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THE PRESIDENT HAS SEEN *1/13*

THE WHITE HOUSE
WASHINGTON

NOV 5 1974

MEMORANDUM FOR THE PRESIDENT

FROM: ROY A. ASH

SUBJECT: Reserve Call-up Authority

This memorandum briefly summarizes the attached memorandum concerning a Defense legislative proposal for authority to call up certain military reservists involuntarily.

ISSUE

Should the Defense Department be given clearance to send to Congress a proposal authorizing the President, if he determines it necessary to augment the active forces for operational missions, to call into active service at any one time without their consent up to 50,000 members of the Selected Reserve (either in units or as individuals) for periods not to exceed 90 days.

BACKGROUND

Existing law permits the President to call to active service without their consent up to 1,000,000 Ready Reservists but he must first declare a national emergency. While technically such a state of national emergency now exists, as a practical matter, another national emergency would probably have to be declared to activate this authority, as the existing state of emergency rests on two declarations based on very narrow grounds -- the 1970 postal strike and the 1971 balance of payments crisis.

In the past, special call-up authority has been enacted to meet particular situations such as the 1961 Berlin crisis. Also, the so-called Russell Amendment provided authority from 1966 to 1969 to call up reservists for periods not to exceed 24 months -- used by President Johnson for limited call-ups in connection with the "Pueblo" crisis and the Tet offensive. There is continuing authority to call up reservists involuntarily for training purposes for periods not to exceed 15 days.

ARGUMENTS IN FAVOR OF PROPOSAL

At a time when active forces have been reduced for budgetary reasons, and further reductions may be in the offing, the proposal is needed to assure military leaders, who are being asked to rely on the reserves as part of a total-force concept, that such reserves will be available to meet limited crises promptly. It is not credible that the million-man authority can or will be invoked in these limited situations, and, in fact, to do so might send too strong a signal to potential adversaries. Reservists covered by this proposal are given pay and other benefits in recognition of their liability to active service, and, while volunteers have provided essential augmentation in past limited crises (air crews in the 1973 Middle East war) their availability is always uncertain (the volunteer air crews for the Middle East would have been inadequate if the conflict had lasted much longer). Defense states that the proposal was urged by several Senators (Nunn, Thurmond) and is not objected to in principle by the major reserve organizations such as the National Guard and Reserve Officers Association.

ARGUMENTS AGAINST THE PROPOSAL

In the absence of a particular crisis, this essentially unrestricted call-up authority will be controversial in Congress and with individual reservists -- limited call-ups have been controversial in the past even where identifiable crisis situations have existed. The active forces, numbering more than 2,000,000 men, should be used to meet limited situations, and most reservists believe their civilian lives

and careers should be interrupted only to meet major or all-out emergencies. Defense has been able to meet the situations that have arisen in the past 5 years when there has been no involuntary call-up authority, and the availability of the proposed new authority would encourage the Department to rely upon, and use it repeatedly without full consideration of alternatives including greater use of voluntary incentives.

RECOMMENDATION

We support clearance of the Defense proposal. While Defense accepted Bill Timmons' recommendation that submission of the proposal to Congress be deferred until after the elections, the Department does not agree with his further recommendation that submission be deferred until the next Congress -- Defense favors submission at the end of the current recess. We defer to Bill's judgment.

Attachment

Approve clearance of Defense proposal

Y.M.

Disapprove clearance of Defense proposal

Buchen, Cole, Baroody, Marsh and Timmons concur with the recommendation.

Dean Burch had no comment.

Hartmann supports the idea of having this call-up authority applied to reservists in a paid drill status. (OMB advises this bill would not apply to reservists in a non-paid drill status.)

Scowcroft states the Defense proposal is sound but underlines the fact that there are potential negative reactions both in Congress and from the public which should be weighed in your overall evaluation.