

eligible for the draft by reason of losing their student deferment or through graduation or through the application of the new law to graduate students are arbitrarily put in the 19-year-old group and subject to the draft from that prime age group?

General HERSHEY. As I understand the law, if the Secretary of Defense should establish 19, having the call there, then I would expect that anyone who became a 1-A would enter into the 19-year-olds, where his birthday took him.

In other words, if he were born in 1942 or 1943, and he entered those born in 1948, that if his birthday was the 12th day of September, he would be a 19-year-old born on the 12th day of September, and when we came to the 12th of September, he would be taken.

Mr. ERLNBORN. In other words, you are saying that a 23-year-old who has just become 1-A, through losing his student deferment, would be considered by you to be 19 years old, for draft purposes?

General HERSHEY. Yes; on the date on which he was born.

Mr. ERLNBORN. Then the month and day within the month in which he was born would determine his age?

General HERSHEY. That is right. It would establish him where he belonged among the 23-year-olds.

Mr. ERLNBORN. All this can be done administratively, without any new laws being passed?

General HERSHEY. That is right. I have said, and I do not want to leave any impression that I am very happy getting into several age groups at one time, but I do not want to admit as an administrator that I can't do it, because we can.

Mr. ERLNBORN. I yield to the chairman.

Mrs. GREEN. Isn't it true that in Congressman Rivers' letter to you, dated February 20, that this was, in effect, what he recommended, and he referred to the fact that the Department of Defense, the Marshall Commission, the Clark Panel, the House of Representatives, and Senate all concurred in the desirability of adopting the so-called modified age system?

General HERSHEY. If I understand the question, in my statement I brought out this had to do with the order of induction, or 19-year-olds, or what?

I did not get the question. The acoustics here are bothering me a bit.

Mrs. GREEN. Is this in effect what Congressman Rivers requested of you in his letter of the 20th?

General HERSHEY. Yes. Congressman Rivers, as I understand, asked me two things.

First, he asked me about the graduate students, and the answer was quite simple, because that came from the National Security Council.

He asked me about the order of induction, taking the oldest first. That was a thing that had already been delegated to the Department of Defense.

I have received no calls. I did in my letter to Congressman Rivers defend the taking of them.

Now, mind you, the things that have been testified here this morning, that it is going to create a problem, have not happened yet. We should look forward, I will say that, but our law is flexible enough we can solve them on pretty short notice.