

Congress of the United States
Washington, D.C. 20515

The Honorable Peter A. DeFazio
Testimony for the House Armed Services Committee
**Full Committee Hearing: “Recommendations of the National Commission on Military,
National, and Public Service”**
May 19, 2021

Chairman Smith and Ranking Member Rogers:

Thank you for the opportunity to submit testimony as part of the House Armed Services Committee’s hearing on the recommendations of the National Commission on Military, National, and Public Service (NCMNPS).

As you know, the military draft has not been used since 1973, when President Nixon ended the Vietnam War draft and created an all-volunteer force. President Ford ended draft registration in 1975. Unfortunately, despite all evidence demonstrating it was unneeded, President Carter reinstated draft registration in 1980 largely for political reasons. Military draft registration has existed ever since, requiring all men aged 18-26 to register with the Selective Service System (SSS). **It should be repealed altogether.**

Alongside Congressman Rodney Davis, I’ve reintroduced bipartisan legislation – [H.R. 2509, the Selective Service Repeal Act](#) – to repeal the Military Selective Service Act (MSSA) and the draft registration system. Senators Ron Wyden and Rand Paul have introduced identical legislation in the Senate: [S. 1139](#).

The SSS is an unnecessary, unwanted, archaic, wasteful, and punitive bureaucracy that violates Americans’ civil liberties. The annual funding directed to the SSS could be better spent on encouraging and enhancing public service or reducing our federal deficit. It’s beyond time for Congress to repeal the SSS once and for all.

The SSS subjects individuals to unnecessarily severe penalties

Currently, men who fail to register with the SSS can be severely penalized by both the federal government and state governments. This could include years in prison, hundreds-of-thousands of dollars in fines, and the denial of federal student loans, grants, benefits, citizenship, job training, and federal employment. Various state laws also penalize individuals for failing to register with the SSS, including denial of driver’s licenses, state employment, and other services. Men who fail to register by their 26th birthday face these penalties for life, unless they can successfully appeal – which can be expensive, protracted, and require resources that many individuals don’t have.

According to USA Today, “Selective Service statistics suggest that more than 1 million men have been denied some government benefit because they weren’t registered for the draft.”¹

Unfortunately, low-income individuals and people of color are likely the ones most adversely impacted by these severe penalties.

¹ “For a million U.S. men, failing to register for the draft has serious, long-term consequences,” *USA Today*; Gregory Korte; April 2, 2019; <https://www.usatoday.com/story/news/nation/2019/04/02/failing-register-draft-women-court-consequences-men/3205425002/>.

It makes no sense to keep these unnecessarily severe penalties on the books for a hypothetical military draft that neither the Department of Defense (DOD) nor experts can conceivably imagine ever occurring, under a system that maintains inaccurate and unreliable data.

We've known for decades that the SSS is redundant and unnecessary

The Pentagon and Republican and Democratic administrations have consistently agreed there is no military or national security imperative to reinstate the draft. I learned this firsthand during the Carter administration while serving as a congressional aide to Oregon Congressman Jim Weaver, when I obtained a draft copy of then-Selective Service Director Dr. Bernard Rostker's report² stating that military draft registration was "[redundant and unnecessary](#)."³ Oregon Senator Mark Hatfield entered Dr. Rostker's report, which the Carter administration tried to hide from the public, into the Congressional Record.⁴

Ever since the SSS's dubious reinstatement, military leaders have acknowledged that there is no realistic scenario in which the military anticipates ever reinstating a military draft. For example, in response to a 2012 Government Accountability Office (GAO) report urging the DOD to reassess the military necessity of the SSS, the Principal Deputy Assistant Secretary of Defense at the time wrote to the GAO stating that DOD had completed a reassessment and concluded "that there is no longer an immediate military necessity for the Selective Service System...DOD has no operational plans that envision mobilization at a level that would require conscription."⁵

There is an ongoing myth among some proponents of draft registration that we should maintain the SSS for national security reasons "just in case." A memorandum published by NCMNPS staff⁶ echoed this misconception, claiming: "Although the DoD has no current plans to rely on conscription, the nation has historically relied upon the SSS to provide personnel to fight and win the nation's wars and asserts that the United States must retain the ability to respond to unanticipated crises." In his 2019 testimony to the NCMNPS⁷, Dr. Rostker points out that the staff memorandum's "statement is misleading. It is an incorrect reading of our national history and the history of the military draft." Dr. Rostker continues:

In fact, a pre-mobilization draft only existed after World War II and impacted the conflicts in Korea and Vietnam. In Vietnam it proved so divisive that it was replaced by an all-volunteer force we have today. A more correct reading of history shows that we have engaged in active military conflict numerous times since 1973 without the "help" of the Selective Service System, including the longest military conflict in our history. There are many reasons why we have been able to do so which negates the need for conscription. Most significant is the change in military technology which makes the need for a mass of untrained manpower, the very thing the draft provides, unnecessary and actually a burden. Today the Army does not need and cannot absorb the mass of untrained and unskilled men, and potentially women, the draft would provide. If

² *Improving Capability to Mobilize Military Manpower: A Report by the Director of the Selective Service*, draft working document, Washington, D.C.: Director of the Selective Service System.

³ "Selective Service Told Carter Registration Is 'Unnecessary'", *Washington Post*; George C. Wilson; February 23, 1980; <https://www.washingtonpost.com/archive/politics/1980/02/23/selective-service-told-carter-registration-is-unnecessary/cce24e6e-6335-44b3-8bf9-1a91293b703a/>.

⁴ "Improving Capability to Mobilize Military Manpower," *Congressional Record*; Senator Mark Hatfield; February, 27, 1980; <https://defazio.house.gov/sites/defazio.house.gov/files/Congressional%20Record%2C%20Feb%2027%2C%201980%2C%20Rep%20ort.pdf>.

⁵ "National Security: DOD Should Reevaluate Requirements for the Selective Service System," Government Accountability Office; June 7, 2012; <https://www.gao.gov/products/gao-12-623>.

⁶ "Staff Memorandum: Expanding Selective Service Registration to All Americans," National Commission on Military, National, and Public Service; <https://inspire2serve.gov/api/files/195>.

⁷ Military and Public Service Policy Forum, Day 1, Part 2; C-SPAN; Testimony of Dr. Bernard Rostker, minutes 24:58 - 34:17, <https://www.c-span.org/video/?460068-2/national-commission-military-national-public-service-forum-part-2>; A pre-written version of Dr. Rostker's testimony to NCMNPS can be viewed here: <https://www.inspire2serve.gov/api/files/206>.

history tells us anything, it is that when we have needed to build a mass Army, as we did for World War I and World War II, there was sufficient time to develop a new Selective Service System from scratch; in the former case from the handbook written after the Civil War, and in the latter case from the work of a planning cell at the Department of War. Such a planning cell could again meet any future needs for the re-establishment of [a] military draft.

It's clear that the idea of a peace-time military draft registration system is an obsolete relic that has no place within the realities of 21st century warfare.

The SSS does not maintain an accurate or reliable database

Even if a military draft was reinstated, the SSS wouldn't provide an accurate registry or achieve its stated goals. According to Dr. Rostker's 2019 testimony to the NCMNPS:

“As I've argued in my recent paper⁸ the current system of registration is ineffective and, frankly, less than useless. It does not provide a comprehensive nor an accurate database upon which to implement conscription. As I laid out, it systematically lacks large segments of the eligible male population, and for those that are included, the currency of information contained is questionable.

Numerically, let me suggest that the database of those eligible for conscription should be at least 93 percent comprehensive and 98 percent accurate; levels that are far from achieved by the current system...”

Wadi Yakhur, a former Chief of Staff for the Selective Service Administration during the Trump administration, stated that millions of American men have failed to register with the SSS.⁹ Men aged 18-26 are also technically required to notify the SSS if they change their address, but this requirement is almost universally ignored. This underscores the inaccuracy and inadequacy of the SSS even if a draft was somehow reinstated.

The SSS violates Americans' civil liberties:

Coercing Americans into the military – absent an extreme national emergency – has no place in a free and democratic society. Civil liberties groups, faith organizations, pro-peace activists, and more oppose the SSS because involuntary military conscription is a violation of fundamental civil liberties and Americans' constitutional rights. That's why military draft registration has garnered bipartisan support for decades.

The SSS is a wasteful bureaucracy

The SSS has cost well over \$800 million over the last 35 years, and it receives approximately \$26 million in funding every fiscal year¹⁰. Eliminating this obsolete program will save American taxpayers more than \$250 million over ten years.

Repealing Draft Registration Would Achieve Equality Under the Law

As you know, after DOD lifted the ban on women serving in combat roles in 2013, some have suggested that women should also be required to register for the military draft in order to achieve equality under the law. **However, equality under the law can also be achieved by repealing military draft registration altogether.** We should not double the number of Americans forced to participate in an obsolete and unnecessarily punitive program that violates their civil liberties. Rather, we should repeal the SSS and finally end this unnecessary program.

⁸ “What to Do with the Selective Service System? Historical Lessons and Future Posture,” RAND Corporation; Bernard D. Rostker; <https://www.rand.org/pubs/perspectives/PE197.html>.

⁹ “Thousands of Pa. men fail to register with selective service,” ABC 27; Kendra Nichols; August 12, 2020; <https://www.abc27.com/news/top-stories/thousands-of-pa-men-fail-to-register-with-selective-service/>.

¹⁰ “The Selective Service System and Draft Registration: Issues for Congress,” Congressional Research Service; Kristiy N. Kamarck; Updated May 1, 2020; <https://www.crs.gov/Reports/R44452?source=search&guid=8d7aae033c694954bc8e42720f203719&index=1>.

Congress Should Pass H.R. 2509/S. 1139, the Selective Service Repeal Act

I have reintroduced H.R. 2509 – the Selective Service Repeal Act – bipartisan, bicameral legislation to repeal the military draft registration system. The Selective Service Repeal Act would:

- Repeal the Military Selective Service Act (MSSA), which created the SSS.
- Eliminate all penalties for individuals who failed to register with the SSS and ensure there is uniform protection from these penalties in all U.S. states and territories.
- Maintain the federal protections for conscientious objectors contained in the MSSA.

Endorsing organizations of the Selective Service Repeal Act include: Friends Committee on National Legislation (FCNL), Center on Conscience & War, World BEYOND War, RootsAction.org, Peace Action, CODEPINK, American Friends Service Committee (AFSC), Just Foreign Policy, Pax Christi USA, Truth in Recruitment, the Military Law Task Force of the National Lawyers Guild, Committee Opposed to Militarism and the Draft (COMD), Courage to Resist, Presbyterian Peace Fellowship, Antiwar.com, Church of the Brethren, Veterans for Peace, International Peace Research Association (IPRA), War Resisters League.

Conclusion

Our professional, all-volunteer military is the finest fighting force in the world. Recruits must compete under exacting standards in order to enlist, which is why military leaders have said time and time again they believe in and prefer an all-volunteer military. What we already knew in the 1970s is still true today: the SSS is an unnecessary, unwanted, archaic, wasteful, punitive, and potentially unconstitutional bureaucracy whose funding could be better spent on encouraging and enhancing public service or reducing our federal deficit.

Instead of expanding draft registration to all Americans aged 18-26 and thus doubling the number of Americans who are subject to the undemocratic and unnecessarily punitive military draft registration system – as some are now proposing to do – we should end draft registration altogether by passing my legislation, the Selective Service Repeal Act.

Thank you again for the opportunity to submit testimony today. I appreciate the Committee's time and review of the arguments I've laid out, and I look forward to continued debate over the future of the Selective Service System.

reer he specialized in tax and tariff law and for many years was the principal legislative draftsman for the bills in those fields coming before the Senate, in more recent years Harry has worked very closely with the Committee on Rules and Administration and has given our staff frequent and valuable counseling and drafting assistance.

Harry Littell is an outstanding example of a career public servant. He has skillfully, ably, and tirelessly served the Senate for 33 years. I most sincerely wish him the enjoyment of a long and happy retirement, with his wife Becky and their family of four children. ●

IMPROVING CAPABILITY TO MOBILIZE MILITARY MANPOWER

● Mr. HATFIELD. Mr. President, it has always been my belief that it is incumbent upon those charged with the defense of the Nation to choose the least divisive and intrusive means of accomplishing that task. And so, I submit for the RECORD today a 28-page report, issued January 16 by the Director of the Selective Service, which clearly states that draft registration, in its own words, is "redundant and unnecessary." This report preceded the 63-page February 13 report from the President to Congress on the state of the Selective Service. The option for a postmobilization registration plan, apparently endorsed by the Director of the Selective Service as the most efficient and cost-effective program for mobilization, was excluded from the report sent to Congress. The report I submit today shows that the administration has chosen to either ignore or bury the truth about draft registration.

I would like to point out, Mr. President, that this report followed, by almost a month, the brutal Soviet invasion of Afghanistan. As indicated in the official report sent to Congress, the Selective Service mobilization timetable, based on the Department of Defense's specifications, because it is based on "worst case" planning already, includes exigencies like those in Iran and Afghanistan. These war plans require the first inductees within 30 days after an emergency is declared.

The postmobilization registration plan recommended by the Selective Service in the report I am submitting states that the first inductee could be made available within 17 days after mobilization. Under the Carter administration's proposed registration plan, the first inductee could be made available in 10 to 13 days. This would indicate a 4 to 7 day improvement over the capability of the system without draft registration. Either way, the requirements of the Defense Department are exceeded by a healthy margin.

Though the case is clearly made that draft registration is not necessary to carry out the Department of Defense's war plans, and one need not challenge their assumptions to make that case, two factors deserve mention because they strengthen the case against draft registration even more. First, the mobilization requirements assume that there will

be no volunteers. I would remind my colleagues that on June 4, 1917, 10 million men were registered and that on October 16, 1940, 16 million men were registered. I think an argument can be made, Mr. President, that basing our requirements on the assumption that there will be absolutely no volunteers in times of true national emergencies insults the patriotism of the American people.

In addition, given the current training base capacity of the United States, it is unlikely that vast numbers of draftees could be used prior to 30 days after mobilization. Optimistically, Army Reserve units are not to be manned, equipped, and organized until 19 days after mobilization. I urge my colleagues to study this report carefully. I have chosen to make this information public, Mr. President, because the American people, particularly our young people and their parents, have the right to know the truth about the empty symbolism of draft registration.

The report follows:

IMPROVED CAPABILITY TO MOBILIZE MILITARY MANPOWER INTRODUCTION

Since 1973, the Armed Services of the United States have operated under an All-Volunteer Force (AVF) concept. Even though inductions under the Military Selective Service Act (MSSA) have been terminated, the Selective Service System is still responsible for providing the increased personnel necessary to man our Armed Services during periods of national emergency. The ability of the Selective Service to support a military mobilization is of concern to the Administration and the Congress. This report examines a number of alternative Selective Service postures and sets forth a course of action to insure that Selective Service can, in a realistic, efficient and equitable manner, meet the emergency manpower needs of the Department of Defense.

The Selective Service and the All-Volunteer Force

In 1970, the President's Commission on an All-Volunteer Armed Force reported that they "unanimously believed that the nation's interest will be (best) served by an all-volunteer force, supported by an effective standby draft." (p. 56) Anticipating the advent of the AVF, the Congress, in 1971, amended the MSSA to provide that:

"The Selective Service System . . . shall . . . be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operations in the event of a national emergency and (2) personnel adequate to reinstate immediately the full operation of the system . . . in the event of a national emergency."

In FY 1973, the AVF became a reality. The last draft calls were issued in December 1972; statutory authority to induct expired in June 1973. On April 1, 1975 the President suspended the requirement that those subject to the MSSA register with the Selective Service System. Classification actions were terminated and local boards, State Headquarters, and appeal boards were closed in FY 1976.

The Standby Selective Service System

Under the AVF concept, the Selective Service is to provide a "standby" system to support a military mobilization. The system must be ready, without notice, to provide the untrained manpower that will be required to staff our Armed Services during a military emergency. The specific require-

ment—numbers of people and delivery schedule—are established by the Secretary of Defense.

In the mid 1970's, the Secretary of Defense established an induction requirement which Selective Service believed they could meet with their existing system. In October 1977, however, Defense increased the requirement and moved up the schedule. This change was based upon the worst case scenario in which there are no volunteers or enlistments from the delayed entry pool, and Selective Service provides the entire DOD requirement for untrained manpower. Table 1 contrasts the original and the revised delivery schedules.

TABLE 1.—DOD INDUCTION REQUIREMENT

	1st induction	100,000 inductions	Total inductions in 6 mo
Original.....	M+110	M+150	650,000
Revised.....	M+30	M+60	

M=Mobilization day.

The ability of the Selective Service to meet the revised schedule has been the subject of a number of recent critical reviews, including a major President's Reorganization Project Study. Each study concluded, as did the then Acting Director of Selective Service in a report to the Congress (March 1979), that, Selective Service does "not presently have the capability to meet the Department of Defense wartime manpower requirements from our 'deep standby' status."

A report to the Congress

The 1980 Defense Authorization Act required that the President address a number of issues pertaining to military manpower procurement policies and the appropriate posture for a "standby" Selective Service.

Specifically, Selective Service has addressed five issues posed by the Congress:

The desirability and feasibility of establishing a method of automatically registering persons under the Military Selective Service Act;

The desirability and feasibility of establishing a method of automatically registering persons under the Military Selective Service Act through a centralized automated system using school records and other existing records, together with a discussion of the impact of such a registration on privacy rights and on other constitutional issues;

Whether persons registered under such Act should also be immediately classified and examined or whether classification and examination of registrants should be subject to the discretion of the President;

Such changes in the organization and operation of the Selective Service System as the President determines are necessary to enable the Selective Service System to meet the personnel requirements of the Armed Forces during a mobilization in a more efficient and expeditious manner than is presently possible; and

Such other changes in existing law relating to registration, classification, selection and induction as the President considers appropriate.

In addition, the Conference report accompanying the 1980 DOD Authorization Act charges that:

"The President's recommendations with regard to the feasibility of establishing a registration plan through a centralized automated system should specifically address court decisions with respect to the requirement for issuing induction orders in the proper 'order of call', as well as those dealing with conscientious objectors, classification procedures, and other relevant court decisions."

"If the President intends to rely on post-mobilization registration plans as the foundation of our mobilization capacity at time of emergency, then the report should also address the extent of testing of the plan that will be done, the acquisition schedule, and capability of computers and other necessary equipment, the extent of agreements with state election officials or other non-Federal agencies, the schedule for training Federal and non-Federal personnel who would be involved in registration, and the likelihood that induction orders issued under such a plan would survive potential court challenges."

The basic problem facing Selective Service is, "How should the Selective Service System operate to meet, efficiently and equitably, the mobilization needs of the Department of Defense for untrained manpower?" In order to address this question, we examined a number of options which correspond to the alternatives suggested by the Congress in the 1980 Defense Authorization Act. Specific options considered were:

1. A post-mobilization participatory (face-to-face) registration plan.
2. Pre-mobilization participatory registration.
3. Pre-mobilization participatory registration and classification.
4. Pre-mobilization participatory registration, classification, and examination.
5. Non-participatory registration.

This report

This report reflects the process undertaken to provide an answer to the above question and to choose a course of action designed to insure that Selective Service will be able to carry out its mission in support of the Defense Department. First, we examined the DOD requirement with regard to the Armed Forces Examining and Entrance Stations (AFEES) capacity to process registrants for induction. This established a minimum responsiveness goal for Selective Service. Next, we examined five options and assess their ability to meet delivery requirements, and their costs. We reviewed the post-mobilization plans previously submitted to the Congress and determined that major improvements could and should be made. We therefore developed a new post-mobilization system, dramatically different from the plan previously presented to the Congress, and determined its cost and responsiveness. Using this plan as a base, we provide for pre-mobilization registration, and estimated the added cost and improved responsiveness. We then considered classification, and classification and examinations, and, again projected the marginal cost and improvement in responsiveness. Our analysis also considered non-participatory registration as an alternative to face-to-face registration. Our basic conclusion was that non-participatory registration is undesirable and that every participatory registration option can more than meet the DOD manpower requirement. The post-mobilization option is by far the most cost effective, and least intrusive, and is the option chosen by Selective Service. The next section of the Report examines that option in detail, and steps taken to build an efficient and equitable standby Selective Service System.

The Standby Selective Service System presented in this report is markedly different from previous standby plans. We highlight the new system with respect to seven subsystems which make up the registration/induction process. The major changes are (1) reliance on the U.S. Postal Service (USPS) to conduct face-to-face registration; (2) the sort of registration forms by USPS into Random Sequence Numbers (RSN), the creation of computer data files in RSN order and the accelerated promulgation of induction orders; and (3) the reliance on operating, in-

place, testable, Federal Infrastructures to support the Selective Service in an emergency, i.e., Social Security Administration and Internal Revenue Service for "keypunch" support and DOD for computer, facilities, and personnel support. This support in no way compromises the administrative independence of the Selective Service and completely reserves for Selective Service the process by which claims for deferments and exemptions are adjudicated.

We also provide an Analysis of the new Standby Selective Service System to determine how flexible it is likely to be in meeting Defense's requirements. Our analysis considered (1) our ability to achieve a given schedule and (2) our ability to achieve a planned rate of production. The total registration/induction system has the capability to meet the DOD induction schedule even with considerable slippage in the assumed timetable or a failure of the Selective Service and/or the AFEES to achieve a given rate of performance.

The report goes on to consider a number of additional concerns raised in the Conference report and statutory changes with regard to the new post-mobilization plan. The report concludes with a Summary and Conclusions section which highlights steps already taken to ensure Selective Service's immediate ability to respond to an emergency military mobilization.

The DOD requirements

In 1977, DOD asked the Selective Service to develop the capability to start inductions within the first thirty days after mobilization (M+30), and to deliver 100,000 inductees to Defense by M+60, with 650,000 inductions to take place during the first six months of mobilization. This was based upon the worst case scenario, namely that Selective Service would be the only source of untrained manpower.

As noted, the DOD requirements are stated as "inductions" and as such require the closest coordination between the Selective Service and DOD's Military Enlistment Processing Command (MEPCOM). In the "induction" process, the Selective Service:

Registers those subject to the MSSA.
Determines the order of those who will be called for service.

Orders registrants to take physical and mental examinations.

Issues orders for induction.
Classifies individuals.

Adjudicates claims for deferments, postponements, and exemptions.

The Military Enlisted Processing Command, through their 67 Armed Forces Examining and Entrance Stations (AFEES):
Provides physical and mental examinations.

Inducts qualified registrants into the Armed Services.

In order to understand clearly the implications of the Defense requirement on the Selective Service, we have worked with MEPCOM to determine the AFEES capability to process registrants during a military mobilization. Our analysis shows that the AFEES have the ability to give at least 14,000 physical and mental examinations per day, 6 days per week during mobilization. This means that:

Historical analysis indicates that depending upon the time of the year, the Selective Service System must issue as many as 35,000 indication orders per day in order to guarantee that 14,000 registrants will report to the AFEES to take physical and mental examinations. (Induction orders would be issued ten days before an individual is expected to report to an AFEES.)

Based upon a historical 50 percent physical and mental examination acceptance rate, the system can induct 7,000 per day, 6 days per week.

The AFEES could accept registrants as late as M+43 and still provide 100,000 inductions by M+60.

Earlier delivery of registrants to the AFEES would allow them to operate below maximum capacity or the SSS/MEPCOM system to induct more than 100,000 by M+60.

SELECTIVE SERVICE OPTIONS

Selective Service considered in detail the five options in terms of the ability each provides to carry out our mission. Before describing the options and the results of our analysis in more detail, it is important to note that there are a number of features which are common to two or more of these options. The most important of these are:

United States Postal Service will carry out the face-to-face registration. USPS has agreed to undertake the task of face-to-face registration under all participatory registration options (Options 1, 2, 3 and 4). The USPS is attractive because it is a single command infrastructure with facilities and personnel, and a communication/transportation network extending to every corner of the country. Postal locations are widely known. USPS has provided similar services for the Department of State (passport applications) and for the United States Immigration and Naturalization Service (alien registration). USPS is capable of storing registration forms, transporting materials and training personnel. They can sort registration material and transport forms to central locations for data processing. The USPS has also agreed to joint tests of their capability to register draft eligible individuals. The first such test will be conducted later this year.

The Emergency Military Manpower Procurement System procedures will be employed wherever possible. Both pre- and post-mobilization participatory registration options (1 and 2) will employ the procedures incorporated in the Emergency Military Manpower Procurement System (EMMPS). A major feature of EMMPS is that it eliminates pre-induction examinations and classification. After registration and a Random Sequence Number (RSN) lottery, all registrants will be administratively classified I-A, ready for induction. Induction orders would be centrally issued in RSN order by the Director of Selective Service. After receiving an induction order, a registrant would either report to an AFEES for examination (and if found physically and mentally qualified, would be inducted), or would request a deferment or exemption. Such requests would be processed by local boards.

A new data processing system will support all options. Everyone who has looked at the current state of the Selective Service has concluded that the ADP system is inadequate. In order to immediately provide the capability to register and induct, the Selective Service and the Department of Defense have agreed that the United States Army Management Systems Support Agency (USAMSSA) will provide computer support for the operation of EMMPS. This is only an interim step. A joint Selective Service/MEPCOM computer center is planned for the Fall of 1980. The joint center will provide a single computer facility completely dedicated to the registration/induction process while preserving the operational and administrative independence of the Selective Service.

The Selective Service field structure will be reactivated in accordance with the requirements of each option. The Selective Service will recruit and train local and appeal board members and will provide for the establishment of area offices under all options. In an emergency (Options 1 and 2), the Department of Defense will provide selected facilities and personnel temporarily detailed from military recruiting commands to augment and support area office operations. If Selective Service undertakes pre-mobilization

classification of registrants (Option 3), area offices will be established and staffed.

Given these common features, the following discussion highlights the responsiveness, cost, structure and operating procedures of the Selective Service System under each option. (Cost and personnel requirements are based upon the assumption that the MSSA will be amended to require women to register with the Selective Service.)

Option 1. Post-Mobilization Participatory Registration. The discussion of this option reflects major changes from the post-mobilization plans previously presented by Selective Service. Our new plans provide that the USPS register one year of birth group (4 million men and women) four days after notification of mobilization (M+4). USPS employees will review completed forms, witness the registrant's signature, and provide the registrant with a copy of the form as a receipt. Two weeks later USPS will begin continuous registration of 18 year olds. Selective Service will conduct a lottery on the evening of M+4. The USPS will sort registration cards by lottery number and forward sorted data to IRS and/or SSA regional offices. Selective Service reserve officers will be located at IRS/SSA regional offices and will receive and ensure the security of the registration forms. The IRS/SSA will keypunch registrant data which will be transmitted to a central computer center. The Director of Selective Service, acting for the President and using EEMPS, will issue induction orders starting on M+7.

Concurrently, 434 area offices will open at predesignated recruiting office locations. Fifteen hundred pre-trained personnel will transfer from the Armed Services Recruiting Commands to Selective Service to augment reserve officers already assigned to Selective Service. Area offices will provide administrative assistance to local boards. State Headquarters will also be reestablished to provide administrative assistance to area offices. Regional offices will continue to support both.

Under this option, Selective Service expects to exceed the current DOD requirement for inductees. Registration will occur at M+4 and induction notices will be issued starting on M+7. Inductions will begin on M+17 at the rate of 7,000 per day, the estimated capacity of MEPCOM. With this sustained rate, 100,000 inductions could be made by M+35 and 650,000 inductions by M+125.

The estimated yearly recurring cost for this option, i.e., base level cost to keep the Selective Service System in a true standby posture, is \$9.7M.

Option 2. Pre-Mobilization Participatory Registration. The USPS would conduct face-to-face pre-mobilization registration in largely the same manner as they would under emergency mobilization plans. Initially, USPS would conduct a start-up registration of one year of birth group (approximately 4 million 19 year olds) over a period of about a month. Continuous registration of 18 year olds would start shortly thereafter. Registration would occur during regular USPS business hours at classified post offices. The IRS/SSA would key only the registration data for the initial group. Data generated from continuous registration and change of address notices would be processed by Selective Service.

In the event of mobilization, the Director of Selective Service, acting for the President, would immediately classify registrants 1A and begin to issue order for induction. Registrants would begin to report to the AFES the morning of M+10, seven days ahead of the Option 1 schedule.

As under Option 1, 434 area offices would be established at Recruiting offices upon mobilization, and the Recruiting Services would provide 1,500 pre-trained people to assist.

Under Option 2, Selective Service could order sufficient numbers of registrants on M-day so that the AFES could immediately induct 7,000 per day, the maximum capacity of MEPCOM. At this rate, 100,000 inductions would be made by M+26 and 650,000 by M+117.

Estimated cost for Option 2 is \$11.3M in one-time costs and \$23.8M in recurring costs. This is an additional \$14.1M in annual recurring costs above the costs of post-mobilization registration (Option 1).

The additional one-time pre-mobilization costs would be \$5.8M for the USPS to conduct the initial registration and \$5.7M to the IRS/SSA to key these data. The increase in recurring costs would include \$5.8M to the USPS to conduct continuous registration, \$4M for additional rent, travel, printing, reproduction, and other services. About \$4.3M in additional costs would be for increased personnel: three hundred twenty additional people would be needed in the regional offices to key and input registration cards to record address changes. Fifty-nine additional people would be needed for management, supervision and staff support.

Option 3. Pre-Mobilization Registration and Classification. If the President directs pre-mobilization registration and classification, the Selective Service would modify its Emergency Military Manpower Procurement System (EMMPS) procedures.

Under this option, the USPS would register individuals as before. Registration data for the first group would be keyed by the IRS/SSA. Four hundred thirty-four area offices would be established to handle follow-on data entry and would, in addition, work with local draft boards in classification. At the same time, 97 appeal boards would be established. Registrants would be given continuous opportunity to appeal or petition for change of classification.

Pre-mobilization classification of registrants under Option 3 would not improve mobilization response times. First inductions would still occur at M+10. One hundred thousand inductions would be made by M+26 and 650,000 by M+117. The benefit of classification before mobilization is not response time, but in a more orderly induction process, since orders would be issued only to those already classified. It should be noted, however, that individuals who did not request reclassification in the pre-mobilization period might still do so during mobilization.

The additional costs incurred by reinstating pre-mobilization classification would be determined in part by the numbers classified. Two sub-options were considered: (1) classify only enough registrants to insure the delivery of 100,000 qualified inductees, and (2) classify an entire year of birth group annually.

In order to provide 100,000 qualified inductees, Selective Service would classify approximately one million registrants. Additional staff would be needed to handle classification questionnaires, make and maintain registrant files, request additional documentation when required, decide administrative reclassifications, support local boards, update data bases, notify registrants of results, arrange for personal appearances, and respond to queries. The one-time costs would increase by about \$2.6M and recurring costs would increase by \$12.0M—\$5.7M for increased systems support, \$0.2M for ADP support, and \$6.1M for additional personnel.

If an entire year group (about 4 million men and women) is classified each year, total costs would increase significantly, but with no increase in responsiveness. One-time costs would be about the same for classifying 4 million as for classifying one million. However, recurring costs would increase—\$23.1M for additional staff and \$6.4M for system support, e.g., communications, rent, printing, travel, and services. About 1,800 additional

people would be needed to handle the additional 3 million classifications, and another 450 people for management and supervision.

Option 4. Pre-Mobilization Classification and Examination. Under this concept, registrants with specified classification would be ordered to an AFES for pre-induction examination. Those found acceptable would be available for induction after a check of physical status. Army regulations provide that physical examinations are valid for one year. If an individual is inducted within a year after his examination, only a physical inspection is required. If the delay is more than a year, a new examination would be called for.

Responsiveness would be improved because MEPCOM is able to process pre-examined individuals more quickly. Current estimates are that MEPCOM could accept up to 17,500 pre-examined individuals per day and that about 16,000 of these (92%) would be found acceptable and inducted.

As with pre-mobilization classification, two sub-options are: (1) examine sufficient numbers of classified registrants to insure 100,000 qualified inductees and (2) examine an entire year of birth group annually. In either case, induction orders would be issued on M-day, and inductions would begin at M+10, initially at a rate of 16,000 per day. If a portion of a year group is examined, 100,000 qualified males could be inducted by M+16 and 650,000 individuals could be inducted by M+108. If the entire year group is examined in the pre-mobilization period, then the total 650,000 inductions could be made by M+56. Both cases exceed DOD's stated requirements for inductees.

Under this option, additional costs would be incurred by both the Selective Service and the Department of Defense. If a decision is made to examine only enough people to meet DOD's 60-day requirement, Selective Service would plan to order 600,000 registrants for examination. Additional Selective Service resources would be needed to process examination results, schedule transportation for the registrants to take examinations, answer queries, and schedule the additional workloads for local boards. One-time costs would not increase in either case since area offices would already be operational. The additional recurring costs would total \$11.4M if part of year group is examined and \$58.3M if an entire year group is examined annually.

The costs of the examinations would be borne by the Department of the Army. The Office of the Army Deputy Chief of Staff for Personnel provided an estimate of \$75.00 per examination based on the expected use of contract physicians. Re-examinations would cost about \$10.00. Using these projected costs, examining part of a year group would cost about \$45M and examining an entire year group (approximately 3.6 million) would cost about \$266.0M.

Option 5. Non-Participatory Registration. The Congressional Budget Office (CBO) and the General Accounting Office proposed that Selective Service consider relying on existing computer files to form a list of draft eligibles instead of a planning on a traditional face-to-face registration. We have studied this proposal in terms of (1) our ability to construct a list of sufficient size and accuracy from which to induct the required personnel, and (2) the impact of such procedures on the Privacy Act, on other related statutes, on the MSSA, and on Constitutional questions of equal protection and due process.

The Selective Service, in order to carry out the draft, needs the name, address, and birth date of males subject to the MSSA. (If females were subject to the MSSA, we would also need to know the sex of the registrant.) At a minimum, we need valid data (correct addresses) on sufficient numbers of people to insure we can induct the required number of people; 5:1 in order to induct/induction

ratio is planned. A master list must be available no later than M+20 to insure that we can deliver the first inductees to Defense by M+30.

The most comprehensive data base available is the master Social Security Administration (SSA) file which contains all the needed data except current address. Based upon our survey of five Federal agencies (Agriculture, HEW, Justice, Commerce, and Treasury); and the Education, Motor Vehicle, and Voter Registration agencies in six states, we found the most comprehensive source of "current" address is the Internal Revenue Service (IRS).

The Congressional Budget Office, using Department of Labor employment statistics, has estimated that 85 percent of the 19-to-20 year old population work some time during each year, and therefore probably filed an Income Tax Return. The Bureau of the Census reports that the mobility rate of the prime age group (18-26) ranged from 16 to 34 percent during the period 1975 to 1976. Our best estimate is that, unless a master list is updated regularly, approximately 25 percent of the addresses will be invalid by the end of a year. A merged SSA/IRS list will be most accurate immediately after April 15, and will become progressively inaccurate until the following year's filing. Given our estimates of an 85 percent IRS coverage and 25 percent mobility rates, a master list with "valid" addresses may capture as little as 60 percent of the draft eligible population. This, however, appears to be sufficient to meet DOD's induction requirements.

As noted, any registration system must be able to provide a list in about twenty days. CBO indicates that these agencies "already have a major tape exchange program in effect, and they estimate it would take about three to five days to merge the files . . ." However, in response to inquiries from Selective Service, Social Security indicated it would take a month to deliver the data, and IRS indicated two months to perform the match and create the merged file. It appears that in order to insure a master file, we should plan on merging SSA and IRS data in the pre-mobilization period.

While the construction of a master list from SSA and IRS computer files is feasible, questions have been raised on privacy and constitutional guarantees of equal treatment and due process. All Federal agencies surveyed advised that not only would the Privacy Act of 1974 have to be amended, but prohibitions on individual agencies would also have to be changed. (IRS has specific prohibitions in Title 26.) Moreover, IRS believes that, "to use the Internal Revenue Service system for the purpose suggested would adversely effect our extremely important mission in a number of ways. It may have a significant impact on compliance in the area of withholdings and return filings . . . if withholdings records are used in the military induction process, draft protestors would be presented with an irresistible temptation to become tax protestors."

The Selective Service General Counsel has advised that non-participatory registration would require an amendment to the MSSA, and that in his view such an amendment would violate both due process and equal protection guarantees of the Constitution.

Under present plans, not everyone eligible to serve is likely to be called. A system in which induction into military service is systematically reserved for those who have social security numbers, can be located because they have filed an Income Tax Return, and have not moved, does not appear to be a reasonable means for the Congress to carry out its purpose. This is particularly true since there are other ways open to the Congress—both pre- and post-mobilization face-

to-face registration—which guarantee due process under the law. The argument that merged computer files will save money and avoid generational conflict does not appear compelling enough to violate Constitutional guarantees.

It is often argued that face-to-face registration will not provide more names and addresses than non-participatory registration, and, therefore, the two systems are equivalent. This does not appear to be correct. We estimate a face-to-face registration will provide a list over 90 percent complete compared to as little as 60 percent by means of computer merger. More importantly, as long as we give everyone a fair opportunity to register, we will legally account for 100 percent of the population eligible for military service under the MSSA, i.e., those who do not register are in violation of the law and subject to legal penalty.

Non-participatory registration also appears to violate standards of equal protection because two people who are identical, except that one recently moved, would be treated differently in terms of the probability they would have to serve. The administration of such a scheme would produce such disparity of treatment of persons similar in all legally recognized ways that there can be no question that there would not be equal treatment.

In reviewing the above arguments, it is the position of the Director of the Selective Service that while it is technically feasible to construct a master list of draft eligible individuals, and meet the DOD requirements, such a system would be neither fair or equitable. Construction of a master list during peacetime raises serious privacy questions.

Moreover, such a system would effectively exclude as much as 40 percent of the eligible population from military service. The system would not be perceived as fair or equitable and could be challenged successfully as a violation of the Constitution. For these reasons, the Director has concluded that a non-participatory registration scheme is not a viable system for Selective Service.

RECOMMENDATION

Our analysis of non-participatory registration suggests that while the system is technically feasible it is not likely to be perceived as fair or equitable and would be subject to serious Constitutional challenge. Moreover, such a system does not seem necessary in light of the projected ability of all options to surpass the required DOD induction schedule. For these reasons, the non-participatory registration concept is not recommended.

Our analysis of the various face-to-face registration options suggests that the post-mobilization plan is preferable. Table 1 shows the responsiveness, number of pre-mobilization full and part-time personnel, and initial and recurring costs for each option. The post-mobilization option should substantially exceed Defense requirements, employs the fewest number of full time personnel, and costs the least. While costs and staffing should not be the determining factor, the reduced delivery time provided by the other options is redundant and unnecessary. The post-mobilization option, subject to field testing later this year and the international situation at any time, is recommended as the basis for an effective Standby Selective Service.

TABLE 1.—SUMMARY OF OPTIONS

Summary of options	Post-mobilization registration	Premobilization registration	Premobilization registration with classification		Premobilization registration with classification and examination	
			Part of year group	Entire year group	Part of year group	Entire year group.
Responsiveness (DOD requirement):						
1st inductions (M+30).....	M+17	M+10	M+10	M+10	M+10	M+10
100,000 (M+60).....	M+33	M+26	M+26	M+26	M+17(6)	M+16
650,000 (M+180).....	M+124	M+177	M+117	M+117	M+108	M+56
Premobilization employment:						
Full time.....	116	495	1,080	2,885	1,535	4,960
Part time.....	715	715	300	100	200	0
Premobilization costs:						
SSS initial.....		11.5	14.1	14.1	14.1	14.1
SSS recurring.....	9.7	23.8	35.8	65.4	47.2	123.6
DOD recurring.....					45.0	266.2
Total.....	9.7	23.8	35.8	65.4	92.2	389.9

STANDBY SELECTIVE SERVICE SYSTEM
Calendar of events

In the event of a national emergency and the reinstatement of the draft, the Selective Service, operating under EMMPS, will initiate the following process:

Time and event:
M, The President declares a national emergency and orders that registration be reinstated.

M + 1—M + 3, Civilians in specific year of birth groups are directed to their U. S. Post Office facility to register.

M + 4, The USPS carries out the registration and ships completed forms to regional postal processing centers.

The Selective Service conducts a lottery after the registration has been completed and establishes the "order-of-call" based on Random Sequence Number (RSN).

Selective Service area offices are opened under an agreement with the Department of Defense to turn over recruiting command facilities and personnel to Selective Service.

M + 5, The USPS sorts registration material by RSN and ships the cards to data entry facilities.

M + 6, The Internal Revenue Service and/or the Social Security Administration data entry facilities receive the registration cards and begin to keypunch the data in RSN order-of-call sequence. Key-punched data are transmitted to the central Selective Service computer.

Congress authorizes the President to induct personnel into the Armed Forces.

M + 7, The Director of Selective Service pursuant to regulations issued by the President under Section 5(d) of the Military Selective Service Act (MSSA) issues orders for induction in the proper RSN "order-of-call".

M + 8—M + 17, Registrants receiving orders for induction can: Report to AFES for processing, request an exemption or deferment, or do neither.

If a registrant reports to an AFES, he will receive a physical and mental examination, and if found fit, will be inducted.

A registrant may request reclassification by filing a claim with an area office of the Selective Service.

Under EMMPS, after a second order for induction had been sent, a list of those who neither appealed or reported to an AFES

will be sent to the Enforcement Division in the Department of Justice for appropriate action.

M+18. The first inductees will report to their assigned military training bases.

M+34. The system, working at maximum capacity and without delays, will have processed 100,000 inductees.

The schedule outlined above is substantially different from previous Selective Service plans. We can highlight the new Standby System with respect to seven subsystems which make up the registration-to-induction process. The subsystems are:

A registration process that is rapid and reliable.

A method of entering registrant data quickly into an ADP system.

An ADP system (hardware and software) that can handle the registrant and claims populations in the time required.

A system for the promulgation and distribution of orders for induction.

A claims process that can quickly insure all registrants' rights to due process are protected.

A field structure that can support the claims process.

Registration

The Selective Service and the United States Postal Service have entered into a Memorandum of Understanding which provides that the USPS will conduct a registration of up to 4 million draft eligible (two male year of birth groups or one male/female year of birth group) within 72 hours of notice. Postal employees will act as registrars and check completed registration forms for accuracy and legibility. They will sort completed registration cards by date of birth, deliver sorted cards to data processing sites, and undertake a continuous registration for those subject to the MSSA who were not required to register immediately after mobilization. The two agencies have also agreed to work together to fully develop implementation plans, i.e., training and storage of forms, etc., and to test the system in August 1980. The USPS has also agreed that even without these last steps they could undertake an emergency registration within seven days.

This agreement is based upon the results of a detailed analysis of existing postal windows in each zip code area in three representative states, estimates of the twenty year-of-birth population in each area and projected transaction times of 5 minutes and 2.5 minutes per registration. (Postal officials indicate that their average transaction time is approximately one minute.) For example in the state of Illinois, using the most conservative estimate of five minutes per registration transaction, and without taking any special measures, there are sufficient postal windows in 97% of the urban post offices and 98% of the rural windows. Postal officials have agreed that where there appears to be a lack of postal windows, they will open additional "windows" using tables and desks. In any event, postal facilities will stay open, so that no one required to register with Selective Service will be turned away.

We have also entered into an agreement with the Department of State whereby they will, operating from their overseas embassies and consulates, conduct an initial registration within 72 hours of notification and will transmit the data to the Selective Service Headquarters within 96 hours.

Data entry

One of the most fundamental changes in Selective Service plans is the development of a new concept for conducting the lottery, entering the data into the central computer and issuing the first order for induction. The previous plans required that an entire year group—2 million records—would have to be keypunched and verified before a lottery could be held and the first induction

notice issued. It was estimated that this would take 1,300 persons per day for ten days.

In sizing the keypunch requirement, we found that, in fact, there was no need to input into the computer a complete year group before we held the lottery or issued induction orders. The important thing is that induction orders are issued in Random Sequence Number (RSN) order. This can be done by holding the lottery immediately after the close of registration, sorting the completed registration forms according to RSNs—a task that the USPS has agreed to undertake—and entering registration data into the computer in RSN order. Under this concept, induction notices can be issued to the first inductees while the registration data for those to be called later is still being processed. This "pre-sort" scheme substantially reduces the requirement for keypunchers by spreading the required work over the time available to Selective Service.

We estimate that at a minimum, we need to process 35,000 registrations forms a day, and this would require about 115 keypunch operators compared with 1,300 as previously planned. If we process more than 35,000 records per day, we would reduce the number of days it would take us to keypunch the registration data, but would not increase our ability to induct.

Under present plans, we will make use of the keypunch capacity of the Internal Revenue Service (IRS) and/or the Social Security Administration (SSA). Both agencies have agreed that in event of a national emergency, they could suspend part of their operations to support Selective Service. The IRS has over 4,000 data entry terminals located in ten regional centers, which are conveniently located near USPS centers. During the tax return period of January to June, the IRS has about 6,000 data entry personnel on-board. During the non-tax period of July to December, the staff is reduced to about 1,500 personnel. The SSA advises that they could do the entire job using some portion of the 1,200 terminals located at Wilkes Barre, Albuquerque and Salinas. In order to provide a margin of error, both agencies have agreed to plan for a production rate of 100,000 registration forms per day.

Automatic Data Processing Support

The present Selective Service computer center will not support a mobilized Selective Service System. Current hardware cannot be expanded to support EMMPS. In deciding how best to meet our computer needs, we considered that:

Selective Service has an immediate need for a substantial computer capability upon mobilization.

There is a very limited need for a computer during standby.

Any new ADP system should facilitate the entire registration-to-induction order process. This requires that we consider MEF COM's ability to process registrants in support of Selective Service, as well as our needs to support our area offices and local boards.

To provide short term ADP capability, we have developed a plan that will ensure we have (1) an immediate capability to, in the least, process registration data and issue orders of induction; and (2), within a year, provide for improved interface with MEF COM and our area offices.

We have a formal agreement with the Department of Defense and the Army that the USAMSSA computer center will support EMMPS. The compatibility of EMMPS and USAMSSA computer was tested and demonstrated in December 1979.

The USAMSSA agreement is only temporary. As a longer term solution to our ADP requirements, we have also agreed that Selective Service and MEPCOM will develop a joint computer center, using a surplus IBM

370/165 computer belonging to Defense. We believe that a joint center has many advantages. It would reinforce the link between the two organizations, e.g., after mobilization the volume of data transmitted each day would be substantial and a joint facility would minimize delay and the need for an expensive telecommunication network. It would put Selective Service on a computer solely dedicated to the military manpower procurement mission, and would help insure the coordination of manpower flows from Selective Service to AFES. The joint computer center will also support our local boards through the 434 area offices. Computer terminals in each area office will be linked to the IBM 370/165 and would be used to input and update registration and appeals information. Current budget, and requests before the Congress, are sufficient to carry out our plans and develop a joint Selective Service/MEPCOM computer center. It will, however, be necessary to advance the procurement of terminals from FY82 to FY81. Accordingly, we are asking for an increase in FY81 funds of \$4.5M for this purpose.

Promulgation of orders for induction

Under EMMPS, there will be a single national draft call based upon random selection. Actual induction orders will be issued by the Director of Selective Service, by direction of the President and under authority of section 5(d) of the MSSA. Using the Selective Service master registration file, which will be created and maintained by RSN, induction orders will be transmitted as Western Union Mailgrams. The Mailgrams will contain the following information:

Identification of the inductee.

Orders to report at a specific time to a designated AFES.

Information on procedures to follow if unable to comply with the induction order.

Information on exemption and deferment rights.

A simple claims form.

The address of the inductees local board/area office to which claims should be sent.

The area office, upon receipt of a claim will notify Selective Service Headquarters and will process the claim according to standard Selective Service procedures. MEPCOM will also be notified of individuals ordered to AFES and will report their status to Selective Service Headquarters.

Claims processing and the Selective Service field structure

Under EMMPS, after receiving an order for induction a registrant may apply for a deferment or exemption. It has historically been, and will continue to be, the task of local draft boards supported by Selective Service Area Offices to adjudicate such claims. It is imperative that a claims structure be in place when we start issuing orders for induction. Under present plans, this is likely to be as early as M+7 days. We are, therefore, developing plans and procedures for the selection and training of local board members. We are requesting \$1.1 million in FY81 and approximately \$250,000 per year thereafter for this purpose. Included in these totals are funds for three additional full-time positions for management of this program.

We have also streamlined our procedures to reconstitute essential area offices in support of local boards. On November 28, 1979, the Deputy Secretary of Defense and the Director of Selective Service agreed that, "in order to facilitate the operation of the Selective Service in support of the manpower procurement needs of the Department of Defense, we must better coordinate our planning and post-mobilization manpower system. In addition, it is appropriate that DOD, like other Federal agencies, provide support to the Selective Service during a national emergency. Such support from DOD

might include but not be limited to, computer and data processing, selected personnel and facilities. However, DOD should not in any way be involved in the process by which the Selective Service adjudicates claims for deferment or exemption."

Selective Service has 715 military reservists who are a cadre to reactivate the system. We have also entered into an agreement with Defense to take over specific Armed Forces Recruiting Offices within 24 hours after mobilization. Moreover, 1,500 Recruiting Service personnel will augment the Selective Service reservists for about 45 days after mobilization. These personnel will be identified by name, provided training and will participate in training exercises and field tests.

We have ordered a revision to this summer's annual training, in order to test these new procedures. We will "mobilize" each state headquarters and "reestablish" area offices. This should allow us to work out problems before Nifty Nugget 1980.

ANALYSIS

The capability of the Selective Service System to induct people into the Armed Forces depends upon (1) achieving, in a timely manner, the schedule of events and (2) achieving the appropriate rates of production in the various subsystems, e.g., physical and mental examinations per day, etc. The robustness of the new plan is shown by comparing the following four figures. Each figure shows the number of males processed on the vertical axis, the calendar of events (time) on the horizontal axis, each line is a different subsystem, and the rate of production for each subsystem is the slope of the respective line.

Figure 1 shows how the system would work if Selective Service and the AFEEES achieved both the schedule and the planned production rates. As is evident, first inductions start 12 days ahead of the DOD timetable, with 100,000 inductees delivered to Defense on M + 34—26 days ahead of schedule.

In order to examine the flexibility of the plan, we considered what would happen if we achieved the schedule of events, but operated at the minimum rate necessary to meet the DOD delivery schedule. In such a case, the data entry, induction orders, and AFEEES subsystem could work well below their maximum mobilization capacity (2 shifts, 6 days per week) and still not jeopardize the schedule. In other words, staff capacity required for normal pre-mobilization operations, when expanded to a two shift, 6 days per week operation, can more than meet post-mobilization requirements, and provide a hedge against our failure to achieve our schedule of events. The extent of this hedge is seen in Figure 3.

Figure 3 shows that, if the AFEEES operates at its stated post-mobilization capacity of 14,000 mental/physical examinations per day, the Selective Service could issue its first induction order as late as M + 32, 25 days later than originally planned, and still provide 100,000 inductees by M + 60.

The above example assumes a failure in the schedule or rates of production, i.e., a failure by the Selective Service or the AFEEES. What if both failed? Clearly, there are combinations of failures in both parts that would result in a system wide failure. What is more important, however, is that substantial combinations of failures in both systems which would be sustained without compromising the delivery schedule. For example (Figure 4), if the USPS could not register until M + 5 and data entry began not two days, but four days after registration (M + 9) and induction letters did not go out one day, but two days after keypunching (M + 11), and if we allowed fourteen days to report to the AFEEES, instead of ten days, the

AFEEES would still provide a hedge in meeting DOD requirements. In sum, over a reasonable range of failures in both the Selective Service and the AFEEES, the system is capable of inducting 100,000 people by M + 60.

CONFERENCE REPORT AND STATUTORY CHANGES

The 1980 Defense Authorization Act requires Selective Service to recommend "changes in existing law relating to registration, classification, selection and induction." The Conference Report also raised a number of points relating to post-mobilization registrations plans. Specifically:

"Order-of-Call" Court Decisions. There is some concern that under EMMPS, Selective Service might not issue induction orders in the proper order-of-call, and that the resulting legal challenge could stop the entire draft. The Selective Service General Counsel has reviewed pertinent court cases and has advised that even a successful "order-of-call" defense to a specific prosecution under the MSSA would not void the draft. Court decisions with respect to "order-of-call" merely reflect the well established rule that an agency must follow its own regulations. In the past rules and regulations were issued the National Headquarters, the individual State Headquarters, and the over 3,000 local boards with the result that local boards inadvertently did not always follow our rather complex procedures. The order-of-call defense is less likely to be successful in the future because under EMMPS we will have a single order-of-call controlled from National Headquarters operating under a single set of simplified rules and regulations.

Extent of Testing the Plan. The Memorandums of Understanding with supporting Federal agencies provide that we test procedures in August 1980. We have also restructured the summer training to test our ability to mobilize State Headquarters and reestablish area offices. Selective Service reserve officers will visit the Armed Forces Recruiting Offices scheduled to support Selective Service during a mobilization. Equipment and personnel in these offices will be inventoried and local contacts with GSA, OPM, USFS and the telephone company will be made. The FY81 budget also has funds to allow Selective Service to fully participate in Nifty Nugget 80.

Computer Capability. The EMMPS program is installed on the Defense Department's USAMSSA computer. In an emergency, Selective Service could register and induct. We have also provided funds in FY80 and FY81 to take over a surplus DOD IBM 370/165 computer and have agreed to develop a joint SSS/MEPCOM computer center. We will request additional FY81 funds, originally programmed for FY82, to purchase 434 computer terminals to fully support our local boards and area offices. This will provide a computer network completely dedicated to military manpower procurement and processing and will not only improve the registration/induction process, but will insure a rapid adjudication of all claims.

Agreement with state officials and other non-Federal agencies. Under our new plans, the Selective Service does not rely on any agreements with either state or non-federal agencies.

Schedule for training Federal personnel in registration. Each Memorandum of Understanding with a supporting Federal agency provides that personnel will be trained on appropriate aspects of Selective Service procedures. Selective Service, USFS, IRS and SSA will review registration forms to insure that they are compatible with normal operating procedures.

Likelihood that induction notices would

survive potential court challenges. The Selective Service General Counsel has reviewed all post-mobilization plans and procedures. Sections 5(a)(1) and 10(b) of the MSSA imply that the local draft boards shall issue induction orders. At the same time, Section 5(d) of the Act authorizes a uniform national draft without regard to local boards whenever the President prescribes the use of the lottery. The section places the issuance of induction orders under such rules and regulations as prescribed by the President. Selective Service plans, through the EMMPS procedures, to issue induction orders under authority of this section and is developing updated regulations. To insure that the authority to issue induction orders is completely unambiguous, Selective Service recommends a statute change which will specifically grant the President authority to issue induction orders under Sections 5(a)(1); 10(b); and 5(j) of the MSSA.

The General Counsel has advised that the registration and induction system may be vulnerable to legal challenges if a claims structure was not in place at the time of induction. Accordingly, we are planning to undertake the selection and training of local board members in fiscal year 1981.

The General Counsel has also advised that to meet current Constitutional law requirements of equal protection, any system of registration for and induction into the armed forces must include both men and women. Accordingly, the Selective Service is recommending an amendment to the MSSA to provide for the registration and induction of men and women.

At this time we know of no other legal questions pertaining to a post-mobilization registration plan.

Registration and Induction of Women. The Selective Service and the Department of Defense agree that any future draft should be applicable to both men and women, because (1) it would be inequitable to restrict registration and induction to men since women can and currently do fill substantial, essential military requirements; and (2) the evolution of substantial relationship standards of equal protection in gender renders all male draft constitutionally suspect.

The Department of Defense has also advised that under the present state of the law, they assume the validity of current gender based combat restrictions, whether accomplished by statute or policy. In recognition of present combat restrictions, DOD has proposed, and Selective Service supports, a change to the MSSA to provide standby Presidential authority to register and classify both men and women, to randomly induct men only in sufficient numbers to fill combat positions and to maintain a replacement pool for those positions, and to randomly induct men and women on an equal basis to fill non-combat positions. We have been advised that given the above, Defense would not require women within the first 60 days, i.e., they would not be part of the 100,000/M + 60 requirement, and that 80,000 women would be required over the period M + 90 to M + 180. These women would be part of the total 650,000 six-month requirement.

SUMMARY AND CONCLUSION

The Selective Service, over the last several months, has completely revised the plans by which it will register and induct draft eligible people into the Armed Services. We believe that we now have a capability to respond in an emergency. The changes which have provided this new capability are:

An agreement with the United States Postal Service to conduct registration at their 34,000 postal offices throughout the United States, and with the Department of State to conduct registration overseas.

An agreement with the Internal Revenue Service and the Social Security Administra-

tion of keypunch completed registration forms.

A procedure to expedite the induction process by sorting and processing completed registration forms in Random Sequence—Lottery number order.

The development of a simplified procedure to issue induction orders, claims information and forms.

Agreements with the Department of Defense to:

Support the Emergency Military Manpower Procurement System (EMMPS) on an Army computer until we can build a joint SSS/MEPCOM computer center, which will be completely dedicated to military manpower procurement and processing, peace and war.

Provide to Selective Service, 434 Armed Forces Recruiting Stations and 1,500 personnel to facilitate the reestablishment of area offices.

While an immediate reactivation of the system, incorporating these changes, would be difficult and could not be accomplished in the minimum times suggested in this report, the actions already taken should enable us to meet the minimum needs of the Department of Defense. Selective Service is committed over the months ahead, working with supporting Federal agencies, to refine our plans, develop operating procedures, train personnel and test our ability to meet the emergency military manpower requirements of the Department of Defense.●

"MAN OF THE YEAR" GERD HAHN

● Mr. WILLIAMS. Mr. President, I would like to take a moment to share with my colleagues the heartwarming story of Gerd Hahn of New Milford, N.J., who is soon to be honored as "Man of the Year" by the Corporal Charles M. Wallach Post 773 of the Jewish War Veterans of the U.S.A.

Born in Germany, Gerd and his wife, Peggy fled from the Nazis during the early years of the Third Reich. Gerd was among 10 children rescued from the Nazis by the Quakers who brought them to the United States in 1939. His wife, Peggy, who first fled to Holland, was later able to escape to England when Holland was invaded.

On his 18th birthday, Hahn volunteered for military service in World War II, but because he was not yet a citizen, he was unable to enlist. However, after expressing his desire to serve, he was drafted and became a citizen at Fort McClellan, Ala. He served in the Army for 2½ years—most of that time with the infantry and port battalion in Italy.

Mr. President, during the past 21 years, Hahn has devoted himself to the community of New Milford, giving freely of his time, money, energy, and talents to help others. This gratitude and love for the country which gave him refuge and the chance for a new life of freedom and democracy, is evidenced by his lifelong dedication.

Hahn holds the rank of captain in the New Milford Auxiliary Police of which he has been a member for 21 years. He has originated and organized safety programs for motorists, fund raisers for a volunteer police auxiliary and local Boy Scout troops and blood drives for those in need.

Hahn has also been active in the New Milford Jewish Center where he has been

the synagogue's volunteer choir director. As a layman, he has also served as a "substitute Rabbi" and cantor.

Mr. President, while some native Americans unfortunately take for granted their rich heritage and the benefits of living in a democracy, Gerd Hahn has done nothing but prove his love for our country. He and his wife have always been willing to dedicate their own time and energy for their fellow Americans, and have always been guided by a desire to preserve our Nation's ideals.

The "Man of the Year" award is certainly a most fitting tribute to the lifelong dedication of Gerd Hahn, and I am pleased to have had the opportunity to call my colleague's attention to this well-deserved tribute to a noteworthy constituent.●

DRAFT REGISTRATION VERSUS ADEQUATE DEFENSE SPENDING

● Mr. SCHMITT. Mr. President, the issue of draft registration will soon be before us. Although it is not the most critical issue before us, the Congress will debate the need for and the merit of this proposal just as the country is debating these issues. We must, however, be careful that we evaluate the real defense issues involved. While a draft registration system may decrease by a week or so the time necessary to conscript individuals in times of prolonged emergency, it will do nothing to increase the quality, their training, or the short-term readiness of our Active and Reserve Forces. The fact is that only the Active and Reserve Forces are capable of rapid mobilization which would be required by an emergency.

It will be good to remember, as we debate the issues of draft registration and the defense budget, that the problems with our military are primarily in the areas of recruitment and retention. Draft registration will not address these problems; financial and nonfinancial incentives will. It is interesting to note that recently the Senate was again prevented from voting on the Armstrong-Matsunaga amendment for an additional 3.4 percent pay raise for the military, the type of incentive which may help resolve some of the problems. Let us understand that if we want an effective military, we will have to focus more attention on the problems in both the Active and the Reserve Forces as well as demonstrate a willingness to pay for the defense of our Nation.

Mr. President, recently an article by Milton Friedman appeared in the February 11, 1980 issue of Newsweek which addressed these very issues. I ask that the article appear in the RECORD.

The article follows:

DRAFT REGISTRATION

Draft registration is neither necessary nor desirable. It is being proposed to reassure the public at home, not to frighten the Russians. It is not necessary because our military weakness derives neither from a shortage of manpower nor an ability to increase the number of people under arms by voluntary means. It derives from a failure to build new weapons—one after another canceled by President Carter. Recruitment

difficulties with the all-volunteer force reflect primarily the erosion of the inflation-adjusted compensation of first-term enlistees relative both to their civilian counterparts and longer-service personnel. When the draft was replaced by an all-volunteer force in 1973, the pay scales were adjusted appropriately. Since then Congress and the Administration have not seen fit to maintain the pay scale for first-termers. If it is desired to increase the size of the armed forces, either in general or for specialized personnel that can and should be done without a draft.

Bad Arithmetic: It is said that we cannot afford to do so. That is nonsense. Proponents of a draft point out that total personnel costs of the armed forces are more than 50 per cent of total military spending. However, only about 11 per cent of that goes for the pay of first-termers—in 1979, total personnel costs were \$58.4 billion but only \$6.3 billion of that went to pay people serving fewer than four years. Even a major increase in the pay offered new recruits would involve only a minor increase in the total defense budget. The rest of the total personnel costs is for the pay of longer-term personnel officers, civilians, and retirement benefits. And only first-termers would be recruited by a draft.

Registration would have a minor effect on the time involved in getting manpower and womanpower if a draft were reinstated. The time-consuming steps are not registration but selection and training. That was demonstrated in earlier drafts. And even a full-scale draft would not provide personnel rapidly enough for a modern war. That must be fought largely by forces in being.

Draft registration is not desirable because a draft is not desirable. It is a divisive measure completely in conflict with the basic values of a free society. Every emergency has shown that in time of real need there is no shortage of patriotic citizens eager to defend the country. Draft registration simply diverts attention from the real source of our military weakness.

That source is the welfare state. In 1970, spending on defense was 40 per cent of the Federal budget, and 8 per cent of GNP—one and a half times the budget of HEW. In 1979, spending on defense was 23 per cent of the budget and 5 per cent of GNP. The budget of HEW was one and a half times the defense budget. These developments have occurred under Republican and Democratic administrations alike. Carter has simply continued on a well-worn path.

The Real Culprit: Transfer expenditures have absorbed taxable capacity that had supported defense—and much more as well. We cannot undertake a major rebuilding of the military without cutting down the drain that the rest of the budget imposes on the taxpayer—whether directly through explicit taxes or indirectly through inflation and borrowing. There is, after all, a limit to the total taxable capacity of the economy. Look at Britain's decline as a world power, which, as C. Northcote Parkinson somewhere points out, owes much more to the growth of the welfare state than to any other single factor.

No series of symbolic acts, no expressions of bellicose intent will change that brute fact. If we try to follow a policy of guns plus welfare-state transfers, I fear we shall end up with neither.

President Carter has acknowledged the drastic recent change in his opinions about Russia—a courageous admission of almost unbelievable prior naïveté.

Is it outside the bounds of possibility that he could acknowledge that past fiscal and military mistakes have made it impossible for us to respond effectively to Russian aggression now or in the immediate future, but that we are going to change course in light of the present danger?