

**The original documents are located in Box 63, folder “1976/11/18 - Senior Staff Meeting” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.**

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SENIOR STAFF MEETING

Thursday, 11/18  
8:00 a.m.

~~VIA~~

W/ 14/20/73

I WOB — Rules

Thoughts for Monday  
meeting

Item 7 interest

Public matters pending

2-3 pages of Key Items

II Sy Rano — chairman —

III Pro-rates of spending —



DOMESTIC COUNCIL

FROM:

PHIL BUCHEN

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SUBJECT:

cc of Attorney General's memo on prosecution  
of draft evaders

----- Date: 11/17 -----

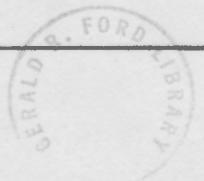
COMMENTS:

Attorney General indicates that his  
Department will continue to uphold the  
law regarding draft evaders, i.e.  
it will continue prosecuting.

ACTION:

Date:

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THE WHITE HOUSE

WASHINGTON

November 17, 1976

1976 NOV 17 AM 11 19

MEMORANDUM FOR:

JIM CANNON ✓  
RUSS ROURKE

FROM

PHILIP BUCHEN P-

In reference to the memorandum from Russ Rourke dated November 16 to Jack Marsh regarding the effect of the Department of Justice policy concerning draft resisters on the President's clemency program, I attach a copy of a memo sent to me on November 10 by the Attorney General.

cc: Jack Marsh



111702

November 16, 1976

MEMORANDUM TO: JACK MARSH

FROM: RUSS BOURKE *ny*

Jack, I discussed the Clemency program matter with Jim Cannon. Jim feels very strongly that some firm White House action, one way or the other, should be taken ASAP. Jim's view, either we should state that the law would be followed to the letter until January 20, or the White House should state that "as a result of the President-elect's statements, it has become impossible to deal with this matter in an orderly and equitable fashion. We are, therefore, suspending all legal actions against the individuals concerned."

cc: PSuchen ✓

RAR:cb







Office of the Attorney General  
Washington, D. C. 20530

November 10, 1976

MEMORANDUM FOR: PHILIP W. BUCHEN  
Counsel to the President

FROM: EDWARD H. LEVI *EL*  
Attorney General

You have asked whether the Department of Justice has recently modified its position concerning the prosecution of draft resisters and have asked whether the Department of Justice has advised United States Attorneys to defer the prosecution of cases pending against draft resisters.

NBC News has reported that the Department of Justice has advised United States Attorneys to defer the prosecution of draft resisters until President-elect Carter has taken a position concerning the granting of executive clemency to draft resisters.

The Department of Justice's position concerning the prosecution of draft resisters has not changed since the expiration of the clemency program instituted by President Ford. Absent unusual circumstances, the Department's policy has been to permit the release of draft resisters on their own recognizance and to acquiesce in a defendant's waiver of his right to a speedy trial. In response to the report broadcast by NBC News, Robert J. Havel, Director of the Department's Office of Public Information, has issued a statement declaring that the Department has not altered its position as a result of the election and that it is conducting "business as usual." Mr. Havel's statement accurately expresses the Department's position concerning the prosecution of draft resisters. No statements have been issued to United States Attorneys suggesting that the Department's posture on this issue has been or will be altered.



I have been advised that since November 2, 1976, at least two inquiries have been made by United States Attorneys to the Department of Justice concerning the Department's policies pertaining to draft resisters. In response to those inquiries, Department officials stated that the Department will continue to adhere to the long-standing policies that have governed its activities in cases involving possible violations of the selective service laws.