay scales needed to get more volunteers would also strengthen incentives for career service. I am sure the spirit and self-confidence of the men who wear the nation's uniform would be enhanced.

In proposing that we start toward ending the draft when the war is over, I would enter two cautions: first, its structure needs to be kept on stand-by in case some all-out emergency requires its reactivation. But this can be done without leaving 20 million young Americans who will come of draft age during the next decade in constant uncertainty and apprehension.

The second caution I would enter is this: the *draft* can't be ended all at once. It will have to be phased out, so that at every step we can be certain of maintaining our defense strength.

But the important thing is to decide to begin and at the very first opportunity to begin.

Now, some are against a volunteer armed force because of its cost, or because they're used to the draft and hesitant to change. But three other arguments are often raised. While they sound plausible, I say they don't stand up under examination.

The first is that a volunteer army would be a black army, so it is a scheme to use Negroes to defend a white America. The second is that a volunteer army would actually be an army of hired mercenaries. The third is, a volunteer army would dangerously increase military influence in our society.

Now, let's take these arguments in order:

First, the "black army" one. I regard this as sheer fantasy. It supposes that raising military pay would in some way slow up or stop the flow of white volunteers, even as it stepped up the flow of black volunteers. Most of our volunteers now are white. Better pay and better conditions would obviously make military service more attractive to black and white alike.

Second, the "mercenary" argument. A mercenary is a soldier of fortune —one who fights for or against anyone for pay. What we're talking about now is American soldiers, serving under the American flag. We are talking about men who proudly wear our country's uniform in defense of its free-

dom. We're talking about the same kind of citizen armed force America has had ever since it began, excepting only the period when we have relied on the draft.

The third argument is the threat of universal military influence. This, if ever it did come, would come from the top officers ranks, not from the enlisted ranks that draftees now fill—and we already have a career officer corps. It is hard to see how replacing draftees with volunteers would make officers more influential.

Today all across our country we face a crisis of confidence. Nowhere is it more acute than among our young people. They recognize the draft as an infringement on their liberty—which it is. To them, it represents a government insensitive to their rights—a government callous to their status as free men. They ask for justice—and they deserve it.

So I say, it's time we looked to our consciences. Let's show our commitment to freedom by preparing to assure our young people theirs.

CBS Radio Network  
Thursday, October 17, 1968

## **APPENDIX D**

### **THE AGENDA FOR PRESIDENT-ELECT NIXON**

510

OFFICE OF THE PRESIDENT-ELECT

Richard M. Nixon

450 Park Avenue  
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January 6, 1969

The Honorable Richard M. Nixon  
President-Elect  
The Pierre Hotel  
Fifth Avenue at 61st Street  
New York, New York

Dear Mr. President:

I am enclosing a report of suggestions for early action, consideration, or pronouncement on your part.

The report is directed to the legislative and executive tasks that will need to be faced in the first few months of your Administration.

I plan to present to you a revised and fuller report on or about January 20.

Sincerely yours,

Arthur F. Burns  
Chairman, Program  
Coordination Committee

Enclosure

SUGGESTIONS  
FOR  
EARLY ACTION, CONSIDERATION,  
OR PRONOUNCEMENT

A Report to the President-Elect

Submitted by

Arthur F. Burns  
Chairman, Program Coordination Group

January 6, 1969

SUGGESTIONS FOR EARLY ACTION, CONSIDERATION,  
OR PRONOUNCEMENT

(The two-starred topics merit special attention in preparing the Inaugural Address. The one-starred topics may also be of interest in that regard.)

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The above listing is tentative and incomplete. Several major topics will be added--among them, Science and Technology, Health Care, Crime and Law Enforcement, and Foreign Trade. Other major subjects, notably, Education, will be covered more intensively.

within a limited period under the type of procedure used for reorganization proposals.

- (b) States and localities should be permitted to make single applications for joint funding of projects deriving funds from several Federal sources.
- (c) States and localities should be authorized to transfer up to a specified proportion of funds received under one grant program to another program of the same Federal agency, provided the total amount of any Federal program does not exceed its authorized size.

You should ask the Secretary of H.E.W. and the Director of the Bureau of the Budget to give you, by an early date, their reaction to these proposals.

## 6. All-Volunteer Armed Force

One of your strongest pledges during the campaign was the eventual abolition of the draft. It is the major issue that you can use to establish a rapport with the youth of the country.

There is, of course, substantial opposition to such a move, partly on the ground that it may endanger national security and partly for budgetary reasons.

Thus, it is important that you work toward

the objective of abolishing the draft, but that you do so in a manner that protects both the national security and the budget. This can be done by moving toward an all-volunteer armed force in a series of steps, evaluating the results of each before moving to the next, as follows:

- (a) In your Inaugural Address, reaffirm your pledge to end the draft as soon as possible.
- (b) Increase the planned July 1, 1969 military pay raise of some \$2 billion to \$3 billion, concentrating the additional billion in the lowest enlisted ranks where the military-civilian pay discrepancy is greatest. This should induce a rise in enlistments and allow draft calls to be reduced.
- (c) Appoint a special Commission charged with the task of developing a detailed plan of action for ending the draft.
- (d) Request the Budget Bureau to evaluate the cost required to replace the draft with an all-volunteer armed force. The Bureau should also be prepared to report the impact on enlistments of the higher military pay scale of fiscal 1970, and to recommend in the light of its findings any change in the pay scale for fiscal 1971. If the evidence indicates that

enlistments are highly sensitive to increased pay scales, the move toward eliminating the draft can be accelerated at limited cost. On the other hand, if the evaluation indicates that very large costs are needed to assure a substantial increase of enlistments, a slower pace of implementation would be logical.

You should, of course, take into account the very real possibility that the military chieftains, perhaps with good reason, would raise a storm of protest about the narrowing of pay differentials between officers and privates. In any event, you will need advice on this whole problem from the Secretary of Defense, and you should communicate your interest to him promptly.

#### 7. National Science Foundation

Dr. Lee A. DuBridge makes a compelling plea for immediate relief to the National Science Foundation. He writes as follows:

"The expenditure ceiling imposed on the National Science Foundation for fiscal 1969 was extraordinarily damaging -- primarily because it forced N.S.F. essentially to abrogate grants and agreements already made to many colleges and universities. It is one thing to cut the allo-

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