

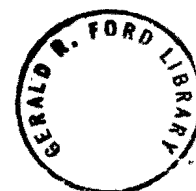
QUESTIONS THAT MIGHT ARISE FROM THE  
PRESS WITH RESPECT TO THE PRESIDENT'S  
AMNESTY PROGRAM

[9/74?]  
Provide  
Answers  
for Wld  
to Marsh  
Monday Morning

1. Who will be the members of the Board?
2. When will the Board be appointed?
3. Why was the Director of Selective Service chosen to implement the program?
4. What guarantee is there that State Civil Rights will be returned to incarcerated offenders?
5. Why does the board's tenure end after 1976; why can't it exist indefinitely?
6. What application process will be necessary for clemency consideration?
7. What percentage of the five hundred thousand deserters were charged with offenses other than desertion?
8. What recourse is there for the five hundred thousand who maintain that decisions about them were unfairly made?
9. What criteria will the U.S. Attorney use for the length of alternate service?
- ~~10. Won't the~~
10. Why is it stated that an applicant must serve alternate service outside his normal community of residence?



11. Will rights to previous employment be retained for those veterans who participate in alternate service?
12. What veteran benefits will be received in an act of clemency?
13. If an employer refused to sign the certificate of good service after the 24 months of service have been performed, does the evader or deserter have any recourse?
14. What will happen if an evader does not complete the 24 months of service?
15. Will the U.S. Attorneys be instructed to continue prosecution?
16. Does the evader or the deserter who has changed citizenship remain a fugitive for the purposes of this proclamation, in the eye of the American legal system?
17. Will the President have to accept the Board's recommendations?
18. Did the President, in creating the Board, have in mind the Truman Board after World War II? Does he anticipate a similar rate, a greater rate, or a lesser rate of clemency?
19. How will evaders or deserters learn of their status if they are not allowed inside the country without a penalty?
20. Must a man appear in person before the U.S. Attorney?
21. Will the Clemency Board establish regional mechanisms or will everything be operated from Washington, D. C.?



22. Will the Director of Selective Service System request suggestions for alternative service programs from other Executive agencies?
23. In a time of high unemployment, where are alternative service jobs going to come from?
24. Will it be possible for a person to report on the first date of the period and then refuse to do anything until the end of 120 day period?
25. What percentage of those eligible do you expect will take advantage of this program?
26. Do you not agree that this program provides no incentive for an individual's return?
27. The program states that a clemency decision will remove a punitive or undesirable discharge for military deserters. Does this mean that a punitive or undesirable discharge will be totally moved from all records for the individual?
28. Will a military absentee who formally held officer's rank be entitled to comparable compensation in an alternate service program?
29. What rights of appeal assistance are there in the program?
30. Will the rate of compensation be based on the amount the individual would be paid were he to have reported for duty today, or at the rate at which he would have been paid at the time he deserted or evaded?



31. Could you describe to us the wording of the reaffirmation of allegiance?
32. Could the reaffirmation of allegiance be judged unconstitutional, given past experience with loyalty oaths?
33. Are you not asking these people to admit that they are wrong as a precondition to returning?
34. What accounts for the delay between the original planned announcement of this program and the presentation of the program today (September \_\_\_)?
35. What will the government undertake to the proposed potentiality of the eligible parties in a program of the availability in regard to deserters and evaders?
36. Will the successful completion of a prior tour of duty have any effect on the Board's decision?
37. Is it the case that in the future a complete amnesty for Vietnam deserters will be considered for everyone, as occurred, for example, after the Civil War?
38. How does this program compare with the amnesty programs of previous wars?
39. Will the Board retain continued jurisdiction by U.S. Attorneys to determine questions of satisfactory completion?
40. How close will supervision be in alternate service?
41. Who determines the satisfactory completion of alternate service and what are the sanctions for unsatisfactory completion?
42. Could you give us some examples of alternate service in "the National Health, Safety or Interest" areas?



43. When will the text of the agreement for alternate service which evaders or deserters must sign be available?
44. When does the Clemency Board expect to make its first list of clemency recommendations?
45. We know that the military has been preparing military bases for deserters? Will these be the only places where deserters can report?
46. Will all deserters be shipped to these bases for processing upon return?
47. Will these men remain subject to military regulations until they receive their military discharge?
48. About 100 draft evaders are still serving jail sentences for violation of the Selective Service laws. Will these men be released immediately or must they continue to serve their sentences until the Clemency Board acts on their applications?
49. In granting President Nixon a pardon, was any consideration given to asking him to perform an alternate service?
50. Would it be feasible to expand the base of the Clemency Board so that it might hear cases for clemency and pardon of those convicted or charged in the Watergate cases?
51. Was there any particular reason for the time range 6 to 24 months?
52. In the future, if an employer wishes to employ a man who has completed alternate service, what report will he be issued of that man's military service?
53. In regard to the draft evaders for prosecution \_\_\_\_\_ that other \_\_\_\_\_ can secure an acquittal given access to



this program?

55. This program seems to be much harsher on military deserters than draft evaders. If so, why?



File Amnesty

Q. How long will the program extend? Why this limit?

Q. What does this program offer the Deserter? The Undesirable Discharge is certainly stigmatizing.



Statistical Questions

Q. How many, where, etc.?

A. From statistics sheet as appropriate

Q. Who is eligible and what are the conditions?





Q. Doesn't the program, as outlined, ignore the issue of individual motivation?

Q. Do you really expect the Conscientious Objector or war resister to accept the requirement to admit error, affirm allegiance, and agree to alternate service, when they are convinced that it is they who have been wrongly by their country?



Q. Does the program make any provision for the person who committed other offenses -- such as refusal to obey orders to participate in combat operations. If not, why not?

Q. Will the Military Services restore any Deserters to duty?



Q. Will draft law violators be permitted to enlist rather than perform alternate service? If not, why not?

Q. What about veterans' benefits? Some of the deserters have periods of honorable service, including combat duty, prior to their desertion.



Q. Why are the Services handling the return processing in different manners?

Q. Will the Military Services assist in processing of draft evaders?



Q. What is the pay status of returnees?

Q. How will a returnee know if he is eligible before he returns to military control?



Q. What happens if an ineligible individual returns to military custody?

Q. What happens to the individual who refuses to comply with requirements to sign various documents or requests discharge or tender his resignation?



Q. Who pays for transportation of the deserter? Of his dependents, etc.? from overseas?

Q. How long will the processing take?



Q. Do we understand that at least one of the Services intends to provide for mail-order discharge procedures? -- How will this work? Why can't all Services use same procedure?

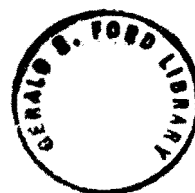
Q. How does this new procedure differ from the normal procedure when a deserter returns?





Q. Will returnees be subjected to haircuts, uniform standards, and military discipline upon return? Will they be restricted?

Q. What happens to the person who departs again without completing processing?



Q. Will there be any grace period during which Deserters could return to U.S. or "surface" without fear of arrest to "negotiate" their return to military control or discharge?

Q. What will happen to those individuals against whom the charges are pending?



Q. Why was the basic period of alternate service set at 18 months?

Q. Who will determine the length of alternate service in individual cases?

Q. What factors will be considered in reducing the period of alternate service?

Q. Who will monitor the alternate service?



Q. How will successful completion be recognized?

Q. What good, in the "real world," is a special clemency discharge certificate?  
Doesn't it mark the the person as a war-time deserter? In fact isn't it  
more obvious than the undesirable?



Q. Why should a deserter comply with the alternate service requirement once he is separated with his Undesirable discharge?

Q. What is the difference between Deserters and Evaders? Aren't deserters paying a higher penalty with the stigma of a "bad paper" discharge which evaders do not contend with?



Q. What provisions are under for relief of the 500,000 whose cases have already been disposed of either by trial or undesirable discharge?

Q. Suppose a serviceman prefers to face trial and possible acquittal or at least a sentence which does not include a punitive discharge. It is possible, is it not, that a man may be treated more leniently by a court-martial than under the administrative mechanism designed to implement the President's program?



Q. What efforts are contemplated to notify former service members of the possibility of having an administrative form of discharge certificate substituted for a punitive discharge? Shouldn't the Services be required to give notice, or better yet, simply issue the new certificates?

Q. What kind of work will be required in alternate service? Where will the jobs be performed?





Q. What compensation will be paid?

Q. Will this not take jobs from deserving veterans and other currently unemployed persons?



Q. How do you propose to avoid incidents between current active duty personnel and the returnees?

Q. How will you handle any outbreak of violence or crimes committed by or against returnees subsequent to return to military control?



Q. What precisely are Articles 85, 86, and 87 and why are only absentee offenses included?

Q. Suppose other criminal charges are not dismissed, will the prosecutions include the absentee charges too?



Q. What kind of medical processing will be accomplished? What disposition will be made of returnees who are mentally disturbed, drug addicted or suffer a physical disability? Will they be entitled to a Veterans' pension?

Q. What type of counselling will be provided to returnees? Will they be permitted to see a lawyer?



Q. Will all returnees who participate be issued undesirable discharges?

Q. Will discharges retain the rank they held at time of their departure?



Q. What happens to the individual who applies for restoration to duty?  
What kind of discharge will be eventually be given?

Q. How does the program effect persons currently in confinement -- either  
waiting trial or serving a sentence?



Q. Will the returnees be subjected to interrogation either by criminal investigators or intelligence personnel?

Q. Will media representative be given access to returnees? What conditions, if any, apply to interviews and filming?

*Indiv consent ok*



Q. What role does the Selective Service System play in the processing of deserters?

Q. What is the relationship of the Civilian Board created by the President to the program for deserters?





Q. Who will serve on the Board? How long will it be in existence? What are its powers and to whom does it report? Where will it be located and where will it acquire its professional and clerical staff?

Q. If an individual initiates contact with the Service by telephone or mail and provides an address isn't there a duty under the law to go after the individual and return him to military control?



Q. How do the procedures established by the services meet the President's intend to provide case-by-case consideration? Isn't it really just a massive "bad paper" mill?

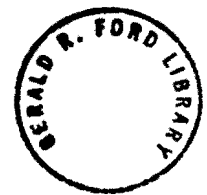
*Some liquid equity*

Q. What effect will this program have on eligibility for State Veterans' benefits, unemployment compensation, etc.?



Q. Will any attempt be made now to identify and recognize the legitimate conscientious objector?

*Investigation of length of service*



DQs concerning "amnesty"/leniency decision...

1. Will returnees be treated in conformance with the UCMJ? If so, under what Article(s)? If not, what legal justification is there for leniency for deserters?
2. Will the people be fined and/or have to go to a military, federal or civilian jail?
3. If a person had a two year obligation of military service and deserted after one year, will remaining military time have to be served upon return?
4. What type of discharge will a returnee receive? Will he have a choice of an administrative discharge or stand trial?
5. What happens to those who have already been administratively discharged or tried and would like the more lenient process announced today?
6. Will an individual be permitted to return to military service and continue to serve his obligated time? Or, a career?
7. Will returnees receive back pay? Will they receive VA benefits?
8. If a returnee is disabled will he be eligible for VA medical care, etc?
9. Does this leniency plan also pertain to individuals who have received discharges under other than honorable conditions? If so, what process is available for recharacterization?
10. What are the figures on the number of deserters, their whereabouts, and do you have an analysis pertaining to those who have returned, including the type of punishment, action or discharge?



11. How do you know where the deserters are and the reason (s) why they deserted?
12. Will the decision of leniency have a bearing on AWOL cases?
13. May we have a copy of the Defense Department's report to the President? If not the report, can we have the statistics and legal justifications for whatever your position was? What was your position?
14. If a person doesn't return, whether in the U.S. or in a foreign country, can or will he be discharged in absentia? What type of discharge will he receive?
15. What about those Chapter 10 discharges given by the Army?
16. If a person doesn't want to return now, but would like to talk the situation over with someone over the telephone do you have a contact and number? Something like an ombudsman...
17. How will the leniency decision effect the Calley trial?
18. What happens to those tried and convicted of desertion in previous wars (conflicts)?
19. Do you plan on the leniency approach in other areas. i.e. drugs, alcoholism, fraudulent enlistments, etc.?
- 20? Do you plan a program to grant VA benefits to all those who served in the military regardless of the type of discharge?
21. Do you plan on changing the discharge system? Details?
22. Will the decision have an effect on military morale and future UCMJ cases?
23. Do you plan any changes in the UCMJ?



Q. Doesn't the very nature of the act proclaiming amnesty make those who served and particularly those maimed for life look like fools for obeying the law of the land?

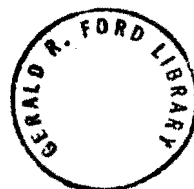
- ① Yes, because those who served - As a consequence of the war.
- ② That is the question of the act.
- ③



- Q. Is it fair that an evader/deserter can compete for employment opportunities on same basis as those who served honorable?

*They don't compete*

- Q. Isn't there a great moral difference between the individual who refused to serve and those who took a sworn oath to serve faithfully and then deserted? What happened to the sacredness of sworn oaths of any nature if Armed Forces personnel are not held accountable to theirs?



Q. Why should deserters and draft evaders be given the opportunity to serve the country in Vista, the Job Corps or some other social program any more than other criminals?

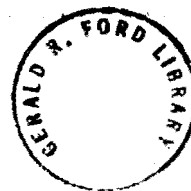
Q. What will you do about the people hiding in other countries who refuse to take a conditional amnesty because they insist they've done nothing wrong?





Q. Respect for authority has already been sadly eroded in our country. Won't amnesty for draft evaders and deserters who willingly broke the law and flaunted authority only further add to the deterioration?

Q. Isn't the idea of amnesty merely a political vote-getting gimmick"?



Q. How about amnesty for William Calley? or others involved in similar war crimes?

Q. From interviews in the media of draft evaders and deserters, their attitude seems to be unrepentant. Why extend amnesty to them when they apparently do not consider they have done anything wrong?

*Amnesty & deserters*



Q. Will this precedent decision make it virtually impossible to prove the intent of remaining away permanently in desertion cases, by giving an individual the option of stating the intent to return after clemency is provided?

this Hawkins  
desertion  
remain away permanently

Q. What about amnesty for those involved in prior wars?

WH (I was not considered deserter)



Q. -What changes, if any, will need to be made in Selective Service laws to insure a viable conscription system in the event of a national emergency?

Page.

Q. Can the draft be relied upon in the future in view of this precedent of lenient treatment for those who defied the call?



Q. How do the KIA's and MIA's earn their return to the mainstream of American society?

Q. In what respect is a civilian felony or misdemeanor less deserving of clemency than Mr. Nixon or the deserters and draft evaders?

