

FOR IMMEDIATE RELEASE

September 15, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

PRESIDENTIAL CLEMENCY BOARD TRANSITION

The President has today issued an Executive Order terminating the Presidential Clemency Board operations and delegating residual administrative responsibilities to the Department of Justice and the Selective Service.

Background

On September 16, 1974, the President issued a proclamation and Executive Orders establishing a program of clemency for draft evaders and military deserters to commence immediately. The program for the return of Vietnam-era draft evaders and military deserters was formulated to permit these individuals to return to American society without risk of criminal prosecution or incarceration for qualifying offenses if they acknowledge their allegiance to the United States and agree to serve a period of alternate civilian service, when required as a condition of clemency.

The Presidential Clemency Board was comprised of eighteen private citizens designated by the President with former Senator Charles E. Goodell as Chairman. The Board reviewed the records of two kinds of applicants. First, those convicted of a draft evasion offense committed between the date of the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States troops (March 28, 1973). 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 were serving sentences of confinement for such violations. The Board was empowered to make recommendations to the President on a case-by-case basis either granting or denying clemency. In the absence of aggravating factors, the Clemency Board was expected to recommend clemency.

When appropriate, the Board could recommend clemency conditioned upon the performance of some alternate service, to be performed under the auspices of the Director of the Selective Service.

In the case of a military deserter, the Board could also recommend that a clemency discharge be substituted for a punitive or undesirable discharge. The Clemency Board's recommendations to the President took the form of a pardon, and a clemency discharge with and without conditions of alternate service requirements.

Military deserters and draft evaders who had not been discharged or convicted did not apply to the Presidential Clemency Board but reported to their military department or the Department of Justice. There they were relieved of punishment contingent upon fulfillment of alternate service requirements.

The deadline for all applicants to apply for clemency was originally set for January 31, 1975, but was extended to March 31, 1975, to respond to the heavy volume of applications received after the original date.

more

The Clemency Board was charged to complete its recommendations to the President by September 15, 1975 on those applications received by the March 31, 1975 deadline.

Accomplishments of the Board

The record of the Presidential Clemency Board reflects a successful completion of the Board's responsibilities within the deadline date of September 15, 1975.

- The Board received approximately 21,500 applications and requests for clemency.
- Of these applicants, approximately 5,000 did not qualify for the program.
- The remaining approximately 15,500 cases all have been reviewed by the Board and recommendations made for Presidential consideration.
- Approximately six percent of the total cases reviewed by the Board resulted in recommendations for denial of the applicant's request for clemency.
- Of the total, roughly 43 percent of the cases were recommended for clemency conditional on fulfillment of alternate service for an average of six months.
- The remaining 51 percent of the cases were recommended for pardons.

Effects of Program

Expeditious action by the Board has enabled thousands of persons convicted of draft evasion or desertion to return to the mainstream of American society. Many thousands who were recommended for clemency can choose to fulfill alternate service requirements and cause less than honorable discharges to be converted to clemency discharges, while working in areas that contribute to the betterment of their community and the country. The maximum length of alternate service is two years. In prescribing the length of alternate service in individual cases, honorable service rendered prior to desertion, penalties already paid under law for the offense, and other mitigating factors were taken into account to ensure equity of treatment among those participating in the program. The Director of Selective Service has the responsibility to find or approve alternate service jobs for those who agree to the conditional provisions and report for assignment.

Determining factors in selecting suitable jobs are:

- Contributes to national health, safety or interest;
- Non-interference with the competitive labor market;
- Compensation is comparable to that received by another employee utilizing the same skills and occupying the same position,
- Utilizes any applicant's special skills, where possible.

Follow-Up Activities Related to Presidential Clemency Board Activities

Any applications for executive clemency, as to which the Presidential Clemency Board has not taken final action shall be transferred, together with the files related thereto, to the Attorney General.

more

The Attorney General, with respect to the applications and related files transferred to him by Section 2 of this Order, shall take all actions appropriate or necessary to complete the clemency process and shall expeditiously report to the President his findings and recommendations as to whether executive clemency should be granted or denied in any case. In performing his responsibilities under this Order, the Attorney General shall apply the relevant criteria and comply with the appropriate and applicable instructions and procedures established by Executive Order No. 11803 of September 16, 1974, as amended, Proclamation No. 4313 of September 16, 1974, as amended, Executive Order No. 11804 of September 16, 1974, and, to the extent that he deems appropriate, the regulations of the Presidential Clemency Board and the Selective Service System issued pursuant to the foregoing Executive Orders.

#