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## 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.



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

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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, <sup>or present himself, to</sup> to report for preinduction or induction examination, <sup>or submit to</sup> to report for induction itself, or to report for <sup>or submit to</sup> 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.





EXECUTIVE ORDER

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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. 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,



## 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.

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 (her) forces from the Republic of Vietnam on March 28, 1973.

Our involvement in armed hostilities in Southeast Asia required reliance upon the conscription laws, calling many from peaceful pursuits to national service. Most served honorably and well. But a remaining consequence of our Vietnam involvement is that the status of many of our countrymen convicted, charged, investigated, or wanted for violations of the Military Selective Service Act or of the Uniform Code of Military Justice, remains unresolved.

Desertion in time of war <sup>and</sup> ~~is a heinous offense,~~ failure to respond to the country's call for duty <sup>are both</sup> ~~is likewise~~ unacceptable. <sup>courses of conduct</sup> The objective of reconciliation of differences among our people does not require that we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.



All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon indicating their allegiance to the United States of America and agreeing to perform a period of alternate service.

Now therefore, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to commence <sup>on October 1, 1974 and to end on January 31, 1975</sup> ~~thirty days from this date~~ to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to report for preinduction or induction examinations, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the <sup>above-stated</sup> period ~~October~~ \_\_\_\_\_ to ~~January~~ \_\_\_\_\_

they execute an agreement with the Department of Justice <sup>or any the</sup> ~~Embassy~~ <sup>Department of State</sup> indicating 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, and thereafter, satisfactorily complete such service.





The Attorney General and the Secretary of Defense are directed to contract with the Director of the Selective Service System under 31 U.S.C. 686 for use of such personnel as may be required to locate alternate service jobs necessary to implement this Proclamation and to certify whether or not individuals have satisfactorily completed their period of alternate service.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of those individuals who apply, and recommend to the President that a pardon be granted in appropriate cases. *The Clemency Board may condition its recommendation upon the completion of a period of alternate service not to exceed 24 months.*

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 199th.

Gerald R. Ford

*Upon receipt by a post-conviction  
any individual who was ~~so~~ convicted of an absence-related offense  
and thereafter receives a pardon shall ~~be given~~ receive a  
clemency discharge, ~~under~~*

September 7, 1974



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

The period of <sup>alternate</sup> service shall be ~~as~~ determined by the Attorney General, <sup>and shall not be in excess of 24 months nor less than 6 months.</sup> but ~~not in excess of eighteen months.~~

2. Military Deserters - All <sup>Personnel</sup> military members who <sup>including those who have at anytime administratively been declared deserters</sup> deserted during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the <sup>above stated period</sup> ~~period~~ October \_\_\_ to January \_\_\_ 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 not <sup>However if any such individual has additional outstanding charges pending against him under the UCMJ, he will be ineligible to participate in this program until final disposition of the charges in accordance with law, and any discharge received as a result of such disposition shall not be altered by this proclamation.</sup> to exceed <sup>18</sup> ~~eighteen~~ months. All such deserters will be <sup>24 months nor less than 6 months</sup> immediately discharged from military service with an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of <sup>alternate</sup> service, the individual will be entitled to have his discharge certificate marked with an appropriate legend to indicate that he has fulfilled his commitment <sup>a clemency discharge.</sup>

The period of alternate service shall be determined by the Department of Defense.



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 (her) forces from the Republic of Vietnam on March 28, 1973.

Our involvement in armed hostilities in Southeast Asia required reliance upon the conscription laws, calling many from peaceful pursuits to national service. Most served honorably and well. But a remaining consequence of our Vietnam involvement is that the status of many of our countrymen convicted, charged, investigated, or wanted for violations of the Military Selective Service Act or of the Uniform Code of Military Justice, remains unresolved.

Desertion in time of war and failure to respond to the country's call for duty are both unacceptable courses of conduct. The objective of reconciliation of differences among our people does not require that we condone that we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.



All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon indicating their allegiance to the United States of America and agreeing to perform a period of alternate service.

Now therefore, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to commence on ~~October~~ 1, 1974 and to end on January 31, 1975 to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. Draft Evaders - All those who unlawfully failed to register, to report for preinduction or induction examinations, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the above-stated period they execute an agreement with the Department of Justice or the Department of State indicating 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, and thereafter, satisfactorily complete such service.



No draft evader shall be given the privilege of discharging this obligation to complete a period of national service by service in the Armed Forces.

The period of alternate service shall be determined by the Attorney General, and shall not be in excess of 24 months nor less than 6 months.

2. Military Deserters - All military personnel who deserted including those who have at any time administratively been declared deserters during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the above stated period 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 not to exceed 24 months nor be less than 6 months. The period of alternate service shall be determined by the Department of Defense. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, that individual will be ineligible to participate in this program until final disposition of the charges in accordance with law. Any discharge received as a result of such disposition shall not



be altered by this Proclamation. All such deserters, including those who have at any time administratively been declared deserters during the aforementioned period, shall be immediately discharged from military service within an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of alternate service, the individual will be entitled to a clemency discharge.

The Attorney General and the Secretary of Defense are directed to contract with the Director of the Selective Service System under 31 U. S. C. 686 for use of such personnel as may be required to locate alternate service jobs necessary to implement this Proclamation and to certify whether or not individuals have satisfactorily completed their period of alternate service.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of those individuals who apply, and recommend to the President that a pardon be granted in appropriate cases. The Clemency Board may condition its recommendation upon completion of a period of alternate service not to exceed 24 months.

Any individual who was convicted of an absence related offense and thereafter receives a pardon shall receive a clemency discharge.

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.

Gerald R. Ford

September 7, 1974



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PROCLAMATION \_\_\_\_\_

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Desertion in time of war and failure to respond to the country's call for duty are both unacceptable courses of conduct. The objective of reconciliation of differences among our people does not require that we condone ~~that~~ we condone these acts. Rather, the forgiveness contemplated by this Proclamation is an act of mercy, intended to bind the nation's wounds and heal the scars of divisiveness.





All of these young men are absent without leave from the real America. They must be allowed to return to their country, their communities, and their families, upon indicating their allegiance to the United States of America and agreeing to perform a period of alternate service.

Now therefore, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, do hereby proclaim a program to commence on October 1, 1974 and to end on January 31, 1975 to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

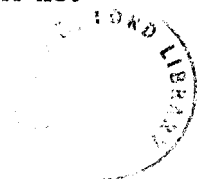
1. Draft Evaders - All those who unlawfully failed to register, to report for preinduction or induction examinations, to report for induction itself, or to report for or complete alternate service during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment if within the above-stated period they execute an agreement with the Department of Justice or the Department of State indicating 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, and thereafter, satisfactorily complete such service.



No draft evader shall be given the privilege of discharging this obligation to complete a period of national service by service in the Armed Forces.

The period of alternate service shall be determined by the Attorney General, and shall not be in excess of 24 months nor less than 6 months.

2. Military Deserters - All military personnel who deserted including those who have at any time administratively been declared deserters during the period from August 4, 1964 to March 28, 1973 will be relieved of prosecution and punishment for the offenses of desertion, unauthorized absence, or missing movement, if within the above stated period 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 not to exceed 24 months nor be less than 6 months. The period of alternate service shall be determined by the Department of Defense. However, if any such individual has additional outstanding charges pending against him under the Uniform Code of Military Justice, that individual will be ineligible to participate in this program until final disposition of the charges in accordance with law. Any discharge received as a result of such disposition shall not



be altered by this Proclamation. All such deserters, including those who have at any time administratively been declared deserters during the aforementioned period, shall be immediately discharged from military service within an undesirable discharge certificate. Thereafter, upon satisfactory proof of completion of the period of alternate service, the individual will be entitled to a clemency discharge.

The Attorney General and the Secretary of Defense are directed to contract with the Director of the Selective Service System under 31 U.S.C. 686 for use of such personnel as may be required to locate alternate service jobs necessary to implement this Proclamation and to certify whether or not individuals have satisfactorily completed their period of alternate service.

3. Post-conviction Cases - Many individuals at present stand convicted of draft evasion or absence-related offenses which were committed during the period from August 4, 1964 to March 28, 1973. By Executive Order, I have this date established a Presidential Clemency Board which will review the records of those individuals who apply, and recommend to the President that a pardon be granted in appropriate cases. The Clemency Board may condition its recommendation upon completion of a period of alternate service not to exceed 24 months.

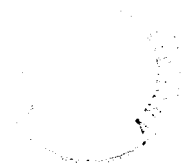


Any individual who was convicted of an absence related offense and thereafter receives a pardon shall receive a clemency discharge.

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.

Gerald R. Ford

September 7, 1974



Re: United States v. \_\_\_\_\_

Criminal File No. \_\_\_\_\_

Dear \_\_\_\_\_:

This letter concerns reports received by this office that you have committed an offense against the United States on or about \_\_\_\_\_ in violation of Section 12 of the Military Selective Service Act.

In accord with the President's policy of granting leniency to certain individuals who are charged with violating Section 12 of the Military Selective Service Act, you are eligible for diversion to an alternate service program. Should you agree within seventy days from the date of this letter to undertake acceptable alternate service as an indication of your allegiance to the United States, this office will refrain from prosecution. Note, however, that if no agreement is reached within seventy days the United States will be free to prosecute you for any Section 12 charges. If the Director of the Selective Service System certifies to us that you have successfully completed your service, the pending charge against you will be dropped. However, failure satisfactorily to complete the alternate service will probably cause us to resume prosecution of the Section 12 charge.



A decision to seek acceptance into this program is one that must ultimately be made by you. Nevertheless, it is important that you immediately discuss this matter with your attorney inasmuch as your participation in this program will require a waiver of certain rights afforded to you by the Constitution. For example, you must waive your right to a speedy trial and right to have an indictment presented to the grand jury, if one has not already been obtained, within the prescribed statute of limitations. We suggest that you consult with your attorney who will explain the program to you and the nature of the waivers mentioned above.

*If you have any questions please contact*

Very truly yours,

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United States Attorney

By:

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## Executive Order

Establishing A Clemency Board To Review  
Convictions Of Persons Under Section 12  
Of The Military Selective Service Act and  
Articles 85, 86 and 87 Of The Uniform Code  
Of Military Justice To Make Recommendations  
For Executive Clemency With Respect Thereto

By virtue of 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 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 <sup>4</sup>~~6~~ months of this order and who have been convicted of violating (1) Section 12 of the Military Selective Service Act (50 U.S.C. App. §462), or of any rule of regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, and (2) Articles 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§885, 886, 887) and



offenses which are directly related to such violations, for acts committed 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 examinations, (3) to report for induction itself, and (4) to report for or complete alternate service.

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. In the case of an individual convicted of a violation of the Uniform Code of Military Justice, the Board may recommend to the President that an <sup>clemency</sup> ~~administrative~~ discharge be substituted for a punitive discharge. Absent exacerbating circumstances, the Board is expected to recommend that a pardon be granted.
4. 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.

5. 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.
6. 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.

September 7, 1974

## 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 shall locate jobs for all individuals referred to him under the President's Proclamation \_\_\_\_\_ which serve the national health, safety or interest.

Section 2. The Director of the Selective Service System shall oversee the job performance of each individual referred to him under section 1 and shall certify to the appropriate United States Attorney or concerned military department whether or not the individual has satisfactorily completed a period of alternate service as provided in the President's Proclamation \_\_\_\_\_ and agreements reached pursuant thereto.

Section 3. 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 7, 1974

PUBLIC SERVICE WORK  
AS A MEANS OF GRANTING IMMUNITY FROM PROSECUTION  
IN THE VIETNAM WAR

By utilizing the organizational structure and procedures similar to those used in the Alternate Service program which conscientious objectors perform, applicants who would sign an act of contrition, execute an oath of allegiance, and agree to a period of 18 months national service, could be employed in approved jobs and with approved employers and monitored by the existing Selective Service organization as follows:

I. Determining factors in selecting suitable national service jobs:

Five elements will be considered as a basis for determining whether a specific job is acceptable as national service:

1. National Health, Safety or Interest. The job must fulfill specifications of the law and regulations.

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. This restriction does not prohibit the approval of special programs such as Peace Corps or VISTA for national service by applicants.

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.

Subparagraphs 3, 4 and 5 of this paragraph are waivable by the State Director when such action is determined to be in the national interest and would speed the placement of registrants in national service.



II. Determining factors in selecting suitable national service employers:

Employment which may be considered to be appropriate as national service shall be limited to the following:

1. Employment by the U. S. Government, or by a state, territory, or possession of the United States, or by a political subdivision thereof, or by the District of Columbia.
2. Employment by a nonprofit organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof.
3. Employment in an activity of an organization, association, or corporation which is either charitable in nature performed for the benefit of the general public or is for the improvement of the public health or welfare, including educational and scientific activities in support thereof, and when such activity or program is not for profit.

III. Types of jobs in present alternate service program which are now being utilized:

1. Hospitals
  - a. Lab technicians
  - b. Orderlies
  - c. Attendants
  - d. Housekeeping jobs
  - e. Kitchen helpers, cooks
  - f. Maintenance and janitorial
2. Homes for the aged and young
  - a. Counselors
  - b. Attendants
  - c. Orderlies
  - d. Housekeeping and maintenance



3. State institutions - mental and handicapped  
(same as hospitals)
4. Religious organizations
  - a. Social workers/counselors
  - b. Farm hands and laborers
  - c. Clerical
5. Goodwill Industries, St. Vincent de Paul, Salvation Army, etc.
  - a. Truck drivers
  - b. Laborers
  - c. Salespersons
  - d. Supervisors
6. Educational
  - a. Teachers in ghettos
  - b. Teacher aides
  - c. Clerical
7. Conservation and forestry (such as California Ecology Corps)
  - a. Laborers and laborer leaders or foremen
  - b. Cooks and kitchen helpers

NOTE: The employer bears all salary costs.

IV. Number of jobs available related to time in which they might be available:

1. Present program: 2200 jobs (within 60 days after notice)
2. Expansion possible -- if required.

V. Cost to the Federal Government to administer jobs in the preceding categories are identifiable in the following categories (see Attachment 1):

1. Management/supervision -- salaries and travel.
2. Transportation for applicants -- at beginning and at termination only.

VI. Federal employment in ongoing programs and not as a special program in connection with earned immunity but which might, with special arrangements, be capable of providing jobs for the earned amnesty program:

1. Interior - Under the aegis of the Interior Department, using current operating programs, specifically within the Park Service and the Bureau of Land Management, there is a possibility of employing people who would avail themselves of this program as follows:

a. Park Service - up to 7,000, assuming additional authorizations (ceiling) could be authorized to the Park Service.

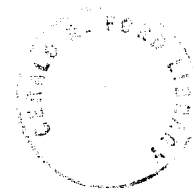
b. Bureau of Land Management - up to 500.

The type of work would be low skill level and performed in connection with the general Park Service functions of the Interior Department and/or the maintenance of public lands in the United States under the Bureau of Land Management. No camp concept is envisioned. Funding does not appear to be an immediate problem.

2. HEW - The Department of Health, Education and Welfare, under existing programs, appears to have a limited ability to make available positions in ongoing programs in two broad categories:

a. Health.

- The National Health Services Corps (requires health professional background).
- The Indian Health Services (health professional background or para-medical).
- The U. S. Public Health Service (health professional positions; some non-health positions such as attendants, orderlies, etc.)
- U. S. prison system (positions in health care units)
- The mental health area (alcoholic programs, community mental health centers)



b. Education.

- Teacher Corps
- Special education for the handicapped
- Project Head Start

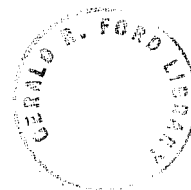
3. ACTION - Presently, ACTION indicates little or no opportunity except in a program called Action Cooperative Volunteer Model, and there not a sizeable number.

4. Agriculture/Commerce - No specific responses to initial inquiries yet available.

VII. Federal Work Programs

No special program of work with Federal funds earmarked to employ applicants has been developed. Such programs are not impossible to visualize or develop. The California Ecology Corps is the example of the type of program possible.

Federal departments contacted all have indicated a willingness to assist in the necessary staffing to create one or more Federal work programs.



ESTIMATED YEARLY COST OF ADMINISTERING ALTERNATE SERVICE PROGRAM  
FOR INITIAL BASE OF 2,000 RETURNEES

STATE HEADQUARTERS (50 STATES)

Personnel Requirements

Staff - equivalent of 48 positions at GS-12 level	\$ 840,000
Clerical - equivalent of 24 positions at GS-5 level	<u>193,320</u>
Estimated personnel cost	\$ 1,033,320

Administrative Travel Requirements  
for Supervision and Monitoring

Per Diem	\$ 162,500
Travel	<u>38,880</u>
Total estimated travel costs	\$ 201,380

NATIONAL HEADQUARTERS

Personnel Requirements

Staff	\$ 90,000
Clerical	<u>20,000</u>
Total personnel requirements	\$ 110,000

<u>Administrative Travel</u>	\$ 30,000
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Total estimated personnel costs	\$ 1,143,320
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Total estimated travel costs	\$ 231,380
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Total program costs for administration of 2,000 returnees	\$ 1,374,700
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It is estimated that for each additional 1,000 returnees the added and travel costs will be approximately 25 percent of base of 2,000. Personnel costs increase less dramatically.

For 3,000 returnees:

Personnel	1,393,320
Travel	289,280

For 4,000 returnees:

Personnel	1,643,320
Travel	347,180

For 5,000 returnees:

Personnel	1,893,320
Travel	405,080

Estimated cost of Returnee Travel (Estimates do not include cost of Returnee travel prior to his assignment to the Selective Service System).

Situation A (Travel from appropriate State Headquarters)

\$50 per Returnee to job and return home

2,000 x \$50 = \$100,000

Situation B (Travel from National Control Center)

\$200 per Returnee

2,000 x \$200 = \$400,000



UNITED STATES OF AMERICA

VS.

\_\_\_\_\_  
Name

\_\_\_\_\_  
File No.

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
City and State

AGREEMENT FOR ALTERNATE SERVICE

It appearing that you have committed an offense against the United States on or about \_\_\_\_\_ in violation of Title 50 App. United States Code, Section 462, in that

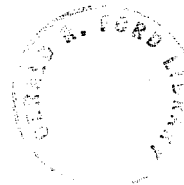
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore, on the authority of the Attorney General of the United States, by \_\_\_\_\_, United States Attorney for the District of \_\_\_\_\_, prosecution in this District for this offense shall be deferred for the period of \_\_\_ months from this date, provided you sign the following agreement:

Agreement

I, \_\_\_\_\_, understand that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy trial. I understand that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the grand jury, filing an information or in bringing a defendant to trial. I understand that constitutional due process may require dismissal of an indictment that has been unfairly delayed.

As an indication of my allegiance to the United States of America, I agree to perform national service for a period of \_\_\_ months in a job acceptable to the Director of the Selective Service System as provided in Presidential Proclamation \_\_\_. I also knowingly and voluntarily agree to waive the right to use any delay during the period of my national service to establish a defense based upon Rule 48 (b) of the Federal Rules of Criminal Procedure, the constitutional right to due process or a speedy trial, and the statute of limitations in a prosecution initiated because of my violation of this agreement.



I understand that I may be prosecuted if I violate the terms of this agreement.

In exchange for these promises, the United States will defer any prosecution of \_\_\_\_\_ for violation of Title \_\_\_\_\_, United States Code, Section 462 for a period of \_\_\_\_\_ months. The United States also agrees to drop any investigation or indictment of \_\_\_\_\_ for violation of the aforesaid offense with prejudice upon receipt by the United States Attorney for the District of \_\_\_\_\_ of a certificate from the Director of the Selective Service System indicating that \_\_\_\_\_ has satisfactorily completed his period of ~~normal~~ alternate service.

In the event \_\_\_\_\_ is prosecuted under 50 U.S.C. App. 462 because he violates this agreement, nothing stated herein shall be used against him during the trial of such violation.

\_\_\_\_\_  
Name of Alleged Violator

\_\_\_\_\_  
Name of Attorney for Alleged Violator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of United States Attorney

- 3 -

\_\_\_\_\_  
Date



## FACT SHEET

The President has today issued a Proclamation and Executive Orders establishing a program of reconciliation for draft evaders and military deserters. The main theme of the program with respect to those presently in a status of draft evasion or military desertion is that an individual will be allowed to return to American society without risking any criminal prosecution or incarceration if he acknowledges his allegiance to the United States and pledges to serve a period of alternate service.

The program is designed to conciliate divergent elements of American society who were polarized by the protracted period of conscription necessary to sustain the United States' activities in Vietnam. Thus, only those who committed their offense between the Tonkin Gulf Resolution (August 4, 1964) and the date of withdrawal of United States forces from Vietnam (March 28, 1973) [hereinafter Vietnam era] will be eligible.

The following is an outline of the essential features of the President's program:

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 fewer than 100 persons are still serving prison sentences for draft evasion.

2. Number of Military Deserters. Desertion is defined as being absent from military duty without leave for thirty days or more. During the Vietnam era, it is estimated that there were some 500,000 incidents of desertion. Approximately 12,500 of these deserters are still at large, about 1,500 in Canada. Some 660 deserters are at present serving prison sentences or awaiting trial under the Uniform Code of Military Justice.

3. Deserters and Evaders Already Convicted. Those already convicted of draft evasion or military absentee offenses during the Vietnam era may apply for a pardon 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 a pardon. When appropriate, the Board could recommend a pardon conditioned upon some alternate service.

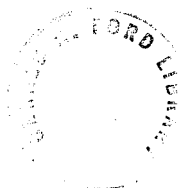
Those convicted deserters who have in the past received a dishonorable discharge or bad conduct discharge could request their service to substitute an administrative discharge for their punitive discharge.

4. Draft evaders will report either to the closest U. S. Attorney or to the U. S. Attorney for the district in which they committed their alleged offense.

Military deserters will report to the military department from which they are absent.

5. Draft evaders participating in this program will be required to make a written agreement with the U. S. Attorney to perform alternate service, as prescribed by the Director of the Selective Service System. 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.



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

6. Upon return to military control, a military deserter may elect to participate in the program. He will do this by executing a reaffirmation of allegiance and a pledge for alternate service for a period specified by the military department. He will then receive an undesirable discharge certificate, discharging him entirely from the military service, and instructions to report to the Director of the Selective Service System for his alternate service assignment.

The discharge certificate will be the standard form Undesirable Discharge. There are, at present, three forms of administrative discharge certificates used by the Armed Forces. These are prescribed, not by statute, but by administrative regulation. (DOD Directive 1332.14) They are as follows: honorable; general discharge under honorable conditions, and undesirable discharge under conditions other than honorable. While the particular discharge given to an individual under this program will not be coded on its face in any manner, the Veterans Administration will be advised that the individual has been discharged for desertion. Under present practice, such an individual is excluded from any benefits administered by the Veterans Administration.

7. The basic expected term for alternate service will be 18 months, subject to modification by the U. S. Attorney or the concerned military department. For example, in cases of extreme family hardship or in cases where a deserter has honorably served a substantial part of his obligated service, the fixed term of alternate service could be shorter than 18 months.

8. It will be the responsibility of the Director of the Selective Service System to find alternate service jobs for those who report. The Director will issue a certificate of satisfactory completion at the end of the term to the United States Attorney or the concerned military department and the individual.



9. Upon receipt of the certificate, in the case of the draft evader, the U. S. Attorney will move to dismiss the indictment if one is outstanding, or drop possible charges in cases where an indictment has not been returned. For the military deserter, after this certificate is presented to his service, his undesirable discharge will be marked with an appropriate legend.

10. 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 indicated in the terms of the agreement. In the case of the deserter who fails to perform, he will retain the undesirable discharge.

11. 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.

September 7, 1974





PROSECUTIVE POLICY WITH RESPECT TO PERSONS ALLEGED TO HAVE  
VIOLATED SECTION 12 OF THE MILITARY SELECTIVE SERVICE ACT  
(50 APP. U.S.C. 462) PURSUANT TO  
THE PRESIDENT'S PROCLAMATION \_\_\_\_\_

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I. This directive applies to all persons who have allegedly violated Section 12 of the Military Selective Service Act by unlawfully failing 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. This directive alters the present Departmental policy to effectuate the President's declared policy of clemency to draft evaders and resisters.

II. Each violator who is willing to perform alternate service as an indication of his allegiance to the United States may report to the United States Attorney for the district in which he violated or is alleged to have violated Section 12 of the Military Selective Service Act.

III. Any person presently under indictment or investigation who presents himself within 120 days, that period to commence thirty days after the President's Proclamation and agrees to perform a period of alternate service as an indication of his allegiance to the United States under the auspices of the Director of the Selective Service System, not



to exceed eighteen months, will not be prosecuted if he satisfactorily performs such service. The 120 day period may be extended for individuals who, although exercising due diligence, were unable to report within that period. An agreement must be reached within seventy days after reporting. If no agreement is reached within that period, the alleged violator may be prosecuted for the Section 12 violation.

IV. The period of alternate service shall not exceed eighteen months. In determining whether the length should be modified, the United States Attorney will consider:

(1) whether the applicant, at the time he committed the acts allegedly constituting a violation of Section 12 of the Military Selective Service Act, was erroneously convinced by himself or by others that he was not violating the law;

(2) whether the applicant's immediate family is in desperate need of his personal presence for which no other substitute could be found, and such need was not of his own creation;

(3) whether the applicant lacked sufficient mental capacity to appreciate the gravity of his actions; and

(4) such other similar circumstances.



V. After executing the agreement with the United States Attorney, the alleged violator will be referred to the Director of the Selective Service System who will provide him with an appropriate job.

VI. If the alleged violator fails to complete the period of alternate service to which he has agreed, the United States Attorney may proceed to prosecute the case.

VII. If the United States Attorney receives a certificate from the Director of the Selective Service System indicating that an alleged violator has satisfactorily completed his period of alternate service, then he will either move the court to dismiss the section 12 indictment against the violator with prejudice, or terminate any section 12 investigation of the alleged violator, whichever is appropriate.

VIII. If an alleged section 12 violator is apprehended during the 120 day period, that period to commence 30 days after the President's Proclamation \_\_\_\_\_, the violator will be treated as if he voluntarily presented himself to the United States Attorney as provided in II, if the violator so desires.

IX. Upon request of any individual who thinks he may be under investigation for violating section 12 of the Military Selective Service Act, the United States Attorney shall



promptly review that individual's case file, if any exists, and in any event inform the individual whether or not Section 12 charges against him will be pursued if he does not report as provided in II.

X. Government transportation to the appropriate United States Attorney will be provided to any indigent participating in the program.

September 7, 1974

