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**THE WHITE HOUSE**

WASHINGTON

MEETING ON LENIENCY

Monday - September 9, 1974

5:00 P.M.

The Oval Office

From: Philip W. Buchen

I. PURPOSE

To discuss the issues raised by your Staff and their concerns of the proposed leniency program as presented by Department of Defense, Department of Justice and Selective Service System.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: You met on Saturday, August 31, 1974, with Saxbe, Schlesinger, their respective Counsels, members of the White House Staff and Domestic Council Staff to discuss the recommendations of Saxbe and Schlesinger.

The participants of this meeting would like to discuss certain issue areas raised by the recommendations of DOD, DOJ and Selective Service.

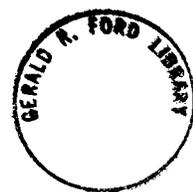
B. Participants: Philip Buchen, Robert Hartmann, John Marsh, Jay French (Buchen's staff) Ted Marrs of the White House Staff; Geoff Shepard of the Domestic Council Staff.

C. Press Plan: None.

III. ISSUE AREAS:

1. See attached list of issues. (TAB A)
2. See attached chart of program. (TAB B)





ISSUES

1. Term of Alternate Service

94

Should the length of service, ~~18~~ months, which is subject to modification for evaders and deserters, have a minimum requirement of 6 months?

2. Use of term "Deserter"

Reckin

Should the use of this term in the Proclamation and related documents be defined as "deserters including those who have at anytime administratively been declared deserters during the period from August 4, 1964 to March 28, 1973"? This accomodates post-conviction cases of unauthorized absence.

3. Locations of Return for Evaders

DK

Should U. S. Embassies be allowed to accept return of evaders prevented from returning immediately to the U. S. because of hardship?

4. Effective dates of Amnesty

Oct 15?

When should amnesty commence? If amnesty does not commence immediately will evaders and deserters be subject to arrest?

5. Parole

2/10

For those presently incarcerated should parole be allowed to obviate the inequity created when those at large return and are allowed to remain free pending alternate service?

6. Type of Discharge for Deserters?

Amnesty Discharge

Should a new type of administrative discharge be created rather than utilizing the undesirable discharge with a marginal notation to attract post-conviction cases holding undesirable discharges?

7. Modification of 18 month service term

With respect to the modification for mitigating reasons of the 18 month alternate service term for deserters, DOD and Selective Service disagree on which agency should administer this act.



*B*



(as proposed by DOD, DOJ, Selective Service)



EVADERS

At Large

Within Judicial or  
Punitive Process

Convicted and Free

1. Report to U. S. Attorneys
2. Sign combined Oath/Service Agreement
3. Alternate Service Term 18 months, subject to modification by U. S. Attorney (no review by Clemency Brd.)
4. Selective Service to administer Alternate Services
5. Indictment dropped

1. (a) Report to U. S. Attorneys if indictment pending or prosecution in process  
  
(b) Apply to Clemency Brd. for pardon if post-conviction during parole or imprisonment
2. Those reporting to U. S. Attorneys follow "At Large" procedure. (see column to the left)
3. Those applying to Clemency Board will receive pardon (option available to Board to recommend alternate service)

1. Apply to Clemency Board for pardon (option available to Board to recommend alternate service)

DESERTERS

At Large

1. Report to Military Department (closest service).
2. Sign Oath.
3. Sign Service Agreement.
4. Receive Undersirable Discharge.
5. Alternate Service Term 18 months subject to modification by SSS.
6. Selective Service to administer alternate service.
7. Undesirable discharge altered in margin.
8. There is proposed a new administrative discharge -- clemency discharge -- as optional with the Service Department.

Within Judicial or Punitive Process

1. If prior to conviction receive undesirable discharge upon application to his service department. Then apply to SSS for alternate service and thereafter an upgraded discharge.
2. If convicted, apply to Clemency Board for pardon. The Board could recommend alternate service as a precondition. Thereafter deserter applies to service department for upgraded discharge.

Convicted and Free

1. Apply to Clemency Board for pardon which will be recommended. The Board could make alternate service a precondition.
2. Based on Pardon deserter applies for new discharge. Undesirable with motivation or Clemency discharge.

