

STATEMENT BY SENATOR STROM THURMOND(D-SC) BEFORE THE SENATE ARMED SERVICES COMMITTEE IN SUPPORT OF INCENTIVE PAY TO RETAIN AND RECRUIT QUALIFIED LAWYERS FOR THE ARMED SERVICES, MARCH 12, 1958. 75-30

MR. CHAIRMAN:

I appreciate the courtesy of the Chairman in making it possible for me to present the President of the American Bar Association at these hearings today. Before introducing The Honorable Charles S. Rhyne, there are several points which I would like to make in favor of incentive pay for the purpose of retaining and recruiting qualified attorneys in the military service. The facts and figures which I shall present very briefly were prepared for me by officers in the JAG Corps in the various services of the Defense Department, and can be verified if you wish to call these gentlemen to testify.

Here are my points:

1. I am alarmed that if the shortage of lawyers in the military services is permitted to continue, it may cost the taxpayers millions of dollars and jeopardize the rights and liberties of our servicemen both at home and abroad.
2. I am informed that 94 per cent of the regular career lawyers plan to retire as soon as eligible. This will occur within the next five years.
3. I am further informed that 97 per cent of the young military lawyers plan to leave the armed forces at the end of their three years of obligated service. Over 700 returned to civilian life in fiscal year 1957 and 435 so far this year.
4. Not only is the military losing lawyers in alarming numbers, but they are unable to recruit the number needed. During the same period (fiscal years 1957 and 1958, to date), they have recruited only approximately 800 lawyers. The losses exceed the gains by over 300.
5. The tremendous turnover in personnel is not only costly, but it has resulted in a 50 per cent inexperience factor among military lawyers. This deplorable situation results in inexperienced lawyers handling matters involving millions of dollars of taxpayers' money and defending servicemen charged with serious crimes.

(75-30)

6. If this situation is permitted to continue, we will return to the conditions that prevailed during World War II when the rights of our servicemen were not being protected. The Congress, in enacting the uniform code of military justice to correct this, required that lawyers be provided. Therefore, the passage of the code will have been a vain act, unless Congress provides the necessary incentive for recruiting and retaining an adequate number of competent lawyers.

7. Any proposed legislation affecting military pay would be incomplete and would not be in the best interest of our National Defense unless it includes the same incentive pay for our military lawyers as is now accorded the military doctor, dentist, and veterinarian. Incentive pay has solved their problem.

8. I have sponsored legislation (S. 1165) which includes a similar provision for the military lawyer. It would solve their problem. A recent survey indicates that 92% of the career lawyers and 79% of the young lawyers on obligated service, would remain on active duty if incentive pay as provided in my bill were included in the proposed legislation before you.

9. It would appear that the only alternative is to draft lawyers. This is not only unacceptable but would not provide the experienced lawyers so badly needed.

I take great pleasure, gentlemen, in presenting to you the Honorable Charles S. Rhyne of Washington, D.C., the President of the American Bar Association; the Honorable Osmer C. Fitts of Brattleboro, Vermont, Chairman of the American Bar Committee on Lawyers in the Armed Forces; and the Honorable Thomas King of Washington, D.C., past President of the Reserve Officers Association and President of the Judge Advocates General Association. Mr. Rhyne, a distinguished graduate of Duke University and George Washington University School of Law, will present a statement to the committee and Mr. Fitts will answer any detailed questions the committee members may wish to have answered.

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