

# The dilemma facing the Men of '68

*This issue of the magazine examines the problems facing the men whose student deferments expire in June, focusing on the political genesis of the current draft laws and the possible responses.*

## Congress to colleges: evolution of the law

by michael couzens

Congress called the tune for a new draft law last summer. Only by autumn did some of our universities realize that the legislators were asking them to pay the piper.

The new law looks like siphoning off all eligible graduate students, leaving, in Nathan Pusey's phrase, "the lame, the halt, the blind, the female." Add "the foreign" and the President of Harvard was not exaggerating.

Many people in Washington speculated that the President would modify the law by Presidential directive this week. But at press time, no one had heard a peep, much less an Executive Order.

Even with a Presidential directive, graduate schools would be in trouble. Not that total enrollment would plunge. The President can still invalidate dire and reasonable warnings that the number of graduate students might be cut in half.

But for certain areas, curtailment and even crippling are seriously discussed. Engineering, with a high proportion of foreign students, cannot assimilate them if their vulnerable domestic fellows must go to serve. A heavy call would deny them the chance to get an "American" education.

Departments which rely on teaching assistants to conduct classes and on lab assistants to conduct research must hope for new men, new methods, or more than their share of good luck to carry on daily business. Laboratories will be hit first. Because many TA's are third- and fourth-year men, the problem will lie hidden for a couple of years, at which time shortages are on the cards.

Finally, professional schools—law and business—stand to receive a body blow from the new legislation. Unprotected by foreign and female, looking altogether like healthy Americans, their students are going to dwindle. Even

*continued on page two*

## Within the system: legal alternatives

by christopher hargrove

### Graduating seniors:

If you have torn up your draft card, or if you intend to, read no farther. But if you don't want to go to Vietnam and, on the other hand, you don't want to go to jail or Canada, the following information might interest you.

What is in store for the able-bodied young man when he steps off the platform at commencement time?

The first problem one encounters trying to answer this question is that the federal guidelines for granting draft deferments are so general that local draft boards have almost complete discretion to decide who should get one and who shouldn't.

Stanford's National Service Adviser Walter Findelsen explains, "We don't know any more today than we did when the (draft) act was passed and became effective last July."

But he did feel it safe to say, "In the absence of clarification or changes, I don't think we'll be seeing many graduate deferments after June."

This does not mean that every June graduate is going to be drafted. By virtually eliminating deferments for new graduate students, the draft law increases the pool of available draftees to huge proportions. Findelsen points out, "They're not going to be able to draft all the people who graduate in June or are in graduate schools today."

While this statement of fact may be small comfort to someone who faces being drafted, no matter how small the odds, even smaller comfort may be found in the facts regarding alternatives to the draft.

The only people who are completely safe (besides undergraduates making "normal progress") are men in the so-called critical professions, those areas which suffer shortages

*continued on page four*

## Anti-Draft Union: a chance to resist

For graduating seniors, and other inductable young men, there are ways of avoiding all forms of military service, according to Leonard Siegel, spokesman for the Stanford Anti-Draft Union.

The Anti-Draft Union was formed last February to advise prospective "draft dodgers" of possible alternatives and their consequences. Siegel describes the Union as "a group of young men and women who have banded together to fight the draft. We do this not only because it is becoming more difficult to dodge the draft, but also to make young people an effective political force."

The Selective Service System is governed by a complex assortment of regulations. According to Siegel, some individuals are hurt by these technicalities and inconsistencies, but others have been helped. The Union maintains a staff of volunteer researchers who "continually delve into the intricacies of the Selective Service System." The results of this research are briefly reviewed in this article.

It is possible for one to delay his induction and/or his physical examination. One way of accomplishing this is to transfer the location of the physical or induction, as Siegel explains: "If you are living in Santa Clara County and have been called for a physical or induction in New York, you can present yourself at the San Jose Draft Board a few days prior to your reporting date. You will then be scheduled for bussing to Oakland."

"Under normal circumstances, the real tape takes up about a month. If you can then establish residence in San Mateo County—requiring that you report to the San Mateo induction center—your appearance can be postponed another month. Unfortunately, this cannot be continued indefinitely."

Siegel noted that applying for conscientious

*continued on page five*

# the stanford daily magazine

friday, february 2, 1968

volume 3, number 1

# Urgency and irritation shaped new law

continued from page one

under the best conditions, they could be halved.

It is this list of expected consequences which prompted Virgil K. Whitaker, Dean of the Graduate Division, to warn: "The immediate plight of the universities will be severe. But what really matters in the long run is the serious disruption of advanced training upon which the United States must rely to maintain intellectual leadership in world affairs and technological and industrial progress at home."

How did this law, Senate Bill 1432, June 30, 1967, go through without a clamor from the higher learning?

The full answer comes with a look at deliberations in a frustrated Ninetieth Congress. But three factors put universities off their guard from the start.

No major revision of the Selective Service Act had been made since 1951. Congress was reluctant to address the statute at all, and hurried its alteration through. President Johnson signed the bill hours before the old one was to expire. There was no time to anticipate the change, and no sign to anticipate the danger.

Second, a very able Presidential Advisory Commission on Selective Service made its report in February, 1967. Chairman was former Assistant Attorney General Burke Marshall, and its members included President Kingman Brewster of Yale, John A. McCone, and John Courtney Murray.

The Commission's recommendations were thoughtful and reasonable. If they were not especially daring, they contained nothing to disrupt or distort the universities. And the President, with Sen. Richard Russell (D-Ga.) floor managing, seemed a good bet to get them written into law.

Finally, the draft is a circus of many rings. Those who opposed it unconditionally, some suggesting a voluntary service alternative, took themselves out of the political process. To most Congressmen, voluntary service is not only pie-in-the-sky, but it casts doubt on the good intentions and patriotism of American men who answer the draft call and serve.

Other rings, such as conscientious objection,



photo from U.S. NEWS and WORLD REPORT  
Sen. Richard Russell introduced  
Senate Bill 1432 last April.

classification of protesters, and the legitimacy of the draft in our present "peacetime," let out emotion, and served to obscure the salient consequences of the new law. Kingman Brewster was moved to action by Gen. Lewis B. Pershing's dictum on protesters Oct. 26, but not by the repudiation in Congress of his Commission's valuable recommendations.

On April 5, 1967, Sen. Russell introduced the administration bill. A week later, hearings were opened in the Senate Armed Services Committee. The tone was set by Gen. Mark W. Clark (USA-ret.), who inveighed against protest, draft-card burners, and Supreme Court expansion of the criteria for conscientious objection.

Gen. Clark said that he opposed the exemption for someone who "can't prove belief in a Supreme Being rather than in a tobacco plant or 'something.'" He confessed exasperation at "a breed of cat running around" who did not "want to fight . . . to go to war," who was "anti-Vietnam all the time."

When a spokesman for the National Federation for the Blind requested that the blind be allowed to join the army to perform some administrative jobs, Sen. Russell said that his testimony ought to bring a "blush of shame" to those who had protested the draft.

Other witnesses represented the Chamber of Commerce of the United States, American Legion, United Church of Christ, and National Guard Association. The Young Americans for Freedom argued for voluntary service, in order



equity for those who could not afford to go to college.

Unremarked was the importance to the nation of the graduate students who would have to take their places in the army, or the importance of a supply of teachers for these important undergraduates.

The Senate, with rays from Wayne Morse (D-Ore.) and Ernest Gruening (D-Alaska), passed S 1432 on May 11. Hatfield's amendment was that "Whenever . . . reassessment reveals that a system of involuntary inductions can be replaced by a system based on the free choice of individuals at an over-all cost the nation can reasonably afford, Congress should act to facilitate the prompt termination of mili-

*"There was no time to anticipate the change, and no time to anticipate the danger."*

that the youth might affirm their patriotism without compulsion.

The university voice was significantly absent from these hearings. And the cause was not taken up. Marshall and Hershey explained proposals for a lottery, but did not buck the committee's evident hostility to ending undergraduate deferments.

Sen. Edward Kennedy (D-Mass.) testified that the Manpower Subcommittee, of which he was acting chairman, favored induction of 19-year-olds first, lottery, and an end to graduate deferments.

On the crucial point of undergraduate deferments, Kennedy said he favored them in peacetime, but not at war. The question became: "When is the country at war?" And the Senator replied, under questioning, that Vietnam should definitely be considered "wartime."

Sen. Mark Hatfield (R-Ore.) proposed a voluntary service. The suggestion, later to be hotly debated and roundly defeated when he submitted it as an amendment, completes the catalogue of points of view. What was emotionally felt in the Senate was to be literalized and sharpened in the House. In the process, President Johnson, his Special Commission, and graduate education were softly retired from the debate.

Gen. Clark's proposal to maintain undergraduate deferments was written into the committee's Report of May 4. A continuing supply of college graduates was important to the nation, and this overrode arguments of the in-

itary inductions. . . . It was defeated, 9-69.

The Bill did not include the President's proposal to reverse induction priorities from the oldest first to the youngest first, in ages 19-26. It was, however, approved in the Armed Services Committee Report. The Marshall Commission had argued that the old law created a long period of painful uncertainty for many young men. To this, Sen. Russell made the incredible argument that it was only true "if one begins with the idea that avoidance of service is an objective." As though the Ph.D. candidates and young men starting their own businesses waited for the draft as a stimulating change of pace!

The House, with legislation against draft-card burners recently to its credit, was even less kindly disposed. The House Armed Services Committee reported out a bill which tightened restrictions for conscientious objectors and urged the Justice Department to proceed quickly in prosecuting draft law-violators.

Rep. F. Edward Hebert (D-La.), third-ranking Democrat on the Committee, took up the subject of draft protest: "Let's forget about the first amendment. I know that will be the refuge of the Supreme Court, I recognize that. But at least the effort can be made and the demonstration given the American people certainly that the Department of Justice and most assuredly the Congress is determined to eliminate this rat-infested area in this country."

But he was fulminating about a side issue. Crucial provisions of the bill reported out of committee barred the President's way, by di-

rective, to institute a lottery or to abolish undergraduate deferments, unless those changes were "in the national interest." If they were abolished, potential doctors, lawyers, and other specialists would fulfill their military obligation before completing their professional training. So the committee argued.

No one from the universities was present to suggest that, doctors aside, this argument could be used to oppose what was being done to graduate study.

The House version was debated on the floor on May 25. An amendment by Otis G. Pike (D.-N.Y.) to eliminate undergraduate deferments was rejected 77-160. As in the Senate, arguments in favor were based solely on equity. The pinch which devolved upon graduate study never came to light.

Objection was raised that debate had been scheduled on the night following action on the controversial elementary and secondary education bill, which dragged on until 1:40 a.m. But the Congressmen soldiered on to final passage of S 1432 just before midnight. The vote was 362-9.

House and Senate versions were broadly different. In the conference to resolve the two, House members held tenaciously to their version. At a crucial time, Sen. Russell switched sides and gained an absolute ban on lottery, instead of the House's request for 60-day notification. The final bill, cleared by Congress on June 20, left the President only two areas in which to maneuver.

• He could move through the National Security Council to defer some areas of graduate study as "in the national interest."

• He could declare a prime age group, instructing local boards to order for induction a certain "mix" of ages.

• Only one major administration-sponsored provision survived: the President was still free to take 19-year-olds first.

Sen. Russell, presiding in the ruins of a bill which bore little affinity to the one he had introduced, gave credit to a mute, but kindred spirit:

"It is significant to me, in reading these communications here today, that we have not had anything from General Hershey objecting to this bill. He has not expressed any displeasure with it."

Why did Congress arrive at this version of the new draft law? One has the impression that irritation and urgency were important. The Senate was especially pressed, with Sen. Thomas Dodd (D.-Conn.) up for scrutiny in a few days.

A view of higher education was also manifest. Attempts selectively to defer undergraduates had met with strenuous complaints. Some universities refused to disclose class ranking. Others conducted "draft tests" to the accompaniment of demonstrations and sit-ins. The temptation to a washing of hands, with respect to undergraduates, was powerful.

Secondly, the Eighty-ninth Congress had been very generous to universities, in grant, loan and gift. Draft-test protest, Vietnam protest, and general hostility seemed, at least, ungrateful.

Having forsaken the undergraduates, the Congress needed men from somewhere. Lacking a sense of what graduate schools did, perhaps suspecting them, Congress took the obvious step.

Four years of college has become enshrined as an American value. But for most Americans,



*Dean Whitaker warns that the new draft law will cause "serious disruption of advanced training."*

and Congressmen are like most Americans, advanced study surpasses understanding

Senate Bill 1432 and the Executive Order putting it into effect were signed by President Johnson on June 30, 1967. The next day, Burke Marshall was quoted by The New York Times as saying, "In my judgment, the new bill makes the system worse than it was before."

The Executive Order set the demise of most graduate deferments for next year. Universities were about to get onto the scree.

According to provisions which remained in effect with the new law, the oldest in the manpower pool were to be taken first. But anyone who had had a student deferment at any time went into the "most vulnerable" category.

The result would be to wipe out some areas of graduate study and to debilitate others, unless the President made some change with a new Executive Order. It is understandable that the universities did not realize this at once. It appears not to have dawned on the lawmakers themselves.

But opposition began to be vocalized. John F. Morse of the American Council on Education circulated memoranda. And the graduate deans started alerting people to the danger.

On August 8, the Council of Graduate Schools held an emergency meeting of its Selective Service Committee. Two statements later emerged with the support of the CGE Executive Committee and the Association of Graduate Schools.

One statement began, "The Military Selective Service Act of 1967 and the President's Executive Order 11360, ending deferments of graduate students except those in health sciences and those in certain other, not yet designated disciplines, will have immediate serious consequences for all graduate education and will produce an inevitable deterioration of all higher education for an unpredictable number of years."

The first task was to stop the President from designating additional areas of exemption.

These, the Council said, would inevitably "impede the strength and warp the free intellectual development of the United States." While the President is still free to do this, the campaign appears to have succeeded.

Other recommendations were similar to the Marshall Commission: selection at an early age; advance notice (perhaps a year); and freedom to complete a degree program in progress. The Commission had urged an end to all student deferments. But with Congress cutting off the supply of undergraduates for the army, the CGS request for reconsideration of graduate deferments was reasonable.

Will the draft law be changed again before it has run its four-year course?

Walter Findicisen, National Service Officer at Stanford, doubts it. The Army prefers 19-year-olds. And Findicisen believes that draft boards will show just enough favoritism to graduate students to prevent Congress from reopening the unpleasant debate.

He further doubts that the President will designate a prime age, since to do so would be to incur "the wrath of every local PTA member in the United States."

Meanwhile, the local boards, which the Marshall Commission wanted to replace with national standards, will continue to do what Findicisen called their "agonizing, thankless, God-forsaken job."

And Gen. Lewis B. Hershey will join with the Congress in avoiding discussion of substantive goals and consequences: "I'm as popular as a bastard at a family reunion with the military because they don't want to run a correctional institution. But they have the know-how to teach discipline. It's not a matter of authority for the sake of authority. Authority is just a method of getting things done without being reduced to chaos. . . . The question is: what are you running? A force to garrison the world, or a training school for citizens? I guess I straddle that one."

many units are being deactivated and many reservists are left over. Reserve units must fill their vacancies first from this pool of men.

The local training center has even temporarily discarded waiting lists.

The situation for conscientious objectors varies from person to person and from draft board to draft board. And the system is becoming "less and less predictable," according to Alan Strain, an associate field secretary with the Central Committee for Conscientious Objectors.

This year's seniors fall into two categories: those who filed C.O. forms when they registered with the draft at age 18, and those who did not. A man filing his Form 150 just before he graduates "is in a very difficult position in establishing his credibility," Strain said. Draft boards tend to regard skeptically a person who has just recently decided to be a C.O. By contrast, three-quarters of those who filed Form 150's when they registered are being classified C.O.'s.

The problem is now greater than ever, and promises to get worse as graduation approaches. Strain pointed out most students

used to relegate the draft to a corner of their minds, thinking they would probably be in school until they were 26 or had a family.

Today, however, with graduate students suddenly eligible for the draft, many men are forced to "sit down and think about just what their position on the draft is," Strain said. The stream of young men into Strain's office on the third floor of the Clubhouse has been growing steadily since October, his first month here. At that time, he saw about 25 to 30 men per month. This month he expects to see 80.

Draft boards, as we have said, tend not to believe men who claim recent changes of heart. The courts, however, are beginning to recognize the realities of the situation, Strain said, namely that "people being what they are, they often put off difficult decisions until they are faced with a crisis in their own lives."

What is making the draft boards more and more unpredictable? A little-noticed change in the draft law, which became effective last July, has resulted in big turnovers in many boards. The members of all local boards are now limited to 25-year terms, where before they were appointed to lifetime terms. Also,

board members must now retire at 75, where before there was no age limit and some local boards had members in their 90's. It is too early, Strain said, to say how these changes will affect the boards' attitudes to conscientious objection.

The question for the class of '68 comes down to figuring the odds. Right now, there is no way of knowing even the percentage of June graduates who will be drafted, let alone which individuals. So there is no way to figure the odds; no way to decide whether to sit and wait for the draft or take a chance and go to graduate school; no way to tell a possible employer whether someone he hires will be drafted the next day or maybe never.

Those who will fight the draft, often illegally, are dedicated but few. But those whose lives are torn between a reluctance to defy authority and a deadening sense of uncertainty mingled with futility—these tens of thousands of young men are being driven up the wall. They want to know what is in store for them this June, and they want to know why, and they want to know now.

## The subtleties of being 'unfit' to serve

continued from page one

objection status, with the accompanying appeals circuit, can delay an inductee's processing for over a year. Refusal to sign security and personal history forms may also postpone induction while the F.B.I. investigates the individual's background. Shorter delays can be obtained, Siegel adds, if one is verifiably sick or has an appointment which cannot be missed (such as school registration).

Siegel emphasized that the best ways of avoiding the draft are qualifying for either a 1-Y or a 4-F classification. 4-F means one is not qualified for service. A 1-Y classification means one is qualified only in the case of a declared war or a national emergency. These classifications are usually awarded to men who are physically, psychologically, or morally unfit or politically unacceptable. Siegel adds that a college student or graduate "will never be considered mentally unfit."

A physical deferment might be granted for a defect "even as small as chronic athlete's foot or allergies," said Siegel. "You are required by law to report anything which could result in a change of status," he continued. "Letters should be sent from a personal physician to the local board verifying the problem. You can ask to be examined by the local board medical adviser who can exempt you, but not determine you fit."

Most medical deferments, however, are not made until pre-induction physicals. Siegel advises the inductee to "take medical records and letters from your own doctor to the examination and point out 'defects' to the examining physician." He warns that examiners are often "wary of men obviously trying to get out. Forgetting one's glasses on the examination day, though, might at least delay classification."

The Anti-Draft Union sells copies of the long list of medical conditions which can disqualify a registrant and offers limited medical counseling. Siegel noted that as a last resort, after one has passed his induction physical, he "can still get out at the brief examination upon induction. But don't count on it because they often don't make examinations unless requested to do so."

Psychological deferments are given "in roughly the same way as physical deferments with psychiatrists replacing the doctors," Siegel said. "A man may ask to see a psychiatrist or act weird or disruptive at his physical. As a result, the examination is often extended through the next morning so that the individual can be interviewed by a psychiatrist." He added that chances of obtaining a psychological deferment increase if the man has a history of psychological disorders.

Referring to the morally unfit category, Siegel mentioned the detailed explanation in "Alice's Restaurant" recorded by Arlo Guthrie. While it is well known, commented Siegel, that homosexuals "are not wanted in the military, it is not generally realized that most moral exemptions result from criminal prosecutions or convictions. If someone has court proceedings pending—excluding traffic violations—he cannot be drafted. This also means a man cannot be inducted while in jail, out on bail, in court, on probation, or evading or resisting arrest.

"Furthermore, if someone has a criminal record, his case is forwarded to the Waivers Board in Washington. This group of men evaluates the crime and decides if the man should be permitted to join the military ranks." Siegel added that in cases of habitual misdemeanor convictions or a felony conviction waivers are rare.

The system of deferments is used, says Siegel, "to channel young men into certain occupations. The political deferment is an exception. If one works long and hard enough he can probably convince the Selective Service System that he is working against the national interest. In spite of General Hershby's recent directive, if a man can build up an apparent history of radical political activity, he may be rejected. Usually radicals threaten to organize resistance within the military if drafted. Enough have effectively done so that the army is unwilling to increase their number."

Siegel continued, "Officially, no one is granted a political exemption—except perhaps members of certain left-wing organizations. Other reasons, like physical disabilities, are used to cover up the obvious political ones.

If someone has had dealings with a 'subversive organization,' then he should note this fact on the questionnaire he receives at his physical or induction. If no such background can be verified, then a refusal to sign the security form and all subsequent documents necessitates an F.B.I. investigation.

Siegel cited several men who had written their draft boards of their intentions to organize within the military—including notes and articles detailing their political viewpoints. "All materials sent to the board become part of a registrant's permanent file. One's political stands can also be stated on a C.O. application."

Siegel noted that some deferments have been given to men who "caused trouble at their physicals—leafleting, shouting about the war, speaking personally but obviously against the war to other inductees, or trying to organize the induction staff to oppose the war." He emphasized that in this case, as in most of the others discussed, there is a risk of arrest.

As a final alternative to the draft, Siegel termed Canada "an excellent possibility if one is willing to lose the chance to ever return to this country. The new Canadian immigration law favors men with college educations, although certain procedures must be followed because there are 'prohibited classes' of unacceptable."

The Anti-Draft Union has leaflets available which were published by Canadian anti-draft groups to explain problems of emigration.

Siegel emphasized the importance of seeking advice before taking any definite course of action. "It is vital that one's knowledge of a possible way to avoid the draft is supplemented by awareness of one's chances of success and the possible implications of the alternative.

"Many of our friends know sure ways to dodge the draft. Chances are that there is someone in the army who tried that gimmick and failed. The safest way to proceed is to talk to many people about what you've heard and then go to a qualified draft counselor," Siegel concluded.