

In an effort to make our draft law fairer, I am today introducing a thorough revision of the law amended by Congress last June. The law now in effect is a patch-work of piecemeal additions and alterations. It satisfies no one. We must rewrite it, and must rethink its underpinnings, if we are to have a law which fairly reflects the spirit of our free society.

Before I outline my bill's major provisions, let me set out a brief outline of what took place last year. The Universal Military Training and Service Act, the successor to 1940's Selective Training and Service Act, was due to expire June 30, 1967. In preparation for congressional debate over draft law revision and extension President Johnson appointed a National Advisory Commission on Selective Service, chaired by former U.S. Assistant Attorney General Burke Marshall. The chairman of the House Armed Service Committee, Mendel Rivers, appointed a Civilian Advisory Panel on Military Manpower Procurement, chaired by retired Army Gen. Mark Clark.

After these two groups had made their reports, the President on March 6 sent to the Congress his message on selective service. This message recommended adoption, either legislatively or by executive action, of the major reforms proposed by the Marshall Commission. I had introduced a concurrent resolution on February 23, which would have declared it to be the sense of the Congress that these reforms were necessary and that the President should institute them by executive action.

During March, April, and May, three congressional committees held hearings on draft reform: the Senate Subcommittee on Employment, Manpower and Poverty, the Senate Armed Services Committee, and the House Armed Services Committee. On May 4, the Senate Armed Services Committee reported out an extension and revision of the draft law. This bill would have left wide discretionary authority with the President to institute the reforms recommended both by the Marshall Commission and the President himself.

The House Armed Services Committee, however, greatly changed the Senate-passed bill, adopting many punitive and restrictive provisions not in the Senate bill. The House adopted its committee's bill with little change. Virtually all of these provisions were adopted in the Senate-House conference, and this conference bill was accepted by the Senate on June 14 by a vote of 72 to 23. It was signed by the President in this form on June 30, 1967.

The bill I am introducing today is a complete revision of the law now in effect. This law now in effect is, as I have said, a product of the 1967 amendments being grafted onto the old law. My bill would repeal the law now in effect, and be a substitute for it.

Let me describe my bill's major provisions.

RANDOM SELECTION

In any situation short of total mobilization, only some men out of many must be involuntarily inducted for military service. This one simple and overriding fact precludes the draft from being completely fair and equitable.

But within the confines of this inherently inequitable framework—the necessity of choosing some men from among many—we can make drastic improvements over the system we have in effect now. The basis for this improvement is an impartial random selection system. This random selection system would be nothing more than a technique for determining, in as impartial a manner as possible, an order of call among those already determined qualified and available for service.

In the next few years, about 1,900,000 young men will reach age 19 each year. Thirty percent of these men, or 570,000, will be disqualified because they fail to meet the physical, educational, or moral standards of the Department of Defense. Another 30,000 will receive hardship deferments or legal exemptions. There will, consequently, be about 1,300,000 19-year-olds qualified and available for service each year. Based on past experience, some 570,000 young men will voluntarily enlist in a regular or officer program, leaving 730,000 qualified and eligible 19-year-olds who do not volunteer. Since the military requirements for new men might amount to 680,000 men, and 570,000 will volunteer, about 110,000 must be involuntarily inducted. And they must be inducted from among the 730,000 non-volunteers. This is the imperative of numbers: that our draft system must somehow choose the one young man out of seven qualified and available who will be involuntarily inducted into the military service.