

The original documents are located in Box 1, folder “Amnesty - General (1)” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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AB A

ISSUES

Amnesty

1. Term of Alternate Service

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"

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

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

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

5. Parole

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?

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.



[Aug. 1974]

From Jimmy Taylor at American Legion Convention in Miami Beach, Florida

Resolution 175, Montana
'Draft Evaders and/or Deserters'
(came from 14 other states)

Whereas, young men throughout the history of the United States have patriotically answered the call of their country and defended its lands and ideals, and

Whereas hundreds of thousands of these young men volunteered or accepted duties in Vietnam and served with honor and distinction, and

Whereas thousands of these young men lost their lives or were gravely wounded, and

Whereas thousands were captured by the enemy, and were imprisoned and/or tortured for long periods of time, and

Whereas the question of amnesty for those who have fled the country to avoid induction into the armed services or have deserted their assigned military units to avoid military obligation during the Vietnam conflict has been again raised.

Now therefore be it resolved by the American Legion in National Convention Assemble in Miami Beach, Florida, August 20, 21, 22, 1974, that we reaffirm our objection to general amnesty for draft evaders or military deserters and urge that each case be tried on an individual basis and each deserter be dealt with as prescribed by the Uniform Code of Military Justice.



[Aug. 1974]

THE WHITE HOUSE
WASHINGTON

Delton Franz 544-6564

Director

Office of the Mennonite Central Committee

Would like delegation to meet with Mr. Marsh
to discuss their views on amnesty.

Amnesty



File [Sept. 1974?]
Amnesty

I. BACKGROUND

1. Congressional position
 - a. No unconditional *amnesty*
 - b. Unchanged.
2. Assuming Presidency
 - a. VFW Speech
 - b. Inquiry and Report
 - (1) Attorney General
 - (2) Secretary of Defense
 - c. Chicago Statement
 - (1) Reconcile and heal
 - (2) Called for plan

II. THE SITUATION

1. Two major types
 - a. Evader
 - b. Deserter
 - c. About equal, i. e., 15,000 each
 - d. Post Conviction cases
 - (1) Large number of military sentenced and discharged, ie, 500,000 undesirable discharges.
 - (2) Also much less number of convicted evaders.
2. What is Happening?
 - a. Both groups are returning
 - b. See Washington Post
 - c. Program and Plan becoming more necessary



THE PLAN

1. Developed by several Departments and Agencies:
 - a. Defense
 - b. Justice
 - c. Selective Service
 - d. White House
 - e. Other
2. Applies to:
 - a. Evaders still at large
 - b. Deserters still at large
 - c. Post-conviction evaders and deserters
3. Provides:
 - a. Up to 24 months alternate service; can be less
 - b. Undesirable discharge for military but can earn a clemency discharge
 - c. Dropping charges on evaders on completing services
 - d. Clemency Board of nine members
 - e. Does not bestow any Veterans benefits
4. Plan begins with Proclamation
 - a. Starts today
 - b. Have until 31 Jan '75 to qualify (*Just over 4 months*)
5. Alternate Service under auspices of Selective Service
 - a. Similar to conscientious objectors
 - b. Must promote national health, safety and interest



6. Call on Secretary of Defense and Attorney General for two minute remarks.

7. Introduce Phil Buchen and ask him to present Briefers for more description of program and to answer questions.

8. You might ask they not disclose details of plan until you can sign Proclamation at about 11:30.



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[Sept. 1974?]

Press

~~News writers~~

1. M/C mtg.
2. Embargo mtg.
 - a. Time
 - b.
3. Monday note
4. Q+A's. - TT
5. TI's statement
 - a. Time
 - b. Place

Package

1. Proclamation
2. Statement
3. Exec Order
4. Fact sheet
5. Chart of steps
6. Catalogue of alt. service



Board

1. Names.

a. Wana-

b. Chairman

H. H. Tamm
Silberman

2. Fact sheet of duties

W. M. S.

3. Bio's / photos.

4. Staffing

5. Name of Board.

6. Situs

7. First mtg.

8.

Other Exec Agencies

1. Notice

2. w/Hse Staff - Counsellors

3. Cabinet

4. ~~Staff~~

Make
List

Other Parties

1. Ford Foundation

2.

Bill
Borah



Congress:

Monday Ld'ship?

PO Moore

1. Participants / Exec.

a. Sec DOD

b. Atty Gen.

c. Monty

d. Larry

e. Sel Sv.

f. State?

g. V/A

Time?
Priority?

Invite to
today
Center member
today

2. Participants / Cong.

a. Ld'ship

b. Juris commit

c. Judiciary?

d. V/A?

AMAL

3. Other m/c.

a. Drop 1. DOD? 2. Cover

b. Time.

c. materials

etc.

4. Format

5. Time

Detached
Section

6. Notice

Embryl Purule
Oke Member



THE WHITE HOUSE
WASHINGTON
September 23, 1974

John

Ted Munn

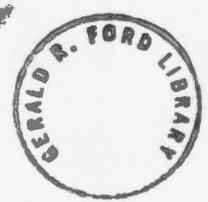
MEMORANDUM FOR: JACK MARSH
FROM: WILLIAM E. TIMMONS *BT*
SUBJECT: Amnesty

Rep. Garry Brown (R-Mich) called me with some questions on the President's amnesty plan and duties of the Clemency Board. I didn't have all the answers at my fingertips but told him you are the resident expert (thanks!) on the issue. Could you call our friend?

Garry's number is 225-5011.

Thanks, Jack.

called Dr. Morris' office 10/15 12:15 PM per instructions.



THE WHITE HOUSE
WASHINGTON



October 16, 1974

MEMORANDUM FOR DR. MARRS

SUBJECT: Count on Amnesty Letters

Per Rita Shae in Roland Elliott's office the count is as follows.

	<u>Pro</u>	<u>Con</u>	<u>Comment</u>
Prior to the Amnesty Statement September 16, 1974	4,852	7,352	376
After the Amnesty Statement	3,404	6,948	113
TOTALS	8,256	14,300	489

Velma



To JOM

Date 12-24 Time 1:03

WHILE YOU WERE OUT

M Mr. Goodell

of Bronxville

Phone (914) 961-2404

Area Code Number Extension

TELEPHONED		PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message _____

*Traced 3:40 BY
Completed 3:55
Operator*

Operator

[12/24/74]

Recounted events
leading up to recent
Clemency actions for
Vail.

Five cases problem
DOD.

Goodly dictated memo
to IT today.

Provoked about
with Hse staff procedure



To JOM
Date 12/24 Time 2:15

WHILE YOU WERE OUT

M Larry Silverman
of _____

Phone _____
Area Code Number Extension

TELEPHONED		PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message _____

Clemency
material
Operator down



THE WHITE HOUSE
WASHINGTON

December 4, 1974

MEMORANDUM FOR:

ROY ASH

FROM:

TED MARRS *Jed*

The unique role of Selective Service specifically designated by the President - in regard to follow-up on Presidential Clemency Board decisions does need to be continued.

This appears to force Alternative 1.

Would appreciate your comments.

Enclosure

CC: */* John Marsh
Phil Buchen
Jay French

Jed





OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

October 31, 1974

H/K
Important
Keep available
m.

TO: The Honorable
Philip W. Buchen
Counsel to the President

The Honorable
John O. Marsh, Jr. ✓
Counsellor to the President

FROM: Jonathan C. Rose
Associate Deputy Attorney General

SUBJECT: The President's authority to issue an Executive Clemency Certificate that would have the effect of a pardon

The Deputy Attorney General has requested that I forward this memorandum to you. It discusses (1) the President's authority to issue a clemency certificate that would have the legal effect of a pardon but would not be called a pardon; and (2) the legal hazards in such a course of action.

A. Collateral Disabilities^{1/} Caused by a Draft Evasion Conviction^{2/}

1. Under Federal Law. Generally speaking, a convicted draft evader suffers few collateral disabilities. The Secretary of Agriculture may refuse to register felons as commission merchants and floor brokers for commodity futures.^{3/}

^{1/} For a thorough discussion of a felon's loss of political, professional, property, judicial, and domestic rights, see Note, The Collateral Consequences of a Criminal Conviction, 23 Vand. L. Rev. 939 (1970).

^{2/} The draft evasion offenses subject to possible clemency under the Clemency Program are felonies.

^{3/} 7 U.S.C. 12a(2) (B).

cont



A convicted felon may have his conviction used against him in applying for federal employment under the jurisdiction of the Civil Service Commission.^{1/} Felons are also barred from possessing, handling, or transporting firearms under federal law.^{2/}

2. Under State Law. In a substantial number of states, a felon is disfranchised,^{3/} loses the right to hold state or local public office^{4/} or employment,^{5/} loses the right to practice in a licensed occupation,^{6/} and loses the right to serve as a juror,^{7/} executor, administrator,^{8/} or guardian.^{9/}

B. Effect of a Presidential Pardon

1. On Legal Disabilities Imposed by Federal Law. A Presidential pardon removes the legal disabilities under federal law attributed to a felony conviction.

2. On Legal Disabilities Imposed by State Law. Generally speaking, state courts have held that a Presidential pardon of a federal offender removes the civil disabilities imposed on the offender under state law^{10/} that would have been removed if the pardon had been granted by state authority. Those decisions, however, are not mandated either by the Constitution or federal law but rest on interpretation of state law. However, in most states a pardoned offender remains ineligible for an occupational or professional license that, by statute, can be issued only to persons without a criminal record.^{11/}

^{1/} 5 C.F.R. 731.201.

^{2/} 18 U.S.C. 922(g)(1), (h)(i); 18 U.S.C. App. 1203, 26 C.F.R. 178.142.

^{3/} See n. 1 at 975.

^{4/} Id. at 987.

^{5/} Id. at 1017.

^{6/} Id. at 1002.

^{7/} Id. at 1051.

^{8/} Id. at 1060.

^{9/} Id. at 1062.

^{10/} Id. at 1146 n. 603.

^{11/} Id. at 1145-1146.



cont.

C. State Statutes Restoring Certain Civil Rights by Virtue of a Pardon

Most state statutes use the term "pardon" in describing what type of executive action will restore to an offender certain civil rights.^{1/}

Presidential Authority to Issue a Clemency Certificate with the Same Legal Effect as a Pardon

The President's constitutional pardon authority would permit him to issue a so-called Executive Clemency Certificate to convicted draft evaders eligible for the Clemency Program. The Clemency Certificate could specify that it would remove all disabilities the evader had incurred under federal law due to his conviction. That would make the Certificate tantamount to a pardon for purposes of federal law.

However, under state law it is unclear whether the Certificate would be accorded the same respect as a full pardon in determining whether certain state disabilities would be removed. As set forth above most of the state statutes that restore civil rights speak in terms of a "pardon". Whether most state courts would interpret the word "pardon" to include an Executive Clemency Certificate of the type contemplated is uncertain. If the Certificate states that it constitutes an exercise of the President's full pardon authority under the Constitution and is intended to restore to the maximum extent possible the draft evader's legal rights under state law, then the likelihood that state courts would treat the Certificate as tantamount to a pardon is increased. If the Certificate is silent on this point, then it is less likely that state courts would treat it with the same deference they would treat a pardon.

Conclusion

The President could issue to draft evaders an Executive Clemency Certificate which would have the same effect as a pardon for purposes of federal law. However, it is uncertain whether such a Certificate would have the same effect as a pardon for purposes of state law. This fact is important because virtually all of the significant rights which a felon loses by virtue of his conviction are due to the operation of state and not federal law.

^{1/} See the statutes cited in Disfranchisement of Convicted Felons, Cong. Research Service, Library of Congress (1971).



Jan. 1975?

Talk w/ Ted

Morris - doubt that we
can get ^{legislation} ~~reauthorization~~.
Can. Ask Max if we can
get it - occur w/ it
Come up w/ recommendations



THE WHITE HOUSE
WASHINGTON

Jan. 6, 1975

To: Jack Marsh

From: Phil Buchen



THE WHITE HOUSE
WASHINGTON

January 2, 1975

MEMORANDUM FOR: PHILIP BUCHEN

FROM: JAY FRENCH *JF*

Set forth below is a discussion of two points raised in Jack Marsh's memorandum to you of December 17, concerning the earned return program.

The purpose of a public statement, pointing out that the program will soon terminate, is to prepare the public and forewarn evaders/deserters that prosecutions will occur after January 31. The statement must not be viewed as an attempt to encourage last minute participation by coercion. Rather, it must be viewed as a reaffirmation of the program and a signal that the offer will shortly be withdrawn. For these reasons, the statement must be a balanced one. The main thrust of the communication should be to forewarn evaders/deserters that they may soon be subject to prosecution if they have not taken advantage of the program. To soften this point and balance the statement, the Departments of Justice and Defense should publicly be cautioned that the President will not favor indiscriminate prosecutions when the evidence is weak. The statement could also be softened by pointing out that in cases of great merit, executive clemency is still routinely available upon appropriate application.

The impact of such a statement on the public mind would be that the President, in properly concluding the program consistent with statements he made when creating it, is not swinging to any extreme. I think a measured statement of this kind leaves the President flexible, and on course.

Mr. Marsh asks whether it is possible to quietly continue a program of earned return after January 31. If the President makes the statement recommended above in which executive clemency through regular channels is held available, then I believe the program could quietly continue. However, a program of earned return could not easily



continue because Selective Service will cease accepting persons for alternate service on January 31 unless extended by Executive Order.

Finally, on good authority I have learned that Senator Hart is considering legislating a kind of unconditional amnesty. And, it is not entirely unlikely that some legislators will attempt to pre-empt the President by manipulating the parole laws. It is my feeling that a balanced statement by the President would go a long way toward sapping the strength of any such move.

I think the statement should be made by the President, in writing, and routinely issued to the press a day or two before the making of the State of the Union address.



THE WHITE HOUSE
WASHINGTON

Dec. 30, 1974

To: Jay

From: Phil Buchen



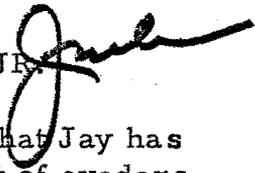
MEMORANDUM

THE WHITE HOUSE

WASHINGTON

December 17, 1974

MEMORANDUM TO: PHIL BUCHEN

FROM: JOHN O. MARSH, JR. 

Phil, I concur generally with the observations that Jay has made in his memo in reference to the treatment of evaders and deserters after 31 January.

I also believe that if the FBI are engaged in the telephone tracing technique that he mentioned, that this will be counter-productive as far as public understanding is concerned.

It seems to me that I recall that they had stopped this practice.

There's a broader question we have to consider, however, and that is the status of the amnesty question after 31 January. My own view is to really continue a type of earned return for individuals who turn themselves in after that date, but not making a public announcement to that effect. In that essence the cases would be treated individually.

Jay's suggestion that there be timely warning to evaders and deserters that they face possible prosecution on 1 February is, I think, a good one, and we should think in terms of how we can get this type of notice out.



THE WHITE HOUSE
WASHINGTON

January

December 4, 1974

MEMORANDUM FOR:

JACK MARSH
TED MARRS

FROM:

Philip Buchen *Phil*

Kindly review the attached memo from Jay French and
give me your comments and suggestions.



THE WHITE HOUSE

WASHINGTON

December 3, 1974

FOR: Philip W. Buchen 
FROM: Jay French 
SUBJECT: President's earned re-entry program
for evaders/deserters

On January 31st the President's earned return program for evaders/deserters will conclude. Anyone apprehended after that date is subject to prosecution. I would like to ask whether we are prepared to prosecute these offenders and if so, whether the American public is prepared for these prosecutions.

I have been told, fourthhand, that the FBI is collecting telephone numbers of persons calling the designated amnesty information numbers and that these numbers will be used to trace evaders and deserters. I wonder if this is a good thing, or whether it is an abuse of good faith. If it is true, what reaction, if any, would there be if this became public knowledge, particularly in light of recent disclosures about FBI tactics.

If the FBI is prepared to arrest several hundred evaders/deserters during February 1975, and if, numerous legal groups are preparing to defend these evaders/deserters, I wonder if we are not about to enter another period of divisiveness over these trials.

I would like to suggest that we look ahead now and answer some of these questions. I personally believe that we must prosecute these cases after January 31st in order to be true to our own stated values. And, I also believe that we need to make it abundantly clear now, to the public, before the program is over, just what our intentions are. If the public believes that we have gone overboard to forewarn evaders/deserters of the consequences of apprehension after January 31st, then I believe that the public will accept these prosecutions as fair.



To RAK

Date 1-7-75 Time 1:00

WHILE YOU WERE OUT

Mr. Latham — OMB

of Gen. Counsel

Phone 5600

Area Code Number Extension

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL

Message Clemency

Bd.

ed.

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



THE WHITE HOUSE
WASHINGTON

~~Nichols~~
313

71
9 Jan -

- 1) Jay French is preparing
a wrap-up memo.
~~Fact~~ ^{mon}
- 2) App. w/ Pres. for ~~Jan~~,
~~Jan~~ ^{at 20} for March, Bucher
& French has been set
~~7:45 to 8:00.~~ 12:00
- 3) Advise Bill Nicholson of
time schedule to permit
him to set app. for Hodell
- 4) \$130,000. (Scott checking w/
Jones and Humphreys)



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

January 10, 1975

MEMORANDUM TO: JACK MARSH
FROM: RUSS ROURKE *RR*

In anticipation of your future needs, I called Bill Nicholson for the purpose of establishing a tentative hold on a Clemency Board meeting with the President. Bill has tentatively scheduled you, Phil Buchen and Jay French for Friday, January 17 at 7:45 (the meeting to last for fifteen minutes). I recognize that this infringes on your regular 7:50 meeting, so if you have any desires to the contrary, please let me know. I shall await word from you prior to advising Phil Buchen and Jay French of the tentative meeting schedule.

Tues. A.M.



January 10, 1975

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RAR:cb



January 10, 1975

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RAR:cb



January 14, 1975

MEMORANDUM FOR: PHIL BUCHEN
JAY FRENCH
TED MARRS

FROM: JACK MARSH

Due to a scheduling conflict, our Clemency Board meeting with the President has been switched from Friday, January 17 to Tuesday, January 21 at 12:00 noon. It is my understanding that Jay French is preparing the briefing paper in preparation for that meeting.



To Russ
Date 1-13 Time 5:07

WHILE YOU WERE OUT

M Mr. Satham
of _____

Phone X-5600
Area Code Number Extension

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	URGENT	<input type="checkbox"/>

RETURNED YOUR CALL

Message Harry Truman
Scholarship fund -
200,000 - 400,000.
① \$50K from Pres. to
be repaid -

② Buchan Donna
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



JAN 18 1975

THE WHITE HOUSE
WASHINGTON

January 16, 1975

MEMORANDUM FOR:

✓ MR. JOHN O. MARSH, JR.
MR. PHILIP W. BUCHEN
WARREN RUSTAND *WR*

FROM:

SUBJECT:

Approved Presidential Activity

Please take the necessary steps to implement the following and confirm with Mrs. Nell Yates, ext. 2699. The appropriate briefing paper should be submitted to Dr. David Hoopes by 4:00 p. m. of the preceding day.

Meeting: With Mr. Marsh, Mr. Buchen, Mr. French

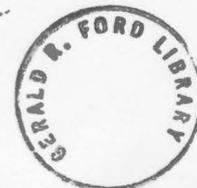
Date: Monday, Jan. 20, 1975 Time: 12:00 Noon Duration: 15 minutes

Location: The Oval Office

Press Coverage: White House Photographer

Purpose:

cc: Mr. Hartmann
Mr. Marsh
Mr. Cheney
Mr. Connor
Dr. Hoopes
Mr. Jones
Mr. Nessen
Mr. O'Donnell
Mrs. Yates



THE WHITE HOUSE
WASHINGTON

January 27, 1975

M

MEMORANDUM TO: JACK MARSH

FROM: RUSS ROURKE *R*

You will recall that Don Rumsfeld thought that there were "two batches of announcements" on the clemency program. Jay French says no... the attached is the only one prior to December 31.



Office of the White House Press Secretary
(Vail, Colorado)

M

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have signed pardons under the clemency program for 18 civilians who have never served in uniform -- nine of these effective immediately, and nine of them conditional upon the recipients earning their way back into society by alternate service. In addition, I have formally approved the Board's recommendations for clemency for 29 former servicemen, including 26 whose pardons will be conditional on their completing alternate service.

These former servicemen still have available to them military appellate mechanisms for review of their earlier convictions. Since I do not intend to impair or prejudice their access to that legal process, I have not signed the formal instruments of clemency at this time. I will not do so until and unless the convictions will have become final, and the resulting punitive and undesirable discharges will have been executed.

Each of these cases involves an individual -- a judgment of his past and a determination of his future. The responsibility in each decision is a grave one. The Board and I have carefully considered each case on its individual merits. I believe we have acted with both justice and mercy.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE
REMARKS OF THE PRESIDENT
AT THE
SIGNING CEREMONY OF
EXECUTIVE WARRANTS FOR CLEMENCY
THE CABINET ROOM

1:21 P.M. EST

First, let me, before reading the prepared statement, thank the chairman and all the members of the board. I know it has been a difficult job, and a tough responsibility, but I, for one, am very grateful for what each and every one of you have done.

On September 16, I announced my program of clemency, and I am pleased on this Thanksgiving weekend that I am able to announce my first decisions on recommendations of the Presidential Clemency Board involving 18 individual cases of draft evasion.

I wish to thank each of you here for sharing this ceremonial moment, and I also wish to thank the Clemency Board members for their very hard and effective work.

The signing ceremonies often mark the end of a project, but today the signing represents the beginning of the difficult task of administering clemency. Instead of signing these decisions in a routine way, I wish to use this occasion to underline the commitment of my Administration to an evenhanded policy of clemency.

When I initiated the policy, I detailed the reasons for my decision in this very difficult problem. I consider them as valid today as when I first announced them. We do not resolve difficult issues by ignoring them. There are honest differences that will continue to be discussed, but discussions must not overshadow the need for action and fair and open resolution of the clemency problem.

Of the 18 recommendations the board has made to me, I have reviewed each one and have personally approved each one. Information on these cases will be made available by the Press Office.

MORE

(OVER)



I believe this more detailed information will help to explain the basis for my decision in each instance. Of course, considerable more information was made available to the board, and to me, on which to base these decisions, but to make public the complete files on each individual would be a negation of his right to privacy.

In each case, however, the law was violated and each has received punishment. The power of the clemency can look to reasons for these actions which the law cannot. Unlike God's law, man's law cannot probe into the heart of human beings. The best way we can do this is to offer clemency and to provide a way for offenders to earn their way back into a rightful place in society.

Last week, I traveled overseas in search for peace. Yet, we cannot effectively seek peace abroad with other nations until we have made peace at home. While America reaches out to those whom we have disagreed with in the past, we must do no less within our own Nation.

Sometimes it seems easier for us to forgive foreign enemies than fellow Americans at home. Let us continue to search for a softening of the national animosity caused by differences over the Vietnam war. We will not forget the sacrifices of those who served and died in Vietnam.

In their honor, America must seek ways to live up to the ideals of freedom and charity that they fought to preserve. These first few decisions do not end the unfinished business of clemency, but the task of formal forgiveness is underway.

I hope it marks the beginning of personal forgiveness in the hearts of all Americans troubled by Vietnam and its aftermath.

I do want to thank all of the board members, not only for the first-class job they have done, but the way in which they have approached this very difficult responsibility. I am grateful. I am sure the individuals in the cases that are involved here are grateful, and I think the American people will be grateful for them assuming a difficult responsibility and performing it with very great distinction.

I thank you, Charlie, and each of the board members, on this occasion on behalf of all, including 213 million Americans.

Thank you very much.

END (AT 1:28 P.M. EST)

FOR IMMEDIATE RELEASE

NOVEMBER 29, 1974

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE
PRESS CONFERENCE
OF
CHARLES E. GOODELL
CHAIRMAN, PRESIDENTIAL CLEMENCY BOARD

THE BRIEFING ROOM

1:45 P.M. EST

MR. CARLSON: As many of you just witnessed, the President has just announced his first decisions on recommendations of the Presidential Clemency Board.

You should have a press kit, and we will have copies, or a transcript of the President's remarks, shortly following this briefing.

We have here with a brief statement and to take your questions Senator Charles Goodell, the Chairman of the Presidential Clemency Board.

MR. GOODELL: I will read a brief statement, and then will be open for questions.

The President has accepted the unanimous recommendations of the Presidential Clemency Board, that Executive clemency be granted to 18 individuals. He has granted eight full and unconditional pardons and ten conditional clemencies, which will become full and unconditional pardons upon fulfillment of specified periods of alternate service.

The distribution of lengths of alternate service is as follows: Three applicants for clemency, three months of alternate service; five applicants for clemency, six months of alternate service; one applicant for clemency, ten months of alternate service and one applicant for clemency, 12 months of alternate service.

Over and over again in reviewing the cases before the board we have found that the applicants are not the stereotyped, ideological war resisters. For the most part, the draft violations which we have examined were not consciously and directly related to opposition to the Vietnam war.

MORE

(OVER)



In the cases of Jehovah's witnesses and some others, there was genuine conscious objection to killing, but these objectors generally did not know how to pursue their rights properly through the selective service system.

The other groups are generally people who have had severe marital problems requiring immediate attention -- the father who died, leaving a family without any means of support, or the mother or wife who became acutely ill.

Rather than being from educated and middle class backgrounds, these individuals are unsophisticated, often inarticulate, and unable to explain properly their problems.

Basically, these people just did not know how to take advantage of their rights under our legal system. They just did not know how.

Based on the applications to the Clemency Board, it appears that the impact we have held in the past of the typical Vietnam draft evader is just plain wrong.

I will entertain questions.

Q Senator, is the image of the Vietnam draft evader wrong, or is this only wrong about the image of people who are willing to come and request clemency?

MR. GOODELL: We now have about 770 applications at the Clemency Board. I would say the description I gave of these applicants generally applies to all 770. We can only go on the evidence we have. As you are aware, the Clemency Board deals only with those who have already been punished. They apply to us for clemency recommendations to the President, and they have nothing to lose.

If they get clemency, they are in a better condition, as are these 18 individuals the President has acted upon today. If the Clemency Board recommends against clemency, they remain in exactly the same status they were in when they applied.

Q Those who have been pardoned and those who will be pardoned, after they do their service, will they get back veteran's benefits and will they get citizenship privileges again?

MR. GOODELL: A pardon gives back most of their civil rights.

MORE

Q Most, not all?

MR. GOODELL: The intent of a pardon is to give back all their civil rights, but that is a decision that is made by a very large number of agencies, the States, the local governments who do licensing. They decide whether they will accord full comity to a pardon. Usually it is done.

The President's power is to pardon them, and that goes on their record. They are pardoned, and the intent is to restore their civil rights.

Q You mean, State agencies can decide on a matter like this, as to whether they withhold from a man --

MR. GOODELL: Yes, the States frequently have laws that if you are a convicted felon, you cannot vote or you cannot get certain types of licenses or you cannot participate in certain types of professional activity.

As I mentioned, I think once before, there are several States that will not give you a license to be a bartender if you have a felony record. So, the pardon generally restores those rights.

Q Does this mean they are still considered felons?

MR. GOODELL: There is no power in the President to expunge the record, but they are pardoned. They do have to continue to apply, when they are asked, if they have ever been convicted of a felony, "Yes, but I have been pardoned."

Q But they will get their veteran's rights, right?

MR. GOODELL: These individuals do not, for the most part, have any veteran's rights.

Q You say they do not have --

MR. GOODELL: These that we disposed of today are civilians that never went into the military. These are civilians, these 18 that we disposed of on the board and the President signed today.

Q If in the future you have military, will they get their rights back after they are pardoned?

MR. GOODELL: If an individual gets a full pardon, he presumably would get his veteran's rights.

MORE



Q These are evaders and not deserters, is that right?

MR. GOODELL: These are all civilians. They are the ones who violated the draft laws as civilians, and were convicted in Federal court.

Q We need their home towns and we need to match them up with this case history.

MR. GOODELL: Let me say we did not give home towns and addresses because particularly of the ten cases that are required to do alternate service, we want to protect their privacy to the degree that it is possible, and certainly with the small number of cases, you can probably put a great number of them together.

They have a right to apply to the board for reconsideration in 30 days, so in the cases of those who are getting alternate service, we prefer not to identify them further.

Q You cannot keep this back. People in their home towns, they know about them already.

MR. GOODELL: Fine. You have got what we have given you.

Q We need more. How can we match this up?

MR. GOODELL: I am sorry. I am not going to go any further in invading their privacy than this. We have given summaries which give you a flavor of the types of cases.

Q Charlie, we cannot carry the summaries on all these people. We have to know which summary goes with which man.

Q If you want to identify it, that is yours, but I don't think the board properly, at this stage, wants to invade their privacy that far.

Q This is not giving us Government information.

MR. GOODELL: There is a conflict. There are two rights here -- the right of their privacy and the right of the public to know, and we have done the best we could to let the public know while protecting some of the more intimate details of their life.

MORE

I do not think, for instance, that you or anybody else would like to have our full Government files exposed to the public. Just open it up and anything that is in there, unverified or anything else. What we have done is make those files available to the applicant, fully.

They cannot look at them. We have made available to them a summary of the material we have used in our deliberations, and they have had an opportunity to reply and correct the record.

Q Has the board made only these 18 recommendations to the President, and does that mean you still have the cases of the 60 other people who were furloughed at the time of the September 16 announcement before you?

MR. GOODELL: Yes. The board has been going through, for two months, the process of examining these cases. We have looked at over 100 cases in that process, working out our rules, and guaranteeing to all the applicants their rights.

This is the first time that any cases were in a position where the applicants had had the full opportunity to correct the record and make any statements they wished to the board.

We have actually acted on 25, but there are seven cases withheld because the applicants have asked for more time to make further information available to the board.

We will be meeting three days next week -- Thursday, Friday and Saturday -- and three days each of the following two weeks, and there will be a fairly large number of decisions and recommendations made to the President.

MORE



Q Are the furloughs still in effect for those who --

MR. GOODELL: Furloughs are still in effect and we expect we will be acting on all those cases prior to the expiration of furloughs.

Q What is your proportion of veterans to civilian draft dodgers among these 770?

MR. GOODELL: It is about two military to one civilian. We can give you the exact figures. I think they probably have them available here.

Q One other question --

MR. GOODELL: About two-thirds of them are military.

Q -- why doesn't the board work a 5-day week?

MR. GOODELL: The board is part-time. It is Father Hesburgh and Vernon Jordan, and each of us has to try to make a living and carry out our other responsibilities. This is an advisory committee appointed part-time, and I must say the board members have been very generous in the giving of their time and none of the two-month period -- not one day of that two-month period -- has been because of the board not being able to meet.

As I indicated, we had to get our rules out so they knew what the rules were and given them a full opportunity to present their evidence to the board.

Q At the time of your briefing by the Selective Service and Defense Department and Justice Department last week, you said you were somewhat disappointed in the turn-out. Would you like to see the cut-off date extended beyond January 31st?

MR. GOODELL: No. I do not think we should give anybody any false hopes about January 31st to be extended. If they are interested, they should apply now and I am not certainly going to predict anything that might lead somebody to delay when he should get his application in.

Q In your statement, you noted that in all these 18 cases, the clemencies will become full and unconditional pardons upon fulfillment.

MR. GOODELL: That is correct.

Q Will that generally be the pattern?

MORE

MR. GOODELL: Yes, sir. If there is clemency granted, it will either be an outright pardon, as eight of these were, with no alternate service, or a period of alternate service at the end of which time, if satisfactorily served the individual would have earned a pardon.

Q Are you still disappointed --

Q In the situation here where you made this statement about the stereotype and all three of our network cameras picked up that statement and it applies only to the 770. Are you concerned at all that you might still be giving what amounts to a false impression of all draft dodgers and deserters since those with moral convictions are probably not among the first to come back. And, secondly, are you concerned that you are not attracting that kind of individual back and something needs to be done so you will?

MR. GOODELL: I want everybody to have full understanding of this program and I want the American people to understand the nature of the program and of the applicants who have come before our board. I cannot speak for the applicants to the Justice Department or the Defense Department. That has not been part of my deliberations.

I can speak to you about the nature of the applicants we have had, some 770 of them, to the Clemency Board, and they are not the stereotyped college war resistor. Most of them are from poor families and relatively low educationally. We have some applications to our board who are college graduates or who have a record of being very strong on principle against the war or against any war.

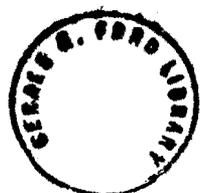
Of these first eight pardons, you would find at least five of them in there are related to religious beliefs. Very strong. Jehovah's Witnesses, Black Muslims. And the others seems to have a fairly strong conviction on this, too, but the description I gave to you of the nature of the applicant applies to the 770 that have come before our board so far.

Q Let me repeat the second part of the question. Does this raise a concern for you that you may not be getting the other kind who might be out there in great numbers and that maybe something needs to be done?

MR. GOODELL: I am concerned that I think the program is not well understood by those who are eligible to apply, particularly the clemency board phase of the program. Since there are a large number of people out there who have been punished for either draft-related offenses or AWOL desertion, during this nine-year period, from 1964 through 1973.

If they apply to the board they may get some relief as these 18 here are getting relief from the President of the United States.

MORE



We are not in the business of going out and persuading people or soliciting. We do want them fully informed so they can make a judgment on their own, a conscious judgment as to whether they want to apply or not.

Q Just for clarification, the conditional clemencies now, where do these fellows go? Do they go to the Selective Service now for their alternate service?

MR. GOODELL: Yes. We will notify them to get in touch with the Selective Service Office of their choice, really, wherever they wish to live, and then they, according to the Selective Service standards described to us, will be given 30 days to find their own job that would qualify.

If they cannot do that, the Selective Service then comes in and tries to help them get a job with the one major requirement that they are not to be given jobs that are in the general competitive job market.

Q Is this final or did you say they had another 30 days to appeal the conditional clemency or did I misunderstand?

MR. GOODELL: Under the board's procedures, the ones who are given alternative service here could apply to the board with new information or additional information for 30 days. That is simply to protect their rights in the event they come up with additional evidence that they think is relevant and important. There will not be reconsideration unless there is some new evidence normally presented to us. But they do have that right under our regulations.

Q Have those procedures now been published?

MR. GOODELL: Yes, sir.

Q They have been enforced into law?

MR. GOODELL: They are in the Federal Register and they are in force. Yes.

Q How many draft, total numbers, are there and how many countries, and also, what jobs would be available as an alternative?

MR. GOODELL: I think you had better ask the last question of the Selective Service system. They have a full, several-page list. We can certainly help you get it. We have it in our office, too, and we will be glad to supply it to you. There is a large number of categories of jobs that are in the public interest, in health or education or non-profit, charitable organizations, things of that nature.

MORE

As far as the total numbers, we have roughly 770 applications to date, and if you will recall the numbers I gave you previously, the total number of civilians eligible to apply is 8,700 and the military is an estimate, but it is in excess of 100,000 according to the Defense Department's best judgment.

Q How many countries are they in?

MR. GOODELL: Most of ours are -- in fact, none of ours are in any country but the United States. These are individuals who stayed here, were picked up, convicted and punished.

Q Sir, this may be a misunderstanding. Earlier I thought you said that of the 770 it was about two to one military.

MR. GOODELL: That is correct.

Q Now, I do not understand that in relationship to the military having 8,000 or your board having authority in 8,700 cases and the military over 100,000.

MR. GOODELL: We have authority over two types of applicants. One, a civilian who has never been in the service and had draft violations of which he was convicted. He went to Federal prison, never was in the military. That is 8,700. We also have jurisdiction over those who were in the military and were convicted of AWOL or desertion while in the service and that number is in excess of 100,000. They can apply to us also.

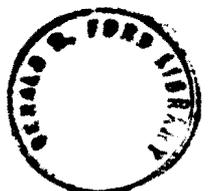
Q But does that mean now that the 770 figure would cover all those who have applied for anything and does not cover the ones who have gone to the military?

MR. GOODELL: The 770 is the total civilian and military applications. Roughly two-thirds of those -- we can give you the exact number -- are military and one-third are civilians.

Q This accounts for guys then who go to the military --

MR. GOODELL: No, they don't go to the military. They come to us. The ones who go to the military or go to the Justice Department have not been punished. They are returners. We do not deal with returning individuals at all. Ours have already been punished for what they did. The Justice Department handles the civilian returning and in the Defense Department, their own military handles the military returning.

MORE



That, I hope you can emphasize because it is one of the confusions that has prevailed about this program. And I must say to you that I think you can give whatever reasons you wish, speculatively, as to why people do not return from Canada or from Sweden who have not been punished up to now.

These individuals have all been punished and they really have nothing to lose to apply to the clemency board. If we don't give them clemency, they have already been punished, they remain in their present status. If we do give them clemency they are better off.

MORE

Q Your total is 8,070, is that right?

MR. GOODELL: 8,700 civilians and over 100,000 military.

Q In other words, Senator, what you are saying is --

Q That have already been punished?

MR. GOODELL: They have already been punished.

Q Does that mean they served or they simply were sentenced?

MR. GOODELL: All except a small group that was in prison at the time of the President's proclamation have already served. They may, some of them, still be on parole or probation.

Q In effect all you are doing is expunging --

MR. GOODELL: They are getting a pardon to restore their civil rights if they qualify for clemency.

Q What you are saying then is something like 108,000 people who have nothing to lose have not yet contacted you?

MR. GOODELL: That is correct. I did not do the subtraction but I will trust your subtraction.

Q It is close.

Q In other words the people who are in these other countries, who have not applied, are not under your jurisdiction?

MR. GOODELL: That is correct. Unless somebody was punished and after he got out of prison decided to go overseas. I don't believe we have had a single applicant that was not here in this country and remained here. We had one, as I recall, and there may be more, that may have at one time or another been in Canada, come back and be punished.

Q Just to clinch these facts, in other words your board just handles the people in the United States who have been in jail; Of those 8,700, 770 have been in jail and you handled them?

MR. GOODELL: No. 8,700 have been punished. Most of them with prison. There are varying penalties given out by the judges. 8,700 have been punished in the Federal civilian courts and convicted of a Federal crime, draft related offense.

MORE



Q Once more, can you straighten this out? Does that 8,700 -- is that included in the 100,000 you mentioned?

MR. GOODELL: No. It is very simple. There are 8,700 civilian cases and over 100,000 military cases.

Q Do you know if all who are being punished are being punished or have been punished?

MR. GOODELL: Military have all been punished. If you want to go into that, a good proportion of the 100,000 have been punished with an undesirable discharge, administrative discharge. The others have been convicted at a court martial of an AWOL related offense and most of them have served their time.

Q This is the last time I would like to just clinch this. In other words 8,700 are in the United States, which you have handled, your board?

MR. GOODELL: We have not handled them. Those are the potential applicants who have been punished.

Q They have been punished?

MR. GOODELL: And they can apply to our board of which some 240 of those 8,700 have applied. I don't have the figures with me. We will give them to you.

Q In other words, your board just takes these 770 you are dealing with now?

MR. GOODELL: We will not consider any case until we get an application. These are the ones who have applied to us.

Q And you don't take any from out of the country?

MR. GOODELL: They may be out of the country, but we have had none yet. They have all served a sentence. I cannot say they are all here. Some of them may be in France or in Australia or some other place, but they have not fled the country to avoid the punishment. They have been picked up and convicted and punished here.

Q What does a former military man with a dishonorable discharge expect to get out of this? Does he get his discharge changed to a clemency discharge by you or does the Army do that?

MORE

MR. GOODELL: Under the Executive order we have the authority to recommend to the President an upgrading of the discharge from dishonorable or bad conduct or undesirable to a clemency discharge. We also have the authority to recommend a pardon in the military cases as well as in the civilian cases.

Q Senator, doesn't a clemency discharge carry with it a social stigma as well? When prospective employers look at a clemency discharge wouldn't they know this is someone who at some point in his military career decided to go AWOL or break military rules?

MR. GOODELL: There is no way for me to answer that question. There will be varying reactions to a clemency discharge, I am sure. The President has very strongly and very beautifully stated today, as he has before, his feeling that there should be clemency in the land and the American citizens should view this clemency discharge with that in mind. I hope that the American people will accept this program -- I think they do overwhelmingly-- as a fair program, and they will therefore accord full respect to clemency discharges.

Q Charlie, a man who has had an administrative discharge or dishonorable discharge, does he have to go before the military to get this thing straightened out or can he come to you?

MR. GOODELL: He comes to the Clemency Board if he has been punished. If he has deserted and has never been picked up or punished he goes back through his own service. If he has been picked up and punished, either given an undesirable discharge, court martialed and given dishonorable or bad conduct, they come to us. Anybody who has been involved in these kinds of offenses and has been punished is our jurisdiction. If they have not been punished, they are not in the Clemency Board's jurisdiction.

Q What happens when a person goes back to his own service?

MR. GOODELL: I cannot answer that. That is the Defense Department's jurisdiction. If they have not been punished, that is when they go back to their own service. That is when they go out to Fort Benjamin Harrison and the Defense Department processes them out and gives them alternate service. But that is not under the Clemency Board and I don't want to get off on that because there is enough confusion about what our jurisdiction is already.

MORE



Q Senator, you have said that there is confusion about this. It seems as if every time this comes up at a press briefing the press cannot even get the distinction straight. Wouldn't we have been better off with a unified program where anybody, no matter what category, resistor, evader, or what have you that he was in, would know to go to one place?

MR. GOODELL: Well, let me say that they can come to one place. I have urged that they come to one place; for information, for our guidance, we will help them get attorneys. Whatever phase of the program they qualify for they can come for information from us. We have guaranteed that the information they give us about themselves will be kept confidential, will not be sent to other agencies of the government. We have an agreement with the Department of Justice on that. And we will inform them. If they are eligible under the Justice Department program, we will refer them there. If they are eligible under the Defense program we will refer them there, give them information, help them find attorneys of their own choice. So they can write to a central place.

The President really wants people to understand that they can get information with no fear of any kind by simply writing the Clemency Board, White House, Washington, D. C.

THE PRESS: Thank you.

END

(AT 2:10 P.M. EST)