INTERVIEWEE: GENERAL LEWIS HERSHEY

INTERVIEWER: PAIGE E. MULHOLLAN

M: Let's begin, just for the record, by identifying you. You're General Lewis Hershey, and you have been director of the Selective Service System since 1941. Is that correct?

H: Yes. And I was acting for some little time before, so I should have at least some memory and some responsibility from the beginning of the system.

M: Right. Now, I wonder if you could begin, perhaps, by recalling any early acquaintances that you had with Mr. Lyndon Johnson prior to the time he became President.

H: Well, President Johnson, I first remember him, as a junior member of the old Naval Affairs Committee of what at that time Uncle Carl Vinson was the chairman.

M: This was when he was in the House? Mr. Johnson was in the House?

H: Oh, yes. Yes, and then, of course, I'm not quite sure about my dates because the time he came to the Senate was an incident in something that was already running; and therefore it isn't quite like if I had never seen him and he had come to the Senate, then that's another matter. And, of course, one of the problems I'm thinking of now was when he left the House because 1946 was when the House changed from having the Military Affairs Committee and a Navy committee, into having a combined committee. And right there, just at the moment I can't recall offhand whether he was in the Senate already at that time because very early in his Senate career he got into the preparedness committee that Truman had had.

M: And that's the committee, I suppose, that was responsible for investigations regarding the Selective Service?

H: Oh, yes. Fortunately, both under President Truman and President Johnson we worked <u>with</u> them rather than having anything that approached some formal relationship. And part of that had been due to the fact that General [Frank] Lowe who was on the committee very early, he was a reserve officer but afterwards he became a Major General and worked with this committee a very long time. Now I can't say right now when he left the committee. He could have been there after President Johnson came and he might not have been. But the relationship, having known him quite well, we had a rather close, informal relationship with them [the Committee] for a very long time. Because they knew we wanted things [they] had, knew something about it, and sometimes we wanted them knowing about some things that we were disturbed about.

M: Worked both ways?

H: Well, most good relationships do.

M: Did Mr. Johnson play any significant role that you recall in any of the various Selective Service acts of the 1950's?

H: Well, not only that, but I'm sure he had a very large part in the '48 act. You see, we went out of business in spring of '47 under the 1940 act. And so, therefore, the legislation of 1948 was major legislation. I'm sure he played, well, I would certainly call it a major role; because, in the first place, our legislation has always had bipartisan aspects to it. We have always tried to play bipartisan on anything that gets into the area of survival. And by that time, he of course, was on the preparedness committee and the preparedness committee

in practical things sometimes was a little hard to disassociate from what was being done in the Armed Forces Committee because they were so close together. And I'm sure that the '48 act, I would consider the--what went on, sometimes there were meetings. Of course at that time in the House, Mr. [Walter G.] Andrews [R-N.Y.] of Buffalo was the head of the Armed Forces Committee, but Uncle Carl Vinson was the senior Democrat on the committee, and any of the times that I had much to do with small groups, we had all of them represented. The same thing was true over in the Senate--that Senator Russell and Senator, then Senator, Johnson were individuals that you saw when you had any sort of a- well, I think strategy meeting is putting pretty big words on it--but when we talked about the different things. And fortunately I think that the boys who were managing it were able to keep some of our opponents in on some of these meetings so that even though they opposed, they had already known so many things, more or less by courtesy, that they didn't have quite the sting to attack. And I think that President Johnson was always--of course he had quite a lot of association with Uncle Carl Vinson back in the days. And that was always one of the manuevers; to never let your possible enemy get too far, try to keep him as well as you could informed on things that he would feel that he got more or less confidentially and obviously couldn't use.

M: At least he couldn't accuse you of surprising him.

H: Well, Dewey Short [R. Mo.] I remember was one fellow that we always kept around so that--he was always in opposition, but the trouble was he pulled his fangs some in opposition; and I'm sure that President Johnson, that would be one of his tactics.

M: Right. Do you remember, in any of the instances where you had legislation under consideration by his committee or a committee on which he was serving, that he played a prominent role of making suggestions as opposed to simply harmonizing and smoothing out the ones you made. Was he an initiator?

H: Well, I don't know if I could tell you a time and date. I am sure that in the '48 legislation which, of course, had some difficulties because of the fact that we didn't want to publicize the fact that one of the reasons they had to have it was recruiting was not doing well; but that is not a particularly good thing. You had to try to use the Berlin Crisis which was on at that time and was one of your main things, and I don't think there's any question about it. I don't think I can give the date or the vote, but there was no question of the fact that he played a very important part. And I'm not trying to get in any sort of an apple-polishing business, but when he was the Majority Leader in the Senate, we always felt that he and his office was one of the areas that we tried to keep pretty well informed about what we wanted, what we thought we needed, and what we would sell early in the way of the things, if you got to the place where you had to begin to compromise. I don't think there's any question about it. In fact, I would say it extended over a very long period of time because even after we got the legislation, it wasn't used very much until Korea broke out. Then, obviously, we had more reason for registration, but we had more problems to face, too. He was always a factor, all along, there was no question about that. And I am not right now able to pinpoint the dates.

M: Those are mostly a matter of record anyway, when the legislation was

being discussed. Since he has been President, have you had any direct instances of collaboration or cooperation since he's been President?

H: Yes. Of course, in the first place, I want to be perfectly frank. I've been around here quite a long time, and I probably have had less contact with Presidents than a lot of people would think I might have in the job I'm in. I sort of labored under the delusion that probably about the best I could do for the President was to try to run the thing the best I could. But we have had obviously in the last two or three years some things that have not occurred before. There was just a little inkling of it in Korea, because this Viet Nam business and Korea have at least the thing in common that both are in Asia, and our youngsters have been brought up in European history a great deal more than they have in Asiatic history. And therefore whenever something is in Asia, the remoteness of it, it's a different thing. So we did have a little [trouble]. But starting in the fall of '66--now in the fall of '65, sometime along about August or September, but anyway, the President said we'd probably double the calls, and we would support recruiting. He said it to the world at large, but to us that represented a very direct thing because supporting recruiting is one thing we can do. And so, therefore, we felt that we were engaged in something a little closer to what the President had actually said. Then, in '66 we began to have demonstrations and quite a lot of other things and somewhere along there, I'm not just sure when, probably in October, I believe October 16, 1966.

M: Your memory for dates is much better than you admit.

H: Well, that was a little unusual time because I think that's when one of the rather heavy demonstrations [occurred]. I may have even missed by a

year; but anyway, that was the time they threw a whole sackful of so-called cards- and of course it was a lot of hoax and hooey to that, too. Because they send--when you get a thousand cards if two hundred of them have anything to do with selective service-

M: You mean they weren't really draft cards.

H: All sorts of things. You can't blame the kid. The kid's up where everybody's throwing in something, and he throws in something. Maybe it's a girl's address, maybe something else. You get all sorts of things. But, anyway, we had some disobedience and one thing or another. Somewhere along there, the President called me on the telephone one day and talked to me about the fact that we were going to have to do something. And I issued a letter which was sent out to try to give some direction to the local boards on what the law and practice always was with people who violated our regulations. And, of course, turning in cards is one. And I think that the President was personally more aware, probably, of what I did as to his telephone call than he had been before.

M: Did he indicate to you that he wanted you to do something like this?

H: Well, he said he wanted something done, and I obviously figured he didn't call me up to tell me what he wanted somebody else to do. And there are a limited number of things that I could do. I, of course, can report people for prosecution, but I can't reclassify. And there's been quite a lot of turmoil since that time, and I've had a lot of shots at me and people have been critical, but I have felt that if the President thought I was doing some things that he didn't want done after we had talked that time that he would probably have told me.

M: He usually does that?

H: Well, maybe, although the times I've seen him casually in between, he's always been very nice about saying something encouraging. In fact, one time we went by, and he took a few minutes to tell Mrs. Hershey how well I had done after this battle which went on some of the fall of '66. The Burke Marshall committee was appointed along in the fall of '66, and they made their report in '67 and legislation started around somewhere in February. And I was over at the White House twice in February of 1967. Mr. [Joe] Califano called me up and I was not at the office. I had the flu. I had been home. And he said that he knew that I wasn't feeling so well, but if I could possibly come down, he would like to have me come down at six o'clock. So I went down and I had thought that probably I was going to see Mr. McNamara and Califano. And they were there when I got there. I'm not a politician, but if I had been, I would have figured they were caucusing. But that's neither here nor there. Well, just giving you my impression of what was going on. So we started talking about the report of the Marshall Commission and there were about four areas, there might have been several other areas, but there were four I can remember, a) taking the nineteen-year olds, b) cancelling all student deferments, c) the institution of the lottery, and d) the reorganization of the system.

M: The reorganization of the system. Is that the recommendation--

H: The abolishment of local boards, set up eight centers in the country, machine them--

M: Computerizing them. I just want to make it clear for the record.

H: Well, I want to be sure that I make that very clear because that is the

key to what I am going to say afterwards because I thought I was confronted with a problem. Now, mind you, at the present time, when we first started talking about these four things, there were only present the three of us: that is, Califano, the Secretary of the Defense, and me. And I figured that they probably had been talking about what they were going to do. Therefore, that I was on the pan, and it seemed to me that I couldn't fight all over the lot. So I thought, "I'm not going to argue about the nineteen-year olds. I don't happen to believe all that I've heard, but if that is what we are going to do, then I'm not fighting that one. I'm not going to fight the lottery: I was brought up on the lottery, we haven't used it, but it's a means and you can put it in and you can take it out, but I'm not going to argue about that."

M: Was this a reversal for you. Had you previously--

H: Well, of course, we hadn't had the lottery because we abolished it in 1943 due to the fact that we got a scarcity. You see, lottery has no business in a scarcity because when you are grabbing a kid as soon as he gets to be eighteen years old, you don't need something to tell you when he gets to be eighteen years old. And when you get into a surplus, then you get to the place that you can't take everybody and you've got to use some means of sorting them out. Now, the Congress had sort of gotten to the idea that we'd use deferments and that we'd take the oldest first because when you take the oldest first you at least meet them as they come out; whereas if you take the younger first, then people are always going over the top behind you. So, therefore, it seemed to me that if that night I had to fight something there was only one thing to fight about and that was the abolishment of our present decentralized

system. And so, I said to them: "These nineteen-year olds, I'm not going to argue about them. I'm not going to argue about the lottery, and I'm not going to argue about the abolishment of deferments if that's what you are going to do." I've been through that one. I started without any deferments in 1940. Sixteen and one half million registered and before the year was up we had fifteen million of them deferred. And I know--well, as soon as you can't take everybody you're going to have the pressures of people who are doing things that want some protection for the people for at least six months or a year. They'll sell you a little bit, and then obviously try to encroach more. So we had just about got so we were discussing the local board situation when the President walked in. Now I don't know whether he was supposed--I don't have any idea whether he was supposed to be there or whether he wasn't. But anyway he sat around, and in fact he sent me some pictures later of him sitting around the table because a photographer was around some. And we, I think, we went back and said that we had more or less worked out these three things, and that I expected no quarter, but I didn't expect to give any on the local board business. And I got quite a little satisfaction. The President, well, I think he thought he would go along with the nineteen year olds; and I think he thought he would go along on the lottery business, I'm not so sure about this deferment business. He thought maybe he'd kind of let Congress take a look at that one; and he said, "I don't believe we're quite ready to walk out on the local boards. My daddy was a local board chairman in World War I. He used to take me down to the schoolhouse and I used to sit around there and hear them talking about that." He didn't say we weren't going to do it, but he--

I figured from there on that I was going to stick. The next day I got another telephone call about four o'clock from Califano and he said, "Could you come down again tonight? We're going to have a little rehearsal--you won't have to say anything tonight. You just come down and listen. But we're going to have the chairman of the Armed Forces Committee of the House and Senate over. We're going to have Burke Marshall who is going to explain his report--and we're going to have the fellow who was the press secretary for President Johnson at first."

M: George Reedy.

H: George was <u>on</u> this committee.

M: On the Marshall Committee?

H: On the Marshall Committee, and he happened to have represented the minority of the people who didn't believe in abolishing student deferments. So when Califano told me he was going to be there, I figured, "Well this student deferment business maybe isn't quite as settled as the committee thinks." So anyway we went down, and I think Califano and the President and Senator Russell and Mendel Rivers [D-S.C.], George Reedy, and Burke Marshall. I believe that's all present. If there was anybody else there, I don't remember them. But anyway, we started out and Burke Marshall gave quite a long explanation of his report and so forth, but I had--I have never quite read the report--but Mr. Marshall was gracious enough. He came over and went to some length telling me about it. So I was familiar with it.

M: Was this after the--

H: No, he told me before I was over there.

M: Did he coordinate with you in the making of the report?

H: Coordinate is a pretty big word. I was allowed to- I went over and testified, but it's a matter of opinion. I don't think we had much influence on it. And I'm not so sure- several of those people on there I had known pretty well: and, frankly, I was very much surprised at the report. Several things, no. But the changing in the system, yes. And in all frankness you've got to expect it obviously from Burke Marshall because he works for the company that was going to have more to do with machines than any other. Well, I'm not criticizing, but the other people--of course the committee only met once in a while, and they started out and had some problems getting their staff together. And when they finally got it together, well, it's all right, I guess, but I wouldn't have cared for any of them.

M: I don't want to detract you from talking about this meeting because I do want you to continue...

H: No, well, I can get back to that.

M: ...but it's an interesting problem. Mr. Johnson has used this type of commission system frequently to deal with problems. Do you think it's perhaps a kind of a questionable way of doing things?

H: Well, now I'm getting into a field probably that I don't have any business in, but I don't hesitate to comment if I have an idea on any field. In the first place, you settle a lot of things by appointing a commission.

M: By the people you put on it?

H: No, just by the fact you do it.

M: Oh, I see.

H: You are doing something.

M: I see.

H: And if you can get people--I don't want to go to Russia and I never was ere, but when they go out across the prairie and the wolves are chasing them and they throw a chunk of beef off the back end and the wolves stop to eat the meat. In the first place, that stops them a little, and then they get in a fight with each other about the chunks of meat. You know, you get distance that way. Now, mind you, I am in a field that I have no business in. But I don't criticize the appointment of the commissions at all. Because in the first place sometimes if you get people to stop and shut their mouths and think--a commission is one way to get the thing to settle down and people to think about it.

M: I see. Like the meat that you throw out.

H: Yes. I don't care what the hell they decide. I think it's a good start. Now, mind you, I think that's a good technique. Now, on the other hand, if it's something you have to have action on, obviously you don't want to do it. And I don't think anybody ever sets a commission up to act. But now, for instance, here we had gotten started in 1965, and we were going along and there was a tremendous amount of criticism. Well, now, the commission didn't stop anybody from doing anything. And some people that had gone and laid their problems out to the commission probably felt better when they got through. There's a lot of reason I support completely, not that the President asked me to support or anything, but I do happen to believe that the appointment of the committee was wise. And even if I had known that they were going to come up with an unfavorable report, I do think it was wise because you gain some distance. And not only that, what happened? The President had the question of the

lottery, and he went along on it. Why I don't happen to know. I give him credit for having thought that that was the message and they have it and they don't have it. I don't think that he rated it too highly. That's all right. On the nineteen year olds, he had a lot of pressure from somewhere over in the Department of Defense. And I don't understand it, because I don't think it all came from the military people. And I think the influences on a great many things came out of the Department of Defense up on a rather high level of technicians. Now, this is merely my feeling about it, but I think they are the ones that sold the Marshall people a bill of goods, especially on the lottery and especially on taking the nineteen year olds. And I don't know what the President thought at <u>any</u> time, but I'm quite sure he came to the place, if I know anything about what people think when they do certain things (and the President was involved in it) I think that any time they took the nineteen year olds he was quite ready for somebody else to be responsible for it.

M: Which is a pretty good political technique.

H: I think so. And so, anyway, they had the commission and when they got through, the President in the first place set up a task force to work on the reorganization of the local board office. He passed over to Congress the question of student deferment initially, which, I think, was wise. In the first place, it's the Congress that has got to settle it anyway--and having Congress find out about the commission. I don't think Congress, except some of the boys over there--the people who were running Congress didn't buy much of the Burke Marshall Commission. And I knew it. You had a year's time in there. And not only that, Congress perhaps in opposing the Burke Marshall commission, might have--

they might not have been far enough along to do it if they hadn't had something that focused it up. And so I don't like the Burke Marshall Commission at all; but on the other hand, if I had to face it up I would do it through the same thing again and expect to defeat it out somewhere else, rather than....That's what I think about commissions. Now, on the other hand, if this was something that had to be done tomorrow, obviously you wouldn't have a commission. But this, you see, was something the Congress was going to be considering in the next year. And, in the first place, the people who want to yap, you've gotten them a wailing wall and let them go on over there and wail a while.

M: That's a good way to put it.

H: Well, anyway, we, I don't know if you want to continue this.

M: Yes, let's go on to the meeting.

H: Well, Burke Marshall made his explanation, and then George Reedy said that he didn't go along on deferring the college students because, among other things, that he was concerned about the production of reserve officers if you didn't have some deferment. Of course, without getting into the issues of it, you could have no college deferments and still enlist people in the reserve and send them to ROTC if you wanted to. George Reedy, among other reasons why he opposed the abolishment of student deferments, was probably mainly on the question of the officers for the ROTC; but, I do think that he also mentioned such things as the production of doctors, the production of scientists of one kind or another, and that sort of thing. Now at the close of Reedy's explanation, the President said to the two House and Senate individuals, "Do you want to ask any questions?" And, one of the reasons I remember something

about it was that I thought that they asked questions as people who perhaps did not agree, and were sure that they didn't agree, that they didn't even care to ask many questions. They said, "Did you talk any about universal military training?" I think one of them did. And the other one said something just about on that level. I may be completely wrong, but I judged it that they weren't buying it, but they just weren't going to argue about it.

M: This was Congressman Rivers and Senator Russell.

H: Right. If I remember right, Senator Russell asked about the universal military training and I don't remember what Congressman Rivers did ask. Well then, as they had finished, the President turned to me and said, "General, you tell them what you told me last night." That, of course, was into the question of the local boards. Obviously, I--it could be merely a monitor letting somebody present his story--but I had been told by Califano, not that the President knew about it one way or the other, that he and I were not going to talk. That is, we were just over there--by the way, the Secretary of Defense was there.

M: That was still McNamara.

H: McNamara, yes. So, I did the best I could; and then Senator Russell said, "I never heard anybody objecting very seriously about the selective service system. I took it for granted that that's one thing we had, and I didn't know that that was under debate," or something like that. And Congressman Rivers chirped in with just about the same sort of thing. Of course, the meeting had some significance to me because I figured I know where some of the people were. The first night I had thought that the President was at least not convinced, and I was pretty much encouraged.

Because, after all, I'm not a Texan, but I have lived in Texas and in Arkansas some. Whenever a fellow talks about what his father did or didn't do down in that part of the country--

M: That's important, isn't it?

H: It is to me.

M: It is to them, usually, too.

H: And then of course when he had me rehearse what I had said the night before, I didn't think that was for the purpose of disagreeing with me. Now I might have been wrong. But of course he's a practical legislator, and I think he read the thing with the two people pretty well. And so from then on, I didn't worry much about reorganization. Of course, the President very soon then appointed the task force which had the Bureau of the Budget and Mr. McNamara and the director of the selective service. This probably isn't as clever as I think it is, but I said this was quite a privilege to sit on the court that tried me.

M: That doesn't usually happen.

H: And, of course, the Congress had settled the issue of the reorganization long before we settled it in the committee. But it was possible, although it took some time, to get the task force to settle it in the same way that Congress did, for whatever it was worth then. The two individuals that I thought were contrary-wise, namely the Budget and at least parts--the Department of Defense is a very big thing to be saying what the Department of Defense thinks; in fact, I, a lot of times, know what the Secretary thinks and I also know something about what a lot of other people think--but just the same they went on record as saying that--the task force said--that the Burke Marshall Commission had not approached

all the facts and they hadn't weighed them and so forth and so on. Now that is one of the times. Now I saw him in this question of the battle between the students and some of that. I was over at the White House that same summer or spring one time when we had quite a little discussion. Of course, the discussion got into a lot of things that I didn't have anything to do with. I'm not just sure why it all happened, but as I remember it, that time, Mr. Califano, the President, the Attorney General, and seems like there was somebody else in and out at times, because we went for quite a long time and it was quite natural for someone to come in with a telegram, or one thing or another. But that got into areas of leakage over in the Department of Justice on court appointments, on which obviously I was completely an auditor. Not only that, but I didn't know much about it. But at times we got back on to the question of the prosecutions. And so, maybe I'm an optimist always, but I did feel that the course that we were pursuing, dangerous as it was at times, I personally felt that I was justified in continuing the march because I thought the President indicated first of all there were a lot of things he would like to have done that we were having some trouble on. I think he had some worries, and I sure joined him in it, in some of the structure that had been inherited by the Attorney General.

M: That's an interesting point.

H: This gets into something that's none of my business; but on the other hand you see I'm always in a terrible fix. I've known Ramsey Clark since he was graduated from high school. His father sent him to me when he graduated from high school because it was in the middle of the

war and the problem was, what should he do? I had known his father because his father was an assistant attorney general who prosecuted our first cases in 1941.

M: That does put you in some position.

H: Well, not only that, now I've associated with Tom for thirteen years in Operation Patrick Henry, which is a Boy Scout activity of teaching kids to make speeches. And I saw him a week ago Saturday. I mean we're well, he's the chairman. I used to be president for six years of the Boy Scout Council here. I mean, I'm in a very bad place because in the first place I happen to know quite a lot of things about both of them; and I know some of their worries, I know--I've known them for years--and yet now I don't know anything about where Justice stands on any of the things that are current because obviously one of the ways we live is that we don't discuss.

M: That's one of the things we're trying to do in this project is to find out how these relationships work and it <u>is</u> your business how the Justice Department, for example, prosecutes your draft cases.

H: Well, I'll tell you what I think about it because it's only what it's worth in the first place. The Criminal Division down at the Justice Department--in fact, the fellow who just came out [of Hershey's office] is the United States Attorney in San Francisco, and that's one of the spots that's rough. And, of course, he's having a little trouble, and you can expect trouble. There's no particular reason why the Governor of California should be unusually friendly with the United States Attorney. Not with the present setup. Yet, <u>I</u> happen to be in a place where I have to live with both of them. But that's neither here nor there. Now the Department

of Justice, of course, is a very large thing. And in the Civil Division, for some reason or other we're in pretty good shape. The times when they have enjoined me, as they do, I get pretty good support out of the Civil Division. We've got some individuals down there in some of the divisions that we refer to as the "ACLUers". That's probably unfair, but they are individuals that we do not think are in sympathy with selective service. Of course, I don't blame anybody for not being in sympathy with it; but on the other hand, they do have the responsibility of prosecution. And I got a professor over here in George Mason College that sent in his card almost two years ago now, and he was reclassified about a year ago now, and the record is up in the Criminal Division [James Shea].

M: It's been that long.

H: Well, there are holdups. They aren't going to prosecute anybody, I don't think; and things like this have happened.

M: I see.

H: The legislature of Virginia last year introduced a joint resolution which passed both houses demanding that the Department of Justice prosecute this guy.

M: And they still haven't done it?

H: Well, they've probably got their reasons. But their reasons are not very good ones to me. Of course, I've got a great deal of sympathy for both the Attorney General and I know [Warren] Christopher, the Deputy. I know too many people. Fred Vinson's dad I knew very well, too.

M: That's right. He's over there as one of the assistants.

H: And I know Mr. Vinson. So in fact, when he had the Criminal Division and

Ramsey Clark was the deputy, they were over here; and I'm sure they were trying to help me on this ruckus we got into, this sit-in up in Michigan.

M: That was the first one, wasn't it? The Ann Arbor draft board thing?

H: That's where it started. And, of course, they hoped that I wasn't going to keep boring in; and, I don't know, I kind of felt like "I told you so," because I don't believe we would have had a lot of things happen. But some of the things they couldn't do much about because they got tangled up in the Second Circuit; and, of course, we got legislation in '67 to straighten that one out--that is, we hoped. We still got one District Court out in San Francisco that has declared that part unconstitutional.

M: The part regarding the burning of the draft card?

H: No. It had to do with telling the court they couldn't interfere until they got up to the place where the fellow either refused to be inducted or was inducted and had a habeas corpus. And of course the publicity we get is always unfortunate. We had a joint statement along in the fall of 1967, which I know the President saw. I don't believe I was actually in his presence, but Califano took the statement in because we were negotiating it over there, and we had complete agreement on a lot of things and where we differed was fortunately very small. But it had to do with where an individual is doing something that affects his individual status. And of course if you contend that you defer people in the national interest because they are individuals that you want to make into something, and if you find a character defective, then if you are going to keep power away from irresponsible people, and if education is power, as I tend to believe it is, therefore do you go on training a fellow that is

already showing by his disobedience of the very law that leaves him out? And whether he does this disobedience by tearing up his own card, which we never had any argument about, or burning it, which we never had any argument about or failing to register, which we never had any argument about, or failing to keep [us] advised of his status or presence, there was no argument about it. But the fact that if he either tried to get other people to violate the law or if he went even physically and held them so that they couldn't go and enlist, when they wanted to, the fact that does not affect him individually is one of the places--in fact, we even discussed such little things as this: If I walk in and show my card so I get identified, and I say "I want to see my file." and they bring it. And I immediately take and throw red ink all over it. Now, there's no argument with the Department of Justice. They would say that was a man fooling with his own record. Now, but if he comes in and identifies himself, brings a letter from his brother, and says he wants to see his brother's record, and then they bring out his brother's record and throws ink all over it, that is in a different category because it doesn't affect his status. We contend that it does because that kind of a fellow we don't defer anyway, at least we say, because we say that he has a more or less of a contract that when he accepts a deferment to go to school that he uses that to go to school and he doesn't use spare time to obstruct us. In other words, sitting in and keeping a girl from working, we would contend is a part of a contract which he has with the United States which he is violating and therefore we terminate it. I think they would tend to say, "Well, prosecute him, yes; but reclassify him, no."

M: And this still remained a disagreement since that time?

H: Yes, because when we come to this statement. After all, we've been through a lot of these, you put down what you can get an agreement on and then you say there are many fields where, until you know the exact thing we're talking about, and therefore we'll consult with each other when we reach it. Well, you know, we have very few individual cases we argue about, and it's kind of silly to argue about a principle that you don't have any application to. From a practical standpoint. But, of course, we do get in a great many arguments about prosecuting some of these people. But in the statement, there was no argument on prosecuting. We even said we would waive any time they wanted to prosecute--we would waive whatever we might do about reclassification; because of the fact, for instance, the United States Attorney, he had a boy come up in front of him and tear his card up, which we probably normally would reclassify. But we kicked not at all because he had him immediately arrested because he thought that you just do not tolerate somebody coming up and violating a law in front of the United States Attorney just , you know, so that the hoi polloi can put out that they are doing it. And there isn't the slightest argument in the world about such things as that because of course he had to act. He doesn't say, "Well, I'm going to report you to your mother." I mean, when a father thrashes a boy, he doesn't say,...

M: So the real difficulties, if I have followed you here occurs when there's not really a law broken.....

H: No, its when--we get two difficulties. One difficulty is that they will not prosecute individuals if, for instance, this one boy was over

twenty-six years of age. He's liable until he's thirty-five. But, of course, we don't normally take him. Now, on the other hand, and I've got some sympathy here, the boy's got a wife and three kids. But it's a little difficult to run laws where we excuse people for those purposes. The next thing is he's a professor. Well, strangely enough, this boy decided maybe he would try to make a compromise, and he went down and asked for his card back, but it was already in the group, so they gave him a copy of his card. But when he came out to me, he came back here and I had already left, then he and his lawyers came out to my house about nine o'clock at night, the night before he refused to be inducted. And he said, "I'm willing, if it will help anybody, to carry a card. But I'm not going to cease my activities." He was a fellow who wrote fairly well. In fact, we had, on the sixteenth of October, down here, that date that I called to your attention. One reason I remember it, we had ten kids come in and talk to General Counsel. I was up in Boston, and each wanted to leave something, and out of the ten, six of them left a statement that this fellow had written about not registering and all that sort of thing.

M: What is this fellow's name down at George Mason, do you recall?

H: It's a very simple name. [sends for record]. It is true that I have had a wealth of memories if I can sort of stir them up.

M: Of course. You mentioned several times in this the role played by Mr. Califano. What about that? Mr. Johnson's run a staff operation over there that's a little bit different from some of the previous Presidents. Has that staff operation worked to the benefit of the various agencies most of the time?

H: I don't know about the other agencies, but the relationships we have with--who was the boy that works,--see, I haven't seen Califano too much for a year or so.

M: Is it [Larry] Levinson?

H: Levinson. We've had a splendid relation with Larry Levinson. Well, of course, with Califano--again, you get back, the old man [referring to himself] always wants to talk history.

M: History's my business. I like to hear you talk history.

Sec: [Identifying professor referred to above] Professor Shea.

H: Well, you see, a minute on Califano. Well, the Cubans were coming in fast, and when they decided in the Kennedy Administration, to put the people who had been through the Bay of Pigs if they wanted to, if they got into this country wanted to go into our service, to put them in. Now, that created some problems because, in the first place, they were all ages, they are aliens, they have no business enlisting because it's against the law. So, Califano was a youngster. He isn't old yet, but he was a young attorney over in the Army [Department of Defense], and this boy that's up at Harvard that was around here, came down in the Kennedy Administration, was around here awhile, and ran into some difficulties over on the hill--very bright fellow, and a lawyer

M: I can't help you this time [possibly Adam Yarmolinsky].

H: Well, I'll perhaps think of it. Anyway these boys came over and said, "Now, here we've got a problem and what do you think we can do about it?" I said, "In the first place, of course, you see we are not handicapped by alien age. We can take an alien, we can induct an alien. And we can induct an individual and put him up at the top of everything but the

delinquents if he volunteers for induction. So, therefore, if these individuals come over and register and then volunteer for induction, we can induct them. At that time we said we don't want to get above thirty-five if we can help it, but later on we got quite a bit farther. But I saw Califano some in those days; not that it makes any difference, perhaps, but still we get along all right. And, therefore, I think probably that we, first of all, he had known a little bit about how, I guess, I operate. And maybe he figured this was a problem which he had that maybe I helped him solve it some. And so, I did know him some. I don't have intimates. I know a lot of people, but...

M: So, as far as your experience is concerned, this staff operation that President Johnson has run has been a pretty....

H: Yes, and of course I suppose I happen to think I know something about organization, but the longer I'm around here, the less I know about presidential organization. And I've seen quite a lot of it and I've known some of the people. I knew Sherman Adams pretty well, because Sherman Adams was a Congressman before he was a governor, and as a governor of course I had him four years. I have to live as close as I can with governors because, in the first place we've got a man working for both of us and I've got to try so that a man can work for both of us. But in every state, there is a state director there that's caught between being the governor's man and my man.

M: It's created some problems?

H: Well, yes, but that's one of my pleasant memories. That's possible. It isn't on paper; you can't teach political science and teach it but it's possible, I know.

M: Because you've done it.

H: Well, in a very long time three hundred and some governors. I can name some governors as I have at times and gotten in trouble for naming them. I got in a lot of trouble over mentioning the fact that I had worked with George Wallace. I got accused of being his supporter and I guess his campaign manager.

M: I believe you did.

H: But I didn't make it during the ti e he was governor because things weren't moving very fast, but I certainly went down after Lurline [Wallace] got to be governor, and we figured out that we got four Negroes on four different local boards.

M: Is that the way you work towards minority representation? Just on a personal basis?

H: Not only that, you got to get out to the local boards. And you got to get four whitemen to say yes. Now I'll tell you, "I've worked with Jones over there. I've seen him some," All right. And then you've got to get hold of Jones. I mean, if you don't do that, you're just going to--you just don't move men. Or at least I don't.

M: How successful have you been in gaining minority representation?

H: Oh Heavens. The last year and a half, that's a story of a different area, but we've gone from a little over two hundred to over eight hundred Negroes. Now on American Indians we haven't done as well as we ought to, but one of the problems on Indians is that down in Oklahoma counting Indians down there is just about like counting Puerto Ricans in Puerto Rico, because the people down there aren't identified that way. Hell, those guys down there that have got a little Indian in them, you

know...

M: I was stationed at Fort Sill. I know what you mean.

H: But we've got several hundred Orientals; and, of course we've got a very high percentage of Spanish-Americans, because you got them-- Well, we don't count them in Puerto Rico. If we did--well they all are. And I don't know what you'd count our Guamanians [Some of them spoke Spanish and some didn't] You get a little touch of French along the north frontier (??) But we've been far more successful, and this is something that I think reflects certainly on the President.

M: That was my next question. Has he ever expressed a direct interest in this program...

H: Well, I think he has undoubtedly to others. I have never discussed it with him, but I think he's aware of the fact that I'm aware of the fact. Of course, we had in the Department of Justice, John Doar, who's now turned out to be an educator. He's the president of the New York Board of Education. Well, I had Doar on my hands around here. Of course he had problems. He worked down there on other things, and I like to work with everybody; but on the other hand, I don't like to get tangled up in controversial things that he's working at. Well, I like to be identified--I get along with Southern people. I'm rather sensitive. I happen to have passed time in your state [Arkansas]. I'm the person who picked camp sites down there and who started keeping house there and whose oldest child was born there. These things count; and then Mississippi--I was married in Jackson.

M: That doesn't hurt anything there.

H: In Alabama, I've got two distinguished service medals from Alabama,

got one of them from George but I got the other one from Folsom, and a lot of people don't care for Folsom and I'm not asking them to. But one thing about it, he never let us down. Jim Folsom, I'm not trying to defend him; I have no illusions about him either. We have a lot of states where you have to be careful about trying to apply the same standards, politically and otherwise. You got to take them as --we used to sing, "Just As I Am," you know. Take me as I am.

M: The other instance of publicity that we haven't mentioned at all came up about the rehabilitation of rejectees. Did you get involved directly with the President on that?

H: Yes, because I was on that committee that I think was probably appointed by Kennedy, but Kennedy was killed before we got our report in. And this fellow whom they are talking about for a cabinet job--I guess they want to put in a Democrat--you know, the boy is up at Harvard, he used to be Assistant Secretary--he's an Irishman--he used to be Assistant Secretary of Labor. Well, he's one of the authorities...

M: One of Nixon's prospective appointments?

H: Oh, well, I'm not enough of a politician to know that, because I have been quite amused at times at people that I didn't know were particularly interested in Nixon, they have been forming cabinets for him. For instance, and I say this in friendship because I've known Senator [Wayne] Morse for a long time and I never had the least bit of trouble with him, which I might have had. But, on the other hand, I kind of smile when I hear he's going to be the Attorney General.

M: Yes, well, that might be presumptive.

H: This boy's an Irishman that has written books on, especially on the city

centers, what you do on...

M: Oh, [Patrick] Moynihan?

H: Moynihan. Yeh.

M: I knew I should know his name.

H: Moynihan was on this thing that had to do with the--it started out, what was it, one-third of them; you know, this or that. And, of course, this same fellow I'm trying to tell you about with the long name, this Jewish boy that is up at the same place now that was down with the Secretary of Defense and was over here on this Cuban business [Yarmolinsky?]

M: This rehabilitation thing, didn't that run into some Congressional opposition at one point, spending money to...

H: Yes. You see, one of the problems they got into was the problem as to what extent the armed forces were going to lower standards. And there I am completely with anybody that's in favor of using the armed forces. The armed forces have got some other things on their hands, but on the other hand, they are organized better, they've got the facilities, they've got some experience. Good night, anybody that's run the volunteer system has had a lot of experience with rehabilitation. Because when we had to cut our standards in peacetime, and the armed forces can do a lot on raising the mental, raising the physical, and getting into an orderly system what we talk about being immoral. In other words, a lot of these kids need nothing in the world but regularity in their living. And a realization that there is a God in Heaven and that they aren't running everything. So I've been completely in favor and there are limitations always that you get into, and we ran into some there because some of them got worried about lowering the standards. That the first thing you know

you're running, as they would say, a kindergarten, a hospital, and a reform school. Those are the words they used against us. I didn't use them because I happen to be very much--this is an area that I've had a great interest in and know that I must be content with far less than I'll ever see.

M: I believe both of the presidential candidates promised in their campaigns an alternative to selective service. One of them Mr. Nixon, promised voluntary army after Viet Nam.

H: As soon as possible.

M: And Mr. Humphrey promised a national service system, I believe.

H: Yes, and he followed a little closer, I think. Now I never heard too much about this until after the campaign started. I don't know just exactly what the Vice President had that he doesn't care about me. I wasn't aware of it before. I've seen him some. By law, I'm on OEO, got on there...

M: That's Economic Opportunities...

H: The OEO, the Office of Economic Opportunity. When that thing came up; of course, at that time, we weren't as busy as we got afterwards, but that is an area where they are always getting in to fields that are adjacent to ours and I frankly got hold of again this fellow whose name I can't think of [Yarmolinsky?] and Moynihan, and they were the ones that drafted that legislation, and I at least represented to them that I thought the Director of the Selective Service ought to be on that board. And I got on it. I don't think I accomplished much by doing it, because the board was never of any great significance; but it did furnish a listening post. And so therefore I did get, we were always kind of around to see if we could get in so we could see what was going on so somebody didn't decide

to get in our field without us knowing it. And I have, I think, a great deal more acquaintances among people that get accounted as liberal than I certainly have any reputation for. I get reputed as being the probably the devil of the liberals, and I don't think-- personally I don't happen to agree to it. But that's neither here nor there because I know a great many people who have been quite liberal in government, and I don't ever have any problems with them. I don't happen to agree with them on a great many things; but, on the other hand, at least I see them. And I don't know as much about the workings of the different parts. Of course, I knew [Sargent] Shriver some, but after he got going I don't think he paid much nevermind to the board, and I probably wouldn't have recommended it if I had been the director, either.

M: He just wanted to get things done at that point. Do you think that either of these alternatives, the voluntary system or the national service system or whatever you want to call it, is a realistic possibility anytime soon?

H: Well, let's take the national service first. During World War II, I heard a great deal about national service, and I openly admitted I was for it after President Roosevelt had said about the third or fourth time that he was for it. Now, obviously, I have never been President at all, but a President a good many times is for things that he isn't going to do much about. And so, therefore, I don't want to say that I don't understand them when they speak, but the President at times, well, for instance, when he came out somewhere near being for the Selective Service Act. He could have been several other places--I'm talking about Roosevelt now; but finally, when it got down to the sort of a place in the Senate

where somebody had to do something, I was present at the time. The minority people said, "You got to have our votes to get this passed out because you got dissidents on your own side, and there's an election coming this fall, and we're involved in it just the same as the President is. And the President's got to lay it on the line that he's for this legislation and we'll support it." I've been around, and I understand it, and therefore, when, for instance, Mr. Nixon says'"I'm going to get rid of the Selective Service just as soon as I can." I don't know if I've got any publicity on it yet, but yesterday I got asked that question in public and I said that I had never been concerned about things like that because the Congress of the United States was going to repeal this law just as soon as they could get along without it.

M: But that doesn't promise any immediate action.

H: Well, I've said one of the things he also said was when he got through out in Viet Nam, and that certainly put at least a little buffer on it--he wasn't going to do anything tomorrow. Now I wasn't so sure--Mr. Humphrey, the times I heard, still said that it wasn't realistic to think you could get away from the selective service system. He said he was going to get rid of the director, but that would be a much simpler process. Well, it would. There's no problem about that because, after all, the President, when he says "I'm going to have a lottery," and I think Mr. Humphrey said that I could have said to him, "The present President said it, and what happened?" Congress prohibited it. And I doubt if the President will worry much about that one. Well, Kennedy, who had a bill that went pretty near...

M: You're talking about Edward Kennedy?

H: Yeh, Ted.... out to very near where the Burke Marshall committee recommended. After the bill passed both houses in its present form, and it went to the committee, went to conference, and they came back to the Senate; this is heresay entirely, but I heard that Senator Kennedy called up Califano and said, "I'm prepared to fight the conference report so that the President may get some of the things he wants." Well, I don't know anything again, but I could perhaps see the President's smiling a little on Senator Kennedy wanting to do that to help him. So Califano said, "The President asked for a bill and he's got one." And I don't know that the President knew anything about it, but personally I would figure that that's about the way the President--I think he thought he had a bill that was: first of all, it had about everything in it that was essential to get people into the armed forces: and when it got into some of the bric-a-brac around, he'd lived without it until now. He didn't tell me so, I didn't expect him to tell me so, but that's the way that I felt that he felt about it; and he was a legislator.

M: For a long time.

H: Yea, and he knows that you are lucky when you save the guts--you better not be worried about losing a toe or something.

M: I'd like to, sort of in a listing type way here, ask you about some of the specific criticisms; because we define our task as being rather broad in this way. The greatest argument, I guess, against the local boards, has been the lack of uniformity that they allegedly apply. Is this a realistic argument?

H: Well, no, I don't think it is, because, in the first place, nobody has defined uniformity. People are not uniform, and I think that some of the

people who use that as a criticism, I think, are perfectly aware of the fact that it's an effective one, but not necessarily an accurate one.

M: I see.

H: Well, for instance, when a lawyer comes up, as they do sometimes, and says, "These laws aren't uniform." Well, how can a lawyer say that when he knows very well that there isn't any federal judge, or a state judge, or anything else (a) that is like any other judge, and (b) he isn't like he is himself from one day to the next. During the war, now I've had a lot of times, right now is one, where I don't think the courts are giving us support. In fact, I was a little worried this morning about this United States Attorney telling me all his troubles. And I know he's got them. But if something doesn't work, it's all very well to know what they are if you can do something about it; but if you can't remedy them, the first thing you know, it's a roundabout system. Now, let's get back to the uniformity. A lawyer that comes up and has known a judge who is sitting on one of our cases in World War II; and he had a son in the Orient somewhere that he hadn't heard from in three or four weeks, and some young guy comes in here and says,"Nyah, nyah, nyah " You know. Five years, ten thousand dollars! I mean, and you can talk all you want about law, but it wasn't law--this guy was in an emotional state--he's just not--I don't care how judicial he is. Now I don't say that the local boards get mad at people, but sure they do. Now I had a group in here of people who are now claiming to be religious, and they are probably. But they happen to be some of these fringe folks, like humanists, and they don't think the local boards understand them. And I don't think they do either. Because a lot of people don't. And I think they are

perfectly right when they say that if you get a person of a particular religious disposition having some very firm beliefs about things, and then we come along and we're universalists or we're humanists. Personally, I would rather start with a guy who had no religion at all than to start with a guy who's got very definite ideas because he said, "I know what religion is because I got religion, and this fellow here, what's he got isn't what I've got." And it's all very well to say that you ought to be broadminded and you say "I am broadminded, but the law says religion." And it didn't say philosophy. It didn't say morality. It didn't say ethics. And so you see he [the local board] isn't doing with this fellow like he did with the Catholic or a Presbyterian who comes in and says, "I represent four generations of Presbyterians." And you get into the place where you are a farmer, probably a nonfarmer would listen to a farmer tell all the things his son is doing and how he couldn't possibly get along without him. Well, now, I'm not a farmer. I've got two sons that are gone, and I'm living alone and not doing too well, but I'm getting along. You see, you get into every one of those things. The next thing you get in to, you take teachers.

M: Yes, I'm interested in that one.

H: One of my good friends, or at least I thought he was, out on the West Coast just gave me fits a couple of years ago on a board that had taken one teacher and left another one, right there in the same school. Yes, sir. Well, in the first place, the one fellow, I went into this very deeply, this one fellow had never been deferred as a teacher. He came up with a special project that was supposed to take two months, and the board postponed him to run this project. And he was pretty cute, he ran

it into eight months. But when they started into the second year, they didn't buy it because it was a special sort of a project and the guy had not had any particular training as a teacher. The other guy could teach two or three languages and he had been there three or four years.

M: So the apparent uniformity was only surface uniformity?

H: Well, I think if sometimes you are browsing around in the report of the task force, the one that I was tried on, they went into the question of what the Burke Marshall people had taken as evidences of lack of uniformity that were obviously different. I've read thousands of cases, and I never saw two of them alike. I've got a case now, it's pretty near, I've got a couple of identical twins who are chemists. And they went through college and they went to work for Monsanto. They quit last spring and finished up their Masters last summer. Within this year period of grace. And of course, they probably did the thing that got them into trouble when they went to work for Union Carbide; but of course they got a much better salary. Well, now, those two cases probably are about as near as I have ever seen.

M: I can't see how they could be any nearer.

H: Well, but still, you can't tell for sure just what you're going to get into. So therefore, I don't think there's any question that if you take uniformity as absolute, of course we're not uniform. But it isn't uniform when you let one fellow go because he's got a leg off and another fellow has to go in his place merely because he was lucky; but it wasn't fair when the guy lost his leg either. I mean, so there's no question about this is always valid and that's why the smart critic knows he can always create the thing. But granting even if it is, do you think that

a machine would correct it?

M: It would still be selective.

H: Do you think that the court would correct it? Human beings, when they have to make judgments--I was down at a Quaker school two weeks ago and they asked me "How do you decide when you are having to look over a case, whether or not a fellow is sincere?" And that's an awfully good question, and there's no answer. You do the best you can, you try to see how long he's had this, how near his conduct has jived with what he has said and a lot of things; but when you get all through, you got to--see--the umpire has to say yes and no.

M: Sooner or later, you have to decide.

H: Of course, I don't classify them, but I do decide whether I am going to take an appeal. And I have to go through the same things as the fellow that decides it. And yet there's no way you can look at a book or take a formula and substitute figures in it. But whenever you have judgments, you got to have people that will charge you with not being consistent. And probably you aren't.

M: There's a whole line of criticisms that doesn't apply just to selective service. It applies to several other agencies, and I think OEO is one of them.

H: Well, and to regulatory agencies. I'm on this conference of these regulatory agencies. I have a son-in-law that is a lawyer that's been in the transportation business and of course this truck line is allowed to do this and this truck line isn't. But down here they needed a truck line, and up there they didn't.

M: They say frequently that all manpower agencies ought to be under the

Labor Department. What do you think about that?

H: Well, I don't know what you mean by all of them.

M: Well, there's people like the Job Corps--and the Selective Service System...

H: How about the Army? Well, see, that's an exaggeration, but I heard [Arthur] Fleming make a speech to the Engineers Council on Wednesday of this week on this subject of what do you do about manpower in government? And, of course, Arthur is now president of that. And Arthur said, "You never can get all of the manpower of government in one agency because the government is run by manpower, and disguise it as you will, you're obviously going to operate agencies by manpower, and if you want to get too tight about it, maybe the Department of Labor--if they were governing the relationships that the unions normally get into--then they would come to the Department of Defense and say, "You can't do this and you can..." So he said that you are always going to have to resort to somebody, very much as the OEP--

M: Office of Emergency Planning.

H: Yes. Of course, that has moved away a little bit from the Office of War Mobilization, but just the same somebody has to coordinate and I think he would agree--although sometimes I'm not so sure because he's probably a little more of a theorist than I am--that it would be necessary, obviously, to lay down policies, it would be necessary to see that they were carried out. And then I would say, "But it isn't necessary for them to carry them out because I think you're always going to have to decentralize your operation. Of course, that's the basic argument.

M: Right. We're on the same argument again.

H: And to me the Department of Labor, if they are going to maintain good relationships with organized labor, they immediately are suspect by a lot of other people that will never believe that they are in a position a judge ought to be in. And so, we haven't had this fight lately, but if we have another Hoover Committee or something like that, we figure that we might as well get our loins girded because we are going to have to fight to keep out from under? ? Labor, but as long as Congress, the Armed Forces Committee, remain as they are now--and they didn't change much by the election--so, see my ace in the hole is a continuing thing called Congress, and I don't believe that they are ever going to try to get to the place where management, our ideas of combined management, are allowed to supersede what we have built up by practice of trial and error. You see, a lot of the things we have in government, they've grown like topsy. But one thing about topsy, she didn't grow if she didn't eat. And when she was eating, she proved that she was capable of growing with the diet she had. I mean, you can turn up your nose at things that grow, but that's the way with most things out in life--and the things that will not grow, it doesn't make any difference how logical they are, if they won't grow, they won't grow. So, I don't happen to believe that the manpower--it's such a variety of things that I don't believe you'll ever be able--if you let one fellow run it, he'll be the President.

M: It seems to me, just from your conversation, that most of the criticisms ultimately, if you follow them on down the line, get back to the basic philosophy regarding the utility of the local board. Would you say that accurate?

H: Well, maybe, but I think it's a little farther than that. In the first place, you're a historian. The people who came to America, a lot of them, didn't leave Europe because they were well-adjusted to Europe and the way Europe was doing things. And in the nineteenth century, a great deal of our immigration were people who were leaving Germany and Austria and Russia and other places to avoid service. So, therefore, we started out early being against any compulsion to serve in the armed forces. In fact, strangely enough, I maybe have to be careful about what we call the War Between the States, but we had a great many Germans that ran away from Germany to get out of compulsory service, got over here and didn't have a job, and then enlisted in the Northern army to go and fight. Well, they wouldn't think it was inconsistent. One thing they did it presumably freely, and so therefore I think you got basically--see, I'm talking about the draft between the War Between the States--because at that time, we hadn't had World War I. But what a lot of people do not know or do not realize is that we had been accustomed in the colonies and in the states that followed the colonies in the Revolution, the 1812 War, the Mexican War very little because of several things, the War Between the States; we had been accustomed to letting the state compel a person to serve. They called it "calling out the militia." Well, I don't care what you call it.

M: I think one of the earliest law in the 1790's was the national militia law.

H: You got six hundred and sixteen laws that are passed in the colonies, and I've got the excerpts of all of them in this thing we put out after World War II. But we didn't think of the federal government getting

into it. I think the trouble the Confederacy had and that the North had during the War Between the States was not so much a revolting against the compulsion per se but it came from a place it hadn't come from before. It came from the federal government, and you can talk all right, we fought about states rights but the North had state rights ideas too. And they said "Whose this coming? The governor will tell us when it's time for us to go." I think [Sec. of War Newton] Baker did a great job in 1917, when he had enough sense to get the federal government into the compulsion so far as telling what they wanted. But letting the states run it--

M: That's the way it was in World War I.

H: Well, and World War II, and right now. That's what the row is about. But the guys who are trying to get the thing in one picture want to abolish the states. They want to get rid of the National Guard. They want to try to make the country into units. Well, maybe that would be better, I don't believe it; but, on the other hand, and I wasn't brought up a Jeffersonian, I was brought up on the other side of the fence; but just the same, I still believe that probably the least government that you can live with is the best government. And the nearer the happening of the thing or the going to happen to the law that you can have the operation take place, you have a better chance of having sympathy, and sympathetic application, of a very tough thing. Why the President of the United States can't live if he had to face being responsible for every induction.

M: Certainly not.

H: There are four thousand local boards that catch a great deal of that hell. What do they want? They want to have it fall on the President, or fall

on the governor, or fall on the Director of Selective Service? Course, when they are kicking about something else, it's just like when you get the enemy to shooting at all kinds of targets and keeping him from shooting at you. There's no question about it. And I don't believe that in a war that in many ways has been, for a lot of reasons, as unpopular as this war, I don't believe a centralized system could have stood it. But remember we've kept a lot of people supporting the government because they did something in the name of the government and of course they had to defend the action they took. These local boards, in the first place they don't all vote one ticket. But one thing about it, when it comes to a national business they have one President. Make no mistake about that. I happened to be in Indiana, at times out there there are a lot of things they are dissatisfied about. But one thing they wanted understood was that when the President was in the foreign fields, there was no discord. "Because I'm not going to have the blood of my kids on me by them getting killed by somebody making the enemy believe we have dissension." No matter what I got to say about the guy other than that. And the great majority of our people are that way. Our noisy ones aren't, but the silent people, the people I'm betting on...

M: They are the ones that are more numerous perhaps.

H: I don't think there's any question about it. I worry about it at times, and I probably shouldn't. If they get completely disgusted sometimes at what is going on, you got a lot of folks down there that you can find--I had a kid who drove for me out of your state one time. And he thought he had to go home one weekend and I said, "What's the matter, you got somebody sick or something?" He said, "No, I may have to

kill my brother-in-law. He's talking about running out on my sister." And this was twenty or thirty years ago. But when that type of fellow says, "I've heard all I'm going to out of the long hair, the dirty ears, and so forth, I'm going to show them who's running this country." I think the tide is turning, of course, I'm an optimist. And an optimist cannot be, he cannot arrive at it by intellectual processes. He has to arrive at it by belief, faith. He believes that it is better.

M: Finally, this has nothing to do with really with Mr. Johnson, I guess. But I certainly believe that future scholars would like to have your views on this. A lot of the difficulties that have arisen regarding the dissent and so on have involved you with the universities around the country. How have you been able to work with the universities by and large?

H: Oh, by and large, there's no question at all that of the three thousand of them, you take out fifty, and we're all set. The fifty, however, most of them have to be such as Kingman Brewster up at Yale. Yale gets more publicity than--I could name you one hundred colleges that people--never--I happen to be trustee, and have been for eighteen years, of a college. And I happen to be lucky because we got a college that doesn't have trouble. We have trouble getting money; we have trouble a lot of ways; but in the first place, we got students who come there to try to better themselves, and they don't forget it. It's a small town.

M: What college is this?

H: Tri-State College. Now, I saw three of your colleges in Arkansas. And I'm <u>very</u> angry at one of your publications that are very much like one we have here [<u>Arkansas Gazette</u>?] in which they said that in one of these

colleges there was one hundred kids had arm bands on as a matter of protest. Now, I don't care whether there were one hundred of them, my boys only counted about twenty. But anyway, a better behaved group of people--and this was at Hendrix [College, Conway, Ark.]--I have not seen. Now, however, when I went down to Henderson States [Arkadelphia, Ark.] and we invited Ouachita [Baptist University] over and we had twelve hundred or more in a place probably where we shouldn't have had quite that many. Because they let them out of class, of course they would turn out. Well, I mean, when you have that much bribery. But I resented this same paper saying that they behaved much better down there than they did at Hendrix. It isn't so, because both of them, their behavior--these kids--I don't say that these kids agreed with me, we had questioning periods for half an hour or more: The fellow that got more or less rejected by the group was a boy that asked a question--and I've had hundreds worse, but he didn't happen to belong to Hendrix and therefore he was an outsider--and he asked me, I don't remember what the question was--it didn't amount to anything. But I did sort of,- I didn't let him have it, but I sort of gentled him back on his heels and I got a standing ovation from the other kids. The other kids weren't with him. Now, then, they weren't with me necessarily, but they were--they knew he didn't come from there--how well I know.

M: Then you think this is kind of typical by and large?

H: Of course, you got to be careful about where you go. You got to watch your coasts a little bit. But the rest inside of the United States--oh, I looked to Columbia all my years because I was an education major, and we looked pretty much to teacher colleges. I never got to go there,

but I was trained by people who came from there, and I do have an honorary degree from Columbia. I at times wonder whether I ought to send it back or not. I went to Columbia on the seventeenth day of March, 1966. And I went up there in the morning because I did some tapes with some of the students that were writing for their different periodicals there in school. I had a press conference with these same kids and that sort of thing; and we ate lunch in the building. We had about one hundred pickets that thought I was going to drive up in front, I guess about half past one, half past twelve or one; and they waited out there, and I didn't come. And I think they thought I'd got cute on them, and I didn't. I was actually there. Well, we went down to this space where we had about eight hundred kids and they had one hundred of them back in one corner that I knew were going to be a little--they would rock the boat a little bit--because they begin to cheer things that had nothing to do with me. That's one way to get things started. But we went on, it got quiet enough, so that I spoke for about fifteen minutes, then took questions for about an hour. And we had some that were a little bit less than friendly, and one time I said something about having a great many friends who were conscientious objectors, and I have. I lived with them for thirty years. And I got some boos. And so I stopped, and I said, "Now I'm willing to give equal time, and if you've got any argument, I'll be glad to hear it; but if you have no argument except boos, you boo a fair, decent amount of time where anybody else might have presented a point of view. But you boo during that time," Well, they did pretty good on that one. They--the rest of the crowd, I don't think they were for me--but I think they thought that was fair. And kids are a lot fairer than they get credit for, even the

rough ones. I'm completely for the kids, the college kids of this country I'm not talking--I've got some--you can give me some samples that I don't want to buy. But the great mass of them, I think I've seen twenty-five to thirty thousand in the last three or four years. And the people that organize them aren't necessarily friendly. I did have a rather bad time out here at Howard. I don't know. I still think maybe we could have talked to them, but the professor was running it, and I don't blame him. He thought we ought to quit because they came up and climbed on the rostrum just as they introduced me, and were waving these signs around and some came a little close to the head. But I stayed there until the guy, the professor, said we better get out. But I think it was unfortunate because that's been very costly to Howard. Very costly to Howard because, in the first place, it kind of gave them some feeling they could do things, and the Congress, well, I'll tell you some of my fears. I, in the first place, I think we have the lousiest advertising of our kids that you can imagine. I don't think that the average foreigner that saw our televisions, our radios, or our newspapers would have no more idea about the kids of this country than nothing. And they would have an idea that was based on a very small--I don't believe there was ever more than a thousand that even went out and looked at Columbia. And yet here thirty thousand had to be out of school because one out of thirty didn't want me there. I mean, that's terrible. I was out to Washburn one time, and we had about eight hundred kids out there. They thought they had done pretty well. We had about twenty-five up from KU [Kansas University] they came up to raise hell, of course. They were hard-core boys. And they wouldn't let them in. Maybe it would be better

if they did let them in. But they were running the business, I wasn't. But they wouldn't let them in, so these birds were cute enough that they got ahold of the fire alarm, and they had that fire alarm ring about every thirty seconds. And we were having a meeting. But I shouldn't charge the eight hundred that came up there with what twenty-five are doing. The same group tried to keep us from driving away, and a couple of girls and a boy or two climbed up on top of the engine, but I could tell the way they climbed on they were going to get off just as soon as the car--you can kinda see whether he climbed on to stay or not. They didn't do us much nevermind. I'm strong for the colleges, I'm feared that if we have this image get around it is going to cost them money, state legislatures, federal legislature. And a great many of the boys in trying to be something or other like to talk about the poor and raise hell with the rich, and I'm in a school which belongs to itself. It gets nothing out of the state and very little out of the government, we do get some special grants; but we have to hustle for the money, the difference between the tuition and costs. I'm afraid that if we don't keep our image good on our students that we are going to get our large contributors, especially if we have students who are not indicative of the rest attacking wealth all the time at the same time we are trying to drain it.

M: I see. That could do a great harm to education.

H: It could do harm, and without really--but it's hard to get people to keep perspective when they are being attacked. That is, for instance, a dog barks at you like it's about ready to bite you, and you say, "Well, he doesn't bite very hard." But it's awfully hard to convince a person

who's afraid of dogs that they don't bite hard, and we have gone from some pretty active opposition in World War II and at the beginning of the Korean War toward the universities and colleges to a place where, by and large--and they kick about it. I'll admit sometimes--but by and large our local board people are pretty sold on education, and I certainly don't like to have anything happen that tends to embitter them. And, of course, one kid coming in and sounding off isn't--they've got thirty thousand registrants. I mean, he is a pretty small part, but unfortunately our communications systems are specializing on him. I was president of the Boy Scouts here for six years and used to try to get the papers to come out when we were giving a kid a lifesaving medal because I because I thought for a twelve or thirteen year old kid a lot of them had used fine judgment on things they had done. Do you suppose I could get them to come? No! But if I could get those kids to come down here and misbehave, I can get the four people down here with their cameras anytime.

M: I see. The college administrators are equally cooperative in most cases?

H: In most cases. We have some things now that are worrying them a little. So far, I don't believe there are more than three institutions that, are involved, there may possibly be. We have three institutions that have told us they will not let us know when a student leaves the institution.

M: What are these three? Yale, you mentioned was one of these. . .

H: No, I don't think Yale has told us that yet. They might have said that they wouldn't do it unless he asked ot or something like that. No, as a matter of fact, the University of Minnesota and two small col-

leges in that area. Now there may be more than I know. This worries me some for several reasons. One is I certainly wouldn't like to harrass the colleges by requiring them to report each month on a [form] 109 that this student was present. But that is, of course, one thing you could do. On the other hand, you can do some other things. You can hold the student strictly accountable because if he doesn't notify you that he left school, he violates the law.

M: And that moves him up in the priority, doesn't it?

H: That gets him up. We either reclassify him or try him and so therefore I don't think that it'll--but on the other hand, I know a solution except I can't work it. If we had unity within the government, so that whenever you cut the government anyplace, they bled everywhere. And if Health, Education, and Welfare would notify these schools that we have suspended your grants...

M: That would get the bleeding in a different place. That might do some good.

H: And I'm saying this as a trustee of a school. I know some of the problems that we're up against. For instance, we got a grant at the present time of six hundred and fifteen thousand dollars, which is not available for building until next spring because they are trying to keep the building scattered out a little. But this is for a physical education center. Now, of course, you remember you don't have field houses any more.

M: No, that's right.

H: You have "physical education centers" because you get grants for those. Field houses are athletic. Well, we don't happen to be strongly inclined toward athletics. We've got a fair basketball team. But this is one

thing they need pretty badly in the county because we haven't an indoor swimming pool in the county. And here would be a pool which you could have events in and a lot of things--there's going to be a lot of other things there, too; but if someone would tell us that because we had failed to do something that that was suspended, I think we would probably moving around rather fast.

M: I wouldn't be surprised. General, let's go back now, unless you have something you would like to say by way of general comment here, let's go back and pick up this business on the 1951 act the Colonel Vinson [General Hershey's aide] mentioned as an indication of Mr. Johnson's activities in that regard and we will place it back up in context when we make this transcript. This was in regard to the 1951 renewal of the Selective Service Act.

H: It was the renewal that came to be called the Universal Military Training Act. You see, at that time we were talking about selective and of course we never got universal, but that's when the thing happened and I think that was a time when General [George] Marshall said, "Well, at long last." I don't know whether he said "long last" because it had already been said by the king, but he said that we do have a <u>universal</u> military training bill. And at that time the thing that we were discussing that President Johnson had a part in was some of the rather, well at least, pretty heavy debates on age, because there's always an issue, when you start into compulsion, on whether you are going to compel a nonvoter, for one thing; and I presume that anybody who was worrying about the voters is going to be worrying about mothers when they get in to having individuals that are anywhere near young. So, we went back to World

War II experience, and we said we had to have the eighteen year olds. And they said, "This isn't World War II." And eventually the compromise in which I'm sure President Johnson had a lot of part was to get registration at eighteen so that we could count it, that is, we knew what we had; use the time from eighteen years to eighteen years and six months to go through the things that had to be done in bringing the boy up to a place where you could induct him when he got eighteen and six month. And I think, on the one side, you placated people by saying, "Well, we're getting them practically as quick as we would have anyway," and said to the other people, "Well, we're not making him only liable for registration at eighteen." And then as a further compromise we said, "And we will not take him at eighteen and a half until everyone else above nineteen is gone."

M: In that local board?

H: Yes, in that local board. But of course there again it has created some problems that we better not get the local boards very far from each other because you have to be awfully careful about taking something that is quite different in one place and not in another. We do at times, and we do hear about it because that's lacking uniformity, and that's why they say, "If you only had a machine, you just press a button." Of course, probably a lot of the buttons would not be operating at that particular time because we find that if you feed something into a machine and expect it to be just like it was two or three months from now, you've missed it. Because they do change.

M: Now, this last provision regarding the taking of nineteen year olds, taking <u>all</u> the nineteen year olds before the eighteen and a half.

H: Well, not only that, but twenty year olds and everything clear up to twenty-six.

M: Was that the so-called "Johnson Amendment?"

H: Yes.

M: He was responsible for putting that in?

H: Yes. Well, one of the problems was, of course, was to try to have somebody who was fairly adept at being able to talk to a lot of people and be able to visualize what all those people with their diverse things would be willing eventually to agree on. And I don't think that's ever got into a science, but it <u>is</u> one of the things that President Johnson and, well, birds like Jimmy Byrnes, Governor Byrnes, were individuals who were able to visualize when they heard a lot of people talk what you could eventually could get enough of them to agree to give you a majority.

M: If ever there is going to be anybody to teach that science, maybe he'd be a good one to start out.

H: I don't know. It's an art, and not a science, I'm afraid. But that was a good example, I think you can find hundreds of others, but that happened to be in our field.

M: General, it's been a great honor talking to you. Is there anything further that you'd like to say about anything?

H: No, I don't. I think we've prolonged it. It has nothing to do with this, but I happen to feel very much disturbed at our American people. At the time President Kennedy was assassinated, we had a lot of individuals that thought that we would just have to shut up shop. And I couldn't see it because of the fact, with all respect to everybody, President

Kennedy did not demonstrate very much capacity in getting legislation, and I think it was easily demonstrated immediately afterwards what an individual who had capacity--and President Kennedy had, of course, been in the House and in the Senate. But not too long, in the first place, and not too actively in the second place. And, therefore, to worry about what a legislature was going to do when you had an individual with long experience coming in there was a certain idealism that I have never been able to understand, that went along with not only President Kennedy but Senator [Robert] Kennedy. I did have the privilege once of spending a weekend in World War II with their father; and my prejudices, if I had any initially, were all favorable because he was somewhat of a dissenter, and I've always been, and I have some Irish background, and we hit it off pretty well. But I do think that President Johnson had a very difficult thing which I think was handled unusually well. I think it was probably very unfortunate that 1964 was a very unusual time because I think if the President could have been elected by the narrowest of margins, that on the whole it would have been better. Because, I'm not talking about the wine going to the President's head; I'm talking about the wine going to everybody else's head that he has to live with.

M: That's right. He has to be responsible.

H: Not only that, he has to be trying to slow them down to a pace that the public can accept, rather than have them say, "Well, we've got such a tremendous" Well, of course, a lot of them were voting against Barry Goldwater, there was a lot of things that get into that. But this is said in the greatest amount of friendship, but I do think it was unfortunate. Of course, if anybody wanted to do something mean to

somebody, they ought to just give them a Vietnamese war.

M: That's probably as good a summary---

H: But, on the other hand, we're never going to become a world power and stay it, stay a world power, without tribulations; and republics never give much of any credit to its leaders.

M: That's as good a summary to end with as any, I believe

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE

Personal Statement of

Lewis Blaine Hershey

In accordance with Section 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, Lewis Blaine Hershey hereby designate the General Services Administration, National Archives and Records Service, as the custodian of my personal recollections on tape and the statement prepared under the Oral History Project of The University of Texas which was typed from that tape. I authorize their inclusion intact in the Lyndon Baines Johnson Library. It is my understanding that they will remain under the administrative control of the Archivist, but will be available for research from the date of their delivery to the Lyndon Baines Johnson Library.

I make this designation subject to the following terms and conditions:

1. A revision of this stipulation governing access to the material for research may be entered into between myself and the Archivist of the United States, or his designee, if it appears desirable.

2. I retain unto myself during my lifetime all literary property rights in the material covered by the terms of this instrument. After my death, the aforesaid literary property rights will pass to the United States of America.

Signed Lewis B. Hershey

Date 15 December 1970

Accepted Harry J. Middleton - for
Archivist of the United States

Date October 4, 1974