

My bill would require the President to make a study of the feasibility of a National Service Corps in which individuals seeking nonmilitary service could fulfill their obligation of service to the country. The President would report to the Congress on the results of his 1-year study.

#### DRAFT AS PUNISHMENT

Mr. President, military service is and should be an honor and a privilege. It should in no way be considered a punishment.

For that reason, my bill would prohibit local boards from reclassifying draft protestors as delinquents and subjecting them to immediate induction. Instead, whenever a protestor took part in any illegal activity, he would be prosecuted under the law's criminal provisions and, if found guilty, be punished accordingly.

We should in no way protect draft protestors from the processes of the law. But neither should we draft them and send them off to serve beside men who are proud to be serving their country. My bill would prohibit using the draft as a punishment and would instead rely upon the U.S. attorneys and the courts to enforce the provisions of the law which govern illegal activities.

#### SELECTIVE SERVICE DIRECTOR TERM

Most Presidential appointments carry a fixed term of service, and are not open-ended. My bill would conform the Selective Service law to most other Federal statutes, by requiring that appointment as Director of the Selective Service be for a 6-year term, and that at the end of the 6-year term the President must make a new nomination and the nomination must be confirmed by the Senate. There is no prohibition against renomination of the same individual as many times over as the President requires. This new provision would not apply to the current Director, General Hershey.

#### ALIENS

Under our draft law, aliens are subject to confining, confusing, and discriminatory treatment. For example, when the law was written, the NATO countries required 18 months' service. The law consequently provides that an alien in this country who has served 18 months in the military service of a nation with whom we are allied, is not subject to draft in the United States. But since this provision was written into the draft law, the NATO countries have lowered their service requirement to 16 months. Thus, aliens who have fulfilled their military service in their own country, and are now in this country, find themselves subject to our draft. This is in direct contravention to a number of treaties in force between this country and our allies.

Numerous other examples of the need to revise our draft policies toward aliens were made by the Department of State to the Marshall Commission.

By bill adopts the recommendations of the Department of State with regard to aliens and the draft. These are:

That all nonimmigrant aliens should be exempt from military service.

That resident aliens should not be subject to military service until 1 year after their entry into the United States as immigrants.

That 1 year after entry, all resident aliens should be subject to military draft equally with U.S. citizens unless they elect to abandon permanently the status of permanent alien and the prospect of U.S. citizenship.

That aliens who have served 12 months or more in the Armed Forces of a country with which the United States is allied in mutual defense activities should be exempted from U.S. military service, and credit toward the U.S. military service obligations should be given for any such service of a shorter period.

These changes can assure that our draft policy toward aliens is coherent, and rational, and that it comports with our international treaty obligations.

#### JUDICIAL REVIEW

The 1967 amendments added a provision to the law which denies judicial review of any draft classification and processing action, unless the registrant is a defendant in a criminal action. In other words, the decisions of the Selective Service System are insulated from the reins of Federal Court review unless one desiring to challenge the decisions accepts the stigma of being charged with a criminal violation of the draft law. This is surely an extraordinary interpretation of the process.