

**The original documents are located in Box 5, folder “Clemency Program - Executive Order, Proclamation and Fact Sheets (4)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

5 September 1974

MEMORANDUM FOR HONORABLE PHILIP BUCHEN

Subject: Amnesty

*Phil*

Attached please find copies of materials relating to the President's program on reaffirmation for draft evaders and deserters. They are as follows:

- A Proclamation
- Draft Executive Order
- Pledge to Complete Alternate Service
- Reaffirmation of Allegiance
- A Catalog of Public Service

Also attached is a compilation of private previous proclamations and related materials.

You will be happy to note that on similar occasions in the past the lawyers have rushed to look for precedence and copied generously so that you will find identical phrases repeated over the decades.

I would appreciate any further guidance to help position us for the President's program.

*M. Hoffmann*  
Martin R. Hoffmann

Attachments



TITLE 3 -- THE PRESIDENT

PROCLAMATION \_\_\_\_\_

Announcing a Program for the Return of  
Vietnam Era Draft Evaders and Military Deserters

A PROCLAMATION

The United States withdrew the last of (her) forces from the Republic of Vietnam on March 28, 1973.

Our involvement in armed hostilities in Southeast Asia required reliance upon the conscription laws, calling many from peaceful pursuits to national service. Most served honorably and well. But a remaining consequence of our Vietnam involvement is that the status of many of our countrymen convicted, charged, investigated, or wanted for violations of the Military Selective Service Act or of the Uniform Code of Military Justice, remains unresolved.

Desertion in time of war is a heinous offense; failure to respond to the country's call for duty is likewise unacceptable. The objective of reconciliation of differences among our people does not require that we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.



All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon renewal by oath of their allegiance to the country and its constitutional form of government, and agreement to a period of national service.

Now therefore, I, Gerald Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to serve, or to report for military or alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the period from October \_\_\_\_ to January \_\_\_\_ they execute an agreement with the Department of Justice reaffirming their allegiance to the United States and pledging to fulfill a period of public service under the supervision of the Director of the Selective Service System, and thereafter, satisfactorily complete such service.

Draft evaders chose not to accept the responsibility of military service when their nation called. No draft evader will



be given the privilege of discharging this obligation to complete  
a period of national service by service in the Armed Forces. *modify*

The period of service shall be as determined by the  
Attorney General, but not in excess of eighteen months.

2. Military Deserters - All military members who  
deserted during the period from August 4, 1964 to March 28, 1973  
will be relieved of prosecution and punishment for the offenses of  
desertion, unauthorized absence, or missing movement, if within the  
above stated period they execute an agreement with the Secretary  
of the Military Department from which they are absent reaffirming  
their allegiance to the United States and pledging to fulfill a  
period of public service under the supervision of the Director of  
the Selective Service System for a period not to exceed eighteen  
months. All such deserters will be immediately discharged from  
military service with an undesirable discharge certificate. There-  
after, upon satisfactory proof of completion of the period of service,  
the individual will be entitled to have his discharge certificate  
marked with an appropriate legend to indicate that he has fulfilled  
his commitment. No person discharged under the provisions of this  
Proclamation will be entitled to any benefits administered by the  
Veterans Administration. *what about  
special leave  
discharge*



3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board to review the records of those individuals who apply, and recommend to me whether pardon is appropriate, under guidelines promulgated by the Board. The Board has broad discretion to make such evaluations and recommendations as it believes will be in the best interests of the country, consistent with the policy enunciated in this Proclamation.

IN WITNESS HEREOF, I have hereunto set my hand this \_\_\_\_\_ day of September in the year of our Lord Nineteen Hundred Seventy-Four, and of the **I**ndependence of the United States of America the 199th.

Gerald R. Ford



## Executive Order

Establishing A Clemency Board to Review  
Convictions Of Persons Under Section 12  
Of The Military Selective Service Act and  
Articles 85 and 86 of the Uniform Code of  
Military Justice To Make Recommendations  
For Executive Clemency With Respect Thereto

By virtue of authority vested in me as President of the United States by section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

1. There is hereby established a board of five members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its chairman.
2. The Board, under such regulations as it may prescribe, shall examine the cases of all persons who apply within 6 months of this order and who have been convicted of violating (1) section 12 (?) of the Military Selective Service Act (50 U.S.C.App. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, and (2) Articles 85 or 86 of the Uniform Code of Military Justice (10 U.S.C. §§885 and 886) and offenses which are directly related to such violations, for acts committed between August 4, 1964 and March 28, 1973.



The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such clemency should take.

- Take out*
3. The Board shall have the discretionary authority to review, under such regulations as it may prescribe, actions taken under the President's Proclamation \_\_\_\_ Announcing A Program for the Return of Vietnam Draft Evaders and Military Deserters, in order to achieve substantial justice. Upon reviewing an action, the Board may recommend to the President that the action should be overturned or modified.
  4. The members of the Board (shall serve without compensation, but) shall be entitled to necessary expenses incurred in the performance of their duties under this order.
  5. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance.
  6. The Board shall cease to exist, unless otherwise provided by further Executive order, upon the submission of its final recommendations to the President, not later than December 31, 1976.



PUBLIC SERVICE WORK  
AS A MEANS OF GRANTING IMMUNITY FROM PROSECUTION  
IN THE VIETNAM WAR

By utilizing the organizational structure and procedures similar to those used in the Alternate Service program which conscientious objectors perform, applicants who would sign an act of contrition, execute an oath of allegiance, and agree to a period of 18 months national service, could be employed in approved jobs and with approved employers and monitored by the existing Selective Service organization as follows:

I. Types of jobs in present alternate service program which are considered suitable:

a. Hospitals

- Lab technicians
- Orderlies
- Attendants
- Housekeeping jobs
- Kitchen helpers, cooks
- Maintenance and janitorial

b. Homes for the aged and young

- Counselors
- Attendants
- Orderlies
- Housekeeping and maintenance

c. State Institutions - mental and handicapped

- same as hospitals

d. Religious organizations

- Social workers/counselors
- Farm hands and laborers
- Clerical



e. Goodwill Industries, St. Vincent de Paul, Salvation Army, etc.

- Truck drivers
- Laborers
- Salespersons
- Supervisors

f. Educational

- Teachers in ghettos
- Teacher aides
- Clerical

g. Conservation and Forestry (such as California Ecology Corps)

- Laborers and laborer leaders or foremen
- Cooks and kitchen helpers

NOTE: Employer bears all salary costs.

II. Number of jobs available related to time in which they might be available:

- Present program - 2200 jobs (within 60 days after notice)
- Expansion possible - if required

III. Cost to the Federal Government to administer jobs in the preceding categories are identifiable in the following categories - see Attachment 1:

1. Management/Supervision - salaries and travel
2. Transportation for applicants - at beginning and at termination only.

IV. Federal employment in ongoing programs and not as a special program in connection with earned immunity but which might, with special arrangements, be capable of providing jobs for the earned amnesty program:



1. Interior - Under the aegis of the Interior Department, using current operating programs, specifically within the Park Service and the Bureau of Land Management, there is a possibility of employing people who would avail themselves of this program as follows:

a. Park Service - up to 7,000, assuming additional authorizations (ceiling) could be authorized to the Park Service.

b. Bureau of Land Management - up to 500.

The type of work would be low skill level and performed in connection with the general Park Service functions of the Interior Department and/or the maintenance of public lands in the United States under the Bureau of Land Management. No camp concept is envisioned. Funding does not appear to be an immediate problem.

2. HEW - The Department of Health, Education and Welfare, under existing programs, appears to have a limited ability to make available positions in ongoing programs in two broad categories:

a. Health.

- The National Health Services Corps (requires health professional background).
- The Indian Health Services (health professional background or para-medical).
- The U. S. Public Health Service (health professional positions; some non-health positions such as attendants, orderlies, etc.)
- U. S. prison system (positions in health care units)
- The mental health area (alcoholic programs, community mental health centers)

b. Education.

- Teacher Corps
- Special education for the handicapped
- Project Head Start



3. ACTION - Presently, ACTION indicates little or no opportunity except in a program called Action Cooperative Volunteer Model, and there not a sizeable number.

4. Agriculture/Commerce - No specific responses to initial inquiries yet available.

V. Federal Work Programs

No special program of work with Federal funds earmarked to employ applicants has been developed. Such programs are not impossible to visualize or develop. The California Ecology Corps is the example of the type of program possible.

Federal departments contacted all have indicated a willingness to assist in the necessary staffing to create one or more Federal work programs.



PLEDGE TO COMPLETE ALTERNATE SERVICE

On or about \_\_\_\_\_, I voluntarily absented myself from my military unit without being properly authorized, in contravention of the oath taken upon entering the nation's military service. Recognizing that my obligations as a citizen remain unfulfilled, I am ready to serve in whatever alternate service my country requires of me, and pledge to faithfully complete such service. I also stand ready to respond to my country's call as provided by law should future exigencies require my service to the nation.

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REAFFIRMATION OF ALLEGIANCE

I, \_\_\_\_\_, do hereby solemnly reaffirm my  
allegiance to the United States of America. I will support, protect and  
defend the Constitution of the United States against all enemies, foreign  
and domestic; and will hereafter bear true faith and allegiance to the same.

I take this obligation freely without any mental reservation or  
purpose of evasion; [so help me God.]

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## FACT SHEET

The President has today issued a Proclamation and Executive Orders establishing a program of reconciliation for draft evaders and military deserters. The main theme of the program with respect to those presently in a status of draft evasion or military desertion is that an individual will be allowed to return to American society without risking any criminal prosecution or incarceration if he acknowledges his allegiance to the United States and pledges to serve a period of alternate service.

The program is designed to conciliate divergent elements of American society who were polarized by the protracted period of conscription necessary to sustain the United States' activities in Vietnam. Thus, only those who committed their offense between the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States forces from Vietnam (March 28, 1973) [hereinafter Vietnam era] will be eligible.

The following is an outline of the essential features of the President's program:

1. Number of Draft Evaders. There are approximately 15,500 draft evaders potentially eligible. Of these some 8,700 have been convicted of draft evasion. Approximately 4,350 are under indictment at the present time, of which some 4,060 are listed as fugitives. An estimated 3,000 of these are in Canada. A further 2,250 individuals are under investigation, with no pending indictments.

It is estimated that fewer than 100 persons are still serving prison sentences for draft evasion.

2. Number of Military Deserters. Desertion is defined as being absent from military duty without leave for thirty days or more. During the Vietnam era, it is estimated that there were some 500,000 incidents of desertion. Approximately 12,500 of these deserters are still at large, about 1,500 in Canada. Some 660 deserters are at present serving prison sentences or awaiting trial under the Uniform Code of Military Justice.



3. Deserters and Evaders Already Convicted. Those already convicted of draft evasion or military absentee offenses during the Vietnam era may apply for a pardon to a five member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of exacerbating circumstances, the Clemency Board would be expected to recommend a pardon. When appropriate, the Board could recommend a pardon conditioned upon some alternate service.

Those convicted deserters who have in the past received a dishonorable discharge or bad conduct discharge could request their service to substitute an administrative discharge for their punitive discharge.

4. Draft evaders will report either to the closest U. S. Attorney or to the U. S. Attorney for the district in which they committed their alleged offense.

Military deserters will report to the military department from which they are absent.

5. Draft evaders participating in this program will be required to make a written agreement with the U. S. Attorney to perform alternate service, as prescribed by the Director of the Selective Service System. Determining factors in selecting suitable alternate service jobs will be:

1. National Health, Safety or Interest.
2. Noninterference with the competitive labor market. The applicant cannot be assigned to a job for which there are more numerous qualified applicants than jobs available.
3. Compensation. The compensation will provide a standard of living to the registrant reasonably comparable to the standard of living the same man would enjoy had he gone into the military service.
4. Skill and talent utilization. An applicant may utilize his special skills.
5. Job location. An applicant will normally work outside his community of residence.



The agreement will include an acknowledgement that the alternate service indicates allegiance to the United States.

6. Upon return to military control, a military deserter may elect to participate in the program. He will do this by executing a reaffirmation of allegiance and a pledge for alternate service for a period specified by the military department. He will then receive an undesirable discharge certificate, discharging him entirely from the military service, and instructions to report to the Director of the Selective Service System for his alternate service assignment.

The discharge certificate will be the standard form Undesirable Discharge. There are, at present, three forms of administrative discharge certificates used by the Armed Forces. These are prescribed, not by statute, but by administrative regulation. (DOD Directive 1332.14) They are as follows: honorable; general discharge under honorable conditions, and undesirable discharge under conditions other than honorable. While the particular discharge given to an individual under this program will not be coded on its face in any manner, the Veterans Administration will be advised that the individual has been discharged for desertion. Under present practice, such an individual is excluded from any benefits administered by the Veterans Administration.

7. The basic expected term for alternate service will be 18 months, subject to modification by the U. S. Attorney or the concerned military department. For example, in cases of extreme family hardship or in cases where a deserter has honorably served a substantial part of his obligated service, the fixed term of alternate service could be shorter than 18 months.

8. It will be the responsibility of the Director of the Selective Service System to find alternate service jobs for those who report. The Director will issue a certificate of satisfactory completion at the end of the term to the United States Attorney or the concerned military department and the individual.

9. Upon receipt of the certificate, in the case of the draft evader, the U. S. Attorney will move to dismiss the indictment if one is outstanding, or drop possible charges in cases where an indictment has not been returned. For the military deserter, after this certificate is presented to his service, his undesirable discharge will be marked with an appropriate legend.

10. If the draft evader fails to perform the agreed term of alternate service, the U. S. Attorney will be free to, and in normal circumstances will, resume prosecution of the case as indicated in the terms of the agreement. In the case of the deserter who fails to perform, he will retain the undesirable discharge.

11. It is not contemplated that there will be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction.

September 7, 1974



September 7, 1974

DOD-DOJ-SSS Proposed Treatment of Issues Arising  
in the National Reconciliation Program

1. Affirmation of Allegiance. DOD wishes to have the returning deserter sign a short oath of allegiance to the United States of the type originally submitted to the White House. In addition, the deserter would sign an alternate service agreement. DOD has asked DOJ for a legal opinion outlining the risk of litigation arising from possible constitutional challenges to such an oath. This opinion will be prepared by the close of business on Monday, September 9.

The Department of Justice prefers that in the case of draft evaders the alternate service agreement contain an acknowledgement that the agreement itself represents an expression of allegiance to the United States. It is our belief that the differing treatment outlined above can be justified because of the difference between the offenses of draft evasion and military desertion.

2. Definition of Evader. We agree that the Presidential clemency program should be limited to those who evaded the draft or deserted from military service. We would not expand the scope of the program to include those who aided and abetted the offense of draft evasion. We agree that the President's clemency program should be limited to absence or evasion offenses committed by individuals and not be extended to include persons engaged in a collective attempt to undermine the military conscription system.

3. Term of Service. We agree that the basic term of alternate service for draft evaders and military deserters should be fixed at 18 months. In the case of the draft evaders, the Justice Department recommends that the United States Attorney have limited authority to modify the 18 month requirement where mitigating circumstances are shown. In the case of the military deserter, the Defense Department would prefer to have Selective Service System bear the responsibility for any modification of the term of alternate service. However, Selective Service System states that it does not have personnel with the requisite training and experience to perform this task. Therefore, the Department of Defense has expressed its willingness, if the White House so instructs, to have the military



services assume responsibility for modifying the required term of alternate service. It is our joint belief that to require a uniform period of service in all cases without exception could lead to arbitrary and capricious results.

We further recommend that the President's Clemency Board have no discretion to review the terms of alternate service for either draft evaders or military deserters. While it is conceivable that such discretionary authority could be a safety valve for extraordinary cases, it would be far more likely to hamper the ability of the Selective Service System to administer the alternate service program.

4. Selective Service System Authority and Funding to Conduct the Alternate Program. It is recognized by all three agencies that the authority of the Selective Service System to conduct the alternate service may be challenged in the course of the appropriations process. However, the Department of Justice believes there is the requisite legal authority. Under 3 U.S.C. § 301 (1970) the President has authority to delegate functions to the head of any agency in the Executive branch. In this circumstance the President is delegating a program which is an incident of his constitutional pardon power. Further, under 31 U.S.C. § 686 (1970) (The Economy Act) the Departments of Justice and Defense have authority to contract with the Selective Service System for services such as the conduct of the alternate service program. It is our intention to use both sections as authority to operate the program.

Depending upon the number of the participants in alternate service, Selective Service System will require an additional \$1 million-\$3 million annually for the conduct of the program. If necessary, Defense and Justice are prepared to assume by reimbursable contract a proportional share of the cost.

5. Clemency Board Funding, Location and Logistic Support. We agree that the Clemency Board should be housed separately from the Justice and Defense Departments. We also agree that the



members of the Board should be compensated at supergrade level on a per diem basis in order to increase the quality of those willing to serve. For example, the members of the Board might be compensated at a GS-17 level while the Chairman might be compensated as a GS-18. Since the Board is to be a Presidential one, it would seem appropriate that the Board members be compensated from White House funds. However, the staff of the Board might be detailed from the Departments of Justice and Defense.

6. Guidelines for Pardon Recommendations for the Clemency Board. We agree that the Executive Order establishing the Clemency Board should contain the basic guideline that the Clemency Board in the absence of exacerbating circumstances would normally recommend post-conviction applicants for a pardon. The Board would also have the authority, where appropriate, to recommend a pardon conditioned upon a period of alternate service.

We would further recommend that with regard to convicted military absentee offenders the Clemency Board be authorized to recommend to the President that the offender receive not only a pardon for his UCMJ offense but also a substitute administrative discharge for an outstanding punitive discharge. The convicted offender would also have the opportunity to request the concerned military department to substitute an administrative discharge for an outstanding punitive discharge through existing administrative procedures.

7. Extent of Exoneration Afforded to Deserter Upon Satisfactory Completion of Alternate Service. The Department of Defense recommends that a returning deserter be immediately issued an undesirable discharge. Upon satisfactory completion of alternate service, Defense would recommend that the deserter's undesirable discharge be marked with a legend that his alternate service requirement had been satisfactorily fulfilled. The Department of Defense recognizes, however, that a greater number of deserters would be likely to participate in the alternate service program if at the end of it some greater benefits, such as a substitute special leniency discharge were given to them. Although the Department of Justice recognizes that this issue is one principally of concern to the Department of Defense, it believes that the possibility of a substitute special leniency discharge is necessary in order to have an incentive for the deserters' alternate service program.

Draft by Dr. Marcus

TITLE 3 -- THE PRESIDENT

PROCLAMATION \_\_\_\_\_

Announcing a Program for Earned Return  
of  
Vietnam Era Draft Evaders and Military Absentees

A PROCLAMATION

There are many areas of healing within this country and without which plead for our prayers, thoughts and efforts.

While this proclamation deals with a by-product of war, we cannot be mindful of the pressing problems of Peace -- control of inflation, assurance of energy and improvement of life values.

While we are constantly mindful of maintaining our momentum in pursuit of peace in the world we are no less sensitive to the residual problems of war.

The families of men missing in action deserve our every effort for a full accounting of these brave men. My Secretary of State is deeply conscious of this responsibility and I have directed him to leave no stone unturned for a full accounting.

The patriots who served in Vietnam and those who served in other wars are also in our minds. They have made great sacrifices

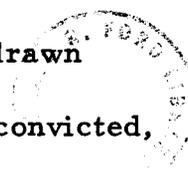


and many still have serious emotional and physical wounds which are not healed. Their continuing greatness of heart is exemplified by the encouragement many of them have given to this action which I am taking. I am particularly sensitive to the paralyzed, the blind and the other wearers of the Purple Heart who have endorsed this approach.

In the period of involvement in armed hostilities in Southeast Asia, the United States suffered incalculable losses. Many thousands died in combat; thousands more were condemned to lives of less than full productivity and self-satisfaction because of the wounds they received. As a nation, we continue to pay the price for these tragic losses, for they are irredeemable.

Desertion in time of war is a serious offense; failure to respond to the country's call for duty is likewise unacceptable. The objective of reconciliation of differences among our people does not require that we condone these acts. Rather, the action contemplated by this Proclamation is an act of mercy, intended to contribute to binding one of the nation's wounds and healing one of the scars of divisiveness.

Over a year after the last American combatant was withdrawn from Vietnam, there are numbers of our countrymen who are convicted,



charged, investigated or still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice. In exile abroad or in hiding closer to home, they are adrift from those they love and from the roots which can give significance and purpose to their lives.

In the interest of mercy, and in the national interest, these young Americans should have a second chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country upon renewal, by oath, of their allegiance to the country and its constitutional form of government, and agreement to a period of national service.

Now therefore, I, Gerald Ford, President of the United States, pursuant to the pardon power conferred upon me by the Constitution, do hereby proclaim a program to afford earned return of Vietnam era draft evaders and military absentees upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to serve, or to report for military or alternate service during the period from August 3, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the period from October \_\_\_\_\_

to January \_\_\_\_ they execute an agreement with the Department of Justice reaffirming their allegiance to the United States and pledging to fulfill a period of public service under the supervision of the Director of the Selective Service System, and thereafter, satisfactorily complete such service.

No draft evader will be given the privilege of discharging this obligation to complete a period of national service by service in the Armed Forces.

This period of service shall be two years - equivalent in time to Selective Service obligation. This will be reduced by already credited active military service time and/or penal time related to these matters.

2. Military Absentees - All military members who were absent during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the above stated period they execute an agreement with the Secretary of the Military Department from which they are absent reaffirming the allegiance



to the United States and pledging to fulfill a period of public service under the supervision of the Director of the Selective Service System for a period not to exceed eighteen months. All such persons will be immediately discharged from military service with an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of service, such individual will be entitled to have his discharge certificate marked with an appropriate legend to indicate that he has fulfilled his commitment. No person discharged under the provisions of this Proclamation will be entitled to any benefits administered by the Veterans Administration.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board to review the records of those individuals who apply, and recommend to me whether pardon is appropriate, under guidelines promulgated by the Board. The Board has broad discretion to make such evaluations and recommendations as it believes will be in the best interests of the country, consistent with the policy enunciated in this Proclamation.

IN WITNESS HEREOF, I have hereunto set my hand this \_\_\_\_\_  
day of September in the year of our Lord Nineteen Hundred Seventy-Four,  
and of the independence of the United States of American the 199th.

Gerald R. Ford



BY THE PRESIDENT OF THE UNITED STATES

PROCLAMATION \_\_\_\_\_

Announcing a Program for the Return of  
Vietnam Era Draft Evaders and Military Deserters

A PROCLAMATION

The United States withdrew the last of (her) forces from the Republic of Vietnam on March 28, 1973.

Our involvement in armed hostilities in Southeast Asia required reliance upon the conscription laws, calling many from peaceful pursuits to national service. Most served honorably and well. But a remaining consequence of our Vietnam involvement is that the status of many of our countrymen convicted, charged, investigated, or wanted for violations of the Military Selective Service Act or of the Uniform Code of Military Justice, remains unresolved.

Desertion in time of war and failure to respond to the country's call for duty are both unacceptable courses of conduct. The objective of reconciliation of differences among our people does not require that we condone ~~that~~ we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.

All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon indicating their allegiance to the United States of America and agreeing to perform a period of alternate service.

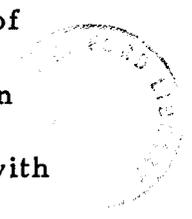
Now therefore, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to commence on October 1, 1974 and to end on January 31, 1975 to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to report for preinduction or induction examinations, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the above-stated period they execute an agreement with the Department of Justice or the Department of State indicating their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System, and thereafter, satisfactorily complete such service.

No draft evader shall be given the privilege of discharging this obligation to complete a period of national service by service in the Armed Forces.

The period of alternate service shall be determined by the Attorney General, and shall not be in excess of 24 months nor less than 6 months.

2. Military Deserters - All military personnel who deserted including those who have at any time administratively been declared deserters during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the above stated period they execute an agreement with the Secretary of the Military Department from which they are absent acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System for a period not to exceed 24 months nor be less than 6 months. The period of alternate service shall be determined by the Department of Defense. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, that individual will be ineligible to participate in this program until final disposition of the charges in accordance with law. Any discharge received as a result of such disposition shall not



be altered by this Proclamation. All such deserters, including those who have at any time administratively been declared deserters during the aforementioned period, shall be immediately discharged from military service within an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of alternate service, the individual will be entitled to a clemency discharge.

The Attorney General and the Secretary of Defense are directed to contract with the Director of the Selective Service System under 31 U.S.C. 686 for use of such personnel as may be required to locate alternate service jobs necessary to implement this Proclamation and to certify whether or not individuals have satisfactorily completed their period of alternate service.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of those individuals who apply, and recommend to the President that a pardon be granted in appropriate cases. The Clemency Board may condition its recommendation upon completion of a period of alternate service not to exceed 24 months.



Any individual who was convicted of an absence related offense and thereafter receives a pardon shall receive a clemency discharge.

IN WITNESS HEREOF, I have hereunto set my hand this \_\_\_\_\_ day of September in the year of our Lord Nineteen Hundred Seventy-Four, and of the independence of the United States of America the 199th.

Gerald R. Ford

September 7, 1974



BY THE PRESIDENT OF THE UNITED STATES

PROCLAMATION \_\_\_\_\_

Announcing a Program for the Return of  
Vietnam Era Draft Evaders and Military Deserters

A PROCLAMATION

The United States withdrew the last of (her) forces from the Republic of Vietnam on March 28, 1973.

Our involvement in armed hostilities in Southeast Asia required reliance upon the conscription laws, calling many from peaceful pursuits to national service. Most served honorably and well. But a remaining consequence of our Vietnam involvement is that the status of many of our countrymen convicted, charged, investigated, or wanted for violations of the Military Selective Service Act or of the Uniform Code of Military Justice, remains unresolved.

Desertion in time of war and failure to respond to the country's call for duty are both unacceptable courses of conduct. The objective of reconciliation of differences among our people does not require that we condone ~~that~~ we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.

All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon indicating their allegiance to the United States of America and agreeing to perform a period of alternate service.

Now therefore, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to commence on October 1, 1974 and to end on January 31, 1975 to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to report for preinduction or induction examinations, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the above-stated period they execute an agreement with the Department of Justice or the Department of State indicating their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System, and thereafter, satisfactorily complete such service.



No draft evader shall be given the privilege of discharging this obligation to complete a period of national service by service in the Armed Forces.

The period of alternate service shall be determined by the Attorney General, and shall not be in excess of 24 months nor less than 6 months.

2. Military Deserters - All military personnel who deserted including those who have at any time administratively been declared deserters during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the above stated period they execute an agreement with the Secretary of the Military Department from which they are absent acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System for a period not to exceed 24 months nor be less than 6 months. The period of alternate service shall be determined by the Department of Defense. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, that individual will be ineligible to participate in this program until final disposition of the charges in accordance with law. Any discharge received as a result of such disposition shall not

be altered by this Proclamation. All such deserters, including those who have at any time administratively been declared deserters during the aforementioned period, shall be immediately discharged from military service within an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of alternate service, the individual will be entitled to a clemency discharge.

The Attorney General and the Secretary of Defense are directed to contract with the Director of the Selective Service System under 31 U. S. C. 686 for use of such personnel as may be required to locate alternate service jobs necessary to implement this Proclamation and to certify whether or not individuals have satisfactorily completed their period of alternate service.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of those individuals who apply, and recommend to the President that a pardon be granted in appropriate cases. The Clemency Board may condition its recommendation upon completion of a period of alternate service not to exceed 24 months.

Any individual who was convicted of an absence related offense and thereafter receives a pardon shall receive a clemency discharge.

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Our involvement in armed hostilities in Southeast Asia required reliance upon the conscription laws, calling many from peaceful pursuits to national service. Most served honorably and well. But a remaining consequence of our Vietnam involvement is that the status of many of our countrymen convicted, charged, investigated, or wanted for violations of the Military Selective Service Act or of the Uniform Code of Military Justice, remains unresolved.

Desertion in time of war and failure to respond to the country's call for duty are both unacceptable courses of conduct. The objective of reconciliation of differences among our people does not require that we condone ~~that~~ we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.



All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon indicating their allegiance to the United States of America and agreeing to perform a period of alternate service.

Now therefore, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to commence on October 1, 1974 and to end on January 31, 1975 to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to report for preinduction or induction examinations, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the above-stated period they execute an agreement with the Department of Justice or the Department of State indicating their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System, and thereafter, satisfactorily complete such service.

No draft evader shall be given the privilege of discharging this obligation to complete a period of national service by service in the Armed Forces.

The period of alternate service shall be determined by the Attorney General, and shall not be in excess of 24 months nor less than 6 months.

2. Military Deserters - All military personnel who deserted including those who have at any time administratively been declared deserters during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the above stated period they execute an agreement with the Secretary of the Military Department from which they are absent acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System for a period not to exceed 24 months nor be less than 6 months. The period of alternate service shall be determined by the Department of Defense. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, that individual will be ineligible to participate in this program until final disposition of the charges in accordance with law. Any discharge received as a result of such disposition shall not

be altered by this Proclamation. All such deserters, including those who have at any time administratively been declared deserters during the aforementioned period, shall be immediately discharged from military service within an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of alternate service, the individual will be entitled to a clemency discharge.

The Attorney General and the Secretary of Defense are directed to contract with the Director of the Selective Service System under 31 U.S.C. 686 for use of such personnel as may be required to locate alternate service jobs necessary to implement this Proclamation and to certify whether or not individuals have satisfactorily completed their period of alternate service.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of those individuals who apply, and recommend to the President that a pardon be granted in appropriate cases. The Clemency Board may condition its recommendation upon completion of a period of alternate service not to exceed 24 months.



Any individual who was convicted of an absence related offense and thereafter receives a pardon shall receive a clemency discharge.

IN WITNESS HEREOF, I have hereunto set my hand this  
\_\_\_\_\_ day of September in the year of our Lord Nineteen Hundred  
Seventy-Four, and of the independence of the United States of America  
the 199th.

Gerald R. Ford

September 7, 1974

ANNOUNCING A PROGRAM FOR THE RETURN OF  
VIETNAM ERA DRAFT EVADERS AND MILITARY DESERTERS

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered great losses. <sup>Millions who served their country,</sup> ~~Many~~ thousands died in combat, ~~thousands~~ more were wounded, others are still listed as missing in action.

Over a year after the last American combatant had left Vietnam, the status of thousands of our countrymen -- convicted, charged, investigated or still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice -- remains unresolved.

In furtherance of our national commitment to justice and mercy these young Americans should have a second chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an <sup>acknowledgement</sup> ~~indication~~ of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the Nation's wounds and to heal the scars of divisiveness.



NOW, THEREFORE, I, Gerald R. Ford, President of the United States, ~~as Commander in Chief and pursuant to the~~ <sup>my</sup> ~~provision~~ ~~power~~ ~~and the duty faithfully to execute the laws~~ <sup>under</sup> ~~provided by~~ Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence immediately to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - An individual who allegedly <sup>under the Military Selective Service Act</sup> unlawfully failed <sup>to</sup> register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report for or submit to <sup>or</sup> complete alternate service <sup>under Section 6(j) of such Act</sup> during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense <sup>\*</sup> if he: (i) presents himself to a United States Attorney before January 31, 1975, (ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of ~~the~~ Selective Service, and (iii) satisfactorily completes such service. The alternate service shall promote the national health, safety, or interest.

Draft evaders chose not to accept the responsibility of military service when their Nation called. Thus, no draft evader will be given the privilege of discharging his obligation to complete a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, <sup>which</sup> ~~but~~ may be reduced by the Attorney General because of mitigating circumstances.

However, the program will not apply to <sup>an</sup> individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law.



*Redraft*

2. Military Deserters - <sup>a</sup>Members of the military who <sup>has</sup> have been administratively classified as deserters by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964, to March 28, 1973, will be relieved of prosecution and punishment under Articles 85, 86 and 87 of the Uniform Code of Military Justice for such absence and for offenses directly related thereto if before January 31, 1975, <sup>he takes an oath of allegiance to the United States and</sup> they execute an agreement with the Secretary of the Military Department from which <sup>he is</sup> they are absent acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service for a period of twenty-four months, which may be reduced by the Secretary of the appropriate Military Department because of mitigating circumstances.

The alternate service shall promote the national health, safety, or interest. <sup>However, a member of the military</sup> However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, <sup>his eligibility may be conditioned upon, or postponed until after,</sup> he will be eligible to participate in this program <sup>only after</sup> a final disposition of the additional charges has been reached in accordance with law.

*DOD check*

<sup>Each such member of the military</sup> All such deserters who elect to seek relief through this program will receive an undesirable discharge from the military service. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department, <sup>such individual</sup> the individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of the program. Such clemency discharge shall <sup>not itself bestow</sup> not affect entitlement to benefits administered by the Veterans Administration.



3. Presidential Clemency Board - Many individuals at present stand convicted of <sup>either</sup> draft evasion, <sup>offenses as described above</sup> or <sup>violate</sup> have received ~~punitive or~~ undesirable discharges from a <sup>m</sup> Military Service for having violated Articles 85, 86, or 87 of the Uniform Code of Military Justice. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of ~~individuals in this category~~ who apply, and recommend to the President that clemency be granted in appropriate cases. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. However, if any clemency discharge is recommended, such discharge shall not <sup>bestow</sup> ~~affect~~ entitlement to benefits administered by the Veterans Administration.

articles 85, 86, or 87 of the Uniform Code of Military Justice have received

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Military Departments, <sup>or</sup> and the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to <sup>seek</sup> assure equity <sup>among</sup> between those who served their country when called and those who <sup>participate in</sup> will serve under this program.

In witness whereof, I have hereunto set my hand this  
 day of September in the year of our Lord  
 nineteen hundred seventy-four, and of the Independence  
 of the United States of America the one hundred and  
 ninety-ninth.

~~Many individuals at~~

By Executive Order I have this date established a Presidential Clemency Board which will review the records of individuals within the following categories;

(i) those who have been convicted of draft evasion offenses as described above, (ii) those ~~the~~ who have received a punitive or undesirable discharge from military service for having violated Article 85, 86, or 87 of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, or are ~~still~~ serving sentences of confinement for such violations. where etc —