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NOTICES

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tion of Agency shall be made later than three months after the effective date of this Order. However, such periods may be extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,
effective March 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 74-7847 Filed 4-4-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-63 Rev.]

ADVISORY COMMITTEE MANAGEMENT Guidance

MARCH 27, 1974.

1. *Purpose.* This Circular provides guidance for implementation of the Federal Advisory Committee Act, Pub. L. No. 92-463, 5 U.S.C. App. I, (hereinafter referred to as the "Act") and Executive Order No. 11769, entitled "Advisory Committee Management."

2. *Rescission.* This Circular rescinds and supersedes the December 26, 1972 revision of Circular No. A-63 and the OMB/Department of Justice Memorandum on implementation of the Federal Advisory Committee Act (see 38 FR 2306 (1973)).

3. *Policy.* In the application of this Circular, these principles should be followed:

a. Advisory Committee meetings should be open to the public. Exceptions should be held to the minimum, carefully grounded in law and explained in detail. The emphasis should be on the free flow of information to the public.

b. Advisory committees should be limited to those that are essential. Any advisory committees which are not fulfilling their purposes should be terminated.

c. The recommendations of advisory committees should be considered by those who sought advice, while responsible Federal officers retain authority for decisions.

d. Standards and uniform procedures for the creation, operation, and duration of advisory committees should be established.

4. *Definitions.* For purposes of this Circular—

a. "Act" means the Federal Advisory Committee Act.

* Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Sheehan and Wallach.

b. "Advisory Committee has the meaning set forth in section 3 of the Act.

5. *Responsibilities.* a. The Office of Management and Budget (OMB). In general, the functions of the Director under the Act and under Executive Order 11769 shall be carried out by the Committee Management Secretariat of OMB.

b. *Departments and agencies.* (1) The head of each agency which uses an advisory committee shall insure compliance with the Act and this Circular and shall issue regulations which apply to all advisory committees established or used by the agency.

(2) The head of each agency which uses an advisory committee shall designate an Advisory Committee Management Officer who shall carry out the functions specified in Section 8(b) of the Act and this Circular. The name of each Advisory Committee Management Officer shall be provided to the OMB Secretariat.

(3) Each agency shall maintain information on the nature, functions, and operations of each of its advisory committees. This shall include a complete set of the charters of the agency's advisory committees, and copies of the annual reports on its advisory committees in a single location.

6. *Creation of advisory committees.* a. When an agency proposes to establish an advisory committee not specifically authorized by statute or by the President, the agency head must consult with the OMB Secretariat. Such "consultation" may be in the form of a letter from the agency head describing the nature and purpose of the proposed advisory committee, including an explanation of why the functions of the proposed committee could not be performed by the agency or by an existing committee. The letter, in addition, should describe the agency's plan to attain balanced membership on the proposed committee. If the OMB Secretariat is satisfied that establishment of the advisory committee would be in accord with the Act, the agency head shall certify in writing that creation of the advisory committee is in the public interest. This certification and a description of the nature and purpose of the committee shall be published in the Federal Register at least 15 days prior to the filing of the committee's charter. The OMB Secretariat may, for good cause, authorize a shorter period of time between publication of the notice and the filing of the charter.

If not satisfied that establishment of the advisory committee would be in accordance with the Act, the OMB Secretariat shall inform the agency head in writing within 15 days of receipt of the agency letter.

b. Unless specifically provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions.

c. (1) Each advisory committee shall file a charter complying with section 9(c) of the Act. This requirement applies to committees "utilized" as ad-

visory committees, though not established for that purpose.

(2) A copy of each charter shall be furnished to the Library of Congress at the time of filing. Copies should be sent to:

Library of Congress
Exchange and Gift Division
Federal Advisory Committee Desk
Washington, D.C. 20540

7. *Termination and renewal of advisory committees.* a. Each nonstatutory advisory committee (i.e., not established by statute or reorganization plan) which is in existence on January 5, 1973, shall terminate not later than January 5, 1975, unless it is renewed by the President or the agency head prior to January 5, 1975.

Before such a committee can be renewed by an agency, the agency head must determine that renewal is necessary and shall inform the OMB Secretariat of his determination and the reasons for it not more than 60 days before the committee expires. If the Secretariat concurs, the agency head shall publish notice of the renewal in the Federal Register and shall file a new charter.

Any advisory committee which is renewed shall continue for not more than two years unless, prior to the expiration of that period, it is renewed. Each such advisory committee established by the President or a Federal officer after January 5, 1973, shall terminate not later than two years after its establishment unless prior to that time it is renewed.

b. Each advisory committee established by statute or reorganization plan which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless its duration is otherwise provided for by law.

(1) Each such advisory committee which is established after January 5, 1973, shall terminate not later than two years after its establishment unless its duration is otherwise provided for by law.

(2) Any such statutory advisory committee shall file a new charter upon the expiration of each successive two-year period following the date of enactment of the statute establishing the committee.

c. No advisory committee required by section 14(b) of the Act to file a new charter shall take any action, other than preparation and filing of such charter, between the date the new charter is required, and the date it is filed.

8. *Operation of advisory committees—*

a. *Calling of meetings.* (1) No advisory committee shall hold any meeting except at the call of or with the advance approval of the Federal official designated in accordance with section 10(e) of the Act and this Circular. (See 8f below.)

(2) Except with respect to Presidential advisory committees, each meeting of an advisory committee shall be conducted in accordance with an agenda approved by the Federal official. The agenda shall list the matters to be considered at the meeting. It shall also indicate when any part of the meeting will concern matters within the exemptions

of the Freedom of Information Act, 5 U.S.C. 552(b).

b. *Notice of meetings.* (1) Except when the Director determines otherwise for reasons of national security, timely notice of each advisory committee meeting, whether open or closed to the public, shall be published in the FEDERAL REGISTER. In addition to the notice in the FEDERAL REGISTER, other forms of notice should be used, for example, press releases and notices by mail. Where practicable, agencies should maintain lists of people and organizations interested in particular advisory committees and notify them of meetings by mail.

(2) Such notice should state the name of the advisory committee, the time, place and purpose of the meeting (including where appropriate, a summary of the agenda). Notices ordinarily should state that meetings are open to the public, or, explain why any part is closed.

(3) Such notice should be published at least 15 days before the date of the meeting except that shorter notice may be provided in emergency situations, and the reasons for such emergency exceptions shall be made part of the meeting notice. Agencies should keep in mind the time the FEDERAL REGISTER needs to get notices into print, and plan accordingly.

(4) Notice is not required when the Director has determined that it should not be published for reasons of national security. Any agency advisory committee which seeks such a determination, shall submit its request and a statement of reasons to the Director at least 30 days before the meeting is scheduled.

c. *Public participation.* The agency head or, in the case of a Presidential advisory committee, the chairman of the committee shall, for any advisory committee meeting, all or part of which is open to the public, assure compliance with the following rules:

(1) Meetings shall be held at a reasonable time and at a place that is reasonably accessible to the public.

(2) The size of the meeting room shall be determined by such factors as the size of the committee, the number of members of the public who could reasonably be expected to attend, the number of persons who attended similar meetings in the past and the resources and facilities available.

(3) Any member of the public shall be permitted to file a written statement with the committee.

(4) Interested persons may be permitted by the committee chairman to speak at the meeting in accordance with procedures established by the committee.

d. *Closed meetings.* (1) Section 10(d) of the Act states that the provisions concerning open meetings and public participation "shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines is concerned with matters listed in * * * 5 U.S.C. 552(b), the exemptions of the Freedom of Information Act.

(2) An advisory committee which seeks to have all or part of a meeting closed on the basis of 5 U.S.C. 552(b)

shall notify the agency head or, in the case of a Presidential advisory committee, the Director at least 30 days before the scheduled date of the meeting. The notification shall be in writing and shall specify all the reasons why any part of the meeting should be closed.

If the agency head or the Director finds the request to be warranted and in accordance with the policy of the Act, the request shall be granted. The determination of the agency head or the Director shall be in writing and shall state the specific reasons for closing all or part of the meeting. The determination itself shall be made available to the public on request. The agency head or the Director may delegate responsibility for making the above determinations. However, in any case where a determination to close a meeting is made by a delegate of the agency head, the determination should be reviewed by the agency General Counsel.

(3) When a meeting is closed, the advisory committee shall issue a report at least annually setting forth a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b). Notice of availability of such annual report shall be published in the FEDERAL REGISTER no later than 60 days after its completion. The notice shall include instructions which will allow the public access to the report.

e. *Minutes.* Detailed minutes shall be kept of each advisory committee meeting. The minutes shall include: the time and place of the meeting; a list of advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; a description of the extent to which the meeting was open to the public; and a description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

The chairman of the advisory committee shall certify to the accuracy of the minutes.

f. *Designated Federal employee.* (1) With regard to an advisory committee used by an agency, the agency head shall designate a Federal officer or employee as set forth in section 10(e) of the Act and determine whether he is to chair or attend the meetings. With regard to Presidential advisory committees such officer or employee may be designated, and his role determined by the Director. Ordinarily, the designated Federal employee should serve on a continuing basis.

(2) No advisory committee shall conduct a meeting in the absence of the designated Federal employee.

(3) The designated Federal employee shall be authorized to adjourn any advisory committee meeting, whenever he determines adjournment to be in the public interest.

9. *Reports on advisory committees.* a. The President has delegated, in Executive Order 11769, responsibility for preparation of the annual report required by section 6(c) of the Act to the Administrator of General Services. The General Services Administration (GSA) will provide appropriate reporting instructions.

b. Two copies of each public report of each Presidential advisory committee shall be submitted to the OMB Committee Management Secretariat at the time of the submission to the President.

10. *Comprehensive Review.* The annual review required by section 7(b) of the Act shall be conducted on a calendar-year basis. Agencies may schedule the review so that its results are incorporated in the annual report of advisory committees. The review should examine all advisory committees, and terminate those no longer useful. Advisory committees specifically created by statute or Executive Order should be reviewed, and if appropriate, their termination recommended. The comprehensive review should include, among other things, a summary of the total number of advisory committee meetings, the number of closed or partially closed meetings, and a recapitulation of the exemptions in the Freedom of Information Act used as a basis for closing meetings. The review should also comment in some detail on agency efforts and procedures to insure balanced membership on its advisory committees. The results of the comprehensive review should be included in the annual report to the Administrator of General Services.

11. *Uniform pay guidelines.* a. Pay for members of an advisory committee. (1) Subject to the provisions of this paragraph, an agency shall fix the pay of the members of an advisory committee to the daily equivalent of a rate of the General Schedule in 5 U.S.C. 5332 unless the members are appointed as consultants and compensated as provided in 11c below.

(2) In determining an appropriate rate of pay for the members of an advisory committee, an agency shall give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of the advisory committee.

(3) An agency may not fix the pay of the members of an advisory committee at a rate higher than the daily equivalent of the maximum rate for GS-15 unless the head of the agency has personally determined that, under the factors set forth in paragraph 11b(2), a higher rate of pay is justified and necessary. Such a determination must be reviewed by the head of the agency annually.

b. *Pay for the staff of an advisory committee.* (1) Subject to the provisions of b(2), below, an agency shall fix the pay of each member of the staff of an advisory committee at a rate of the General Schedule in which the staff member's position would appropriately be placed were the General Schedule classification

system in chapter 51 of title 5, United States Code, applicable to the position.

(2) An agency may not fix the pay of a member of the staff of an advisory committee at a rate higher than the daily equivalent of the maximum rate for GS-15 unless the head of the agency has determined that, under the General Schedule classification system, the staff member's position would appropriately be placed in the General Schedule grade higher than GS-15. Such a determination must be reviewed by the head of the agency annually.

c. *Pay for consultants to an advisory committee.* An agency shall fix the pay of a consultant to an advisory committee after giving consideration to the qualifications required of the consultant and the significance, scope, and technical complexity of the work. The rate of pay shall not exceed the maximum rate of pay which the agency may pay experts and consultants under 5 U.S.C. 3109.

d. *Voluntary services of an advisory committee member.* The provisions of this section shall not prevent an agency from accepting the voluntary services of a member of an advisory committee, or a member of the staff of an advisory committee, provided that the agency has authority to accept such services without compensation.

e. *Reimbursable travel expenses for advisory committee members and staff.* The members of an advisory committee and the staff thereof, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703 for persons employed intermittently in the Government service.

12. *Effective date.* The provisions of this Circular are effective on May 1, 1974.

13. *Inquiries.* For information concerning this Circular, contact the Office of Management and Budget, Committee Management Secretariat, phone 395-5193 (IDS Code 103).

FRED MALEK,
Acting Director.

[FR Doc. 74-7900 Filed 4-4-74; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 2, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the *FEDERAL REGISTER* is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

None.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Reimbursement Voucher and Worksheet—Special Food Service Program for Children (Special Summer Program), Forms FNS 143, FNS 143-I, Monthly, Lowry, Non-profit private service institutions.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Quarterly Status Report: Disability Insurance Program—(SSDI) And Supplemental Security Income Program—(SSI), Form SRS-RSA-200, Quarterly, Caywood, State VR agencies.

VETERANS ADMINISTRATION

Loan and Cash Surrender Values, Form VA 29-577Z, Occasional, Caywood, Insured veterans.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Request for Release of Lien and/or Approval of Sale, Form REA 793, Occasional, Evinger, REA telephone borrowers.

DEPARTMENT OF COMMERCE

Bureau of the Census: State Tax Collections—Supplemental Form, Form F-6, Annual, Evinger (x), Govt. agencies.
Annual Survey of State Tax Collections, Form F-5, Annual, Evinger (x), State Govts.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc. 74-7955 Filed 4-4-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

APRIL 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities ex-

change is suspended, for the period from April 2, 1974 through April 11, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc. 74-7913 Filed 4-4-74; 8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

APRIL 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 2, 1974 through April 11, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc. 74-7912 Filed 4-4-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 480]

ASSIGNMENT OF HEARINGS

APRIL 2, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-12025, Becker's Motor Transportation, Inc.—Control—Needham's Motor Service, Inc. and Finance Docket No. 27539, Becker's Motor Transportation, Inc.—Notes, now assigned April 15, 1974 at N.Y., N.Y., is cancelled and reassigned April 15, 1974, in the Gateway-Downtowner-Motor Inn, Conference Room 415, Raymond Blvd. & McCarter Highway, Newark, New Jersey.

I & S M-27472, General Increase, January 1974, Between Central & Southern States, now assigned April 18, 1974, at Washington, D.C., is cancelled. The rates are being cancelled.

MC 118763 Sub 281, Carl Subler Trucking, Inc., continued to May 28, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11915, Nussbaum Trucking, Inc.—Investigation of Control—Zone Motor Freight, Inc., now assigned April 29, 1974, at Chicago, Ill., is cancelled.

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

- - - - -

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. Millions served their country, 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 acknowledgement 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 also a serious offense. 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.



Handwritten signature

X

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to my powers under 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 unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to 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, or complete service under Section 6(j) of such Act during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged *and such other offenses directly related thereto* guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense 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 Selective Service, and
- (iii) satisfactorily completes such service. [The alternate service shall promote the national health, safety, or interest.]

However, the program will not apply to an individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program

may be conditioned upon, or postponed until after, final disposition of the other charges has been reached in accordance with law.

[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 completing a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. Military Deserters - A member of the military who has been administratively classified as a deserter 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 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he is absent pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department because of mitigating circumstances. X

However, if a member of the military has additional outstanding charges pending against him under the Uniform Code of Military Justice, his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law. X

Each such member of the military who elects to seek relief through this program will receive an undesirable discharge from military service. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department, such 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 not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. Presidential Clemency Board - 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 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 serving sentences of confinement for such violations. 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 bestow entitlement to benefits administered by the Veterans Administration.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Military Departments, or 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

Items (i) & (ii) should be in same format as under item in section 1.

such other mitigating factors as may be appropriate to seek equity among those who participate in 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.

FACT SHEET

The President has today issued a Proclamation and Executive Orders establishing a program of clemency for draft evaders and military deserters to commence immediately. This program has been formulated to permit these individuals to return to American society without risking criminal prosecution or incarceration for qualifying offenses if they acknowledge their allegiance to the United States and satisfactorily serve a period of alternate civilian service.

The program is designed to conciliate divergent elements of American society which were polarized by the protracted period of conscription necessary to sustain United States activities in Vietnam. Thus, only those who were delinquent with respect to required military service between the date of the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States forces from Vietnam (March 28, 1973) will be eligible. Further, only the offenses of draft evasion and prolonged unauthorized absence from military service (referred to hereinafter as desertion) are covered by the program.

Essential features of the program are outlined below.

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 approximately 130 persons are still serving prison sentences for draft evasion.

2. Number of Military Deserters. Desertion, for the purposes of this program, refers to the status of those members of the armed forces who absented themselves from military service without authorization for thirty days or more. During the Vietnam era it is estimated that there were some 500,000 incidents of desertion as so defined. Of this 500,000 a number X were charged with offenses other than desertion at the time they absented themselves. These other offenses are not within the purview of the clemency program for deserters. Approximately 12,500 of the deserters are still at large of whom about 1,500 are in Canada. Some 660 deserters are at present serving sentences to confinement or are awaiting trial under the Uniform Code of Military Justice.

3. Unconvicted Evader. Draft evaders will report to the U.S. Attorney for the district in which they allegedly committed their offense.

Draft evaders participating in this program will be required to make a written agreement with the U.S. Attorney to perform alternate service, under the auspices of the Director of Selective Service. The alternate service will constitute an acknowledgement of allegiance to the United States.

The duration of alternate service will be 24 months, but may be reduced for mitigating factors as determined by the U.S. Attorney.

The Director of Selective Service will have the responsibility to find alternate service jobs for those who report. Upon satisfactory completion of the alternate service, the Director will issue a certificate of satisfactory completion to the individual and U.S. Attorney, who will either move to dismiss the indictment if one is outstanding, or agree not to press possible charges in cases where an indictment has not been returned.

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 provided in the terms of the agreement.

Aliens who fled the country to evade the draft will be ineligible to participate in the program.

4. Unconvicted Military Absentees. Military absentees who have no other pending charges may elect to participate in the program. Military deserters will apply by writing to:

- addresses added*
- a. ARMY - Commanding Officer, Fort Benjamin Harrison, Indiana 46216
 - b. NAVY - Chief of Naval Personnel, Arlington Annex, Arlington, Virginia 20370
 - c. AIR FORCE - Commanding Officer, Personnel Center, Randolph Air Force Base, Texas 78148
 - d. MARINE CORPS - Commandant, U. S. Marine Corps, Arlington Annex, Arlington, Virginia 20380

Those who make such an election will be required to execute a reaffirmation of allegiance and pledge to perform a period of alternate civilian service. Those against whom other charges under the Uniform Code of Military Justice are pending will not be eligible to participate in the program until these other charges are disposed of in accordance with the law. Participants in the program will be separated with an undesirable discharge. Although these discharges will not be coded on their face in any manner, the Veterans Administration will be advised that the recipients were discharged for willful and persistent unauthorized absence. They will thus not be eligible for any benefits provided by the Veterans Administration.

The length of required alternate civilian service will be determined by the parent Services for each individual on a case-by-case basis. The length of service will be 24 months, but may be reduced for military service already completed or for other mitigating factors as determined by the parent Service. After being discharged each individual will be referred to the Director of Selective Service for assignment to prescribed work. Upon certification that this work has been satisfactorily completed, the individual may submit the certification to his former Service. The Service will then issue a special new type of discharge -- a Clemency Discharge -- which will be substituted for the previously awarded undesirable discharge. However, the Clemency Discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

5. Alternate Civilian Service. Determining factors in selecting suitable alternate service jobs will be:

- By system should not be open - but may be for emphasis*
- (a) National Health, Safety or Interest.
 - (b) 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.
 - (c) Compensation. The compensation will provide a standard of living to the applicant reasonably comparable to the standard of living the same man would enjoy if he were entering the military service.
- Remove parentheses for consistency*

*renew
power* (d) Skill and talent utilization. Where possible, an applicant may utilize his special skills.

In prescribing the length of alternate service in individual cases, the Attorney General, the Military Department, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under the law, and such other mitigating factors as may be appropriate to seek equity among participants in the program.

6. No Grace Period. There will not be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction. All those re-entering the United States will have fifteen days to report to the appropriate authority from the date of their re-entry. However, this fifteen day period shall not extend the final date of reporting of January 31, 1975 as set forth in the Proclamation.

7. Inquiries. Telephone inquiries may be made to the following authorities:

Evaders: (202) 739-4281

Military Absentees:

*Note:
Number is needed here*

UNCONVICTED DRAFT EVADER AND MILITARY ABSENTEE

DRAFT EVADER

Report to United States Attorney
where offense was committed

Agree with U. S. Attorney to
perform 24 months alternate
Service or less based upon
mitigating circumstances *and an acknowledgment
of allegiance.*

Perform alternate service under
the auspices of the Director of
Selective Service

Director of Selective Service
issues certificate of satis-
factory completion of alter-
nate service

Receipt by United States Attorney
of a certificate of satisfactory
completion of alternate service

Dismissal of indictment or
dropping of charges

MILITARY ABSENTEE

Report as prescribed by
the military department
Concerned

Oath of Allegiance to
United States

Agree with the concerned
Military Department to
perform 24 months alternate
service or less based
upon mitigating
circumstances

Upon request, Military
Department forgoes prose-
cution, and issues
undesirable discharge

Perform alternate service
under the auspices of the
Director of Selective
Service

Director of Selective Service
issues certificate of satis-
factory completion of alter-
nate service

Receipt of a certificate of
satisfactory completion of
alternate service by the
concerned Military Department

Clemency Discharge substituted
for undesirable discharge

omit capital

CONVICTED DRAFT EVADER AND MILITARY ABSENTEE

DRAFT EVADER

Apply to Clemency Board

Clemency Board may recommend
clemency to the President

MILITARY ABSENTEE

Apply to Clemency Board

Clemency Board may recommend
clemency to the President,
in the form of substituting
a clemency discharge for a
punitive or undesirable
discharge

DRAFT EVADER

Clemency Board may condition
recommendation of clemency on
period of alternate service

President may grant clemency

MILITARY ABSENTEE

Clemency Board may condition
recommendation of clemency on
period of alternate service

President may grant clemency,
in the form of substituting
a clemency discharge for a
punitive or undesirable
discharge

FACT SHEET

PRESIDENTIAL CLEMENCY BOARD

The President has today established by Executive Order a nine member Presidential Clemency Board. The Board will review the records of two kinds of applicants. First, those who have been convicted of a draft evasion offense committed between August 4, 1964 and March 28, 1973. Second, those who received a punitive or undesirable discharge from the military because of a military absentee offense committed during the Vietnam era. The Board will recommend clemency to the President on a case-by-case basis. In the absence of aggravating factors, the Clemency Board would be expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service. In the case of a military absentee, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge.

The Board has been instructed to give priority consideration to individuals currently confined. The President has also asked that their confinement be suspended as soon as possible, pending the Board's review.

The Board will consider the cases only of persons who apply before January 31, 1975. It is expected to complete its work not later than December 31, 1976.

or are serving sentences of confinement for such violations.

EXECUTIVE ORDER

DELEGATION OF CERTAIN FUNCTIONS VESTED IN THE PRESIDENT TO THE DIRECTOR OF SELECTIVE SERVICE

By virtue of the authority vested in me as President of the United States, ~~as Commander in Chief~~ and pursuant to my powers under Article II, Sections 2 and 3 of the Constitution, and under Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Director of Selective Service is designated and empowered, without the approval, ratification or other action of the President, under such regulations as he may prescribe, to establish, implement, and administer the program of alternate service authorized in the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 2. Departments and agencies in the Executive branch shall, upon the request of the Director of Selective Service, cooperate and assist in the implementation or administration of the Director's duties under this Order, to the extent permitted by law.

EXECUTIVE ORDER

ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN
CONVICTIONS OF PERSONS UNDER SECTION 12 OF THE
MILITARY SELECTIVE SERVICE ACT AND CERTAIN
DISCHARGES ISSUED BECAUSE OF AND CONVICTIONS FOR
VIOLATIONS OF ARTICLE 85, 86 or 87 OF THE UNIFORM
CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDA-
TIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

*Revised
language
but
correct, Presumed
no change.*

By virtue of the 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:

Section 1. There is hereby established a board of 9 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.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply prior to January 31, 1975, and who (i) have been convicted of violating Section 12 of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, or (ii) have received punitive or undesirable discharges as a consequence of violations of Articles 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted of unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of ~~his~~ ^{their} current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for

or submit to induction itself, or (v) to report for or submit to or complete alternate service. However, the Board will not consider the cases of individuals who are precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) *or other law.*

Sec. 3. 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, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from a military service with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding criminal charges.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

John O'Neil Neil

Will Ebel - Col. Ret. Amnesty,
Manpower Comm.

Dr. Dity - Gift School.

Lee
Arthur
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Bill
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Col.

June

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

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. Millions served their country, 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 the 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 acknowledgement 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 also a serious offense. 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, pursuant to my powers under Article II, Sections 1, 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 unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to 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, or complete service under Section 6(j) of such Act 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 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 Selective Service, and
- (iii) satisfactorily completes such service.

The alternate service shall promote the national health, safety, or interest. No draft evader will be given the privilege of completing a period of alternate service by service in the Armed Forces.

However, this program will not apply to an individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program

may be conditioned upon, or postponed until after, final disposition of the other charges has been reached in accordance with law.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. Military Deserters - A member of the armed forces who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964 to March 28, 1973, inclusive, 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 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he absented himself or for members of the Coast Guard, with the Secretary of Transportation, pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department, or Secretary of Transportation for members of the Coast Guard, because of mitigating circumstances.

However, if a member of the armed forces has additional outstanding charges pending against him under the Uniform Code of Military Justice, his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law.

Each member of the armed forces who elects to seek relief through this program will receive an undesirable discharge. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department or Department of Transportation, such 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 not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. Presidential Clemency Board - 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 who have received a punitive or undesirable discharge from service in the armed forces 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 serving sentences of confinement for such violations. 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 bestow entitlement to benefits administered by the Veterans Administration.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Department, or 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 seek equity among those who participate in this program.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth 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.

EXECUTIVE ORDER

ESTABLISHING A CLEMENCY BOARD TO REVIEW CERTAIN CONVICTIONS OF PERSONS UNDER SECTION 12 OR 6(j) OF THE MILITARY SELECTIVE SERVICE ACT AND CERTAIN DISCHARGES ISSUED BECAUSE OF, AND CERTAIN CONVICTIONS FOR, VIOLATIONS OF ARTICLE 85, 86 OR 87 OF THE UNIFORM CODE OF MILITARY JUSTICE AND TO MAKE RECOMMENDATIONS FOR EXECUTIVE CLEMENCY WITH RESPECT THERETO

By virtue of the 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:

Section 1. There is hereby established in the Executive Office of the President a board of 9 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.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to January 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Article 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted or unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for

or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act. However, the Board will not consider the cases of individuals who are precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law.

Sec. 3. 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, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding criminal charges.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS-18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

THE WHITE HOUSE,

September 16, 1974.

EXECUTIVE ORDER

DELEGATION OF CERTAIN FUNCTIONS VESTED IN THE PRESIDENT TO THE DIRECTOR OF SELECTIVE SERVICE

By virtue of the authority vested in me as President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, and under Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Director of Selective Service is designated and empowered, without the approval, ratification or other action of the President, under such regulations as he may prescribe, to establish, implement, and administer the program of alternate service authorized in the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 2. Departments and agencies in the Executive branch shall, upon the request of the Director of Selective Service, cooperate and assist in the implementation or administration of the Director's duties under this Order, to the extent permitted by law.

THE WHITE HOUSE,

September 16, 1974.

FACT SHEET

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

The President has today issued a Proclamation and Executive Orders establishing a program of clemency for draft evaders and military deserters to commence immediately. This program has been formulated to permit these individuals to return to American society without risking criminal prosecution or incarceration for qualifying offenses if they acknowledge their allegiance to the United States and satisfactorily serve a period of alternate civilian service.

The program is designed to conciliate divergent elements of American society which were polarized by the protracted period of conscription necessary to sustain United States activities in Vietnam. Thus, only those who were delinquent with respect to required military service between the date of the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States forces from Vietnam (March 28, 1973) will be eligible. Further, only the offenses of draft evasion and prolonged unauthorized absence from military service (referred to hereinafter as desertion) are covered by the program.

Essential features of the program are outlined below.

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 whom 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 approximately 130 persons are still serving prison sentences for draft evasion.

2. Number of Military Deserters. Desertion, for the purposes of this program, refers to the status of those members of the armed forces who absented themselves from military service without authorization for thirty days or more. During the Vietnam era it is estimated that there were some 500,000 incidents of desertion as so defined. Of this 500,000 a number were charged with offenses other than desertion at the time they absented themselves. These other offenses are not within the purview of the clemency program for deserters. Approximately 12,500 of the deserters are still at large of whom about 1,500 are in Canada. Some 660 deserters are at present serving sentences to confinement or are awaiting trial under the Uniform Code of Military Justice.

3. Unconvicted Evader. Draft evaders will report to the U.S. Attorney for the district in which they allegedly committed their offense.

Draft evaders participating in this program will acknowledge their allegiance to the United States by agreeing with the United States Attorney to perform alternate service under the auspices of the Director of Selective Service.

The duration of alternate service will be 24 months, but may be reduced for mitigating factors as determined by the Attorney General.

The Director of Selective Service will have the responsibility to find alternate service jobs for those who report. Upon satisfactory completion of the alternate service, the Director will issue a certificate of satisfactory completion to the individual and U.S. Attorney, who will either move to dismiss the indictment if one is outstanding, or agree not to press possible charges in cases where an indictment has not been returned.

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 provided in the terms of the agreement.

Aliens who fled the country to evade the draft will be ineligible to participate in the program.

4. Unconvicted Military Absentees. Military absentees who have no other pending charges may elect to participate in the program. Military deserters may seek instructions by writing to:

- (a). ARMY - U.S. Army Deserter Information Point,
Fort Benjamin Harrison, Indiana 46216
- (b). NAVY - Chief of Naval Personnel, (Pers 83),
Department of the Navy, Washington, D.C. 20370
- (c). AIR FORCE - U.S. Air Force Deserter Information
Point, (AFMDC/DPMAC) Randolph Air Force Base,
Texas 78148
- (d). MARINE CORPS - Headquarters, U.S. Marine Corps, (MC)
Washington, D.C. 20380

Those who make such an election will be required to execute a reaffirmation of allegiance and pledge to perform a period of alternate civilian service. Those against whom other charges under the Uniform Code of Military Justice are pending will not be eligible to participate in the program until these other charges are disposed of in accordance with the law. Participants in the program will be separated with an undesirable discharge. Although these discharges will not be coded on their face in any manner, the Veterans Administration will be advised that the recipients were discharged for willful and persistent unauthorized absence. They will thus not be eligible for any benefits provided by the Veterans Administration.

The length of required alternate civilian service will be determined by the parent Services for each individual on a case-by-case basis. The length of service will be 24 months, but may be reduced for military service already completed or for other mitigating factors as determined by the parent Service. After being discharged each individual will be referred to the Director of Selective Service for assignment to prescribed work. Upon certification that this work has been satisfactorily completed, the individual may submit the certification to his former Service. The Service will then issue a special new type of discharge -- a Clemency Discharge -- which will be substituted for the previously awarded undesirable discharge. However, the Clemency Discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

5. Alternate Civilian Service. Determining factors in selecting suitable alternate service jobs will be:

- (a) National Health, Safety or Interest.
- (b) 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.
- (c) Compensation. The compensation will provide a standard of living to the applicant reasonably comparable to the standard of living the same man would enjoy if he were entering the military service.

(d) Skill and talent utilization. Where possible, an applicant may utilize his special skills.

In prescribing the length of alternate service in individual cases, the Attorney General, the Military Department, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under the law, and such other mitigating factors as may be appropriate to seek equity among participants in the program.

6. No Grace Period. There will not be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction. All those eligible for the program and who have no additional criminal charges outstanding who re-enter the United States will have fifteen days to report to the appropriate authority from the date of their re-entry. However, this fifteen day period shall not extend the final date of reporting of January 31, 1975 as set forth in the Proclamation.

7. Inquiries. Telephone inquiries may be made to the following authorities:

Evaders:	Department of Justice:	(202) 739-4281
Military Absentees:	U.S. Navy:	(202) 694-2007 (202) 694-1936
	U.S. Marine Corps:	(703) 694-8926
	U.S. Army:	(317) 542-2722 (317) 542-2791 (317) 542-2482
	U.S. Air Force:	(512) 652-4104
	U.S. Coast Guard:	(202) 426-1830

FACT SHEET

PRESIDENTIAL CLEMENCY BOARD

The President has today established by Executive Order a nine member Presidential Clemency Board. The Board will review the records of two kinds of applicants. First, those who have been convicted of a draft evasion offense committed between August 4, 1964 and March 28, 1973, inclusive. Second, those who received a punitive or undesirable discharge from the armed forces because of a military absentee offense committed during the Vietnam era or are serving sentences of confinement for such violations. The Board will recommend clemency to the President on a case-by-case basis. In the absence of aggravating factors, the Clemency Board would be expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service. In the case of a military absentee, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge.

The Board has been instructed to give priority consideration to individuals currently confined. The President has also asked that their confinement be suspended as soon as possible, pending the Board's review.

The Board will consider the cases only of persons who apply before January 31, 1975. It is expected to complete its work not later than December 31, 1976.

FACT SHEET

PROCEDURES TO BE FOLLOWED

UNCONVICTED DRAFT EVADER AND MILITARY ABSENTEE

DRAFT EVADER

Report to United States Attorney
where offense was committed

Acknowledge allegiance to the
United States by agreeing with the
United States Attorney to perform
24 months alternate service or less
based on mitigating circumstances

Perform alternate service under
the auspices of the Director of
Selective Service

Director of Selective Service
issues certificate of satis-
factory completion of alter-
nate service

Receipt by United States Attorney
of a certificate of satisfactory
completion of alternate service

Dismissal of indictment or
dropping of charges

**MILITARY ABSENTEE
(including Coast Guard)**

Report as prescribed by
the military department
concerned or for members
of the Coast Guard report
to the Secretary of
Transportation

Oath of Allegiance to
United States

Agree with the concerned
Military Department to
perform 24 months alternate
service or less based
upon mitigating
circumstances

Upon request, Military
Department forgoes prose-
cution, and issues
undesirable discharge

Perform alternate service
under the auspices of the
Director of Selective
Service

Director of Selective Service
issues certificate of satis-
factory completion of alter-
nate service

Receipt of a certificate of
satisfactory completion of
alternate service by the
concerned Military Department

Clemency discharge substituted
for undesirable discharge

CONVICTED DRAFT EVADER AND MILITARY ABSENTEE

DRAFT EVADER

Apply to Clemency BoardClemency Board may recommend
clemency to the PresidentClemency Board may condition
recommendation of clemency on
period of alternate servicePresident may grant clemencyMILITARY ABSENTEE
(including Coast Guard)Apply to Clemency BoardClemency Board may recommend
clemency to the President,
including substitution of
a clemency discharge for a
punitive or undesirable
dischargeClemency Board may condition
recommendation of clemency on
period of alternate servicePresident may grant clemency,
including substitution of a
clemency discharge for a
punitive or undesirable
discharge