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9/13/74

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} ~~the pardon power and the duty faithfully to execute the laws provided by 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 President's 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,



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 VIOLATIONS OF
ARTICLES 85, 86 ~~and~~ 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 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. ~~App.~~ §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. The Board will only consider the cases of those ^{military Selective Service Act} ~~Section 12~~ violators who were convicted of unlawfully failing (i) to register, (ii) to report for preinduction or induction examination, (iii) to report for induction itself, or (iv) to report for or complete alternate service. However, the Board will not consider the cases of individuals who are precluded from entering the United States under 8 U.S.C. 1182(a)(22).

or are serving sentences of confinement for such violations



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 President's~~ 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 ~~incarcerated~~ ^{confined} and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding ~~detainers.~~ ^{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. 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. 8. 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,

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.

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 exile abroad or in hiding closer to home, they are adrift from those they love and from the roots which can give significance and purpose to their lives.

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 must 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 indication of their allegiance to the country and its Constitution.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered incalculable losses. Many thousands died in combat; thousands more were wounded; others are still listed as missing in action.

All Americans agree that desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. 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, as Commander in Chief and pursuant to the pardon power and the duty faithfully to execute the laws provided by Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence October 1, 1974, to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

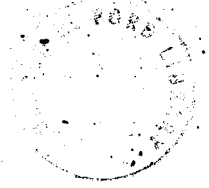
1. Draft Evaders - An individual who allegedly unlawfully failed to register, to report for preinduction or induction examination, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he (1) presents himself to a United States Attorney within the period October 1, 1974 to January 31, 1975, inclusive, (2) 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 (3) satisfactorily completes such service. The alternate service shall promote the national health, safety, or interest.

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 discharging his obligation to complete a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, but may be reduced for mitigating circumstances as determined by the Attorney General.

2. Military Deserters - Members of the military who have been administratively classified as deserters by reason of unauthorized absence and whose absence commenced during the period from August 4, 1974, 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 within the period October 1, 1974 to January 31, 1975, inclusive, they execute an agreement with the Secretary of the Military Department from which they are absent, acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service for a period of twenty-four months, which may be reduced for mitigating circumstances as determined by the Secretary of the appropriate Military Department. The alternate service shall promote the national health, safety, or interest. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, he will be eligible to participate in this program only after a final disposition of the additional charges has been reached in accordance with law.

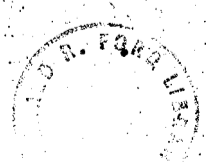
All such deserters who elect to seek relief through this program will receive an undesirable discharge from military service. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department, the individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of the program. Such clemency discharge shall not affect entitlement to benefits administered by the Veterans Administration.



3. Presidential Clemency Board - Many individuals at present stand convicted of draft evasion or have received punitive or undesirable discharges from a Military Service for having violated Articles 85, 86, or 87 of the Uniform Code of Military Justice. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of individuals in this category who apply, and recommend to the President that clemency be granted in appropriate cases. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Military Departments, and 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 assure equity between those who served their country when called and those who will serve under 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.



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 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 the Selective Service System. The agreement will include an acknowledgement that the alternate service indicates allegiance to the United States. *Upon execution of this agreement, participants will be required to report as expeditiously as possible but within not less than fifteen days to the State Selective Service Director of the state.* The duration of alternate service will be 24 months, but may be reduced for mitigating factors as determined by the U.S. Attorney.

and his State Director
The Director of the Selective Service System 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.



This information is being provided to participants

Alternate civilian service

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. 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. [Insert here]

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 ^{required to report as expeditiously as possible} referred to the ^{Director of the State of his residence} Director of the Selective Service System 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. ^{bestow} However, the new Clemency Discharge will not constitute entitlement to Veterans Administration benefits. not within not less than fifteen days

5. Presidential Clemency Board. Those already convicted of draft evasion or who were discharged from the military because of a military absentee offense during the Vietnam era may apply for clemency to a nine member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of aggravating circumstances, the Clemency Board would be expected to recommend clemency. When appropriate, the Board could recommend clemency conditioned upon some alternate service.

The Clemency Board could also recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge in the case of a military absentee.

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

6. Alternate Civilian Service. ^{Alternate civilian service will have the following characteristics:} ~~Determining factors in selecting~~ ^{suit}

- a. Work performed will contribute to health programs, recognized charitable projects of widespread benefit to the public at large, safety campaigns, programs designed to promote the national interest, or local welfare efforts.
- b. Participants will not be assigned to jobs for which there are more than enough qualified applicants in the local labor market.
- c. Compensation paid to participants will not exceed that of the lowest pay grade in the military.
- d. Participants may utilize their special skills.
- e. Participants will normally work outside of their home communities.

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3. 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.

4. 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~~ ^{U.S. Attorney General}, the Military Departments, and 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 assure equity between those who serve their country when called and those who will serve under this program.

7. No Grace Period. It is not contemplated that there will be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction.



BY THE PRESIDENT OF THE UNITED STATES

PROCLAMATION _____

Announcing a Program for the Return of
Vietnam Era Draft Evaders and Military Deserters

A PROCLAMATION

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

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 exile abroad or in hiding closer to home, they are adrift from those they love and from the roots which can give significance and purpose to their lives.

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 must 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 Service together with an indication of their allegiance to the country and its Constitution.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered incalculable losses. Many thousands died in combat; thousands more were wounded; others are still listed as missing in action.

~~All Americans agree that~~ Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to find the nation's wounds and to heal the scars of divisiveness.



Now therefore, I, Gerald R. Ford, President of the United States, as Commander in Chief and pursuant to the pardon power and the power faithfully to execute the laws conferred upon me by Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence ^{immediately} ~~October 1, 1974~~ to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - An individual ~~citizen~~ who allegedly unlawfully failed to register, to report for preinduction or induction examination, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 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 (1) reports to a United States Attorney within the period ^{from today until} ~~October 1, 1974~~ to January 31, 1975, (2) 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 the Selective Service System, and (3) satisfactorily completes such service. The alternate service shall promote the national health, safety, or interest.

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 discharging his obligation to complete a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, but shall be reduced by mitigating circumstances as determined by the Attorney General.

2. Military Deserters - Members of the military who have been administratively classified as deserters 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 and for offenses directly related thereto if within the period ^{from today until} ~~October 1, 1974~~ to January 31, 1975 they execute an agreement with the Secretary of the Military Department from which they are absent acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System for a period of twenty-four months, but shall be



reduced for mitigating circumstances as determined by the Secretary of the Military Department. The alternate service shall promote the national health, safety, or interest. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, he will be eligible to participate in this program only after a final disposition of the additional charges has been reached in accordance with law.

All such deserters who elect 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, the 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.

3. Presidential Clemency Board. Many individuals at present stand convicted of draft evasion or have received punitive or undesirable discharges from a Military Service for having violated Articles 85, 86, or 87 of the Uniform Code of Military Justice. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of individuals in this category who apply, and recommend to the President that clemency be granted in appropriate cases. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Military Departments, and 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 laws and such other mitigating factors as may be appropriate to assure equity between those who served their country when called and those who will serve under this program.

In witness hereof, 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 199th.



BY THE PRESIDENT OF THE UNITED STATES

PROCLAMATION _____

Announcing a Program for the Return of
Vietnam Era Draft Evaders and Military Deserters

A PROCLAMATION

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

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 exile abroad or in hiding closer to home, they are adrift from those they love and from the roots which can give significance and purpose to their lives.

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 must be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of national service, ^{to get the work} as an indication of their allegiance to the country and its ~~constitution and form of government~~.

a term

most served Honorably
In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered ^{great} incalculable losses. Many thousands died in combat; thousands more were ~~condemned~~ ^{wounded} to lives of less than full productivity and self-satisfaction because of the wounds they received. ^{and} Many ^{still total are} others are missing in action. As a nation, we continue to pay the price for these tragic losses; they are irredeemable.

should be
~~All Americans agree that~~ Desertion in time of war is a ^{major} serious offense; failure to respond to the country's call for duty is likewise unacceptable. ^{among our people} The objectives of Reconciliation of differences among our people does not require that ~~we~~ ^{these acts} condone these acts. ^{calls for} However, the necessity of reconciliation requires an act of mercy to bind the nation's wounds and to heal the scars of divisiveness.



*the Proc
seek to reach*

For those covered by this Proclamation to remain away will not bring back those whom we have lost. These young men are absent without leave from the real America. They must be allowed to earn their return to their country, their communities, and their families.

immediately

Now therefore, I, Gerald R. Ford, President of the United States, as Commander in Chief and pursuant to the pardon power and the power faithfully to execute the laws conferred upon me by Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence ~~October 1, 1974~~ to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

~~who must be based on~~

1. Draft Evaders - An individual citizen who allegedly unlawfully failed to register, to report for preinduction or induction examination, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 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

change

(1) reports to a United States Attorney within the period October 1, 1974 to January 31, 1975, (2) 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 the Selective Service System, and (3) satisfactorily completes such service. The alternate service shall promote the national health, safety, or interest.

Bruce's change

Draft evaders chose not to accept the responsibility of military service when their nation called. ~~They~~ No draft evader will be given the privilege of discharging his obligation to complete a period of alternate service by service in the Armed Forces.

24 months may be reduced

Jeff change

The period of service shall be as determined by the Attorney General, but not less than six months nor in excess of twenty-four months.

provided

Deserters

2. Military Evaders - Members of the military who have been administratively classified as deserters 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 and for offenses directly related thereto if within the period October 1, 1974 to January 31, 1975 they execute an agreement with the Secretary of the Military Department from which they are

change



absent acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of the Selective Service System for a period not ^{to exceed} less than six months nor in excess of twenty-four months. The alternate service shall promote the national health, safety, or interest. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, he will be eligible to participate in this program only after a final disposition of the additional charges ~~have~~ ^{has} been reached in accordance with ~~the~~ law.

All such deserters who elect to seek relief through this program ~~immediately~~ will receive an undesirable discharge from military service. Thereafter, upon satisfactory ~~proof~~ ^{proof} of completion of a period of alternate service prescribed by the Military Department, the 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.

Presidential Clemency Board

3. ~~Post conviction or Post discharge Cases~~ - Many individuals at present stand convicted of draft evasion or have received punitive or undesirable discharges from a Military Service for having violated Articles 85, 86, or 87 of the Uniform Code of Military Justice. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of individuals in this category who apply, and recommend to the President that a clemency be granted in appropriate cases. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Military Departments, and 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 assure equity between those who served their country when called and those who will serve under this program.

in witness hereof, 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 199th.



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 ~~October 1, 1974~~ *immediately*. This program has been formulated to permit these individuals to return to American society without risking criminal prosecution or incarceration, if they acknowledge their allegiance to the United States and pledge to serve a period of alternate civilian service. *for qualifying offenses,*

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 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.

Convicted Evaders Military Absentees

~~Clemency Board~~
~~Presidential Clemency Board~~ *leave in*
3 Military Absentees and Convicted Evaders. Those already convicted of draft evasion or who were discharged from the military service with a punitive or undesirable discharge because of a military absentee offense during the Vietnam era may apply for clemency to a ~~five~~ ^{three} member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of ~~exacerbating~~ ^{mitigating} circumstances, the Clemency Board would be expected to recommend clemency. When appropriate, the Board could recommend clemency conditioned upon some alternate service.

The Clemency Board could also recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge in the case of a military absentee.

The Board has been instructed etc.

4. 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 the Selective Service System. The agreement will include an acknowledgement that the alternate service indicates allegiance to the United States.

The duration of alternate service will be ~~from 6 to 24~~ months, as determined by the U. S. Attorney. ~~For example, extreme family hardship might justify a short term.~~

The Director of the Selective Service System will have the responsibility to find alternate service jobs for those who report. The Director may issue a certificate of satisfactory completion at the end of the alternate service to the individual and U. S. Attorney, who will either move to dismiss the indictment if one is outstanding, or drop 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.

4/13. Unconvicted Military Absentees. Military absentees who have no other pending charges may elect to participate in the program. 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 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 from 6 to 24 months. After being discharged each individual will be referred to the Director of the Selective Service System 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 new Clemency Discharge will not constitute entitlement to Veterans Administration benefits.

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

1. National Health, Safety or Interest.
2. 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.



3. Compensation. The compensation will provide a standard of living to the ~~registrant~~ ^{applicant} reasonably comparable to the standard of living ~~the same man~~ ^{he would have enjoyed} had he gone ~~into~~ ^{to} the military service.

4. Skill and talent utilization. ^{where entering where possible} An applicant may utilize his special skills.

~~5. Job location. An applicant will normally work outside his community of residence.~~

7. No Grace Period. It is not contemplated that there will be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction.

para 4. - /proc.



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 October 1, 1974. This program has been formulated to permit these individuals to return to American society without risking criminal prosecution or incarceration if they acknowledge their allegiance to the United States and pledge to 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 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. Military Absentees and Convicted Evaders. Those already convicted of draft evasion or who were discharged from the military service with a punitive or undesirable discharge because of a military absentee offense during the Vietnam era may apply for clemency to a five member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of exacerbating circumstances, the Clemency Board would be expected to recommend clemency. When appropriate, the Board could recommend clemency conditioned upon some alternate service.

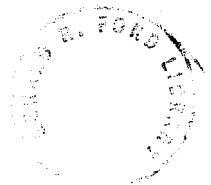
The Clemency Board could also recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge in the case of a military absentee.

4. 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 the Selective Service System. The agreement will include an acknowledgement that the alternate service indicates allegiance to the United States.

The duration of alternate service will be from 6 to 24 months, as determined by the U. S. Attorney. For example, extreme family hardship might justify a short term.

The Director of the Selective Service System will have the responsibility to find alternate service jobs for those who report. The Director may issue a certificate of satisfactory completion at the end of the alternate service to the individual and U. S. Attorney, who will either move to dismiss the indictment if one is outstanding, or drop 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.

5. Unconvicted Military Absentees. Military absentees who have no other pending charges may elect to participate in the program. 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 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 from 6 to 24 months. After being discharged each individual will be referred to the Director of the Selective Service System 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 new Clemency Discharge will not constitute entitlement to Veterans Administration benefits.

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

1. National Health, Safety or Interest.
2. 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.

3. Compensation. The compensation will provide a standard of living to the registrant reasonably comparable to the standard of living the same man would enjoy had he gone into the military service.

4. Skill and talent utilization. An applicant may utilize his special skills.

5. Job location. An applicant will normally work outside his community of residence.

7. No Grace Period. It is not contemplated that there will be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction.



Executive Order

Delegation of Certain Functions Vested in the
President to the Director of the Selective
Service System to Effectuate the
President's Pardon Power

By virtue of the authority vested in me as President of the United States under Article II, Section 2 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 the Selective Service System is designated and empowered without the approval, ratification or other action of the President, to establish, implement, and administer the program of alternate service authorized in the President's Proclamation ____.

Section 2. Departments and agencies in the Executive branch shall, upon the request of the Director of the Selective Service System, cooperate and assist in the implementation or administration of the Director's duties under this Order.

Gerald R. Ford

September 9, 1974



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Executive Order

Establishing A Clemency Board To Review ^{Certain} Convictions of Persons Under Section 12 Of The Military Selective Service Act ^{And Certain} Discharges ^{Occurring Pursuant To} ~~Pursuant To~~ ^{Violations Of} Articles 85, 86 ^{And} 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:

1. There is hereby established a board of ^{nine} ~~five~~ 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.
2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply ~~within~~ ^{before January 31, 1975} ~~months of this Order~~ and who ⁽¹⁾ have been convicted of violating ~~the~~ Section 12 of the Military Selective Service Act (50 App. U.S.C. §462), or of any rule of regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, or (2) have received punitive or undesirable discharges pursuant to a violation 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. The Board will only consider the cases of Section 12 violators who were convicted of unlawfully failing (1) to register, (2) to report for preinduction or induction examination, (3) to report for induction itself, or (4) to report for or complete alternate service. However, the Board will not consider the cases of individuals who are precluded from entering the United States under 8 U.S.C. 1182(a)(22).
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.

before January 31, 1975

went



If clemency is recommended, the Board shall also recommend the form that such clemency should take, including
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. ~~Absent exacerbating circumstances, the Board is expected to recommend that clemency be granted.~~ ^{Determination of any period of alternate service shall be made in accordance with the Proclamation}

Clemency conditional upon a period of alternate service in the national interest. 2

The Board shall give priority ^{consideration} to those applicants who are presently incarcerated and have only been ^{convicted of} ~~convicted of draft evasion and who have no outstanding~~ ^{offenses} ~~detainers.~~

Offenses set forth in paragraph 2 and who have only been

5. The members of the Board, except the Chairman, shall be paid at a GS-17 per diem rate. The Chairman shall be paid at a GS-18 per diem rate. All members shall be entitled to necessary expenses incurred in the performance of their duties under this Order. ^{no other outstanding charges!}
6. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance.
7. The Board shall cease to exist, unless otherwise provided by further Executive Order, upon the submission of its final recommendations to the President, not later than December 31, 1976.

offenses set forth in paragraph 2, and who have

The Board may from time



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 the pardon power and the duty faithfully to execute the laws provided by 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 President's 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,



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. Many 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 indication of their allegiance to the country and its Constitution.

~~All Americans agree that~~ ^D ~~desertion in time of war~~ is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. 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.



ANNOUNCING A PROGRAM FOR THE RETURN OF
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The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

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 exile abroad or in hiding closer to home, they are adrift from those they love and from the roots which can give significance and purpose to their lives.

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 must 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 indication of their allegiance to the country and its Constitution.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered incalculable losses. Many thousands died in combat; thousands more were wounded; others are still listed as missing in action.

~~All Americans agree that~~ Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. 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.



all caps

Now, therefore, I, Gerald R. Ford, President of the United States, as Commander in Chief and pursuant to the pardon power and the duty faithfully to execute the laws provided by Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence ^{immediately} ~~October 1, 1974~~, 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 to register ^{or register on time, to keep the local board informed of his current address,} to report for preinduction or induction examination, to report for induction itself, or to report for or complete alternate service 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} ~~within the period October 1, 1974 to~~ January 31, 1975, inclusive, (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.

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 discharging his obligation to complete a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, but may be reduced ^{By the Attorney General Because of} ~~for~~ mitigating circumstances as determined by the Attorney General.



2. Military Deserters - Members of the military who have been administratively classified as deserters by reason of unauthorized absence and whose absence commenced during the period from August 4, 19~~7~~⁶4, 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} ~~within the period October 1, 1974 to~~ January 31, 1975 ~~inclusive~~, they execute an agreement with the Secretary of the Military Department from which they are absent, acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service for a period of twenty-four months, which may be reduced ^{by the Sec. of the Appropriate Military Dept} ~~for~~ mitigating circumstances. ^{because of} ~~as determined by the Secretary of the appropriate Military Department.~~ The alternate service shall promote the national health, safety, or interest. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, he will be eligible to participate in this program only after a final disposition of the additional charges has been reached in accordance with law.

All such deserters who elect 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, the 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 affect entitlement to benefits administered by the Veterans Administration.



* insert

However, if any
clemency discharge
is recommended, such
discharge shall not
affect entitlement to
benefits administered
by the Veterans
Administration.



3. Presidential Clemency Board - Many individuals at present stand convicted of draft evasion or have received punitive or undesirable discharges from a Military Service for having violated Articles 85, 86, or 87 of the Uniform Code of Military Justice. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of individuals in this category who apply, and recommend to the President that clemency be granted in appropriate cases. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. X INSERT

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Military Departments, and 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 assure equity between those who served their country when called and those who will serve under 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.

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FACT SHEET

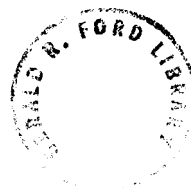
PRESIDENTIAL CLEMENCY BOARD

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, 1974. 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 incarcerated. The President has also asked that their incarceration 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.



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 VIOLATIONS OF ARTICLES 85, 86 and 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 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 U.S.C. App. §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. The Board will only consider the cases of those Section 12 violators who were convicted of unlawfully failing (i) to register ^{or register on time,} (ii) to report for ^{to keep the local board informed of his current address,} preinduction or induction examination, ^{iv} (iii) to report for ~~or~~ ^{submit to or} complete alternate induction itself, or (iv) to report for or complete alternate service. However, the Board will not consider the cases of individuals who are precluded from entering the United States under 8 U.S.C. 1182(a)(22).



or submit to
or submit to

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 President's 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 incarcerated and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding detainers.

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 Admin. on a reimbursable basis

Sec. ⁸7. 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. ⁹8. 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,



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 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 ~~the~~ Selective Service ~~System~~. The agreement will include an acknowledgement that the alternate service indicates 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 ~~the~~ Selective Service ~~System~~ 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. 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 ~~the~~ Selective Service ~~System~~ 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.

Leave in
~~However, the new Clemency Discharge will not constitute entitlement to Veterans Administration benefits.~~

the Clemency discharge shall not affect entitlement to benefits administered by the VA.
5. Presidential Clemency Board. Those already convicted of draft evasion or who were discharged from the military because of a military absentee offense during the Vietnam era may apply for clemency to a nine member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of aggravating circumstances, the Clemency Board would be expected to recommend clemency. When appropriate, the Board could recommend clemency conditioned upon some alternate service.

The Clemency Board could also recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge in the case of a military absentee.

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

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

1. National Health, Safety or Interest.

2. 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



3. 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.

4. 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, and 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 assure equity between those who serve their country when called and those who will serve under this program.

7. No Grace Period. ~~It is not contemplated that~~ 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.

~~An individual who is required to perform alternate service shall report to the [unclear] within fifteen days~~



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 the pardon power and the duty faithfully to execute the laws provided by 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 ~~President's~~ 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.



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.

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 exile abroad or in hiding closer to home, they are adrift from those they love and from the roots which can give significance and purpose to their lives.

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 must 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 indication of their allegiance to the country and its Constitution.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered incalculable losses. Many thousands died in combat; thousands more were wounded; others are still listed as missing in action.

All Americans agree that desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is likewise unacceptable. 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.

ad copy

Now, therefore, I, Gerald R. Ford, President of the United States, as Commander in Chief and pursuant to the pardon power and the duty faithfully to execute the laws provided by Article II, Sections 2 and 3 of the Constitution, do hereby proclaim a program to commence October 1, 1974, 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 to register, to report for preinduction or induction examination, to report for induction itself, or to report for or complete alternate service 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 within the period October 1, 1974 to January 31, 1975, inclusive, (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.

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 discharging his obligation to complete a period of alternate service by service in the Armed Forces.

The period of service shall be twenty-four months, but may be reduced ^{because of} for mitigating circumstances, ^{as} determined by the Attorney General.

by the AG because of me.



2. Military Deserters - Members of the military who have been administratively classified as deserters by reason of unauthorized absence and whose absence commenced during the period from August 4, 19~~74~~⁷³ 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 within the period October 1, 1974 to January 31, 1975, inclusive, they execute an agreement with the Secretary of the Military Department from which they are absent, acknowledging their allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service for a period of twenty-four months, which may be reduced ^{because of} ~~for~~ mitigating circumstances. As determined by the Secretary of the appropriate Military Department. The alternate service shall promote the national health, safety, or interest. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, he will be eligible to participate in this program only after a final disposition of the additional charges has been reached in accordance with law.

All such deserters who elect 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, the 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 affect entitlement to benefits administered by the Veterans Administration.



3. Presidential Clemency Board - Many individuals at present stand convicted of draft evasion or have received punitive or undesirable discharges from a Military Service for having violated Articles 85, 86, or 87 of the Uniform Code of Military Justice. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of individuals in this category who apply, and recommend to the President that clemency be granted in appropriate cases. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service.

4. Alternate Service - In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Military Departments, and 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 assure equity between those who served their country when called and those who will serve under 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.



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 the pardon power and the duty faithfully to execute the laws provided by 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 President's 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,



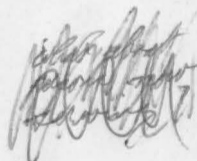
EXECUTIVE ORDER

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 VIOLATIONS OF ARTICLES 85, 86 and 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 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 U.S.C. App. §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. The Board will only consider the cases of those Section 12 violators who were convicted of unlawfully failing (i) to register, (ii) to report for preinduction or induction examination, (iii) to report for induction itself, or (iv) to report for or complete alternate service. However, the Board will not consider the cases of individuals who are precluded from entering the United States under 8 U.S.C. 1182(a)(22).



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 President's 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 incarcerated and have been convicted only of an offense set forth in section 2 of this order, and who have no outstanding detainers.

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.

2.
15 months

THE WHITE HOUSE,

*L.S.A. to provide
Administrative services on a
reimbursable basis.*



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 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 ~~the~~ Selective Service ~~System~~. The agreement will include an acknowledgement that the alternate service indicates 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 ~~the~~ Selective Service ~~System~~ 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. 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 ~~the~~ Selective Service ~~System~~ 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 new Clemency Discharge will not constitute entitlement to Veterans Administration benefits. || ?

5. Presidential Clemency Board. Those already convicted of draft evasion or who were discharged from the military because of a military absentee offense during the Vietnam era may apply for clemency to a nine member Clemency Board, established by Executive Order. The Board will review their records and recommend clemency on a case-by-case basis to the President. In the absence of aggravating circumstances, the Clemency Board would be expected to recommend clemency. When appropriate, the Board could recommend clemency conditioned upon some alternate service.

The Clemency Board could also recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge in the case of a military absentee.

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

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

1. National Health, Safety or Interest.

2. 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.

3. 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.

4. 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, and 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 assure equity between those who serve their country when called and those who will serve under this program.

7. No Grace Period. It is not contemplated that there will be a grace period for those outside the country to return and negotiate for clemency with the option of again fleeing the jurisdiction.

