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## The Defense Department—The Complex Coordination Process

The process of preparing and appraising legislation in the Department of Defense was undoubtedly the most complex of any of the departments examined. The complexity appears to result from the fact that legislative proposals must be coordinated among three services and the Office of the Secretary and that the department operates under two codified titles.<sup>288</sup> After much discussion between the project members and the Air Force it was decided that the Reserve Officers' Training Corps Vitalization Act of 1964<sup>289</sup> would best illustrate the process of drafting legislation in DOD.

### *DOD Drafting Process*

Prior to examining the ROTC bill it is important to note the manner in which the legislative draftsmen and department heads viewed the legislative process in their organization. One spokesman pointed out that there are three military departments, four military services, and several additional agencies in DOD, all or several of which have an interest in every legislative proposal.<sup>290</sup> The coordination system was devised in order to give interested agencies or departments an opportunity to express their views. Despite the long and time-consuming procedure necessary to obtain the views of the military departments and other interested agencies, DOD claims that "the system is geared for fast action when true urgency demands."<sup>291</sup>

In the Office of the Secretary of Defense, (OSD), the General Counsel of the Department has the responsibility for handling all matters relating to legislation, executive orders, and proclamations.<sup>292</sup> His responsibilities also include:

developing an over-all legislative program for the DOD; coordinat-

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288. Currently, the Department of Defense operates under two primary titles in the United States Code. These are Title 10, entitled Armed Forces, and Title 32, entitled National Guard. These two titles are a result of a codification project which took place during the early 1950's. In general these two titles codify the statutory provisions heretofore reflected in Titles 10, 32, and 34, and chapters 3, 7, and 11B of Title 5, of the United States Code.

289. 10 U.S.C. § 2031 (1970) and 10 U.S.C. § 2101 (1970).

290. The Project interviewed Mr. George Workinger of the Office of the Secretary of Defense. Mr. Workinger stated that legislative proposals almost inevitably affected each branch of the military service. For example, a proposal to increase retirement benefits or to raise military pay would necessarily be of interest to all the services and the Office of the Secretary of Defense. Interview with Mr. Workinger, DOD, July 2, 1970 [hereinafter cited as Workinger Interview].

291. *Id.* The description of the drafting and coordination process which appears in the text is largely a product of the Workinger Interview.

292. 10 U.S.C. § 137 (1964).

ing the views of appropriate elements of the DOD on all matters relating to legislation, executive orders and proclamations; determining the relationship of the DOD position on all such matters to that of the Executive Branch of the Government as a whole; and providing for the preparation of necessary reports to transmit the position of the DOD on all such matters to the Congress and other interested persons.<sup>293</sup>

In addition:

At any time when an unresolved difference arises in the development of a report or recommendation on proposed legislation or any other matter covered by this Directive, the General Counsel will, in consultation with the Secretary of Defense, the Secretaries of the Military Departments, the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, and the Assistants to the Secretary of Defense, as appropriate, develop the resolution of such difference or a recommendation to the Secretary of Defense for its resolution.<sup>294</sup>

In carrying out the above responsibilities the General Counsel uses the following offices in DOD for clearing and processing legislation: (1) Department of the Army—Legislative Liaison; (2) Department of the Air Force—Legislative Liaison; and (3) Department of the Navy—Legislative Affairs. After a legislative proposal is received it is circulated by these offices among the interested divisions and agencies of their respective departments in order to obtain an official military departmental view on proposed legislation.<sup>295</sup> The goal is to obtain a coordinated legislative proposal having the concurrence of the three military departments and the Office of the Secretary of Defense. The General Counsel has the responsibility also for determining which segments in OSD should be coordinated in order to obtain an OSD view.

The personnel interviewed described four primary steps or phases in the legislative process in DOD. These are as follows: (1) policy phase; (2) legal phase; (3) liaison with the Congress; and (4) administrative phase.<sup>296</sup> The policy phase not only involves developing policy with respect to legislation originating in DOD, but also commenting on legislation from other departments in which DOD has an interest. While this commenting function is the normal responsibility of the Secretary of Defense, it is usually delegated to the assistant secretary having jurisdiction over the particular area concerned. The legal phase examines the necessity for the legislation and also considers the technical suffi-

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293. Dep't of Defense Directive No. 5145.1 (Jan. 7, 1959).

294. *Id.*

295. Worker Interview, *supra* footnote 290.

296. *Id.*

ciency of the drafted bill.

The Assistant to the Secretary of Defense for Legislative Affairs performs the task of congressional liaison. This involves obtaining departmental witnesses for hearings and maintaining other such contacts with Congress. The aim of the administrative phase is to insure that all interested agencies and departments have been afforded the opportunity to air their views, that all the procedural steps have been taken and that clearance from OMB has been obtained. This is the task of the Legislative Reference Service in the Office of the General Counsel. This office also must obtain various congressional materials, such as bills and reports, that are under consideration and maintain an exhaustive set of files reflecting the action with regard to certain items of legislation considered in previous Congresses.

#### *The Coordination Process Generally*

The coordination process itself operates in the following manner. First, the initiating agency sends to Legislative Reference Service in the General Counsel's Office of OSD a draft of the proposed bill, a letter for transmitting the bill to Congress, and a section-by-section analysis. Simultaneously, the initiating department sends these materials to the other services. The other services then coordinate the proposed legislation within their offices, and send copies of it to any other interested agencies. Generally, the departments are expected to submit their comment within 21 days after receipt of the draft to the General Counsel's Office. The same process is carried out in OSD by coordinating the legislation with the assistant secretaries. The General Counsel, through the Legislative Reference Service, is responsible for determining which assistant secretaries and agencies should comment on the proposed legislation. Usually the bill is sent to an Assistant General Counsel of the office which has primary interest, and his office in turn submits the legislation to the Assistant Secretary of primary interest. The bill is then examined for legal and technical sufficiency.

Before formulating his final position the Assistant Secretary will wait for receipt of the views and comments of the military departments and other interested agencies. The bill is then redrafted and the rest of the materials are sent to the Secretary for transmittal to the Office of Management and Budget (OMB). The OMB then sends its comments back to the Defense Department. If approved, the bill is sent to Congress for appropriate action.<sup>297</sup>

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297. This description of the process was derived from the Workinger Interview, *supra* footnote 290.

*The Reserve Officers' Training Corps Vitalization Act of 1964*

The Reserve Officers' Training Corp Vitalization Act of 1964<sup>298</sup> aptly illustrates the coordination process. In this instance the Air Force was the initiating agency.<sup>299</sup> The original idea was proposed by the Air University in 1960, and the intent was to restructure the existing AFROTC program in order to attract more college students to a military career.<sup>300</sup> According to the memoranda in the files the first bill was drafted by Air University personnel.<sup>301</sup> The bill was then sent to the AFJAG, Legislative Liaison, and redrafted by Mr. Allan Morrison, the senior civilian in that office.<sup>302</sup> The files are incomplete in this early stage; but according to Mr. Morrison, the Air Force coordinated the bill with the other military departments and OSD. After the comments were received, the acceptable ones were incorporated in the new drafts of the proposal.<sup>303</sup>

In late 1961 the DOD began to discuss revamping the entire ROTC program, and it sent out memoranda requesting that each military department write up its own proposed programs.<sup>304</sup> Guidelines for these programs were formulated by the Assistant Secretary for Manpower.<sup>305</sup> The letters in the files indicate that in early 1962 the services were coordinating their proposed programs

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298. 10 U.S.C. § 2031 (1970) and 10 U.S.C. § 2101 (1970).

299. It is difficult to determine how the Air Force was designated as the initiating agency. According to Mr. Allan Morrison, who was the Chief Civilian Draftsman for the Air Force with regard to this proposal, it was the Air Force which first took the initiative to update its Reserve Officers' Training Program. It was not very long before the other services determined that their programs were also in need of change. The Department of Defense asked the Army, Navy and Air Force to write up their own measures regarding their Officer Candidate Program. See DOD-ROTC note 1 for a brief discussion of the different drafts prepared by the services. Eventually, the Air Force was designated as the initiating and coordinating agency by the Department of Defense for drafting the new ROTC legislation.

300. DOD-ROTC note 1.

301. *Id.* The files are not clear as to the individuals who actually drafted the Air Force's first version of the bill, nor is there any indication whether these individuals were experienced draftsmen. It should be noted that this draft was not in the style required by the United States Code or the drafting guidelines normally followed by the Air Force.

302. DOD-ROTC notes 2-8. It was discovered that Mr. Morrison did most of the legislative drafting for the Air Force. Mr. Morrison is the Senior Civilian in AFJAG, Legislative Liaison. There are several military personnel assigned to the Legislative Liaison; however, none of them have the years of drafting experience which Mr. Morrison has acquired, primarily because they are subject to transfer after a short period of time. For this reason, Mr. Morrison's judgment and drafting ability is seldom questioned by the military members of that office.

303. *Id.* Many of the comments received are of a technical nature, and therefore the entire bill need not be redrafted. When a substantive change is necessary it is sometimes required that the bill be completely rewritten in order to integrate the change with the entire proposal. Before any substantive change is made to a proposal the draftsman must first have obtained authority from those in charge of the policy matters in regard to the bill.

304. DOD-ROTC note 7. See also footnote 299.

305. *Id.*

through the Air Force.<sup>306</sup> By February, 1962, the Air Force had concurred with the Navy bill, but voiced objections to the Army bill.<sup>307</sup> Legislative Reference Service (DOD) circulated both the drafts and the Air Force memoranda of disagreement with the Army bill.<sup>308</sup> DOD stated that it too disagreed with the Army bill and called for a revision of the proposal to be coordinated by the Air Force.<sup>309</sup> Throughout the process, the Air Force, under the guidance of Mr. Morrison, made many technical corrections to both the Army and the Navy drafts.<sup>310</sup> The bill tracing revealed that the process of coordination repeats itself several times.<sup>311</sup> Almost every time a comment is incorporated into the draft or a change is made to the Speaker Letter, the process of coordinating the revised legislative package is repeated.<sup>312</sup>

Evidently, the proposed bill was sent informally to the Bureau of the Budget

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306. DOD-ROTC notes 7-22. It is quite possible that one of the reasons that the Air Force was selected as the coordinating agency for this proposal was the fact that Mr. Morrison was a more experienced draftsman than anyone available from the Navy or the Army. During interviews with the Army and the Navy, it was noted that because only military officers from the Judge Advocate General's Offices of each of these branches can do the drafting, and since most of these lawyers have had little time to develop drafting expertise, they must rely on civilian draftsmen, such as Mr. Morrison, to supervise their work. Most military draftsmen are not career officers and they are schooled in drafting for only two to four years, whereas Mr. Morrison has been a draftsman for well over twenty years.

307. DOD-ROTC note 11. It should be noted that the Air Staff, rather than the draftsman, made the objections to the Army bill. These objections were of a substantive nature and required policy determinations, but any technical difficulties might have been handled by the draftsman without seeking the advice of the Air Staff.

308. DOD-ROTC note 13. Mr. Sherlock of Legislative Reference Service for DOD stated that his job was mainly in the nature of "paper shuffling." He was charged with the responsibility of circulating the proposals from the various branches of the military to the other agencies and the Office of the Secretary of Defense. Because of the complexity of the Department of Defense, Mr. Sherlock stated that his office was necessary in order to relieve the initiating agency of the burden of having to check that the proper organizations received the proposals for comment. Interview with Mr. Sherlock, DOD, July 7, 1970.

309. DOD-ROTC note 15.

310. DOD-ROTC notes 17-19. Most of these technical corrections were due to the inexperienced draftsmen from the other departments who worked on the bill. Since the armed services are operating under codified titles, it is much more important that the form in which a bill is drafted be consistent with the rest of the title. A slight inconsistency could distort the meaning of various terms in another part of the title.

311. DOD-ROTC notes 7-22. Every time something is added which is of a substantive nature, the proposal must be recirculated for comment. Technical changes are not considered as important, and therefore it is left to the discretion of the draftsman to decide whether to recirculate the proposal in these circumstances. In the case of this proposal for revamping the ROTC programs of three services, the coordinating process was more involved since each service had drafted its own bill. It was therefore necessary to circulate three bills for comment.

312. *Id.* The proposed legislative package consists of a draft copy of the bill, a section-by-section analysis of the bill, and a Speaker Letter. Every time a provision within the bill is changed, there must be a corresponding change made in the sectional analysis and often in the Speaker Letter, depending on how detailed the letter is.

(now OMB).<sup>313</sup> Mr. Robert Smith in that office stated that the military division of the Bureau wished to simplify the legislative proposal, by consolidating the Army, Air Force, and Navy clauses as much as possible.<sup>314</sup> The reason given was that there seemed to be little reason for duplication of comparable provisions of the three services.<sup>315</sup> The suggestions were ignored, and the bill was sent to DOD's Legislative Reference Service.<sup>316</sup> Several comments were made by the Assistant Secretary of Defense (Comptroller), and these and other changes were incorporated into a draft dated August 31, 1962.<sup>317</sup> By September 5, 1962, the bill was sent formally to the Bureau of the Budget.<sup>318</sup> Several meetings were held by the Bureau with the military departments and OSD.<sup>319</sup> The Bureau then sent several members of its agency to different campuses to obtain the views of college administrators.<sup>320</sup> From this point until February the discussion centered primarily on simplification of the bill. The BOB sent its comments on the bill, calling for simplification of the legislation, and this was circulated by Legislative Reference Service to all three services.<sup>321</sup>

In March, 1963 the Air Force redrafted the entire bill.<sup>322</sup> The provisions which applied to all three services were combined.<sup>323</sup> It should be noted that as a result only one section of Title 10 instead of three would have to be amended under the new bill.<sup>324</sup> A new speaker letter and sectional analysis were also drafted and the coordination process began again.<sup>325</sup> On June 25, 1963, the General Counsel of DOD sent the revised bill to the BOB which gave its approval.<sup>326</sup> On July 22, 1963, the bill was finally transmitted to Congress.<sup>327</sup>

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313. DOD-ROTC note 23. The files do not indicate exactly how the legislative package was transmitted to the Bureau of the Budget. Mr. Morrison was unable to assist us in determining how the BOB became involved at this stage.

314. *Id.*

315. *Id.*

316. The files clearly show that the services continued to back their separate bills as originally drafted, rather than consolidating their proposals into one bill, which could become an extension of Part III of Subtitle A of Title 10, General Military Law.

317. DOD-ROTC notes 27-28.

318. DOD-ROTC note 29.

319. DOD-ROTC notes 30-32.

320. DOD-ROTC note 33.

321. DOD-ROTC note 39.

322. DOD-ROTC note 41.

323. *Id.*

324. *Id.*

325. DOD-ROTC note 42.

326. DOD-ROTC note 44.

327. DOD-ROTC note 45.

**DEPARTMENT OF DEFENSE FILES  
ROTC VITALIZATION ACT OF 1964 (DOD-ROTC)**

- FILE NO. I (11/21/60-10/19/61) This file contains six drafts of a possible ROTC legislative proposal. In late 1960 there had been much discussion in the DOD about the entire Officer Candidate Program. DOD requested that each department (AF, Army, Navy) write up its own measures. The drafts noted are the result of the DOD coordination process involving the three departments.
- FILE NO. II (12/29/61-7/26/62) This file documents more completely the process of coordinating and developing a legislative proposal in the DOD. Its complexity stems from the fact that all three service branches were drafting their own measures and commenting on the substantive provisions of the other service drafts. A policy question involving the alteration of the Army program contributed to the disagreement evident among the three branches. Much of the technical drafting changes were made in the legislation office of the AF. By late July, the DOD draft bill was complete and ready to be sent to the OMB.
- FILE NO. III (8/2/62-11/6/63) This file notes first the unofficial comments of the OMB on the DOD legislative proposal. They recommend simplification of the measure by consolidating clauses relating to all three services under Part III of Subtitle A of Title 10. The memoranda note that throughout the remainder of 1962 and early 1963 the three services and the OMB continue to have conflicts regarding simplification of the bill's substantive provisions. Finally, on March 18, 1963, the AF redrafted the entire bill in accordance with the expressed wishes of the OMB. Legislative services of the DOD for the House Armed Services Committee are briefly noted.

In the House the bill, as originally introduced, was H.R. 8022, subsequently this was changed to H.R. 9124.

The Reserve Officers' Training Corps Vitalization Act of 1964 was enacted on October 13, 1964, as P.L. 88-647. The title of the section that was enacted became "Senior Reserve Officers' Training Corp., 10 U.S.C. §§ 2101-2113 (1964).

*NAME*

*POSITION*

*FILE NO. I*

- |                 |                                             |
|-----------------|---------------------------------------------|
| 1. Mr. Morrison | Legislative Draftsman, AF.                  |
| 2. Col. Jackson | DOD Representative, Education and Training. |

*FILE NO. II*

- |                 |                                            |
|-----------------|--------------------------------------------|
| 3. Gen. Tidwell | Office of Chief of Staff, Air Force.       |
| 4. Gen. Kuhfeld | Office of Chief of Staff, Air Force.       |
| 5. Mr. Sherlock | Chief, Legislative Reference Service, DOD. |
| 6. Mr. Jackson  | Deputy Ass't Secretary of Defense.         |



*FILE NO. III*

- |                     |                                                                    |
|---------------------|--------------------------------------------------------------------|
| 7. Mr. Smith        | Military Division, OMB.                                            |
| 8. Mr. McNamara     | Secretary of Defense.                                              |
| 9. Mr. McNaughton   | General Counsel, DOD.                                              |
| 10. Mr. Bell        | Director, BOB.                                                     |
| 11. Mr. Hyde        | Military Division, OMB.                                            |
| 12. Mr. Smith       | Military Division, OMB.                                            |
| 13. Col. McGarry    |                                                                    |
| 14. Lt. Col. Reiter | Congressional Legislative Division, Office of Legislative Liaison. |
| 15. Mr. Gordon      | Director, OMB.                                                     |
| 16. Mr. Slatinshek  | Counsel, House Armed Services Committee.                           |

**ROTC VITALIZATION ACT OF 1964  
(DOD-ROTC)**

- |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Nov. 21, 1960 | <p><i>Subject:</i> Initial draft bill on ROTC program by the Air University.</p> <p><i>First Draft:</i></p> <ol style="list-style-type: none"> <li>1. 21 Nov. 1960</li> <li>2. Not in USC style. Bill had been drafted by the Air University.</li> <li>3. Has some negative language. Example: "not less than 16."</li> <li>4. Many definitions of terms are included.</li> <li>5. "President may detail."</li> <li>6. § 9389 significantly changed.</li> <li>7. Bill was extremely wordy.</li> <li>8. Some of the language was repetitive.</li> </ol> |
| 2. Dec. 20, 1960 | <p><i>Subject:</i> Second draft bill in the Air Force files.</p> <p><i>Second Draft:</i></p> <ol style="list-style-type: none"> <li>1. 20 Dec. 1960.</li> <li>2. Uses positive language when possible. Example: "have passed their 16th birthday."</li> <li>3. Most definitions deleted.</li> <li>4. "Secretary may detail"—keep the power within the department.</li> <li>5. § 9389 changes.</li> <li>6. First draft in USC language placed emphasis on conciseness of language.</li> <li>7. Much of the unnecessary language was removed.</li> </ol> |
| 3. Dec. 30, 1960 | <p><i>Subject:</i> Third draft bill noting both substantive and technical changes.</p> <p><i>Third Draft:</i></p> <ol style="list-style-type: none"> <li>1. 30 Dec. 1960.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                   |

2. More changes in language—more concise.
  3. Every attempt is made to say things in a positive manner.
  4. Many of the changes were technical; but it would appear some substantive changes were made. The files, however, are devoid of any of these comments. Morrison makes many of these changes over the phone.
4. Feb. 7, 1961
- Subject:* Fourth draft bill continues to note the development of the ROTC legislation.
- Fourth Draft:*
1. 7 Feb. 1961.
  2. This draft was revised 28 Feb. 1961 and again on 4 Apr. 1961 to include the Navy comments.
  3. Most of the changes were technical.
  4. This evidently was close to the copy of the bill which was submitted to Congress along with a Speaker Letter and explanation of the sections and plan (including purpose).
  5. There were several changes made to § 9389.
  6. On 4 Apr. 1961 Morrison made several changes to § 9389.
5. April 11, 1961
- Subject:* Fifth draft notes comments outside the DOD.
- Fifth Draft:*
1. 11 April 1961.
  2. This was actually a retype of draft dated 7 Feb. 1961, incorporating various technical changes and all revisions up to this point.
  3. Most changes were from 4 Apr. 1961 draft.
  4. It incorporated Air University and Air Staff comments plus Col. Jackson's comments.
6. Oct. 19, 1961
- Subject:* Sixth and final preliminary draft written substantially by the Air University.
- Sixth Draft:*
1. 19 Oct. 1961.
  2. Several substantive changes made to the draft. For example, it was suggested that only maximum amount of summer training prerequisite to commissioning should be given. Age limit was also discussed.
  3. Proposed changes came from Air University 26 Sept. 1961.
- FILE NO. II*
7. Dec. 29, 1961
- From Ass't Secretary of Defense for Manpower to AF, Army, Navy.
- Subject:* Gives guidelines for ROTC program of less than four years.
8. Jan. 8, 1962
- From Air University to the Office of AFJAG.

*Subject:* A clean copy of AFOEP bill sent by the Air University. Several changes are noticed in the new draft which were not in sixth draft of original AF bill. A memo indicated that Gen. Tidwell and Gen. Kuhfeld wanted an educational delay provision for law school.

*Comment:* It would appear that many technical changes would have to be made to this bill.

9. Jan. 15, 1962

*Subject:* Draft of Army bill appears to be several technical errors. Much negative rather than positive language is used.

*AF BILL*

1. 19 Jan. 1962.
2. AF adopts Army section calling for a bond of \$5000 on equipment.
3. Contained provision for delay for pursuing graduate or professional studies.

*ARMY BILL*

1. 15 Jan. 1962.
2. Has provision for \$5000 bond on equipment.

10. Feb. 2, 1962

From Army to AF.

*Subject:* Comments on AF proposed bill. Most of the comments are technical in nature.

11. Feb. 13, 1962

From AF to Army.

*Subject:* Air Staff sent its nonconcurrence with the Army bill: (1) because it did not agree with payment to academic institutions of \$400 for each ROTC graduate; and (2) because Army had altered much of its current ROTC program.

12. Feb. 19, 1962

*Subject:* The Navy bill was received by the AF for comment. The bill was much shorter than that of the AF and Army. In addition, the draft contained numerous technical errors, some of which were corrected by the AF in its comments to the bill. The Navy bill called for authorization to be given to Secretary to proscribe certain additional regulations to NROTC. No definition section was present in this draft.

13. Feb. 26, 1962

From the Office of the Secretary of Defense to all three services.

*Subject:* Air Force concurred with the Navy bill, but voiced its objections to the proposed Army bill. It noted the technical corrections it felt necessary to the Navy bill. This memo came from the Office of the Secretary of Defense and was coordinated and circulated by the Director of Legislative Reference Service to all three services.

14. March 8, 1962

*Subject:* Request from the Ass't General Counsel for Manpower that services draft legislation to provide for the establishment of Senior Division ROTC program of less than 4 years. He noted AF and Navy compliance with his request, but he noted that the Army had made too many changes to its current program.

## II

15. March 14, 1962      *Subject:* OSD Legislative Reference Service circulated a memo for DOD reflecting DOD's disagreement with Army's substantive changes. They then called for a revision of the proposal drafted by the AF in coordination with the Army and Navy. Mr. Sherlock was head of Legislative Reference Service at this time.
16. March 23, 1962      From AF to DOA—Chief Legislative Liaison, DON—Chief of Legislative Affairs and DOD—General Counsel, Director of Legislative Reference Service.  
*Subject:* Transmission of the proposed bill, including changes to the Army bill. Also included for coordination was a proposed Speaker Letter and draft of bill for subject proposal. It was recommended for inclusion in the 87th Congress DOD Legislative Program.
17. April 9, 1962      *Subject:* AF answered Navy memo calling for a couple of technical corrections. AF refused to change the language stating the proposed language by the Navy did not conform with Title 10 language.
18. April 5, 1962      From Army to AF.  
*Subject:* Army sent several comments to proposed Speaker Letter plus some technical changes which it wanted made to the draft. Most of the technical changes were accepted by the AF. Some were considered policy matters by the draftsmen and further advice was considered necessary before approval.
19. May 10, 1962      *Subject:* AF sent its comments to the other agencies on the comments to the proposed Speaker Letter and the bill drafted by the Army. Certain of the technical changes were seen as unnecessary and others were accepted. AF continued to refuse adoption of the Army proposal of payment of \$400.00 to the institution for each ROTC graduate.
20. July 16, 1962      *Subject:* Deputy Ass't Secretary of Defense, Mr. Stephen S. Jackson, accepted some of the proposed revisions to the Speaker Letter while rejecting others. In addition, he called for several changes to the bill before it was transmitted to Congress.
21. July 1962      *Subject:* Substantial changes were made by the AF to incorporate the proposed revisions into a new draft of the bill. Most of the revision was to the AF and Army bills in an attempt to make them correspond.
22. July 26, 1962      *Subject:* Speaker Letter, draft of the bill and sectional analysis were transmitted to all three services.

## FILE NO. III

23. August 2, 1962      From OMB (Mr. Robert Smith) to Legislative Reference Service in DOD.  
*Subject:* Memorandum circulated which contains the comments of Mr. Smith personally as opposed to official OMB comments. The following comment was made:  
*Simplification of proposed bill*  
The Military Division believes that entirely too much regu-

- latory detail has been included in the proposed legislation which should, instead, be covered by regulation. It is recommended that the Department be urged to simplify the proposal and eliminate any clauses not absolutely essential. In this connection, it is recommended that consideration be given to consolidating the Army, Air Force and Navy clauses insofar as possible and including them as an extension of Part III of Subtitle A of Title 10, General Military Law. There seems to be little real reason to duplicate comparable Army, Navy and Air Force provisions by including them in each of service subtitles. Memorandum, Military Division, OMB to Legislative Reference Service DOD regarding DOD § 7-106, OEP, at 23-24 (Aug. 2, 1962).
24. August 8, 1962 *Subject:* On July 18, 1962, Public Law 87-536 was passed and memo sent for services to consider what if any effect it might have on DOD § 7-106.
25. August 15, 1962 *Subject:* Memo for AF stating bill was in hands of Ass't Sec'y of Defense (Comptroller) for final processing. It would then be sent to Sherlock in Legislative Reference Service. It was noted that Secretary McNamara wanted the bill processed during this session and sent to Congress immediately.
26. August 16, 1962 *Subject:* Suggested changes to proposed draft of AF bill before it was formally submitted to the OMB.
27. August 21, 1962 *Subject:* Ass't Sec'y of Defense (Comptroller) wrote his comments to the drafts.
28. August 31, 1962 *Subject:* Revisions made to the draft incorporating all comments and suggested provisions to this date.
29. September 5, 1962 From General Counsel, DOD, Mr. John T. McNaughton to Hon. David E. Bell, Director of OMB.  
*Subject:* Bill sent to OMB requesting the relationship of this proposal to the program of the President.
30. September 17, 1962 *Subject:* Mr. Hyde and Mr. Smith of the OMB visited Headquarters ROTC to discuss OMB position and suggestions. *See* AF Memo to Colonel McGarry from Lt. Col. Jack Reiter, Congressional Legislative Division, Office of Legislative Liaison.
31. September 20, 1962 *Subject:* Discussion as proposal related to the Army.
32. September 28, 1962 *Subject:* Same cite as DOD-ROTC Memo 31; discussion of the proposal's relation to Navy ROTC.
33. October 11, 1962 *Subject:* Mr. Smith completed a visit to various campuses and indicated that the concensus of opinion favored a two year ROTC program.
34. October 17, 1962 *Subject:* Among questions which Mr. Smith requested of AF, Army and Navy representatives was whether the bill could be simplified. This is reflected in AF Memo from Lt. Col. Jack Reiter on 20 Nov. 1962.
35. December 11, 1962 *Subject:* Draft of AF bill was 11 ¼ pages and was considerably simplified in language but was not too much shorter.
36. December 12, 1962 From Lt. Col. Reiter to Col. McGarry.

- Subject:* Memo on DOD 88-9. One of the suggestions was to simplify some language regarding Regular or Reserve Commission in the bill.
37. December 18, 1962 *Subject:* Memo for the Record from Lt. Col. Reiter on DOD 88-9 regarding meeting in OMB. All three services were present. Scholarships and the two-year program were discussed, but not any draftsmanship problems.
38. January 9, 1963 From Lt. Col. Reiter to Col. McGarry.  
*Subject:* Memo on DOD 88-9, "Mr. Smith asked why the bill couldn't be simplified by putting all of it in the general provisions of Title 10. Mr. Bayles advised that this couldn't be done since all of the services' programs are not alike."  
From OMB to Sec. of Defense Robert McNamara.
39. February 18, 1963 *Subject:* OMB comments on DOD 88-9 circulated by the Legislative Reference Service to all services. OMB made several comments on substantive changes. As far as technical comments it was stated at page 3 that:  
(d) The provisions of the bill appear to have been modeled after earlier provisions of law which it may no longer be necessary to set out in such detail. Accordingly, it is suggested that the bill be reexamined with a view to simplifying its provisions and providing for more flexible authority with respect to administrative matters.
40. March 5, 1963 From Navy, Office of Legislative Affairs to Director, Legislative Liaison, Department of the Air Force.  
*Subject:* Comments on DOD 88-9, mostly technical.
41. March 18, 1963 *Subject:* Major change in draft. The AF redrafted the entire bill. This time it followed the OMB's suggestion and changed the title of the bill to "Officer Education Program". The bill was much more compact since it comprised only 17 pages as opposed to 38 pages in its predecessor. One section of Title 10 would be amended as opposed to three sections under the old bill. All provisions which could be combined for all three services were combined. The emphasis was on deleting repetitive provisions. A new Speaker Letter and analysis were also drafted by the AF with comments of the Bureau of the Budget, Army, and Navy taken into consideration.
42. March 20, 1963 From AF to Legislative Liaison, Army and Legislative Affairs of Navy.  
*Subject:* Mostly errata type information was given.  
*Comment:* It should be noted at this point that when three services are involved, the provisions of the bill must be drafted as part of Subtitle A of Title 10.
43. June 19, 1963 From Office of the Ass't Secretary of Defense (Manpower) to General Counsel of OSD.  
*Subject:* Mostly minor substantive changes wanted in the draft.
44. June 25, 1963 From Mr. McNaughton, General Counsel, DOD, to Mr. Kermit Gordon, Director, OMB.

- Subject:* New drafts of the Speaker Letter and the new bill now entitled "Reserve Officers' Training Corps. (Two-Year Program)." This was to go to the 88th Congress.
45. July 22, 1963 *Subject:* Final AF draft of the bill and Speaker Letter. Bill covered all three services.
46. November 6, 1963 From House Armed Services Committee Counsel Mr. Slattinshek to Lt. Col. Jack Reiter.
- Subject:* House Counsel redrafted bill and asked AF to review for technical sufficiency and any comments and criticism. The Subcommittee wanted:
- (1) uniform authority to all of the military departments for operation of Junior and Senior ROTC;
  - (2) provide statutory authority for operation of a 2-year ROTC program along with the STANDARD 4-year program;
  - (3) authorization of federal assistance grant.
- Comment:* The memo was sent for comments by the services by the Legislative Reference Service of DOD. Most of the technical changes from this point on were made by the House Legislative Counsel's Office.