

The original documents are located in Box 4, folder “Clemency Program - Deadline Extension” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE WHITE HOUSE
WASHINGTON

January 14, 1975

MEMORANDUM FOR: ✓ PHIL BUCHEN
JAY FRENCH
TED MARRS

FROM: JACK MARSH 

Due to a scheduling conflict, our Clemency Board meeting with the President has been switched from Friday, January 17 to Tuesday, January 21 at 12:00 noon. It is my understanding that Jay French is preparing the briefing paper in preparation for that meeting.



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

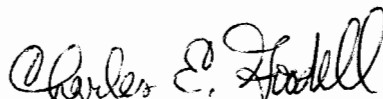
WASHINGTON

January 16, 1975

MEMORANDUM FOR PHILIP W. BUCHEN

SUBJECT: Attached Memorandum to the President

Attached for your information is a copy of a memorandum I will be presenting to the President in the next few days. If you have any comments or suggestions, I would be pleased to talk with you about it.



Charles E. Goodell
Chairman

Enclosure



PRESIDENTIAL CLEMENCY BOARD

THE WHITE HOUSE

WASHINGTON

January 15, 1975

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: CHARLES E. GOODELL

SUBJECT: Extension of January 31 Deadline for Applications
to the Presidential Clemency Board

This memorandum forwards the Presidential Clemency Board's recommendation that you extend the deadline for applications to the Presidential Clemency Board from January 31 to July 31. This recommendation is unanimous, Robert Finch and James Maye not being present at the meeting.

I. Presidential Clemency Board - Evaluation

As of January 15, 1975, the following numbers of persons have participated in the program so far:

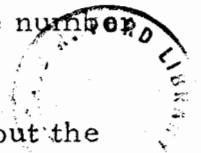
Presidential Clemency Board - Over 1,200 applicants
of a potential 100,000

Department of Defense - 3,015 applicants of a potential
12,500

Department of Justice - 194 applicants of a potential
6,200

Although the Presidential Clemency Board has had a dramatic increase in the level of participation in the past 10 days, the number of applicants is still disappointingly low.

We attribute this to the problem of providing information about the program to the special class of persons which is eligible for the Board's phase of the clemency program.



Contrary to the natural assumption about the kind of person eligible for the clemency program, the Board has found that most of its applicants are not sophisticated, articulate, well-educated, or socially favored. Unlike the stereotyped highly vocal group of war-resisters in Canada, the Board's class of persons does not belong to politically active amnesty groups which are well aware of the program and presumably have made conscious decisions about whether they wish to participate. Furthermore, unlike the unconvicted draft-evader or deserter, all the Board's prospective candidates have already been punished for their offense. They do not have that natural incentive to participate in the program that is motivated by a desire to free themselves of any legal jeopardy that awaits them. For these reasons, it requires an extra effort to contact the Board's potential applicants, to inform them of the program and to enlighten them about the benefits of participating in it.

The Board has endeavored to do this by publicizing your grants of clemency. The first results of the program for civilian applicants were announced on November 29, and on December 28 for military applicants. It was not until this time that potential applicants could see first-hand the benefits of the Board's program. These announcements came 2 1/2 and 3 1/2 months after the Board's creation on September 17. The interim was necessitated by the Board's resolution of initial policy questions and its decision to afford full rights of participation to those who had applied. The Board's procedures require a minimum of 30 days from initial application for a case to be processed.

The Board has undertaken extensive efforts to inform the public of its phase of the program. Utilizing the volunteer services of a prominent advertising agency, it has taped and distributed a series of radio and television public service announcements by General Walt and Father Hesburgh. Mrs. O'Connor has recorded announcements in Spanish. Normally, such a program requires no less than three months to produce, but the outstanding cooperation we received made this production and national distribution possible in 1/3 that time.

Together with a program of direct-mail to 9,000 convicted draft-evaders, which will not be completed by January 31, we believe that these efforts for the first time inform the Board's applicants



and the public of the Board's phase of the program. Until this time, there has been an unfortunate tendency to regard your entire program as aimed only at draft-resisters in Canada, which is the most vocal and controversial group.

Now that the press and the public are coming to realize that the Board is responsible for persons who have already received punishment for their offenses, the upturn in Board participation has been dramatic. In the week since the public announcement of our information campaign, our applications have jumped nearly 50%, and we have received hundreds of phone inquiries. Every time a spot announcement is played, we immediately receive inquiries from that area. We are also informed that the Defense Department has received an increase in participation which they attribute to these announcements.

II. Arguments in Favor of an Extension

Your Proclamation creating the clemency program contemplated a limited application period ending January 31, with the goal of resolving the clemency program within that time.

The selection of January 31 as the deadline apparently rested upon the assumption that persons eligible for the program would quickly learn of its provisions. The 4 1/2 month period between September 17 and January 31 was thought to give them sufficient time to decide whether to participate.

This assumption was based on the mistaken belief that the persons covered by your program are for the most part reasonably well educated, middle or upper-class persons whose motivation to violate Selective Service or military law was ideological -- opposition to the war in Vietnam. These people generally have substantial exposure to broadcast and print media, and would also learn of the program through the evader/deserter community information network.

The Presidential Clemency Board has found, at least with respect to the punished draft-evaders and deserters eligible for consideration under our part of the clemency program, that these assumptions are wrong.



In reviewing our cases, we have found our applicants generally to be uneducated and not from middle or upper-class backgrounds. Most of them were unable to pursue their remedies properly within the legal system precisely because they were unsophisticated and inarticulate. Those who believed deeply that they should not kill, but who couldn't express their feelings adequately, often wound up with conviction records and jail sentences, while the articulate and sophisticated got a better shake in the first place. Many of our applicants would have received hardship deferments, or compassionate reassignments or hardship discharges in the military, had they known how to proceed properly.

Even for those potential Board applicants who are more sophisticated, or who were motivated by strong feelings about Vietnam, we believe that their circumstances are different. First, they, too, are generally not part of any underground or exile information network since they have already paid their legal penalty and have no need to be in hiding. Second, they, like all Board potential applicants, have long ago resolved their problems with the government and the law. They have no pressing reason like a pending indictment or AWOL to move them to participate. Most of these persons, we believe, do not yet know of the program. Or, if they do, they are awaiting clear indications of how the Presidential Clemency Board phase works before they subject themselves and their fate once again to the government.

It has only been since late November that your first decisions on the Presidential Clemency Board have been announced. The Board believes that the process of informing and explaining its program to potential applicants is just beginning, and that January 31 is too precipitous a deadline.

On Monday, January 7, the Board announced its public service information campaign. It was given great play on radio and TV Monday night. It was first-page news on major national papers Tuesday. By Wednesday night, the Board had received 150 new written applications, and about the same number of phone inquiries. This far exceeded the usual rate. By January 15, the applications had risen from about 850 before the campaign to over 1200, almost a 50% jump in one week.



We believe that this demonstrates that Board applicants, especially, cannot be assumed to be aware of their opportunities under the program in the same way deserters and draft-evaders probably are; and second, that the Board phase needs additional time and a major public information effort before it can be fairly said to have had a fair test of its success.

III. Arguments Against

There are three primary arguments against an extension for the Board's phase of the program. First, the program as a whole has served to defuse the amnesty issue as a public and political question. Extending the program merely prolongs a source of criticism. The applicants have had their chance to apply. If they failed to learn of the program, or remain unconvinced, your obligation to them has still been satisfied by having made them an offer of clemency. Second, there is no guarantee that those who have not applied are uninformed about the program, or that additional information will attract many more applicants. Third, a partial extension of the program for the Board phase only, while letting the DOD and Justice Department portion lapse, may be hard to justify.

The first reason, we believe, is not much different from the arguments raised prior to September 17 against having any clemency program. They are political arguments and, while not without merit on those grounds, they were disregarded by you in September. They should be disregarded now. Your clemency program was not instituted to give you political benefits, but because it was the necessary and right thing to do. An extension is necessary because the job is not yet done, and the Board program has not had a fair test. It would be wrong for you to have taken this courageous action and now to let it end before it has really gotten started.

While the Board cannot guarantee that the program will be a numerical success by July 31, we do believe it needs that amount of time to try. It is my personal feeling that you have nothing politically to lose by extending the Board's program, but you have much to gain in an increase in participation once the information program becomes effective.



If you decide to extend the Board's deadline, General Walt has expressed his willingness to join with me in meeting with the Veterans' groups. The General believes that the opposition by the Veterans' groups is based largely on a misunderstanding of the Board's phase of the program, and from a confusion of our eligible population with the exiles.

We believe that the second argument is not supported by the facts we now have. It has become quite apparent that the press until recently misconceived and misunderstood your program. Most public attention - and criticism - has been directed at those who are unconvicted draft-evaders. Informal surveys we have taken demonstrate that few people are aware that there is a part of your program open to those who have already been punished for their offenses. It may be true that the Board will not attract in the next six months tens of thousands of applicants from its potential of over 100,000. But the dramatic increase in responses and in increased sophistication by the press in recent days makes us hopeful that an additional six months will result in a very respectable showing for the Presidential Clemency Board part of the program.

It may be argued that an extension is an admission of the failure of the program. Insofar as the numbers are concerned, that charge can be made even if you do not order an extension. When the reasons for an extension are explained, this argument we believe loses its validity.

The last argument, that of the difficulty of extending only one part of your three part program, has merit. To that there are two responses.

First, the Board program is very different in nature from the other phases. It deals not with persons who have unresolved obligations to society, but those who have already discharged their debt. It is legitimate to distinguish between those who have had fair notice -- the evaders and deserters -- and those we know have not. It is also important to note that the Board's program, while the least understood, is also the least controversial. It has not been greatly criticized by liberal groups or conservative groups. In fact, when explained it is generally supported.



Second, it is our impression that the DOD portion is a substantial success, having processed as of January 10, some 3,000 of a potential 12,500 eligible. It is noteworthy that the Defense Department believes that the characteristics of its population are very similar to that of the Board's. The important difference, of course, is that any person now AWOL knows of his unresolved military obligation. He has been out in the country apprehensive of being arrested by the FBI at any moment. Naturally, he is highly motivated to learn of the Defense program and to participate. Subject to their first-hand report, of course, it is our belief that the Department would have a very good chance of processing the vast majority of their remaining cases in the next six months. And, it is our informal impression that the Department would not be opposed to extending its phase.

If so, then there are good reasons to extend 2 of the 3 programs. This might persuade you to extend the Justice Department phase as well.

The Board does not recommend, however, that you extend the program for just two phases--the Presidential Clemency Board and the Department of Defense. We do not believe that would be a tenable alternative.

IV. Public Justification for a Board Extension

If you decide to extend the Board's phase of the clemency program, it can be based on the following points:

- 1) The different nature of Board potential applicants and the fact that more time is needed to inform them.
- 2) The substantial ignorance and confusion on the part of the applicants, the public, and the press about the nature of the Board's special program.
- 3) The fact that this is not simply a program for exiles, but offers rehabilitation for a wide range of citizens who have already paid their penalty and now can be reintegrated into society.



4) Emphasizing the great initial response in applications and understanding that followed the January 7 beginning of the information program.

V. Your Alternatives:

1) Extend the deadline for the Presidential Clemency Board phase of the clemency program to July 31, 1975. _____

2) Extend the deadline for the entire Clemency Program to July 31, 1975. _____

3) No extension of the deadline. _____



THE WHITE HOUSE

WASHINGTON

January 20, 1975

BRIEFING MEMORANDUM FOR THE PRESIDENT

Monday, January 20, 1975

12 o'clock Noon

The Oval Office

1. PURPOSE

To discuss certain recommendations with regard to the earned re-entry program.

2. PERSONS ATTENDING

Philip W. Buchen
John O. Marsh, Jr.
Dr. Theodore C. Marrs
Weldon Latham (OMB)
Jay T. French

3. POINTS FOR DISCUSSION

A. Deadline for filing applications

January 31st is the last day, according to your Proclamation, that a draft evader or military absentee may apply to the Clemency Board, Department of Justice or Department of Defense for clemency. Chairman Goodell has indicated that he would like an extension of time for the Clemency Board until July 31. An extension, of either the Board or the entire program, is undesirable for the following reasons:

- a. It is an unjustified admission of the program's failure. See Tab A.



- b. An extension of only the Board's deadline and not the deadlines for Justice and Defense, would be misunderstood by the public as unequal treatment. An extension of the entire program is not favored by Justice and Defense.
- c. Congressional funds for the Board might be required if it continues beyond June 30:
- d. Selective Service indicates that locating jobs is becoming more difficult in the present economic climate. A significant extension of the program, resulting in a significant increase in applicants, might make Selective Service's role impossible to perform.

Chairman Goodell urges extension for these reasons:

- a. Many of the Board's potential applicants are unaware of the opportunities of your program because they are unsophisticated, uneducated and poorly informed. The Board points to the increase of total applications from 850 to 1200 in one week, which it believes is a result of its information campaign, as proof of this assumption.
- b. Although the program began in September, many potential applicants did not become aware of it until your first acts of clemency were made public in late November.

B. Deadline for consideration of applicants

If you approve the recommendation not to extend the application deadline, then we further recommend that you urge the Clemency Board to finish consideration of all applications no later than June 30, 1975. Justice and Defense will have concluded consideration shortly after the deadline. The following reasons support this request:



- a. A June 30 conclusion insures that no congressional appropriation will be required for the Board for FY 76.
- b. OMB reports, from its discussions with the Clemency Board staff, that June 30 is a reasonable deadline.

C. Funding the Clemency Board

The Board was initially funded (\$85,000) from the "Unanticipated Personnel Needs Fund". These early funds will run out by January 31. We recommend that you allocate \$100,000 from the "Fund" to provide the Board enough funds through June 30, 1975.

- a. There are sufficient funds in the "Unanticipated Personnel Needs Fund" for this purpose. See Tab B.
- b. OMB has reviewed the Board's budget and agrees that at least \$100,000 is a fair amount to allocate.

D. Presidential Statement Proposed

Recently Chairman Goodell launched a massive media campaign to increase awareness of the earned re-entry program. This action, and the frequent comments of proponents for unconditional amnesty have led many people to believe that your earned re-entry program was a failure because of the lack of applicants. If the program concludes without further comment from the Administration, it will appear that we too accept this judgment. We believe that an honest appraisal of the facts discloses that your program was successful and we recommend that you issue the attached statement after your meeting with Chairman Goodell. See Tab C.



TAB A



TAB A

1. The program is designed to provide an opportunity to return, not a guarantee that everyone must return (unconditional amnesty).
2. While other presidential amnesty programs have had a similar goal, none in the last century has required the offender to satisfy two conditions: application and alternate service.
3. For these reasons, the measure of success of the program is not the number of offenders who apply: the decision to return is up to each individual.
4. What is meaningful, however, is that of those who have elected to return, 99 % have been given clemency. By contrast, the Truman Board reviewed every file of every draft evader automatically and gave clemency to only 10%.
5. See chart on following page for current statistics.



STATISTICS

	Potential Returnees	No. of Applications to date: 1/17/75	Rate of Flow (Per Week) Dec. 9-13	Rate of Flow (Per Week) Jan. 13-17
Department of Justice (Draft Evaders)	4,900 (1400 dismissed)	230	12	35
Department of Defense (Deserters)	12,500	3,500	125	275
Clemency Board (All Convicted or Issued an Undesirable Discharge)	85,000 (Undesirable Discharge Only) 30,000 (all others)	300 1,000		700+
TOTAL				



TAB B



UNANTICIPATED PERSONNEL NEEDS FUND

Appropriated FY 75 500,000

Expended or allocated

1.	Council on Wage & Price Stability, 9/9/74	8,000	
2.	Presidential Transition 9/19/75	50,000	
3.	Presidential Clemency Board 9/26/75	85,000	
4.	Council on Wage & Price Stability, 12/23/74	2,500	
	Sub Total		145,500

Proposed Allocation

1.	CIA Commission	150,000	
2.	Presidential Clemency Board	100,000	
3.	Harry S. Truman Schol- arship Fund	60,000	
	Sub Total		310,000

TOTAL 455,500

Balance 44,500

Reimbursable (Subsequent Appropriations Allowed Reimbursement)

1.	Council on Wage & Price Stability	10,500	
2.	Presidential Transition	50,000	
	TOTAL		60,500



TAB C



Last September I announced a program of earned return for draft evaders and military absentees during the Vietnam military engagement. It was my intention by this offer to create an avenue of return for those who violated the law, for whatever motive, and wished to rejoin American society.

To accomplish this aim, I purposefully conditioned my offer by requiring each person to take a positive step by coming forward to apply and agree to a period of alternate service in the national interest. Without these conditions I believe there would have been no reconciliation--no meeting ground halfway for all Americans.

This program has achieved the goal which I intended: it has identified those who wanted to return. Of this group, almost everyone has been or will be offered clemency.

Shortly, on January 31, my offer will end. Thereafter, those who remain in violation of the law will be subject to prosecution. I will support those in the Executive Branch whose duty it is to bring offenders before the courts; although, I trust that only those cases will be brought in which the evidence is proper and clear. Finally, in cases of great merit, I recommend to the departments such leniency as they determine to be fair and just.

The turmoil of Vietnam has given way to new times and concerns. When in the years to come we have occasion to look back to that era, let our first thoughts be for those who died in the service of their nation. It is our tradition to do so.



Clemency

Monday 1/27/75

Meeting
1/28/75
2 p.m.

4:35 The meeting for Senator Goodell, Jack Marsh, and you with the President is scheduled for 2 p.m. tomorrow (Tuesday 1/28).

Nell asked if you would call the Senator and invite him to the meeting. (In order to get it on his calendar, I called Senator Goodell's secretary to alert her to the time of the meeting.)

Let me know when you want me to call him for you, please.



THE WHITE HOUSE

WASHINGTON

January 27, 1975

MEMORANDUM FOR:

✓ MR. PHILIP W. BUCHEN
MR. JOHN O. MARSH, JR.

FROM:

WARREN RUSTAND *WR*

SUBJECT:

Approved Presidential Activity

Please take the necessary steps to implement the following and confirm with Mrs. Nell Yates, ext. 2699. The appropriate briefing paper should be submitted to Dr. David Hoopes by 4:00 p.m. of the preceding day.

Meeting: With Charles Goodell, Mr. Buchen and Mr. Marsh

Date: Tues. Jan. 28, 1975 Time: 2:00 p.m. Duration: 30 minutes

Location: The Oval Office

Press Coverage: White House Photographer

Purpose:

cc: Mr. Hartmann
Mr. Cheney
Mr. Connor
Dr. Hoopes
Mr. Jones
Mr. Nessen
Mr. O'Donnell
Mrs. Yates



Clawency

January 27, 1975

Dear Jack:

The letter you sent to Senator Taft tells a heartwarming story.

No final decision has been made on whether the program in question will have the last day for filing applications extended. However, for a variety of reasons I doubt that if it is extended, it will be for very long under the present program.

There are rather compelling reasons why it is not possible for all misunderstanding to be cleared up by a mere extension of time, nor even by additional affirmative efforts to counteract the failure of potential beneficiaries to learn and judge for themselves the merits of the present program.

Nevertheless, I will circulate your letter among all on the White House staff who are concerned with the issue you raise.

Many thanks for your input.

Sincerely yours,

Phillip W. Buchen
Counsel to the President

Mr. John J. Chester
Chester, Hoffman, Park, Willcox & Rose
16 East Broad Street
Columbus, Ohio 43215



bcc: John Marsh (with copy of letter to Taft)
Dr. Ted Marrs (with copy of letter to Taft)

PWBuchen:ed

CHESTER, HOFFMAN, PARK, WILLCOX & ROSE
16 EAST BROAD STREET
COLUMBUS, OHIO 43215

JOHN J. CHESTER
F. HERBERT HOFFMAN, JR.
HOWARD C. PARK
RODERICK H. WILLCOX
DONALD G. ROSE
CHARLES S. LOPEMAN

TELEPHONE
221-4000
AREA CODE 614

January 21, 1975

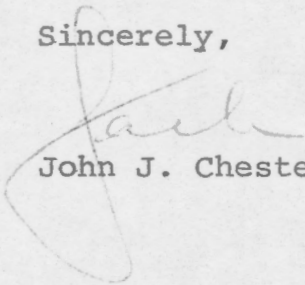
Hon. Philip Buchen
Counsellor to the President
The White House
Washington, D. C. 20500

Dear Phil:

The newspapers have indicated that there is some question about extending the amnesty for Viet Nam draft evaders and deserters. Inasmuch as the President initiated this program I believe it would be a mistake to terminate it at this time.

You will find enclosed a copy of a letter I recently sent to Senator Taft.

Sincerely,


John J. Chester

Encl.



January 14, 1975

The Honorable Robert A. Taft
United States Senate
Senate Office Building
Washington, D. C.

Dear Bob:

Originally I was opposed to your amnesty program for draft evaders and deserters. A recent experience that I have had, however, has changed my mind, and I wish to urge you to continue your efforts to have the amnesty program continued.

Elizabeth Doss, a relative of my wife's from Urbana, Ohio, several years ago went to Canada and married a draft evader and lived in Canada until the fall of 1974. When President Ford's amnesty program was announced and put into effect, she sought my advice. I advised her to urge her husband to turn himself in under the new program. He proceeded to do so, and they are now living outside of New York City where he is doing an approved type of work. They were home for the holidays, and I had an opportunity to talk with them. They are both in their early twenties and are attractive people. He has become a skilled carpenter. They are enthusiastic about the program and the work that he is doing. They both repeatedly told me that the evaders and deserters who are still in Canada are completely misinformed about the program. They stated that if the people in Canada had any true understanding and realization about the program that virtually all of them would return to the United States. They stated that if they had not had the benefit of the information and advice that I had sent to



The Honorable Robert A. Taft

-2-

January 14, 1975

them they would have remained in Canada also, not understanding the program. Your efforts at least have led to two people returning to the United States where they will, I am sure, lead very happy and useful lives.

With kindest personal regards, I am

Sincerely,

John J. Chester

JJC:ec



1975

THE WHITE HOUSE
WASHINGTON

Jan 28, 1975

To Office of Mr. Philip Buchen

From: Elouise Frayer
Office of Congressional
Relations

I believe that Mr. Buchen might
want to review these letters
prior to the 2:00 meeting with
the President today.



January 27, 1975

Dear Mr. Mazzei:

Thank you for your January 24 letter to the President in which you were joined by 19 of your colleagues in urging that the deadline for applications to the Presidential Clemency Board be extended from January 31 to July 31, 1975.

It is useful to have your views on this matter and I will see that they are called to the President's early attention.

With kind regards,

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable Romano L. Mazzei
House of Representatives
Washington, D.C. 20515

bcc w/inc to Jack Marsh - FYI

bcc w/inc to Philip Buchen

VCL:EF:kir

bcc w/inc to Charles Goodell



20

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 24, 1975

The Honorable Gerald R. Ford
The President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to urge that you extend by six months the deadline for applications to the Presidential Clemency Board, from the present expiration date of January 31, to July 31, 1975.

To date, only about 2,000 of the estimated 100,000 eligible applicants under the clemency program have applied. The Honorable Charles E. Goodell, Chairman of the Presidential Clemency Board, has attributed this low participation rate to a lack of awareness on the part of potential applicants, many of whom do not know that the program exists or that it applies to already convicted military deserters or convicted draft evaders. Prior to the launching of a public awareness campaign on January 6 to make this known, emphasis had been placed primarily on those individuals who had left the country.

Since the inception of the public awareness movement just two weeks ago, the number of applicants to the Board has doubled. As you well know, Mr. Goodell and the Board unanimously have agreed to recommend to you that the program be extended.

We wholeheartedly urge that you act in accordance with this recommendation in order to enable a greater number of potential applicants to benefit from this program and to further demonstrate its intended spirit of goodwill.

Sincerely,

Harry
Lawrence Coughlin
LAWRENCE COUGHLIN, M.C.

Mr. Henry J. Nowak
HENRY J. NOWAK, M.C.

Bill
Bill Frenzel
BILL FRENZEL, M.C.

Garry
Garry Brown
GARRY BROWN, M.C.

Mr. Romano L. Mazzoli
ROMANO L. MAZZOLI, M.C.

Mr. Edward P. Boland
EDWARD P. BOLAND, M.C.



Dave David F. Emery

DAVID F. EMERY, M.C.

Stewart Stewart B. McKinney

STEWART B. MCKINNEY, M.C.

Mr. George Miller

GEORGE MILLER, M.C.

Mr. Edward I. Koch

EDWARD I. KOCH, M.C.

Don Donald M. Fraser

DONALD M. FRASER, M.C.

Mr. Mark W. Hannaford

MARK W. HANNAFORD, M.C.

Chuck Charles A. Mosher

CHARLES A. MOSHER, M.C.

Mr. Robert W. Edgar

ROBERT W. EDGAR, M.C.

Mr. Christopher J. Dodd

CHRISTOPHER J. DODD, M.C.

Mr. Frank Thompson, Jr.

FRANK THOMPSON, JR., M.C.

Mr. David R. Obey

DAVID R. OBEY, M.C.

Bill William S. Moorhead

WILLIAM S. MOORHEAD, M.C.

Mr. Timothy E. Wirth

TIMOTHY E. WIRTH, M.C.

Mr. Robert Duncan

ROBERT DUNCAN, M.C.



January 28, 1975

Dear Mr. Chairman:

Thank you for your January 27 letter to the President concerning the Presidential Clemency Board.

I am confident the President will appreciate having your recommendations on procedural and organizational changes for the operation of the program. I shall make certain he receives your letter promptly.

With kind regards,

Sincerely,

William T. Kendall
Deputy Assistant
to the President

The Honorable Edward M. Kennedy
Chairman
Subcommittee on Administrative Practice
and Procedure
United States Senate
Washington, D.C. 20510

cc: w/incoming to Charles Goodell for appropriate handling.
~~cc: w/incoming to Philip Buchen~~ - for your information.

WTK:EF:VO:vo



JAMES D. EASTLAND, MISS., CHAIRMAN

SUBCOMMITTEE:

JOHN L. MCCLELLAN, ARK.
SAM J. ERVIN, JR., N.C.
PHILIP A. HART, MICH.
EDWARD M. KENNEDY, MASS.
BIRCH BAYH, IND.
QUENTIN N. BURDICK, N. DAK.
ROBERT C. BYRD, W. VA.
JOHN V. TUNNEY, CALIF.

ROMAN L. HRUSKA, NEBR.
HIRAM L. FONG, HAWAII
HUGH SCOTT, PA.
STROM THURMOND, S.C.
MARLOW W. COOK, KY.
CHARLES MCC. MATHIAS, JR., MD.
EDWARD J. GURNEY, FLA.

EDWARD M. KENNEDY, MASS., CHAIRMAN
PHILIP A. HART, MICH.
BIRCH BAYH, IND.
QUENTIN N. BURDICK, N. DAK.
JOHN V. TUNNEY, CALIF.
STROM THURMOND, S.C.
CHARLES MC C. MATHIAS, JR., MD.
EDWARD J. GURNEY, FLA.

NATHAN LEVENTHAL, CHIEF COUNSEL

PETER M. STOCKETT, JR.
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON
ADMINISTRATIVE PRACTICE AND PROCEDURE
(PURSUANT TO SEC. 3, S. RES. 56, 93D CONGRESS)
WASHINGTON, D.C. 20510

January 27, 1975

The President
The White House
Washington, D.C.

MF

Dear Mr. President:

On December 18 and 19, 1974, the Senate Judiciary Subcommittee on Administrative Practice and Procedure held hearings regarding the Presidential Clemency Program established September 16. These hearings were designed to determine whether the program's procedures and practices are in keeping with the goals of leniency and reconciliation which you expressed in establishing it.

The hearings permitted us to compare the procedures of the Department of Justice, the Department of Defense, and the Presidential Clemency Board. We believe that certain of the concepts, procedures, and practices of the program should be changed to meet more fully the objectives you set forth. Since these findings may be of some help to you in your decision whether to extend the program beyond January 31, 1975, I would like to offer them along with certain specific recommendations for the improvement of the program.

I want initially to commend the Department of Justice for making available a definitive and final list of those who remain liable for prosecution for violation of the Selective Service laws. This will now allow men to determine their eligibility to participate in the Clemency Program without fear of self-incrimination. The compilation of this list by the Department and its transmittal to the Senate Subcommittee on Administrative Practice and Procedure.



January 27, 1975

is a most sensitive and responsive step and fully in keeping with the objectives of the Clemency Program.

First, there is the question of the program's extension. It was clear even at the time of our hearings in mid-December that many eligible individuals still were in the process of learning about the program. Letters had not been sent to even the 8,000 men who had been convicted and completed their sentence. The January cut-off date would clearly deny some who might wish to participate in the Clemency Program of the opportunity to do so. In Massachusetts, for example, there are numerous persons whose indictments for offenses committed in 1970 and 1971 were not returned until late 1973 or 1974. Many of their cases will not be concluded until after the January 31 date. This means they would be denied the opportunity to participate in the program. Further, the regulations of the Board were not issued until late November, and the procedures of the Justice Department and the Defense Department also were not available until well into the program. Finally, the Justice Department has only last Friday made available to the Subcommittee the final list of men liable for prosecution for Selective Service violations and thus eligible to participate in the Clemency Program. I thus believe the program should be extended beyond the present termination date.

Second, it should be emphasized that improvements in the program structure could encourage a more positive response from those who are eligible. Thus, the Presidential Clemency Board has established guidelines for "mitigating circumstances" which seem comprehensive and just, but the Department of Defense and the Department of Justice have guidelines that appear neither comprehensive nor consistent. Consistency in this important area would seem crucial to the fairness of the overall program. For instance, while hardship is a factor in the Clemency Board considerations, it is not considered by the Department of Defense. This would seem even to contradict the normal administrative



January 27, 1975

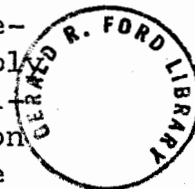
discharge process in the military, where individual hardship is accorded major consideration.

In this regard, full procedural protections should be extended to participants, including the right to make a personal presentation. At the least, this and other rights which were incorporated by the Congress in the Selective Service Reform Act of 1971 should be part of the Clemency Program's procedural protections.

Third, the Presidential Clemency Board has announced a policy of review of military records to determine whether there are any offenses other than the "absentee" offense. If no such offense exists, a recommendation to upgrade the "Clemency Discharge" to a "General Discharge" would be made. Also, "Clemency Discharges" granted by the Clemency Board are to be automatically reviewable by the military discharge review process, without regard to the offense pardoned. The Department of Defense seems to differ on these sound policies. Again, consistency with the Board's position would seem appropriate and desirable.

Fourth, the hearings indicated that the pardon would not expunge the pardoned individual's record, but only be added to the conviction record. If we are to achieve reconciliation and encourage these young men to contribute fully to this society in the future, it would be appropriate to expunge or at least to seal the relevant records of men who complete the Clemency Program.

Fifth, the program now covers veterans with less than honorable discharges for "absentee" offenses, but does not cover veterans with such discharges for offenses less serious than desertion, who may be equally deserving of leniency. To exclude those men from the Clemency Program seems to be an oversight that inevitably produces inequities, especially since identical motivation may have led different men to different actions which should not merit different treatment under the Clemency Program.

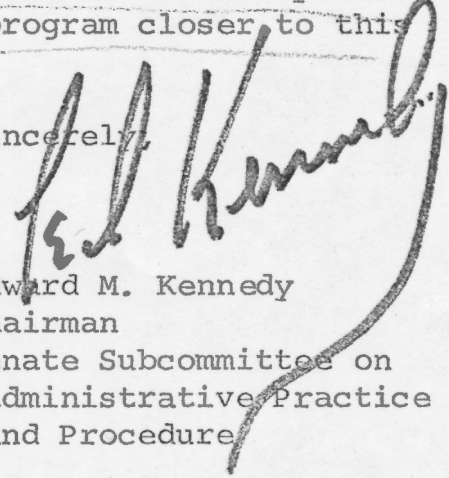


The President
Page Four

January 27, 1975

As I indicated to you last summer following your speech to the Veterans of Foreign Wars, I believe that the vast majority of Americans across the country agree with you that reconciliation is a precondition for national unity and progress. Your initiation of the Clemency Program in September reflected both courage and compassion. When you announced the program, you cited the example of President Lincoln's compassionate attitude of clemency after the Civil War. A continuation, expansion, and improvement of the present Clemency Program will move that program closer to this ideal.

Sincerely,



Edward M. Kennedy
Chairman
Senate Subcommittee on
Administrative Practice
and Procedure



January 27, 1975

Dear Senator:

This will acknowledge receipt and thank you for your January 23 letter to the President urging that the conditional amnesty program be extended for another six months and recommending several changes in the program itself.

I want to assure you that your letter will be called to the President's attention without delay.

With kindest regards,

Sincerely,

William T. Kendall
Deputy Assistant
to the President

The Honorable Robert Taft
United States Senate
Washington, D.C. 20510

bcc: w/incoming to Charles Goodell for further handling.
bcc: w/incoming to John Marsh - for your information.
~~bcc: w/incoming to Philip Buchen - for your information.~~

WTK:EF:VO:vo



14
ROBERT TAFT, JR.
OHIO



1-27
United States Senate

WASHINGTON, D.C. 20510

January 23, 1975

attend amnesty program / suggestions
end
ME
The President
The White House
Washington, D. C. 20500

Dear Mr. President:

At this stage in your conditional amnesty program, I share your disappointment in the small fragmented response from Vietnam war draft evaders and deserters. Nevertheless, as I have previously advised you, your amnesty program is a positive step, capable of success, which seeks to reconcile the divergent views held by Americans on this most controversial subject. Recognizing the worth of the program, I urge you to extend its life for another six months. In making this recommendation, however, I urge you also to institute those necessary refinements in the program, based upon the experience of the past few months, which will help to achieve a better program.

First, Mr. President, I reoffer my proposals as put forth in my letter of September 24, 1974. As you then informed me, your advisors would report back to you with respect to the merits of these recommendations. I trust that this directive has been completed. I strongly believe that these suggestions are still valid and worthy of implementation.

Next, I believe a significant reason behind the failings of the program has been that war resisters and their advisors have a negative, distrustful attitude toward



The President
Page Two
January 23, 1975

the program and its administration. This distrust can be traced back to three predominant factors: (1) that they are truly uninformed as to the nature and content of the program; (2) there is no grace period for free entry into the United States to inquire personally into the program's benefits; and, (3) there is no central control or uniform application of the program where national standards have been established.

As to my first point that potential program participants are uninformed, I believe your advisors have recognized this fact and have authorized a vast media campaign in this late stage of the program's development. This is a step in the right direction, but it comes too late if a fixed termination date of January 31 is adhered to. This lack of awareness by would-be participants was brought home to me recently when a constituent wrote to me expressing the sentiment that evaders and deserters who are in Canada with whom he had contact, are completely misinformed about the program. As a consequence, a lack of accurate information has caused beneficiaries not to avail themselves of the program. I have attached for your review this constituent's letter deleting the name of the individual involved.

Surely an intensive national and perhaps international public relations program over the next few months would be warranted if you believe, as I do, that the word has not sifted through to those who are intended to be benefited.

Moreover, as I view it, a part of this distrust is rooted in the fact that there is no grace period for those outside the country to return and negotiate for clemency with the option of leaving the United States, unrestricted, assuming negotiations break down. Under the Justice Department's implementation of the program, all those eligible for the program and who have had no additional criminal charges outstanding who reenter the United States have only fifteen days to report to the appropriate authority from the date of their reentry. Once they contact the Federal authorities, they are subject to being apprehended. Attorney General Saxbe has stated, "Many draft evaders are highly suspicious of the Justice Department's motives."



The President
Page Three
January 23, 1975

The lack of a right to free U. S. entry to learn more of the program's operation and to negotiate for acceptable alternative service jobs precludes many potential applicants from considering the program. This is a further obstacle to the program's success and one that I think should be removed.

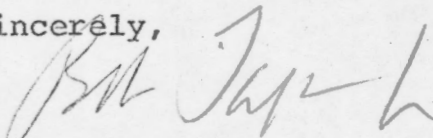
In line with my earlier letter to you, I believe that the experience gained since the program's inception now more than ever, requires that you vest the entire amnesty program in the Presidential Clemency Review Board. I believe it is imperative that we have uniform application of the program throughout the Nation and that this Board have the authority to review the actions of all governmental agencies which are responsible for administering portions of the Presidential Clemency Program.

The Clemency Board should have the right to review the length of alternative service terms as well as the types of service prescribed by either the Justice Department or the appropriate military command. Centralized control of the program by the Clemency Board should result in the promulgation of the national standards for establishing the conditions and procedures of this program. Any appearance of arbitrary prosecutorial or military action may be avoided and greater credibility in the program may be achieved.

Mr. President, I appreciate your consideration of my views. In light of the experience of the last four months, which should be treated by you in many respects as experimental, comes an unparalleled opportunity to change the program for the better. Your extension of the program and institution of needed change will reaffirm your commitment to justice and mercy for draft offenders and military deserters. It will further demonstrate your continuing good faith and pledge to the necessity for national reconciliation.

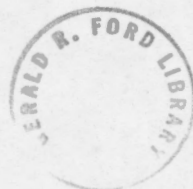
Personal regards.

Sincerely,



ROBERT TAFT, JR.

United States Senator



Clemency

THE WHITE HOUSE
WASHINGTON
January 30, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP W. BUCHEN

P.W.B.

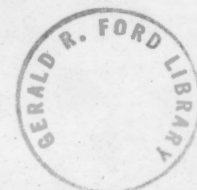
I am submitting for your signature a Proclamation and Executive Order which will extend the termination date for applications to the earned return program for draft evaders and military deserters during the Vietnam Era, from January 31, 1975, until March 1, 1975. These documents amend your earlier Proclamation No. 4313 and Executive Order No. 11803 by which you announced a program for earned reentry and established a Presidential Clemency Board.

The documents were prepared by OMB and they have been reviewed and approved by the Department of Justice and my office. Paul Theis has approved the language of the Proclamation.

RECOMMENDATION

That you:

1. Sign the Proclamation in Tab A.
2. Sign the Executive Order in Tab B.



Thursday 1/30/75

4:45 Jay took the E. O. and Proclamation to Bob Linder and they will have everything ready -- will just need your signature on this memo == and will send on to the President.



PRESIDENTIAL STATEMENT

Last September I announced a program of earned return for those who were draft evaders and military absentees during the Vietnam conflict.

This program was intended to reach a broad group of young Americans who had been convicted, charged, investigated or who were still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice. Also, this program was intended to provide a way for many persons who received an Undesirable Discharge from military service, for absentee related offenses, to upgrade their discharge certificate to a Clemency Discharge.

In the last few weeks the information program conducted by members of the Presidential Clemency Board has resulted in a six-fold increase in the number of applications from the largest group of persons eligible for my clemency program. These are individuals who did not flee to Canada, who did not hide from the consequences of their acts. They faced the law, they were punished and paid the penalty. The vast majority of these new applicants have expressed surprise that the program offers them an opportunity for a Presidential Pardon and a way to earn their way back as productive members of society. It is now clear that the vast majority of persons who were punished for draft evasion offenses or desertion between 1964 and 1973 do not know of their eligibility for this program. It is my desire that



every individual have a fair chance to learn of his opportunities under the program, and for that reason I am extending the deadline for applications under the entire clemency program until midnight, February 28th.



PRESIDENTIAL STATEMENT

Last September I announced a program of earned return for those who were draft evaders and military absentees during the Vietnam conflict.

This program was intended to reach a broad group of young Americans who had been convicted, charged, investigated or who were still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice. Also, this program was intended to provide a way for many persons who received an Undesirable Discharge from military service, for absentee related offenses, to upgrade their discharge certificate to a Clemency Discharge.

After reviewing the progress of this program, I believe that many of those who could benefit from it are only now learning of its application to their cases. This belief is based on a significant increase in the number of applications and inquiries over the past few weeks when publicity and communications about the program were greatly expanded.

Therefore, I am today extending the termination date for applications from January 31 until March 1, 1975.



Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

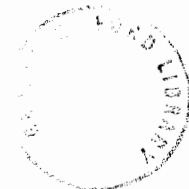
Last September I announced a program of earned return for those who were draft evaders and military absentees during the Vietnam conflict.

This program was intended to reach a broad group of young Americans who had been convicted, charged, investigated or who were still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice. Also, this program was intended to provide a way for many persons who received an Undesirable Discharge from military service, for absentee related offenses, to upgrade their discharge certificate to a Clemency Discharge.

After reviewing the progress of this program, I believe that many of those who could benefit from it are only now learning of its application to their cases. This belief is based on a significant increase in the number of applications and inquiries over the past few weeks when publicity and communications about the program were greatly expanded.

Therefore, I am today extending the termination date for applications from January 31 until March 1, 1975.

#



Clemency

THE WHITE HOUSE

WASHINGTON

February 11, 1975

Dear Reverend Hesburg:

It is with pleasure that I respond in behalf of the President to your kind letter of January 31, 1975, concerning the extension of the application period of the clemency program.

In discussions which led to the decision to extend the deadline, the President made several comments which closely parallel the thoughts you have expressed in your letter. He recognized that an extension would provide the opportunity for thousands of young Americans, who are only now learning about the program, to be reintroduced into our society.

It was indeed interesting to learn that more persons have received clemency in this program than received clemency through the Truman Board.

I know President Ford greatly appreciates your support and your personal efforts as a member of the Clemency Board.

Most sincerely yours,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

The Reverend Theodore M. Hesburgh
President
University of Notre Dame
Notre Dame, Indiana 46556



University of Notre Dame

Notre Dame, Indiana 46556

Office of the President

January 31, 1975

Cable Address "Bulac"

RL
Honorable Gerald R. Ford
The White House
Washington, D. C.

Dear President Ford:

I would like to applaud your action in extending the expiration date of the clemency program for one month. I realize that in many ways this has seemed to be a no-win game, but the fact is that already more than twice as many have been granted clemency than were granted clemency by the Truman Board following World War II. As a member of your Presidential Clemency Board, I have been very moved by the dispensation of mercy that takes place in our actions and the lives of many young people who are bettered by their reintroduction into American society without the burdens of felony convictions and dishonorable discharges. If one single human person is important, then you should be congratulated for making it possible for some thousands of young men who have had their lives righted because of your program. I believe the extra month will make this possible for a few thousand more and, for that, I am grateful.

Very sincerely yours,

Theodore M. Hesburgh

(Rev.) Theodore M. Hesburgh, C.S.C.
President



THE WHITE HOUSE

WASHINGTON

February 27, 1975

ADMINISTRATIVELY CONFIDENTIAL


MEMORANDUM FOR:

CHARLES GOODELL

~~PHIL BUCHEN~~

JACK MARSH

FROM:

JERRY H. JONES 

SUBJECT:

Clemency Board

The President has made the decision to extend the Clemency Board application deadlines, as well as the deadlines of the Departments of Defense and Justice, for a period to end March 31st. This is to be the absolute final extension and the extension of time in no way implies any broadening of authority.

The announcement will be made at the daily press briefing by Ron Nessen on Friday, February 28.

We should also move immediately on the administrative recommendations to break up the board into panels so that the applications can be processed expeditiously.

Please follow-up with the appropriate action and if there are any questions, call me.

Thank you.

cc: Paul O'Neill
Ted Marrs
Jay French



Clemency

THE WHITE HOUSE

WASHINGTON

February 28, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP W. BUCHEN

P.W.B.

The attached Proclamation and Executive Order extend the application date of the clemency program until March 31, 1975.

These documents were prepared by the Office of Management and Budget and have been reviewed by the Editorial Office.

RECOMMENDATION

That you sign the attached documents.



AMENDING PROCLAMATION NOS. 4313 AND 4345 TO
FURTHER EXTEND THE APPLICATION PERIOD OF
THE PROGRAM FOR THE RETURN OF VIETNAM ERA
DRAFT EVADERS AND MILITARY DESERTERS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

On September 16, 1974, I issued Proclamation No. 4313, announcing a program of earned return for those convicted and accused of violating certain provisions of the Selective Service Act or the Uniform Code of Military Justice during the Vietnam conflict. On January 30, 1975, I amended that Proclamation extending the date by which applications must be received until March 1, 1975.

Based on a further review of the progress of this program, I believe that many of those who have already been punished are only now learning they are eligible. This is confirmed by the large number of applications which continue to be filed with the Presidential Clemency Board. Therefore, I am again extending the date by which all applications must be received.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, pursuant to my powers under Article II of the Constitution, do hereby proclaim that Proclamation No. 4313 is hereby amended as follows:

Section 1. Paragraph (i) of Section 1 is amended to read as follows:

"presents himself to a United States Attorney before March 31, 1975."

Sec. 2. The first paragraph of Section 2 is amended by striking out the date "March 1, 1975," after the words "offenses directly related thereto if before" and inserting in place thereof "March 31, 1975,".

IN WITNESS WHEREOF, I have hereunto set my hand this day of , in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NOS. 11803 AND 11837
TO FURTHER EXTEND THE PERIOD FOR APPLICATION
FOR CLEMENCY BOARD REVIEW OF CERTAIN
CONVICTIONS AND MILITARY SERVICE DISCHARGES

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, Section 2 of Executive Order No. 11803 of September 16, 1974, is hereby amended as follows:

By striking out the date "March 1, 1975," after the words "apply for Executive clemency prior to" and inserting in place thereof "March 31, 1975,".

THE WHITE HOUSE

, 1975



THE WHITE HOUSE

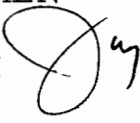
WASHINGTON

February 28, 1975

MEMORANDUM FOR:

PHILIP W. BUCHEN

FROM:

JAY T. FRENCH 

Attached are drafts of the appropriate amending Proclamation and Executive Order for the clemency extension with a cover memo from Bill Nichols.

I have reviewed these documents and made corrections in order that the language of the Proclamation will reflect the language of the Presidential message.

These drafts will be given to the Staff Secretary for final typing and transmittal to the President if you approve and sign the attached memo.



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON
February 28, 1975

NOTE FOR PHIL BUCHEN

The attached is my strong recommendation for the President's statement on the clemency extension today. The changes in the other draft may appear to be minor, but they are not.

We have spent almost six months trying to clarify in people's minds the differences between the three phases of the clemency program and the fact the Clemency Board applicants are also eligible (those who have already been punished).

The President should not be embarrassed by a statement which appears to say that those who went to Canada or otherwise avoided being picked up don't know about the program. People just don't believe that. I don't either. The relatively small changes I suggest clarify this point.



CHARLES E. GOODELL

cc.: DON RUMSFELD
RON NESSON



Clemency

PRESIDENTIAL MESSAGE

On January 30, 1975, I extended the termination date for applications to the earned return program for draft evaders and military absentees during the Vietnam conflict until March 1, 1975.

Based on a further review of the progress of this program, I believe that many of those who ~~could benefit from it~~ are still only now learning of its application to their cases. This belief is confirmed by the large number of applications which continue to be filed with the Presidential Clemency Board.

Therefore, I am today granting a final ^Sextension of the termination date for applications from March 1 until March 31, 1975.



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON

February 28, 1975

NOTE FOR DON RUMSFELD

The attached is my strong recommendation for the President's statement on the clemency extension today. The changes in the other draft may appear to be minor, but they are not.

We have spent almost six months trying to clarify in people's minds the differences between the three phases of the clemency program and the fact the Clemency Board applicants are also eligible (those who have already been punished).

The President should not be embarrassed by a statement which appears to say that those who went to Canada or otherwise avoided being picked up don't know about the program. People just don't believe that. I don't either. The relatively small changes I suggest clarify this point.

Charlie

CHARLES E. GOODELL

cc.: PHIL BUCHEN ✓
RON NESSON



PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE

WASHINGTON
February 28, 1975

NOTE FOR RON NESSON

The attached is my strong recommendation for the President's statement on the clemency extension today. The changes in the other draft may appear to be minor, but they are not.

We have spent almost six months trying to clarify in people's minds the differences between the three phases of the clemency program and the fact the Clemency Board applicants are also eligible (those who have already been punished).

The President should not be embarrassed by a statement which appears to say that those who went to Canada or otherwise avoided being picked up don't know about the program. People just don't believe that. I don't either. The relatively small changes I suggest clarify this point.

Charlie

CHARLES E. GOODELL

cc.: DON RUMSFELD
PHIL BUCHEN ✓



Friday 7/28/75

9:55 Jay has taken the original of the Presidential Message to Ron Nessen for release at the briefing this morning.

Jay wants to explain this to you.



Philip Buchen

PRESIDENTIAL MESSAGE

On January 30, 1975, I extended the termination date for applications to the earned return program for draft evaders and military absentees during the Vietnam conflict until March 1, 1975.

Based on a further review of the progress of this program, I believe that many of those who could benefit from it are still only now learning of its application to their cases. This belief is confirmed by the large number of applications which continue to be filed with the Presidential Clemency Board.

Therefore, I am today granting a final extension of the termination date for applications from March 1 until March 31, 1975.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

MEMORANDUM FOR PHILIP W. BUCHEN

Subject: Proclamation and Extension Order Extending
the Application Period for the Clemency Program

Enclosed are the proposed Proclamation and Executive order which we understand the President desires to sign this afternoon. These two documents are entitled "Amending Proclamation Nos. 4313 and 4345 to Further Extend the Application Period of the Program for the Return of Vietnam Era Draft Evaders and Military Deserters" and "Amending Executive Order Nos. 11803 and 11837, to Further Extend the Period for Application for Clemency Board Review of Certain Convictions and Military Discharges" respectively.

Jay French, of your office, requested that we prepare these documents to implement the President's decision to extend the application period for the three segments of the Clemency Program, administered by the Clemency Board, the Justice Department, and the Department of Defense.

Time limitations have not allowed the usual processing of these documents in accordance with Executive Order No. 11030, as amended; nevertheless, we have forwarded copies to the Department of Justice for immediate comment. Furthermore, since the proposed documents remain in the same form as the previous Proclamation and Executive order that amended the Clemency Program, we anticipate no problems.

In any event, we shall forward any comments from the Department of Justice as to the format and legality of the documents immediately upon receipt.

William M. Nichols
William M. Nichols
Acting General Counsel

Enclosures

2/28/75
Clemency

PRESIDENTIAL MESSAGE

On January 30, 1975, I extended until March 1 the termination date of applications under the clemency program for draft evaders and military absentees who have charges still pending against them and for those who already have been punished for such offenses.

Based on a further review of the progress of this program, I believe that many of those who have already been punished are only now learning they are eligible. This is confirmed by the large number of applications already exceeding 10,000 -- which continue to be filed with the Presidential Clemency Board.

Therefore, I am today granting a final extension of the termination date for applications under the clemency program from March 1 until March 31, 1975.



MARCH 1, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NOS. 11803 AND 11837
TO FURTHER EXTEND THE PERIOD FOR APPLICATION
FOR CLEMENCY BOARD REVIEW OF CERTAIN
CONVICTIONS AND MILITARY SERVICE DISCHARGES

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, Section 2 of Executive Order No. 11803 of September 16, 1974, is hereby amended as follows:

By striking out the date "March 1, 1975," after the words "apply for Executive clemency prior to" and inserting in place thereof "March 31, 1975,".

GERALD R. FORD

THE WHITE HOUSE,
February 28, 1975

###



Office of the White House Press Secretary

THE WHITE HOUSE

AMENDING PROCLAMATION NOS. 4313 AND 4345 TO
FURTHER EXTEND THE APPLICATION PERIOD OF
THE PROGRAM FOR THE RETURN OF VIETNAM ERA
DRAFT EVADERS AND MILITARY DESERTERS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

On September 16, 1974, I issued Proclamation No. 4313, announcing a program of earned return for those convicted and accused of violating certain provisions of the Selective Service Act or the Uniform Code of Military Justice during the Vietnam conflict. On January 30, 1975, I amended that Proclamation extending the date by which applications must be received until March 1, 1975.

Based on a further review of the progress of this program, I believe that many of those who have already been punished are only now learning they are eligible. This is confirmed by the large number of applications which continue to be filed with the Presidential Clemency Board. Therefore, I am again extending the date by which all applications must be received.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, pursuant to my powers under Article II of the Constitution, do hereby proclaim that Proclamation No. 4313 is hereby amended as follows:

Section 1. Paragraph (i) of Section 1 is amended to read as follows:

"presents himself to a United States Attorney before March 31, 1975."

Sec. 2. The first paragraph of Section 2 is amended by striking out the date "March 1, 1975," after the words "offenses directly related thereto if before" and inserting in place thereof "March 31, 1975,".

IN WITNESS WHEREOF, I have hereunto set my hand this twenty eighth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

#



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 9, 1975

Time:

Buchen
4/10

FOR ACTION: ~~Phil~~ Buchen
Jack Marsh
Ted Marrs

cc (for information):

FROM THE STAFF SECRETARY

DUE: Date: Thursday, April 10, 1975

Time: cob

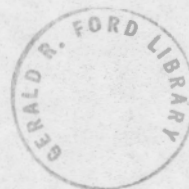
SUBJECT:

Goodell memo (4/10/75) re: Your Position
on Congressional Proposals to Extend the
Clemency Program

ACTION REQUESTED:

- | | |
|-------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jerry H. Jones
Staff Secretary

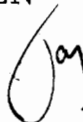
THE WHITE HOUSE

WASHINGTON

April 10, 1975

MEMORANDUM TO: PHILIP W. BUCHEN

FROM: JAY T. FRENCH



In accordance with your request, I reviewed Chairman Goodell's memo to the President dated April 10, 1975. Set forth below are some additional facts of which you should be aware. These facts are followed by several comments and recommendations.

The Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on Judiciary is planning hearings on four House bills dealing with the amnesty issue. The hearings will start on Monday, April 14. Presently, Chairman Goodell, Martin Hoffman, and Kevin Maroney are scheduled to testify for the Administration. The Senate bill, S. 1290, has not been introduced in the House, and it is not before the House's Subcommittee for consideration at this time. Nevertheless, Chairman Goodell believes the Subcommittee members will question him about this bill and he would like to be prepared to respond with the President's position to the questions raised in his memo.

Comments

1. In his memo Chairman Goodell states that he wants to be able to give the Subcommittee the Administration's policy. Because the Departments of Defense and Justice are closely involved in that policy, and because spokesman for these Departments will also be testifying, it would seem advisable that a meeting be held to coordinate a single policy with respect to the four House bills that are under active consideration by the Subcommittee.
2. Because Chairman Goodell has learned that S. 1290 will be given informal consideration by the Subcommittee, an Administration position should be developed with respect to that bill.



3. There is a substantial issue of constitutionality attached to any bill dealing with Executive clemency. If Chairman Goodell is to act as the Administration's spokesman he ought to be cautious not to leave an impression that the President is waiving his right to make such an objection.

The most significant question which Chairman Goodell anticipates being asked is this: What is President Ford's position with respect to legislation that would extend the President's clemency program. If the President does not object to such legislation on constitutional grounds, then arguably it is not unconstitutional. The President's willingness to support congressional amnesty legislation removes the constitutional disability.

4. Attached in Tab A are my specific comments with respect to S. 1290.

Recommendations

Martin Hoffman has recommended that all the Administration's spokesmen who will be testifying before this Subcommittee reach some understanding of and agreement on what testimony each will give.

I concur and urge that a meeting be called for Friday, April 11, to discuss these points. The following persons should be invited:

Charles Goodell
Martin Hoffman
Kevin Maroney
Jack Marsh
Philip W. Buchen
Ted Marrs
Jay French
Paul O'Neill





Analysis of Senate Bill No. 1290

1. Section 2(a), (b), (c)

These subsections remove all responsibility for the existing clemency program from Defense, Justice, and Transportation and places it with the Clemency Board. Chairman Goodell in his memo urges the Administration to oppose this feature.

2. Section 4(a)

In this subsection the use of the words "draft evaders" bears a new definition which is found in Section 14(a). The definition expands the range of offenses under the Selective Service Act for which clemency is available.

3. Section 4(b)

This subsection permits the Board to recommend general and honorable discharges. A policy decision which the President rejected.

4. Section 4(c)

This subsection gives priority to these presently incarcerated. Because the definition of "draft evaders" has been broadened, the Board would have to consider the cases of persons still in prison.

5. Section 4(d)

This subsection relieves a person of prosecution and punishment who completes the period of alternate service proposed by the President. Also, the Board is given the responsibility for selecting the agency that will administer the alternate service program.

6. Section 5(a)

This subsection permits aliens to return who fled the country to avoid military service, and who are prohibited from returning by law. Also, the provisions permit those who were U.S. citizens and those who



still are U.S. Citizens to return. Such reentry is prohibited by present law. Finally, this subsection grants a thirty day grace period to all persons in this category to return to the U.S. with immunity. There is no requirement that they register in the program.

7. Section 5(b)

This subsection permits prosecution of one who returns to the U.S. and who is not offered clemency. One who returns and rejects an offer of clemency is permitted to leave the U.S. and return to the foreign country from which he came.

8. Section 5(c)

This subsection permits any evader and deserter whose case never reached the indictment stage to return to the U.S. with immunity for a thirty day period to visit relatives once each year. Chairman Goodell urges the President to take no position on this subsection. However, he recommends that the President sign a bill containing this measure if passed by Congress.

9. Section 5(d)

This subsection guarantees all the constitutional rights of a defendant to applicants. This requirement raises the program from one governed by administrative procedure to one controlled by Federal judicial procedure. Each application would require a full adversary hearing.

10. Section 6

This section effectively alters existing statutory law and case law governing U.S. citizenship.

11. Section 7

This section prohibits Defense Department review boards that subsequently review a service record from considering the offenses for which an individual was pardoned. Thus, any applicant before these boards would receive an upgraded discharge automatically.

12. Section 8

This section insures that any person who served the requisite time in the military, and who committed no offense other than those which are pardonable under this program will receive veterans benefits.

13. Section 14(f)

This subsection defines "Clemency Discharge" as one given under honorable conditions. In this way, the Clemency Discharge is upgraded from the level established by the President.

14. The bill does not state that it would have retroactive effect. Therefore, some confusion would arise with respect to the meaning of acts of clemency granted by the President under the existing program as opposed to acts of clemency granted under this bill.

15. Chairman Goodell appears to recommend generally neutrality toward this bill.

FORD

responsibilities and powers granted to it by this Act and is directed to execute such responsibilities and powers in a manner consistent with the provisions of this Act. The President shall be designated by the President, one of whom shall be designated by the President to serve as Chairman.

94TH CONGRESS
1ST SESSION

S. 1290

IN THE SENATE OF THE UNITED STATES REORGANIZATION OF EXECUTIVE DEPARTMENTS AND

MARCH 21 (legislative day, MARCH 12), 1975

Mr. NELSON (for himself and Mr. JAVITS) introduced the following bill; which was read twice and referred to the Committee on Government Operations

SEC. 2. (a) Any jurisdiction, responsibility, or function which the Department of Defense has with respect to any shall either be transferred to or retained by this Act.

A BILL

To reorganize the Clemency Board, the Department of Defense, the Department of Justice, and the Department of Transportation to provide fair and efficient consideration of all individuals eligible for amnesty relating to military service in the war in Southeast Asia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clemency Board Reorganization Act of 1975"

REORGANIZATION OF THE PRESIDENTIAL CLEMENCY BOARD

SEC. 2. The Presidential Clemency Board created by Executive Order 11803, dated September 16, 1974, is hereby established by law and reorganized to assume such



1 responsibilities and powers granted to it by this Act and is
 2 directed to execute such responsibilities and powers in a
 3 manner consistent with the provisions of this Act. The Board
 4 shall be composed of nine members to be appointed by the
 5 President, one of whom shall be designated by the President
 6 to serve as Chairman.

7 REORGANIZATION OF EXECUTIVE DEPARTMENTS AND

8 AGENCIES AND TRANSFER OF POWERS

9 SEC. 3. (a) Any jurisdiction, responsibility, or function
 10 which the Department of Defense has with respect to any
 11 draft evader or military deserter, as defined by this Act,
 12 under any law, regulation, Presidential proclamation, or Ex-
 13 ecutive order, shall be transferred to the Presidential Clem-
 14 ency Board. The Department of Defense shall thereafter be
 15 relieved of all such jurisdiction, responsibility, or function,
 16 except as may otherwise be provided for by this Act.

17 (b) Any jurisdiction, responsibility, or function which
 18 the Department of Justice has with respect to any draft
 19 evader or military deserter, as defined by this Act, under
 20 any law, regulation, Presidential proclamation, or Executive
 21 order shall be transferred to the Presidential Clemency
 22 Board. The Department of Justice shall thereafter be relieved
 23 of all such jurisdiction, responsibility, or function, except as
 24 may otherwise be provided for by this Act.



1 (c) Any jurisdiction, responsibility, or function which
 2 the Department of Transportation has with respect to any
 3 draft evader or military deserter, as defined by this Act,
 4 under any law, regulation, Presidential proclamation, or Ex-
 5 ecutive order shall be transferred to the Presidential Clem-
 6 ency Board. The Department of Transportation shall there-
 7 after be relieved of all such jurisdiction, responsibility, or
 8 function, except as may otherwise be provided for by this

9 (Act. in subsection (a) of section 14 of this Act.)
 10 THE FUNCTIONS OF THE PRESIDENTIAL CLEMENCY BOARD

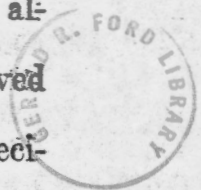
11 SEC. 4. (a) The Board, under such regulations as it may
 12 prescribe, shall examine the cases of all draft evaders and
 13 military deserters who apply for Executive clemency.

14 (b) The Board shall report to the President its findings
 15 and recommendations as to whether Executive clemency
 16 should be granted or denied in any case. If clemency is rec-
 17 ommended, the Board shall also recommend the form that
 18 such clemency should take, including clemency conditioned
 19 upon a period of alternate service in the national interest. In
 20 recommending any period of alternate service, the Board
 21 shall consider, among any other factors it deems appropriate,
 22 any prison term, or part thereof, or other punishment which
 23 the individual has served or endured for any offense specified
 24 in subsection (a) or (b) of section 14 of this Act. In the
 25 case of an individual discharged from the Armed Forces with

1 a punitive or undesirable discharge, the Board may recom-
 2 mend to the President that a clemency, general or honorable
 3 discharge be substituted for a punitive or undesirable dis-
 4 charge. The President shall make the final determinations
 5 as to whether Executive clemency should be offered and, if
 6 so, under what conditions.

7 (c) The Board shall give priority consideration to
 8 those applicants who are presently confined and have been
 9 convicted only of an offense specified in subsection (a) or
 10 (b) or section 14 of this Act, and who have no other out-
 11 standing criminal charges pending against them.

12 (d) Any alternate service recommended by the Board
 13 under subsection (b) of this section shall not be longer than
 14 two years and shall promote the national health, safety, or
 15 interest. No applicant shall be permitted to complete all or
 16 any part of such alternate service by service in the Armed
 17 Forces. The alternate service shall be completed in accord-
 18 ance with such regulations as the Board may prescribe and
 19 under the auspices of any department or agency of the
 20 United States which the Board deems appropriate. Any
 21 applicant who satisfactorily completes the period of any al-
 22 ternate service proposed by the President will be relieved
 23 of arrest, prosecution, and punishment for any offense speci-
 24 fied in subsection (a) or (b) of section 14 of this Act.



RIGHTS OF APPLICANTS

SEC. 5. (a) Notwithstanding any other law or regulation, any draft evader or military deserter residing in a foreign country may return to the United States for purposes of applying for Executive clemency under the provisions of this Act. Such individual shall be required to make an application with the Board for Executive clemency within thirty days after the date of entry into the United States and shall not be arrested, prosecuted, or punished for any offense specified in subsection (a) or (b) of section 14 of this Act until the expiration of that thirty-day period.

(b) No applicant shall be arrested, prosecuted, or punished for any offense specified in subsection (a) or (b) or section 14 of this Act until thirty days after he receives notice of the President's disposition of the recommendation made by the Board with respect to that applicant, or until thirty days after he receives notice of the President's disposition of any appeal made to the Board, whichever is later, and then only if Executive clemency is not offered or if offered, is not accepted. Any applicant who entered the United States from another country under the limited immunity granted by subsection (a) of this section and who rejects any offer of Executive clemency by the President may return to that other country at the point of entry.

(c) Notwithstanding any other law or regulation, any

1 draft evader or military deserter, whether or not a United
 2 States citizen, who resides in a foreign country and has not
 3 been indicted or convicted of any offense other than those
 4 specified in subsection (a) or (b) of section 14 of this Act,
 5 shall, upon application, be given a thirty-day nonimmigrant
 6 visa at least once each year if he otherwise qualifies for such
 7 visa. No draft evader or military deserter holding such a
 8 nonimmigrant visa shall be arrested, prosecuted, or punished
 9 for any offense specified in subsection (a) or (b) of section
 10 14 of this Act.

11 (d) Any regulations adopted by the Board pursuant to
 12 section 4 (a) of this Act shall account for and preserve any
 13 and all legal and constitutional rights which a draft evader
 14 or military deserter may have.

15 **REACQUISITION OF UNITED STATES CITIZENSHIP**
 16 **SEC. 6.** Notwithstanding any other law or regulation,
 17 any applicant who has renounced his United States citizen-
 18 ship and acquired the citizenship of another country may
 19 have his United States' citizenship restored by appearing
 20 before a United States district court judge and renouncing
 21 citizenship of that country and pledging allegiance to the
 22 United States.

23 **SEALING OF RECORDS**

24 **SEC. 7.** Any and all records of an offense for which a

1 Presidential pardon has been granted under this Act shall be
 2 sealed and shall not be disclosed except—
 3 (a) in response to an order of a court of competent
 4 jurisdiction;
 5 (b) at the request of the pardoned applicant;
 6 (c) at the request of a department or agency of the
 7 United States which is conducting a lawful investigation
 8 necessary for a security clearance or presidential ap-
 9 pointment; or

10 (d) at the request of a department or agency of the
 11 United States which is conducting a lawful investigation
 12 of fraud in the application for or the granting of Execu-
 13 tive clemency under the provisions of this Act.

14 **VETERANS BENEFITS**
 15 **SEC. 8.** Unless otherwise granted by the President, the
 16 issuance of a clemency discharge shall not automatically con-
 17 fer rights to veterans benefits: *Provided*, That the Veterans'
 18 Administration or the Department of Defense may review
 19 each case of an applicant receiving a clemency discharge for
 20 the purpose of determining whether or not veterans benefits
 21 should be granted; such review shall be without regard to
 22 any acts for which a Presidential pardon has been granted.

23 **ADMINISTRATION**

24 **SEC. 9.** Each member of the Board, other than an officer
 25 or employee of the United States, shall be entitled to com-

1 pensionation for each day he is engaged in the work of the
2 Board at a rate not to exceed the daily rate prescribed by law
3 for persons and positions in GS-18 and shall also be entitled
4 to receive travel expenses, including per diem in lieu of
5 subsistence, as authorized by law for persons in Government
6 service employed intermittently.

7 **ADMINISTRATIVE SERVICES**

8 **SEC. 10.** Necessary administrative services and support
9 may be provided to the Board by the General Services
10 Administration on a reimbursable basis.

11 **COOPERATION OF OTHER DEPARTMENTS AND AGENCIES**

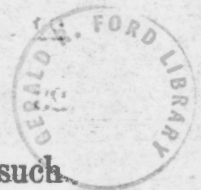
12 **SEC. 11.** All departments and agencies in the executive
13 branch are authorized and directed to cooperate with the
14 Board in the conduct of its work and to furnish the Board, to
15 the extent permitted by law, all appropriate information and
16 assistance.

17 **FINAL RECOMMENDATIONS; TERMINATION OF BOARD**

18 **SEC. 12.** The Board shall submit its final recommenda-
19 tions to the President not later than December 31, 1976, at
20 which time it shall cease to exist. Any functions assigned to
21 the Board under this Act shall thereafter be assumed by the
22 Department of Justice.

23 **AUTHORIZATION**

24 **SEC. 13.** There are authorized to be appropriated such



1. sums as may be necessary to carry out the provisions of this

2. Act.

3. DEFINITIONS

4. SEC. 14. As used in this Act—

5. (a) The term "draft evader" means any individual who
6. has been or may be indicted or convicted of any offense com-
7. mitted on or after August 4, 1964, and prior to March 29,
8. 1975, in violation of section 6(j) or 12 of the Military Se-
9. lective Service Act (50 App. U.S.C. 462) or of any rule or
10. regulation promulgated under such sections, or of any related
11. law, rule, or regulation.

12. (b) The term "military deserter" means (A) any indi-
13. vidual who has received or may receive a punitive or unde-
14. sirable discharge for one or more violations of article 85, 86,
15. or 87 of the Uniform Code of Military Justice (10 U.S.C.
16. 885, 886, 887), or any related article, committed on or
17. after August 4, 1964, and prior to March 29, 1973, or (B)
18. any individual who is serving a sentence for one or more
19. such violations.

20. (c) "Executive clemency" means a pardon or other
21. act of mercy or forgiveness by the President, under such
22. terms and conditions as the President may prescribe, pursuant
23. to powers granted to the President by article II of the United
24. States Constitution.

25. (d) "Presidential Clemency Board" or "Board" means

1 the body created by this Act to consider the cases of draft
2 evaders and military deserters and to recommend to the Presi-
3 dent whether such evaders or deserters should receive execu-
4 tive clemency and, if so, under what conditions.

5 (e) "Clemency applicant" or "applicant" means any
6 draft evader or military deserter who applies for clemency
7 under the provisions of this Act.

8 (f) "Clemency discharge" means a military discharge
9 granted by the President pursuant to the provisions of this
10 Act to signify that the applicant left the military service
11 under honorable conditions.

12 (g) The term "Military Selective Service Act" means
13 the Military Selective Service Act or any prior correspond-
14 ing Act:

15 (h) "Military Selective Service Act" means the Uniform Code of Military Justice (10 U.S.C.
16 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000) or any related article, chapter, or title of the United States Code, or any Act of Congress, or any part thereof, which is in effect on or after August 4, 1964, and prior to March 29, 1973, or (i)
17 any individual who is serving a sentence for one or more
18 such violations.

19 (c) "Executive clemency" means a pardon or other
20 act of mercy or forgiveness by the President under such
21 terms and conditions as the President may prescribe pursuant
22 to powers granted to the President by article II of the United
23 States Constitution.
24 (d) "Presidential Clemency Board" or "Board" means

try upon our invitation and consent. For whatever reason, justified or not, they have left. For those who have family to go to, I have no concern. There will be loved ones with outstretched arms waiting to welcome them. They will be able to resettle with their American relatives and put together a new life in this land.

But for those who left without a friend or relative in America, my heart bleeds for them. I would not have set such a policy of evacuation. I would have been scrupulously careful in planning whatever evacuation was really needed and made amply sure that only those truly in danger of their lives would have been allowed to leave. There is no excuse for the selection of one Embassy employee for evacuation to yield 46 relatives for departure with that one Embassy employee.

But, be that as it may, this was our policy as set by the White House, by the State Department and by the administration leaders. Whether I agreed with it or not, is now immaterial. The fact remains that these people have left their country under our protection. We cannot now abandon them. If we have any shadow of honor and pride in our name, we must provide shelter, food, and clothing for these people. We must do all we can, as a nation, even if it is without love, to care for the needs of these people who now have no country but ours. I do not plead for their charity, so much as I do for our honor.

The world watched us evacuate upwards of 80,000 Vietnamese nationals. Will the world watch us cut them adrift even before they have reached our shores? How long will they live in tents on Guam and Wake Island?

GROWING SUPPORT FOR EXTENSION AND EXPANSION OF VOTING RIGHTS ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. BADILLO. Mr. Speaker, the following is an editorial from the New York Times which appeared on Tuesday, April 29, 1975. The editorial serves as further evidence for the growing support for both expansion and extension of the Voting Rights Act. I would also like to note for the Record the fact that New York City is one of the jurisdictions that is presently covered by the Voting Rights Act because of the amendments passed in 1970.

The article follows:

PROTECTING VOTERS

The second extension of the Voting Rights Act of 1965 is moving through Congress on the strength of a considerably greater consensus on the law's usefulness than was the case in 1970 when the Nixon Administration tried to dilute the force of the legislation.

The current version is an improvement over the law passed in 1970. The act is to be extended for ten, rather than for five years, so that it will provide enduring protection for voters' rights under the reapportionment following the 1980 census.

A second proposed improvement is a set of provisions, developed by a coalition of legislators led by Representative Badillo of New York, which would extend the law's protections to "language minorities," principally Hispanic Americans. The Badillo proposal should clearly become part of the final legislation.

PEOPLE HELPING PEOPLE

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. MYERS of Pennsylvania. Mr. Speaker, recently I was asked to help the White House in spreading the word about people helping people in their fight against inflation, high energy costs and unemployment.

I was delighted, Mr. Speaker, to learn that just such efforts are already underway in the 25th District of Pennsylvania. I know of several instances, particularly where the elderly are concerned, where people are helping people. The News-Tribune in Beaver Falls, Pa., a fine newspaper in my district, recently published an article about one of these people helping people efforts, worthy of the attention of the House of Representatives. The article in the Beaver Falls News-Tribune is about E. Kenneth Bingham, who has been helping people since 1921, and now that he is retired from the Pittsburgh Tube Co. of Monaca, Pa., he is helping them even more. The article follows.

IT'S VERY REWARDING

(By Judith Brown)

This New Brighton area man remembered his first volunteer job was back in the summer of 1921.

"Norman Harlan and I worked all summer assembling desks at the new high school for 11 cents an hour," said Kenneth Bingham, "but we never got paid."

Bingham, retired as supervisor of inventory control at Pittsburgh Tube Co., Monaca, now does two kinds of volunteer work through the Voluntary Action Center of Beaver County.

He assists the elderly with filing income tax and rental rebate forms and is director of a new operation called "Telephone Assurance."

Bingham said he prepared for volunteer work with a course at Community College of Beaver County (CCBC) on income tax preparation when he retired in December 1972.

"James Ross made arrangements for a state man to teach the Pennsylvania State tax and rental rebate tax," Bingham said. "I thought I could do it."

Bingham said he has since taken a course each year at CCBC to update his knowledge.

He spends an average of 12 to 18 hours per week helping the elderly at Joseph Edwards apartments, Rochester and King Beaver Apartments, Beaver.

"It's amazing to go into a home of any elderly person who received his forms," Bingham said. "They panic and I tell them 'let me worry about it.'"

He continued, "They never amount to that much."

"It's very rewarding because I meet people who think they have a problem they don't have," Bingham said.

As director of "Telephone Assurance," a project began in January, Bingham is responsible for lining up volunteers who phone check on elderly clients on a daily basis.

The service is cosponsored by Beaver County Area Agency on Aging and Lutheran Service Society which gets volunteers through the action center.

Bingham is in charge of 53 clients who have been referred through a caseworker. "I get the age, address, history, all the information about neighbors and close relatives to be contacted in emergency," Bingham said.

"If a client wants service, I get someone in the same telephone area to call every day at a specified time."

Bingham said many clients are ill, even bedridden. The volunteer will remind his client to take medicine and check to see if he or she is all right.

If the client does not answer, an emergency procedure spins into action. The volunteer calls a series of neighbors, ambulance service and relatives to get immediate help to the client.

Another phase of "Telephone Assurance" is now in the planning stage, Bingham said. It's called "Chat" a service for clients who need to spend some time just talking to someone. The service plans on at least 15 minutes a week, but clients may request additional time, Bingham said.

It's been a long road since Bingham and his friend worked at the new high school, now the "old" high school. "We were the first class to graduate after four full years in the building," Bingham recalled.

Bingham attended Central School, New Brighton, until eighth grade. The Bingham's now reside in Pulaski Township.

Crediting his wife Ruth with making his volunteer work possible, Bingham said, "If it wasn't for the type of wife I have, I couldn't do it." Bingham said the phone rings at all sorts of odd hours, but his wife is "very cooperative."

AN OPEN DOOR TO AMERICA

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. RYAN. Mr. Speaker, we have witnessed over the last few weeks the end of one of the most tumultuous periods in the history of our Nation. Six Presidents have had to bear the burden of this exhaustive war which cost us 55,000 lives, hundreds still "missing in action," 230,000 maimed and injured veterans still under medical care, an estimated \$200 billion already spent and the trust of our young people in our system of government. It was a war which was never formally declared, but lasted longer than any other period of war that the United States has participated in. It was a war in which the mood and support of the American people changed more drastically than any other war. Young Americans for 10 years were required to serve and die for a cause which became less well defined—a cause which some of the staunchest supporters of that war, here in the House, now define as "wasteful" and "ill-advised."

The President says that the action over the last few days, "closes a chapter in the American experience." He has asked all Americans "to close ranks, to avoid recrimination about the past, to look ahead to the many goals we share."

Mr. Speaker, I also would like to "close ranks," to get on with the challenge of fighting a recession and energy crisis, to

work diligently in getting this country back on its feet again. But we forget. We forget the thousands of men who, for their actions in expressing disapproval of United States' participation in the war in Southeast Asia, have been convicted or are subject to prosecution under the Federal law for offenses pertaining to military service.

Do we turn our backs and just walk away, because the President says to close the door? We still have a responsibility to these citizens of this country who are living outside the United States. We realize now that they knew what elected officials in both parties are finally realizing.

The President's clemency program which ended on March 31 was reported to be not very successful. I am not surprised. It was too narrowly drawn. Consequently, I have reintroduced H.R. 6302 along with six of my colleagues, which will eliminate many inadequacies of the President's program by specifically, establishing a broad-based citizens' panel, to be known as the U.S. Amnesty Commission which will, upon application by any such person, examine the facts and circumstances of such person's illegal action. It would then make a recommendation to the President as to the most appropriate action for him to take with regard to such person.

Amnesty has been a part of the aftermath of every war in which the United States has been involved militarily prior to the Vietnam war. We have witnessed thousands of Vietnamese refugees being welcomed into this country with open arms by our President. We have heard the Secretary of State mention the possibility of political asylum to Vietnamese officials. Mr. Speaker, the President wants to close the door. I want to leave the door open to our own men who had to seek refuge in another country; because they were smart enough to see both the futility and the immorality of that war years before the rest of us did. We can do no less for them than we can for 100,000 Asians we take in, some of whom will no doubt be given political asylum.

ISRAEL AND THE UNITED NATIONS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. LONG of Maryland. Mr. Speaker, that the United Nations is becoming a forum for propaganda against U.S. national interests is a disturbing development. A recent article in the Baltimore Evening Sun, March 11, 1975, by the distinguished Harry Bard, former president of the United Nations Association of Maryland, describes the increasing isolation of Israel within the United Nations. I am taking this opportunity to share this thoughtful article with my colleagues.

The text of the article follows:

AT THE UN, ISRAEL MUST SIT IN STONY SILENCE

(By Harry Bard)

Hardly noticed by the American public—unlike the hotly debated actions by the General Assembly and UNESCO last November—the United Nations Commission on Human Rights adopted, at Geneva, on February 21, two resolutions of censure against Israel. This most recent action indicates a full-fledged campaign to politicize all UN agencies in order to embarrass, demean and do injury to Israel.

The first step in this campaign was to have the Arab nations gain voting control of all the UN agencies in alliances with the African and Communist blocs. This early step was attained when the number of Arab nations in the UN increased from 7 in the early 1950's to 20 in the 1970's. Then power was further enlarged: these new numbers used their votes to pledge support for desires of African nations in exchange for votes against Israel. Support by Communist nations came to Arab states in a power play against the West. The power of this "grand alliance" was symbolized by the vote of 105 nations out of 138 UN members to invite the PLO head, Yasser Arafat, to address the General Assembly last November.

What the American public perhaps did not understand fully was that the alliance had not only taken over the General Assembly sessions but also the substructures of that body. Mr. Boufelfika of Algeria was the President. The 17 vice-presidents, the six main committees and the more than 20 standing, subsidiary and related bodies of the General Assembly each had one or more Arab representatives. *But not a single Israeli was on any of these substructures of the General Assembly that determines policies and procedures.*

The UN Charter itself helped establish the isolation of Israel. Article 23 gives the General Assembly the power to elect the ten non-permanent members of the Security Council. Actually, any of the five permanent members of the Council have the power of veto, under Article 27, in respect to substantive issues. Thus, Israel's last bastion of survival in the UN may well rest with the power of the permanent members, such as the United States.

In the Economic and Social Council, Israel's fate is more clearly doomed. Chapter X of the UN Charter is so drawn that members of ECOSOC are both appointed by the General Assembly and are responsible to it. In 1975, there are 54 members of this highly important body responsible for dealing with the underlying causes of conflicts, viz., economic, health, cultural and related matters. Though there are currently four Arab states on the council—*there is not a single Israeli representative.*

ECOSOC operates through standing committees and functional commissions whose members are appointed by the 54 representatives. The eight chief standing committees deal with such key items as housing, building and construction, natural resources, crime prevention, and science and technology. About 200 representatives (country may be on more than one committee) including many Arabs, are on these bodies—*but not a single Israeli on any of the eight committees.*

ECOSOC has six functional commissions which deal with such important issues as status of women, narcotics, population, social development and human rights. In all, there are about 172 representatives—numerous nations represented on more than one of these commissions. There are, as there should be, many Arab representatives. *But not a single Israeli on any of the commissions.*

It was the Commission on Human Rights of ECOSOC that fired the last salvo at Israel. One of the resolutions by this commission last month was a joint indictment of Israel's so-called desecration of Moslem and Christian shrines (a recapitulation of UNESCO's censure in November) and the demand for the release of the Most Rev. Hilarion Capucci, convicted of smuggling arms to Arab guerrillas. This resolution was sponsored largely by commission representatives of four Arab countries—Egypt, Iraq, Lebanon and Tunisia.

The HR Commission voted 21 to 6 (5 abstentions) in favor of the resolution, with five European representatives and the American delegate voting nay. The ironic part of the debate, was that Valerian A. Zorin of the U.S.S.R., accused Israel of violations of human rights. In Russian, the maltreatment of minorities—Latvians, Estonians, Lithuanians, Ukrainians, Jews and other indigenous populations is well known by the world.

The second censure of the HR Commission in February was an indictment of Israel's actions to conform with "basic norms of international law" in the occupied lands. This resolution was sponsored largely by Third World delegates such as Ghana, Senegal, Sierra Leone and Zaire. It was a part of the "grand alliance" tactics. It was adopted 22-to-1 with 9 absences.

Israel, not a member of the HR Commission, could debate the issue, but had not vote. When the report reaches ECOSOC, Israel will have no vote there and when it ultimately reaches the General Assembly, its fate will have been sealed.

The various specialized agencies are established by intergovernmental agreement under Article 57 of the UN Charter and thus virtually any nation which wishes to join any group such as the World Health Organization or the United Nations Educational Scientific and Cultural Organization, may do so. But, according to Article 63 of the Charter, it is ECOSOC that has the responsibility for bringing the work of the specialized agencies into relationship with the UN structure. Moreover, it is the General Assembly which must approve these agreements.

A mere naming of some of the key specialized agencies indicates the highly important work carried out by these UN organs which deal with sensitive problems of economy, culture, health, transportation and communications, food, labor, climate, trade, and atomic energy. In addition to UNESCO and WHO, others are: International Labor Organization, Food and Agriculture Organization, International Bank for Reconstruction and Development, International Finance Corporation, International Monetary Fund, International Development Association, International Civil Aviation Organization, Universal Postal Union, International Telecommunication Union, World Meteorological Organization, the International Atomic Energy Agency and the General Agreement on Tariffs and Trade.

Each of these specialized or intergovernmental organizations is governed by an executive branch of directors, or a council or governing body, representing from about 20 to 40 countries. On each of these prestigious bodies for the 14 specialized agencies named there are one or more Arab representatives setting policies—as there should be. The latest official inventory of these governing councils shows *not a single Israeli representative on any of the executive bodies for any of the 14 specialized agencies herein noted.*

The lack of Israeli representation is sometimes blamed on the concept of regional representation which the UN Charter encourages. Israel, surrounded in the Middle East by unfriendly nations, is not likely

94TH CONGRESS
1ST SESSION

H. R. 6302

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1975

Mr. RYAN (for himself, Mr. REES, Mr. NIX, Mr. CORMAN, Mr. ROSENTHAL, Mr. GUDE, and Mr. HANNAFORD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a United States Amnesty Commission to make recommendations to the President on appropriate action to be taken, on a case by case basis, with respect to certain persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "United States
5 Amnesty Commission Act".

6 FINDINGS AND PURPOSE

7 SEC. 2. (a) The Congress finds that—

8 (1) amnesty has been part of the aftermath of



1 every war in which the United States has been involved
2 militarily prior to the Vietnam war;

3 (2) the Vietnam war was never formally declared
4 and lasted longer than any other war in which the
5 United States has participated;

6 (3) during this particular conflict the mood and
7 support of the American people changed more drastically
8 than was true in any other period of war;

9 (4) during the entire course of this war, young
10 Americans were required to serve and die for a cause
11 which became less well defined as the war dragged on;

12 (5) hence it is obvious that during this period in-
13 dividual motivation resulted in a bewildering and per-
14 plexing variety of violations of Federal law in matters
15 pertaining to military service; and

16 (6) this situation requires creation of a procedure
17 for examining, on an individual basis, the records of
18 those who have been or are now subject to prosecution
19 for illegal conduct relating to military service in order
20 that the President may take appropriate action.

21 (b) It is the purpose of this Act to bring a measure of
22 individual justice to those persons who, for their actions in
23 expressing disapproval of United States participation in the
24 war in Southeast Asia, have been convicted or are subject
25 to prosecution under Federal law for offenses pertaining to

1 military service by establishing a broad based citizens' panel,
2 to be known as the United States Amnesty Commission
3 which will, upon application by any such person, examine
4 the facts and circumstances of such person's illegal action,
5 and make a recommendation to the President as to the most
6 appropriate action for him to take with regard to such person.

7 ESTABLISHMENT OF THE COMMISSION

8 SEC. 3. There is established a commission to be known
9 as the United States Amnesty Commission (hereafter in this
10 Act referred to as the "Commission").

11 APPLICATION FOR AMNESTY

12 SEC. 4. (a) An application for amnesty may be filed
13 with the Commission under this Act not later than January 1,
14 1980, by any individual who, during the period beginning
15 August 4, 1964, and ending January 1, 1974, violated, or is
16 subject to prosecution for violation of—

17 (1) section 12 of the Military Selective Service
18 Act (50 App. U.S.C. 462) with respect to the follow-
19 ing prohibited acts—

20 (A) evading or refusing registration, evading
21 or refusing induction into the Armed Forces, or
22 willfully failing to perform any other duty under
23 such Act;

24 (B) knowingly counseling, aiding, or abetting

1 others to refuse or evade registration or service
2 in the Armed Forces of the United States;

3 (C) publicly and knowingly destroying or
4 mutilating any registration or classification card
5 issued or prescribed pursuant to such Act and know-
6 ingly violating or evading any of the provisions of
7 such Act, or rules and regulations promulgated pur-
8 suant thereto relating to the issuance, transfer, or
9 possession of any registration or classification card;

10 (2) section 882 of title 10, United States Code,
11 which prohibits the soliciting or advising another to
12 desert the Armed Forces of the United States;

13 (3) sections 885 and 886 of title 10, United States
14 Code, which prohibit deserting or going absent without
15 leave from the Armed Forces of the United States;

16 (4) section 887 of title 10, United States Code,
17 which prohibits missing the movement of a ship, air-
18 craft, or unit with which an individual is required in
19 the course of duty to move;

20 (5) section 888 of title 10, United States Code,
21 which prohibits any officer from using contemptuous
22 words against the President, the Vice President, Con-
23 gress, the Secretary of Defense, the Secretary of a mili-
24 tary department, the Secretary of the Treasury, or the
25 Governor or legislature of any State, territory, Common-

1 wealth, or possession in which he is on duty or present;

2 (6) section 1381 of title 18, United States Code,
3 which prohibits the enticing or procuring or attempting
4 to entice or procure, any person in the Armed Forces
5 of the United States, or who has been recruited for serv-
6 ice therein, to desert therefrom, or aiding any such per-
7 son in deserting, or in attempting to desert from such
8 service; or harboring, concealing, protecting, or assisting
9 any such person who may have deserted from such serv-
10 ice, knowing him to have deserted therefrom, or refusing
11 to give up and deliver such person on the demand of any
12 officer authorized to receive him;

13 (7) section 2387 of title 18, United States Code,
14 which prohibits the advising, counseling, urging or in
15 any manner causing or attempting to cause insubordina-
16 tion, disloyalty, mutiny, or refusal of duty by any mem-
17 ber of the military or naval forces of the United States,
18 with the intent to interfere with, impair, or influence
19 the loyalty, morale, or discipline of the military or naval
20 forces of the United States; and

21 (8) such other provisions of law pertaining to
22 military service as the Commission may designate.

23 (b) The Commission shall make a full and complete in-
24 vestigation and study of each application submitted under
25 this Act for the purpose of determining (1) whether the

1 applicant's overriding purpose in such violation was to dis-
 2 sent from the policy of the United States with respect to the
 3 Vietnam war, and (2) its recommendations to the President
 4 with respect to amnesty (conditional or unconditional) and
 5 other appropriate actions for him to take with respect to such
 6 applicant. The Commission shall not recommend amnesty
 7 or any other action with respect to any applicant unless
 8 it has determined that the overriding purpose of such appli-
 9 cant in violating the law was to dissent from the policy of
 10 the United States with respect to the Vietnam war.

11 (c) Any investigation and study carried out by the
 12 Commission under this Act shall extend only to those matters
 13 relevant to the application and to the determinations re-
 14 quired of the Commission by this Act. Any information
 15 obtained by the Commission with respect to any applicant
 16 may be disclosed only to such applicant or his attorney or,
 17 upon the request of the President, to the President to assist
 18 him in making his decision with respect to such applicant.
 19 No information obtained from the Commission may be used
 20 in any way in any prosecution of an applicant for any viola-
 21 tion described in subsection (a).

22 (d) The head of each department, agency, or other
 23 instrumentality of the United States shall provide such in-
 24 vestigative services, facilities, and information as the Com-
 25 mission determines necessary to carry out its functions under

1 this Act. No information with respect to an applicant which
 2 is obtained by any such instrumentality pursuant to a re-
 3 quest from the Commission under this subsection may be used
 4 in any way in any prosecution of such applicant for any vio-
 5 lation described in subsection (a).

6 (e) The Commission shall furnish the applicant a copy
 7 of each of its determinations made in accordance with sub-
 8 section (b) of this section with respect to his application
 9 and such applicant shall have a period of not to exceed
 10 ninety days from the date he receives such determination
 11 to appeal any such determination to the Commission.

12 (f) In any case where the applicant appeals a deter-
 13 mination to the Commission under subsection (e) of this
 14 section, the Commission shall conduct an adjudicatory hear-
 15 ing in accordance with the applicable provisions of sections
 16 554, 555, 556, 557, and other relevant provisions of title
 17 5, United States Code, except that any such hearing shall
 18 be conducted before the Commission. Upon completion of
 19 such hearing the Commission shall issue a final determina-
 20 tion affirming, modifying, or setting aside the appealed de-
 21 termination. Any final determination of the Commission and
 22 any determination of the Commission not appealed in ac-
 23 cordance with this section shall not be reviewable by any
 24 court.

25 (g) Upon completion of its determinations with respect

1 to any applicant under this section the Commission shall sub-
 2 mit to the President its recommendations for amnesty (con-
 3 ditional or unconditional) and other appropriate actions to be
 4 taken by him with respect to such applicant.

5 MEMBERSHIP OF THE COMMISSION

6 SEC. 5. (a) (1) The Commission shall be composed of
 7 twenty-three members appointed by the President from
 8 among those individuals nominated by the following Mem-
 9 bers of the congressional leadership:

10 (A) from the Senate:

- 11 (i) the President pro tempore;
- 12 (ii) the majority leader; and
- 13 (iii) the minority leader; and

14 (B) from the House of Representatives:

- 15 (i) the Speaker;
- 16 (ii) the majority leader; and
- 17 (iii) the minority leader.

18 Each such member of the congressional leadership shall sub-
 19 mit a list of seven nominees to the President who shall
 20 appoint no less than three and no more than five individuals
 21 from each list. Nominees shall be selected from the member-
 22 ship of as broad a range as possible of civic, fraternal, educa-
 23 tional, religious, and veterans' groups and organizations.
 24 Nominees may not be officers or employees of any govern-
 25 ment.

1 (2) If a member of the Commission resigns, dies, or
 2 otherwise vacates his position, the member of the congres-
 3 sional leadership who originally nominated such member of
 4 the Commission, or the individual who has succeeded to such
 5 leadership position, shall submit to the President a list of
 6 five nominees and the President shall appoint one such nomi-
 7 nee to fill the vacant position on the Commission.

8 (3) Members shall be appointed for the life of the
 9 Commission.

10 (b) The Commission shall select one of its members
 11 each year to serve as Chairman for a term of one year. No
 12 member of the Commission may serve more than two terms
 13 as Chairman.

14 (c) (1) Members of the Commission shall receive com-
 15 pensation at the rate of \$100 per day for each day that they
 16 are engaged in the performance of their duties as members
 17 of the Commission.

18 (2) While away from their homes or regular places of
 19 business in the performance of services for the Commission,
 20 members shall be allowed travel expenses, including per diem
 21 in lieu of subsistence, in the same manner as persons
 22 employed intermittently in the Government service are
 23 allowed expenses under section 5703 (b) of title 5, United
 24 States Code.

ADMINISTRATION OF THE COMMISSION

1 SEC. 6. (a) The Chairman, or a member designated by
2 the Chairman to act in his stead, shall preside at all meetings
3 of the Commission.

4 (b) (1) Twelve members of the Commission shall con-
5 stitute a quorum for the purpose of conducting Commission
6 business.

7 (2) Action of the Commission shall be determined by a
8 majority vote.

9 (c) The Commission may appoint and fix the compen-
10 sation of such staff personnel as it deems advisable, without
11 regard to the provisions of title 5, United States Code, gov-
12 erning appointments in the competitive service, and the pro-
13 visions of chapter 57 and subchapter III of chapter 53 of
14 such title, relating to classification and General Schedule
15 pay rates, but at rates not in excess of the maximum rate for
16 GS-18 of the General Schedule under section 5332 of such
17 title.

18 (d) The Administrator of General Services shall pro-
19 vide to the Commission on a reimbursable basis such admin-
20 istrative support services as the Commission may request.

POWERS OF THE COMMISSION

21 SEC. 7. (a) The Commission may hold such hearings,
22 sit and act at such times and places, take such testimony,

1 and receive such evidence as the Commission deems
2 necessary.

3 (b) The Commission is authorized to make such rules
4 and regulations as it deems necessary to carry out this Act.

5 (c) (1) The Commission, or the Chairman when au-
6 thorized by the Commission to act in behalf of the Commis-
7 sion, may issue subpoenas requiring the attendance and testi-
8 mony of witnesses and the production of any evidence that re-
9 lates to any matter under investigation by the Commission.
10 The Commission, or any members, employees, or other
11 agents of the Commission designated by the Commission for
12 such purpose, may administer oaths and affirmations, ex-
13 amine witnesses and receive evidence. Such attendance of
14 witnesses and the production of such evidence may be re-
15 quired from any place within the United States at any desig-
16 nated place of hearing within the United States.

17 (2) Subpoenas issued by the Commission, or by an
18 authorized member of the Commission, may be served either
19 upon the witness in person or by registered mail or by
20 telegraph or by leaving a copy thereof at the residence or
21 principal office or place of business of the person required
22 to be served. The verified return by the individual so serving
23 the same, setting forth the manner of such service, shall be
24 proof of the same, and the return post office receipt or tele-

1 graph receipt therefor when registered and mailed or tele-
2 graphed as aforesaid shall be proof of service of the same.

3 (3) If a person issued a subpoena under the first para-
4 graph of this subsection refuses to obey such subpoena or is
5 guilty of contumacy, any court of the United States within
6 the jurisdiction of which the inquiry is carried on or within
7 the jurisdiction of which said person guilty of contumacy
8 or refusal to obey is found or resides or transacts business
9 may (upon application of the Commission) order such per-
10 son to appear before the Commission, its members, employ-
11 ees, or agents, there to produce evidence or to give testi-
12 mony touching the matter under investigation. Any failure
13 to obey such order of the court may be punished by such
14 court as a contempt thereof. All process of any court to
15 which application may be made under this subsection may
16 be served in the judicial district wherein the person required
17 to be served resides or may be found.

18 (d) Witnesses summoned before the Commission, its
19 members, employees, or agents, shall be paid the same fees
20 and mileage that are paid witnesses in courts of the United
21 States, and witnesses whose depositions are taken and the
22 persons taking the same shall severally be entitled to the
23 same fees as are paid for like services in the courts of the
24 United States.

1 TEMPORARY IMMUNITY FROM ARREST AND PROSECUTION

2 SEC. 8. Any individual filing an application for amnesty
3 who is entitled under section 4 (f) to appear before the Com-
4 mission may not be arrested or prosecuted for any violation
5 described in section 4 (a) during—

6 (1) the period beginning forty-eight hours prior to
7 his first scheduled appearance before the Commission and
8 ending forty-eight hours after his final appearance (as
9 determined by the Commission) before the Commission;
10 and

11 (2) any additional period which the Commission
12 certifies is necessary to facilitate the appearance of such
13 individual before the Commission.

14 REPORT OF THE COMMISSION

15 SEC. 9. Upon completion of its duties under this Act
16 and no later than January 1, 1983, the Commission shall
17 submit to the Congress a report setting forth—

18 (1) the number of applications submitted to the
19 Commission;

20 (2) the final disposition of such applications; and

21 (3) such other information as the Commission
22 deems appropriate.

23 TERMINATION OF COMMISSION

24 SEC. 10. The Commission shall cease to exist on Janu-
25 ary 1, 1983.

94TH CONGRESS
1ST SESSION

H. R. 6302

A BILL

To create a United States Amnesty Commission to make recommendations to the President on appropriate action to be taken, on a case by case basis, with respect to certain persons.

By MR. RYAN, MR. REES, MR. NIX, MR. CORMAN,
MR. ROSENTHAL, MR. GUDE, and MR. HANNA-
FORD

APRIL 23, 1975

Referred to the Committee on the Judiciary

94TH CONGRESS
1ST SESSION

H. R. 2852

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1975

Mr. RYAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a United States Amnesty Commission to make recommendations to the President on appropriate action to be taken, on a case by case basis, with respect to certain persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "United States
5 Amnesty Commission Act".

6 FINDINGS AND PURPOSE

7 SEC. 2. (a) The Congress finds that—

8 (1) amnesty has been part of the aftermath of

1 every war in which the United States has been involved
2 militarily prior to the Vietnam war;

3 (2) the Vietnam war was never formally declared
4 and lasted longer than any other war in which the
5 United States has participated;

6 (3) during this particular conflict the mood and
7 support of the American people changed more drastically
8 than was true in any other period of war;

9 (4) during the entire course of this war, young
10 Americans were required to serve and die for a cause
11 which became less well defined as the war dragged on;

12 (5) hence it is obvious that during this period in-
13 dividual motivation resulted in a bewildering and per-
14 plexing variety of violations of Federal law in matters
15 pertaining to military service; and

16 (6) this situation requires creation of a procedure
17 for examining, on an individual basis, the records of
18 those who have been or are now subject to prosecution
19 for illegal conduct relating to military service in order
20 that the President may take appropriate action.

21 (b) It is the purpose of this Act to bring a measure of
22 individual justice to those persons who, for their actions in
23 expressing disapproval of United States participation in the
24 war in Southeast Asia, have been convicted or are subject
25 to prosecution under Federal law for offenses pertaining to

1 military service by establishing a broad based citizens' panel,
2 to be known as the United States Amnesty Commission
3 which will, upon application by any such person, examine
4 the facts and circumstances of such person's illegal action,
5 and make a recommendation to the President as to the most
6 appropriate action for him to take with regard to such person.

7 ESTABLISHMENT OF THE COMMISSION

8 SEC. 3. There is established a commission to be known
9 as the United States Amnesty Commission (hereafter in this
10 Act referred to as the "Commission").

11 APPLICATION FOR AMNESTY

12 SEC. 4. (a) An application for amnesty may be filed
13 with the Commission under this Act not later than January 1,
14 1980, by any individual who, during the period beginning
15 August 4, 1964, and ending January 1, 1974, violated, or is
16 subject to prosecution for violation of—

17 (1) section 12 of the Military Selective Service
18 Act (50 App. U.S.C. 462) with respect to the follow-
19 ing prohibited acts—

20 (A) evading or refusing registration, evading
21 or refusing induction into the Armed Forces, or
22 willfully failing to perform any other duty under
23 such Act;

24 (B) knowingly counseling, aiding, or abetting

1 others to refuse or evade registration or service
2 in the Armed Forces of the United States;

3 (C) publicly and knowingly destroying or
4 mutilating any registration or classification card
5 issued or prescribed pursuant to such Act and know-
6 ingly violating or evading any of the provisions of
7 such Act, or rules and regulations promulgated pur-
8 suant thereto relating to the issuance, transfer, or
9 possession of any registration or classification card;

10 (2) section 882 of title 10, United States Code,
11 which prohibits the soliciting or advising another to
12 desert the Armed Forces of the United States;

13 (3) sections 885 and 886 of title 10, United States
14 Code, which prohibit deserting or going absent without
15 leave from the Armed Forces of the United States;

16 (4) section 887 of title 10, United States Code,
17 which prohibits missing the movement of a ship, air-
18 craft, or unit with which an individual is required in
19 the course of duty to move;

20 (5) section 888 of title 10, United States Code,
21 which prohibits any officer from using contemptuous
22 words against the President, the Vice President, Con-
23 gress, the Secretary of Defense, the Secretary of a mili-
24 tary department, the Secretary of the Treasury, or the
25 Governor or legislature of any State, territory, Common-

1 wealth, or possession in which he is on duty or present;

2 (6) section 1381 of title 18, United States Code,
3 which prohibits the enticing or procuring or attempting
4 to entice or procure, any person in the Armed Forces
5 of the United States, or who has been recruited for serv-
6 ice therein, to desert therefrom, or aiding any such per-
7 son in deserting, or in attempting to desert from such
8 service; or harboring, concealing, protecting, or assisting
9 any such person who may have deserted from such serv-
10 ice, knowing him to have deserted therefrom, or refusing
11 to give up and deliver such person on the demand of any
12 officer authorized to receive him;

13 (7) section 2387 of title 18, United States Code,
14 which prohibits the advising, counseling, urging or in
15 any manner causing or attempting to cause insubordina-
16 tion, disloyalty, mutiny, or refusal of duty by any mem-
17 ber of the military or naval forces of the United States,
18 with the intent to interfere with, impair, or influence
19 the loyalty, morale, or discipline of the military or naval
20 forces of the United States; and

21 (8) such other provisions of law pertaining to
22 military service as the Commission may designate.

23 (b) The Commission shall make a full and complete in-
24 vestigation and study of each application submitted under
25 this Act for the purpose of determining (1) whether the

1 applicant's overriding purpose in such violation was to dis-
 2 sent from the policy of the United States with respect to the
 3 Vietnam war, and (2) its recommendations to the President
 4 with respect to amnesty (conditional or unconditional) and
 5 other appropriate actions for him to take with respect to such
 6 applicant. The Commission shall not recommend amnesty
 7 or any other action with respect to any applicant unless
 8 it has determined that the overriding purpose of such appli-
 9 cant in violating the law was to dissent from the policy of
 10 the United States with respect to the Vietnam war.

11 (c) Any investigation and study carried out by the
 12 Commission under this Act shall extend only to those matters
 13 relevant to the application and to the determinations re-
 14 quired of the Commission by this Act. Any information
 15 obtained by the Commission with respect to any applicant
 16 may be disclosed only to such applicant or his attorney or,
 17 upon the request of the President, to the President to assist
 18 him in making his decision with respect to such applicant.
 19 No information obtained from the Commission may be used
 20 in any way in any prosecution of an applicant for any viola-
 21 tion described in subsection (a).

22 (d) The head of each department, agency, or other
 23 instrumentality of the United States shall provide such in-
 24 vestigative services, facilities, and information as the Com-
 25 mission determines necessary to carry out its functions under

1 this Act. No information with respect to an applicant which
 2 is obtained by any such instrumentality pursuant to a re-
 3 quest from the Commission under this subsection may be used
 4 in any way in any prosecution of such applicant for any vio-
 5 lation described in subsection (a).

6 (e) The Commission shall furnish the applicant a copy
 7 of each of its determinations made in accordance with sub-
 8 section (b) of this section with respect to his application
 9 and such applicant shall have a period of not to exceed
 10 ninety days from the date he receives such determination
 11 to appeal any such determination to the Commission.

12 (f) In any case where the applicant appeals a deter-
 13 mination to the Commission under subsection (e) of this
 14 section, the Commission shall conduct an adjudicatory hear-
 15 ing in accordance with the applicable provisions of sections
 16 554, 555, 556, 557, and other relevant provisions of title
 17 5, United States Code, except that any such hearing shall
 18 be conducted before the Commission. Upon completion of
 19 such hearing the Commission shall issue a final determina-
 20 tion affirming, modifying, or setting aside the appealed de-
 21 termination. Any final determination of the Commission and
 22 any determination of the Commission not appealed in ac-
 23 cordance with this section shall not be reviewable by any
 24 court.

25 (g) Upon completion of its determinations with respect

1 to any applicant under this section the Commission shall sub-
 2 mit to the President its recommendations for amnesty (con-
 3 ditional or unconditional) and other appropriate actions to be
 4 taken by him with respect to such applicant.

5 MEMBERSHIP OF THE COMMISSION

6 SEC. 5. (a) (1) The Commission shall be composed of
 7 twenty-three members appointed by the President from
 8 among those individuals nominated by the following Mem-
 9 bers of the congressional leadership:

10 (A) from the Senate:

11 (i) the President pro tempore;

12 (ii) the majority leader; and

13 (iii) the minority leader; and

14 (B) from the House of Representatives:

15 (i) the Speaker;

16 (ii) the majority leader; and

17 (iii) the minority leader.

18 Each such member of the congressional leadership shall sub-
 19 mit a list of seven nominees to the President who shall
 20 appoint no less than three and no more than five individuals
 21 from each list. Nominees shall be selected from the member-
 22 ship of as broad a range as possible of civic, fraternal, educa-
 23 tional, religious, and veterans' groups and organizations.
 24 Nominees may not be officers or employees of any govern-
 25 ment.

1 (2) If a member of the Commission resigns, dies, or
 2 otherwise vacates his position, the member of the congres-
 3 sional leadership who originally nominated such member of
 4 the Commission, or the individual who has succeeded to such
 5 leadership position, shall submit to the President a list of
 6 five nominees and the President shall appoint one such nomi-
 7 nee to fill the vacant position on the Commission.

8 (3) Members shall be appointed for the life of the
 9 Commission.

10 (b) The Commission shall select one of its members
 11 each year to serve as Chairman for a term of one year. No
 12 member of the Commission may serve more than two terms
 13 as Chairman.

14 (c) (1) Members of the Commission shall receive com-
 15 pensation at the rate of \$100 per day for each day that they
 16 are engaged in the performance of their duties as members
 17 of the Commission.

18 (2) While away from their homes or regular places of
 19 business in the performance of services for the Commission,
 20 members shall be allowed travel expenses, including per diem
 21 in lieu of subsistence, in the same manner as persons
 22 employed intermittently in the Government service are
 23 allowed expenses under section 5703 (b) of title 5, United
 24 States Code.

ADMINISTRATION OF THE COMMISSION

1 SEC. 6. (a) The Chairman, or a member designated by
2 the Chairman to act in his stead, shall preside at all meetings
3 of the Commission.
4

5 (b) (1) Twelve members of the Commission shall con-
6 stitute a quorum for the purpose of conducting Commission
7 business.

8 (2) Action of the Commission shall be determined by a
9 majority vote.

10 (c) The Commission may appoint and fix the compen-
11 sation of such staff personnel as it deems advisable, without
12 regard to the provisions of title 5, United States Code, gov-
13 erning appointments in the competitive service, and the pro-
14 visions of chapter 57 and subchapter III of chapter 53 of
15 such title, relating to classification and General Schedule
16 pay rates, but at rates not in excess of the maximum rate for
17 GS-18 of the General Schedule under section 5332 of such
18 title.

19 (d) The Administrator of General Services shall pro-
20 vide to the Commission on a reimbursable basis such admin-
21 istrative support services as the Commission may request.

22 POWERS OF THE COMMISSION

23 SEC. 7. (a) The Commission may hold such hearings,
24 sit and act at such times and places, take such testimony,

1 and receive such evidence as the Commission deems
2 necessary.

3 (b) The Commission is authorized to make such rules
4 and regulations as it deems necessary to carry out this Act.

5 (c) (1) The Commission, or the Chairman when au-
6 thorized by the Commission to act in behalf of the Commis-
7 sion, may issue subpoenas requiring the attendance and testi-
8 mony of witnesses and the production of any evidence that re-
9 lates to any matter under investigation by the Commission.
10 The Commission, or any members, employees, or other
11 agents of the Commission designated by the Commission for
12 such purpose, may administer oaths and affirmations, ex-
13 amine witnesses and receive evidence. Such attendance of
14 witnesses and the production of such evidence may be re-
15 quired from any place within the United States at any desig-
16 nated place of hearing within the United States.

17 (2) Subpoenas issued by the Commission, or by an
18 authorized member of the Commission, may be served either
19 upon the witness in person or by registered mail or by
20 telegraph or by leaving a copy thereof at the residence or
21 principal office or place of business of the person required
22 to be served. The verified return by the individual so serving
23 the same, setting forth the manner of such service, shall be
24 proof of the same, and the return post office receipt or tele-

1 graph receipt therefor when registered and mailed or tele-
2 graphed as aforesaid shall be proof of service of the same.

3 (3) If a person issued a subpoena under the first para-
4 graph of this subsection refuses to obey such subpoena or is
5 guilty of contumacy, any court of the United States within
6 the jurisdiction of which the inquiry is carried on or within
7 the jurisdiction of which said person guilty of contumacy
8 or refusal to obey is found or resides or transacts business
9 may (upon application of the Commission) order such per-
10 son to appear before the Commission, its members, employ-
11 ees, or agents, there to produce evidence or to give testi-
12 mony touching the matter under investigation. Any failure
13 to obey such order of the court may be punished by such
14 court as a contempt thereof. All process of any court to
15 which application may be made under this subsection may
16 be served in the judicial district wherein the person required
17 to be served resides or may be found.

18 (d) Witnesses summoned before the Commission, its
19 members, employees, or agents, shall be paid the same fees
20 and mileage that are paid witnesses in courts of the United
21 States, and witnesses whose depositions are taken and the
22 persons taking the same shall severally be entitled to the
23 same fees as are paid for like services in the courts of the
24 United States.

1 TEMPORARY IMMUNITY FROM ARREST AND PROSECUTION

2 SEC. 8. Any individual filing an application for amnesty
3 who is entitled under section 4 (f) to appear before the Com-
4 mission may not be arrested or prosecuted for any violation
5 described in section 4 (a) during—

6 (1) the period beginning forty-eight hours prior to
7 his first scheduled appearance before the Commission and
8 ending forty-eight hours after his final appearance (as
9 determined by the Commission) before the Commission;
10 and

11 (2) any additional period which the Commission
12 certifies is necessary to facilitate the appearance of such
13 individual before the Commission.

14 REPORT OF THE COMMISSION

15 SEC. 9. Upon completion of its duties under this Act
16 and no later than January 1, 1983, the Commission shall
17 submit to the Congress a report setting forth—

18 (1) the number of applications submitted to the
19 Commission;

20 (2) the final disposition of such applications; and

21 (3) such other information as the Commission
22 deems appropriate.

23 TERMINATION OF COMMISSION

24 SEC. 10. The Commission shall cease to exist on Janu-
25 ary 1, 1983.

94TH CONGRESS
1ST SESSION

H. R. 2852

A BILL

To create a United States Amnesty Commission to make recommendations to the President on appropriate action to be taken, on a case by case basis, with respect to certain persons.

By Mr. RYAN

FEBRUARY 5, 1975

Referred to the Committee on the Judiciary

Amnesty

Monday 5/19/75

11:45 Nancy Brazelton in Doug Bennett's office is preparing a schedule proposal for Leo Ryan (Democrat of California) to meet with the President to discuss legislation he has introduced which generally liberalizes amnesty guidelines and creates a broad based citizens' panel known as the U. S. Amnesty Commission -- to be at the convenience of the President.

2717

She was asking who on our staff should be included as a participant. I told her I thought it would be you but would check and let her know right away.

Would this be something that Senator Goodell would be invited to????!!!!!!!



Pass on ^{to} Jay P.
for his comments
to me.
P.

Amnesty



Monday 5/19/75

*Noted
P.*

11:45 Nancy Braselton in Doug Bennett's office is preparing a schedule proposal for Leo Ryan (Democrat of California) to meet with the President to discuss legislation he has introduced which generally liberalizes amnesty guidelines and creates a broad based citizens' panel known as the U. S. Amnesty Commission -- to be at the convenience of the President.

2717

She was asking who on our staff should be included as a participant. I told her I thought it would be you but would check and let her know right away.

Yes

Would this be something that Senator Goodell would be invited to????!!!!!!

No

*Material
now
attached*



THE WHITE HOUSE
WASHINGTON

5/19

EVA:

Attached is the Schedule Proposal
we discussed earlier today.

*Not
sent
with
proposal*

I also included FYI copies of
the bills & some other information.

Nancy
Nancy Braselton
Sec. to Mr. Bennett



THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

Date: May 16, 1975
Thru: Max L. Friedersdorf
Vern Loen *VL*
From: Douglas P. Bennett *DPB*
Via: Warren Rustand

MEETING: Representative Leo Ryan, D-Calif.

DATE: At the convenience of the President

PURPOSE: To discuss legislation he has introduced which generally liberalizes amnesty guidelines and creates a citizen's panel - the United States Amnesty Commission.

FORMAT: - The Oval Office
- 15 minutes

PARTICIPANTS: The President
Rep. Leo Ryan
Philip Buchen (Staff)
Doug Bennett (Staff)

CABINET PARTICIPATION: None

SPEECH MATERIAL: Talking Points to be furnished

PRESS COVERAGE: White House Photographer only

STAFF: Doug Bennett

RECOMMEND: Max L. Friedersdorf

OPPOSED: None

PREVIOUS PARTICIPATION: None



BACKGROUND:

1. Rep. Ryan first introduced amnesty legislation in February 1975 and then on April 23, 1976, he (along with Representatives Rees, Donohal, Corman, Nix, Gude and Hannaford) re-introduced similar legislation, H. R. 6302, which would establish a broad-based citizen's panel to be known as the United States Amnesty Commission.
2. The Commission would upon receipt of applications examine the facts and circumstances of each person's illegal action.
3. The Commission would also make recommendations to the President as to the most appropriate action for him to take with regard to those seeking amnesty.
4. He has indicated that he has discussed this matter with Charles Goodell, Chairman of the President's Clemency Board - which ended on March 31, 1975.
5. Rep. Ryan is presently serving in his 2nd term in the U. S. House of Representatives and is a member of the Foreign Affairs and Government Operations Committees.

APPROVE _____

DISAPPROVE _____



Page 1, 1972

In a speech on the floor of the House of Representatives today, Congressman Leo J. Ryan (Dem., San Mateo) compared President Ford's "open door" for thousands of Vietnamese refugees with the President's "closed door" for thousands of American citizens who sought refuge in another country rather than fight in a war they believed to be both futile and immoral.

The San Mateo Congressman announced that he was re-introducing legislation H.R. 6302 to provide amnesty for thousands of American citizens, "who, for their actions in expressing disapproval of United States participation in the war in Southeast Asia, have been convicted or are subject to prosecution under the Federal law for offenses pertaining to military service."

"We can do no less for them", Ryan said, "than we can for the 100,000 Asians we take in." Joining Congressman Ryan as co-sponsors of his bill are Congressman Tom Rees (D-CA), Congressman Benjamin Rosenthal (D-NY), Congressman James Corman (D-CA), Congressman Robert Nix (D-PA), Congressman Gilbert Gude (D-MD) and Congressman Mark Hannaford (D-CA).

"This bill would establish a broad-based citizen's panel, to be known as the United States Amnesty Commission," Ryan said, "which will, upon application by any such person, examine the facts and circumstances of such person's illegal action. It will also make a recommendation to the President as to the most appropriate action for him to take with regard to such person."

* * * * *

Note: Text of Speech is attached.



try upon our invitation and consent. For whatever reason, justified or not, they have left. For those who have family to go to, I have no concern. There will be loved ones with outstretched arms waiting to welcome them. They will be able to reside with their American relatives and put together a new life in this land.

But for those who left without a friend or relative in America, my heart bleeds for them. I would not have set such a policy of evacuation. I would have been scrupulously careful in planning whatever evacuation was really needed and made amply sure that only those truly in danger of their lives would have been allowed to leave. There is no excuse for the selection of one Embassy employee for evacuation to yield 46 relatives for departure with that one Embassy employee.

But, be that as it may, this was our policy as set by the White House, by the State Department and by the administration leaders. Whether I agreed with it or not, is now immaterial. The fact remains that these people have left their country under our protection. We cannot now abandon them. If we have any shadow of honor and pride in our name, we must provide shelter, food, and clothing for these people. We must do all we can, as a nation, even if it is without love, to care for the needs of these people who now have no country but ours. I do not plead for their charity, so much as I do for our honor.

The world watched us evacuate upwards of 80,000 Vietnamese nationals. Will the world watch us cut them adrift even before they have reached our shores? How long will they live in tents on Guam and Wake Island?

GROWING SUPPORT FOR EXTENSION AND EXPANSION OF VOTING RIGHTS ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. BADILLO. Mr. Speaker, the following is an editorial from the New York Times which appeared on Tuesday, April 29, 1975. The editorial serves as further evidence for the growing support for both expansion and extension of the Voting Rights Act. I would also like to note for the Record the fact that New York City is one of the jurisdictions that is presently covered by the Voting Rights Act because of the amendments passed in 1970.

The article follows:

PROTECTING VOTERS

The second extension of the Voting Rights Act of 1965 is moving through Congress on the strength of a considerably greater consensus on the law's usefulness than was the case in 1970 when the Nixon Administration tried to dilute the force of the legislation.

The current version is an improvement over the law passed in 1970. The act is to be extended for ten, rather than for five years, so that it will provide enduring protection for voters' rights under the reapportionment following the 1980 census.

A second proposed improvement is a set of provisions, developed by a coalition of legislators led by Representative Badillo of New York, which would extend the law's protections to "language minorities," principally Hispanic Americans. The Badillo proposal should clearly become part of the final legislation.

PEOPLE HELPING PEOPLE

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. MYERS of Pennsylvania. Mr. Speaker, recently I was asked to help the White House in spreading the word about people helping people in their fight against inflation, high energy costs and unemployment.

I was delighted, Mr. Speaker, to learn that just such efforts are already underway in the 25th District of Pennsylvania. I know of several instances, particularly where the elderly are concerned, where people are helping people. The News-Tribune in Beaver Falls, Pa., a fine newspaper in my district, recently published an article about one of these people helping people efforts, worthy of the attention of the House of Representatives. The article in the Beaver Falls News-Tribune is about E. Kenneth Bingham, who has been helping people since 1921, and now that he is retired from the Pittsburgh Tube Co. of Monaca, Pa., he is helping them even more. The article follows:

IT'S VERY REWARDING

(By Judith Brown)

This New Brighton area man remembered his first volunteer job was back in the summer of 1921.

"Norman Harlan and I worked all summer assembling desks at the new high school for 11 cents an hour," said Kenneth Bingham, "but we never got paid."

Bingham, retired as supervisor of inventory control at Pittsburgh Tube Co., Monaca, now does two kinds of volunteer work through the Voluntary Action Center of Beaver County.

He assists the elderly with filing income tax and rental rebate forms and is director of a new operation called "Telephone Assurance."

Bingham said he prepared for volunteer work with a course at Community College of Beaver County (CCBC) on income tax preparation when he retired in December 1972.

"James Ross made arrangements for a state man to teach the Pennsylvania State tax and rental rebate tax," Bingham said. "I thought I could do it."

Bingham said he has since taken a course each year at CCBC to update his knowledge.

He spends an average of 12 to 18 hours per week helping the elderly at Joseph Edwards apartments, Rochester and King Beaver Apartments, Beaver.

"It's amazing to go into a home of any elderly person who received his forms," Bingham said. "They panic and I tell them 'let me worry about it.'"

He continued, "They never amount to that much."

"It's very rewarding because I meet people who think they have a problem they don't have," Bingham said.

As director of "Telephone Assurance", a project began in January, Bingham is responsible for lining up volunteers who phone check on elderly clients on a daily basis.

The service is cosponsored by Beaver County Area Agency on Aging and Lutheran Service Society which gets volunteers through the action center.

Bingham is in charge of 53 clients who have been referred through a caseworker. "I get the age, address, history, all the information about neighbors and close relatives to be contacted in emergency," Bingham said.

"If a client wants service, I get someone in the same telephone area to call every day at a specified time."

Bingham said many clients are ill, even bedridden. The volunteer will remind his client to take medicine and check to see if he or she is all right.

If the client does not answer, an emergency procedure spins into action. The volunteer calls a series of neighbors, ambulance service and relatives to get immediate help to the client.

Another phase of "Telephone Assurance" is now in the planning stage, Bingham said. It's called "Chat" a service for clients who need to spend some time just talking to someone. The service plans on at least 15 minutes a week, but clients may request additional time, Bingham said.

It's been a long road since Bingham and his friend worked at the new high school, now the "old" high school. "We were the first class to graduate after four full years in the building," Bingham recalled.

Bingham attended Central School, New Brighton, until eighth grade. The Bingham's now reside in Pulaski Township.

Crediting his wife Ruth with making his volunteer work possible, Bingham said, "If it wasn't for the type of wife I have, I couldn't do it." Bingham said the phone rings at all sorts of odd hours, but his wife is "very cooperative."

AN OPEN DOOR TO AMERICA

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. RYAN. Mr. Speaker, we have witnessed over the last few weeks the end of one of the most tumultuous periods in the history of our Nation. Six Presidents have had to bear the burden of this exhaustive war which cost us 55,000 lives, hundreds still "missing in action," 230,000 maimed and injured veterans still under medical care, an estimated \$200 billion already spent, and the trust of our young people in our system of government. It was a war which was never formally declared, but lasted longer than any other period of war that the United States has participated in. It was a war in which the mood and support of the American people changed more drastically than any other war. Young Americans for 10 years were required to serve and die for a cause which became less well defined—a cause which some of the staunchest supporters of that war, here in the House, now define as "wasteful" and "ill-advised."

The President says that the action over the last few days, "closes a chapter in the American experience." He has asked all Americans "to close ranks, to avoid re-creation about the past, to look ahead to the many goals we share."

Mr. Speaker, I also would like to "close ranks," to get on with the challenge of fighting a recession and energy crisis, to

work diligently in getting this country back on its feet again. But we forget. We forget the thousands of men who, for their actions in expressing disapproval of United States' participation in the war in Southeast Asia, have been convicted or are subject to prosecution under the Federal law for offenses pertaining to military service.

Do we turn our backs and just walk away, because the President says to close the door? We still have a responsibility to these citizens of this country who are living outside the United States. We realize now that they knew what elected officials in both parties are finally realizing.

The President's clemency program which ended on March 31 was reported to be not very successful. I am not surprised. It was too narrowly drawn. Consequently, I have reintroduced H.R. 6302 along with six of my colleagues, which will eliminate many inadequacies of the President's program by specifically, establishing a broad-based citizens' panel, to be known as the U.S. Amnesty Commission which will, upon application by any such person, examine the facts and circumstances of such person's illegal action. It would then make a recommendation to the President as to the most appropriate action for him to take with regard to such person.

Amnesty has been a part of the aftermath of every war in which the United States has been involved militarily prior to the Vietnam war. We have witnessed thousands of Vietnamese refugees being welcomed into this country with open arms by our President. We have heard the Secretary of State mention the possibility of political asylum to Vietnamese officials. Mr. Speaker, the President wants to close the door. I want to leave the door open to our own men who had to seek refuge in another country, because they were smart enough to see both the futility and the immorality of that war years before the rest of us did. We can do no less for them than we can for 100,000 Asians we take in, some of whom will no doubt be given political asylum.

ISRAEL AND THE UNITED NATIONS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1975

Mr. LONG of Maryland. Mr. Speaker, that the United Nations is becoming a forum for propaganda against U.S. national interests is a disturbing development. A recent article in the Baltimore Evening Sun, March 11, 1975, by the distinguished Harry Bard, former president of the United Nations Association of Maryland, describes the increasing isolation of Israel within the United Nations. I am taking this opportunity to share this thoughtful article with my colleagues.

The text of the article follows:

AT THE UN, ISRAEL MUST SIT IN STONY SILENCE

(By Harry Bard)

Hardly noticed by the American public—unlike the hotly debated actions by the General Assembly and UNESCO last November—the United Nations Commission on Human Rights adopted, at Geneva, on February 21, two resolutions of censure against Israel. This most recent action indicates a full-fledged campaign to politicize all UN agencies in order to embarrass, demean and do injury to Israel.

The first step in this campaign was to have the Arab nations gain voting control of all the UN agencies in alliances with the African and Communist blocs. This early step was attained when the number of Arab nations in the UN increased from 7 in the early 1950's to 20 in the 1970's. Then power was further enlarged: these new numbers used their votes to pledge support for desires of African nations in exchange for votes against Israel. Support by Communist nations came to Arab states in a power play against the West. The power of this "grand alliance" was symbolized by the vote of 105 nations out of 138 UN members to invite the PLO head, Yasser Arafat, to address the General Assembly last November.

What the American public perhaps did not understand fully was that the alliance had not only taken over the General Assembly sessions but also the substructures of that body. Mr. Bouteflika of Algeria was the President. The 17 vice-presidents, the six main committees and the more than 20 standing, subsidiary and related bodies of the General Assembly each had one or more Arab representatives. But not a single Israeli was on any of these substructures of the General Assembly that determines policies and procedures.

The UN Charter itself helped establish the isolation of Israel. Article 23 gives the General Assembly the power to elect the ten non-permanent members of the Security Council. Actually, any of the five permanent members of the Council have the power of veto, under Article 27, in respect to substantive issues. Thus, Israel's last bastion of survival in the UN may well rest with the power of the permanent members, such as the United States.

In the Economic and Social Council, Israel's fate is more clearly doomed. Chapter X of the UN Charter is so drawn that members of ECOSOC are both appointed by the General Assembly and are responsible to it. In 1975, there are 54 members of this highly important body responsible for dealing with the underlying causes of conflicts, viz., economic, health, cultural and related matters. Though there are currently four Arab states on the council—there is not a single Israeli representative.

ECOSOC operates through standing committees and functional commissions whose members are appointed by the 54 representatives. The eight chief standing committees deal with such key items as housing, building and construction, natural resources, crime prevention, and science and technology. About 200 representatives (country may be on more than one committee) including many Arabs, are on these bodies—but not a single Israeli on any of the eight committees.

ECOSOC has six functional commissions which deal with such important issues as status of women, narcotics, population, social development and human rights. In all, there are about 172 representatives—numerous nations represented on more than one of these commissions. There are, as there should be, many Arab representatives. But not a single Israeli on any of the commissions.

It was the Commission on Human Rights of ECOSOC that fired the last salvo at Israel. One of the resolutions by this commission last month was a joint indictment of Israel's so-called desecration of Moslem and Christian shrines (a recapitulation of UNESCO's censure in November) and the demand for the release of the Most Rev. Marlon Capucci, convicted of smuggling arms to Arab guerrillas. This resolution was sponsored largely by commission representatives of four Arab countries—Egypt, Iraq, Lebanon and Tunisia.

The HR Commission voted 21 to 6 (5 abstentions) in favor of the resolution, with five European representatives and the American delegate voting nay. The ironic part of the debate, was that Valerian A. Zorin of the U.S.S.R. accused Israel of violations of human rights. In Russian, the maltreatment of minorities—Latvians, Estonians, Lithuanians, Ukrainians, Jews and other indigenous populations is well known by the world.

The second censure of the HR Commission in February was an indictment of Israel's actions to conform with "basic norms of international law" in the occupied lands. This resolution was sponsored largely by Third World delegates such as Ghana, Senegal, Sierra Leone and Zaïre. It was a part of the "grand alliance" tactics. It was adopted 22-to-1 with 9 absences.

Israel, not a member of the HR Commission, could debate the issue, but had not vote. When the report reaches ECOSOC, Israel will have no vote there and when it ultimately reaches the General Assembly, its fate will have been sealed.

The various specialized agencies are established by intergovernmental agreement under Article 57 of the UN Charter and thus virtually any nation which wishes to join any group such as the World Health Organization or the United Nations Educational Scientific and Cultural Organization, may do so. But, according to Article 63 of the Charter, it is ECOSOC that has the responsibility for bringing the work of the specialized agencies into relationship with the UN structure. Moreover, it is the General Assembly which must approve these agreements.

A mere naming of some of the key specialized agencies indicates the highly important work carried out by these UN organs which deal with sensitive problems of economy, culture, health, transportation and communications, food, labor, climate, trade, and atomic energy. In addition to UNESCO and WHO, others are: International Labor Organization, Food and Agriculture Organization, International Bank for Reconstruction and Development, International Finance Corporation, International Monetary Fund, International Development Association, International Civil Aviation Organization, Universal Postal Union, International Telecommunication Union, World Meteorological Organization, the International Atomic Energy Agency and the General Agreement on Tariffs and Trade.

Each of these specialized or intergovernmental organizations is governed by an executive branch of directors, or a council or governing body, representing from about 20 to 40 countries. On each of these prestigious bodies for the 14 specialized agencies named there are one or more Arab representatives setting policies—as there should be. The latest official inventory of these governing councils shows not a single Israeli representative on any of the executive bodies for any of the 14 specialized agencies herein noted.

The lack of Israeli representation is sometimes blamed on the concept of regional representation which the UN Charter encourages. Israel, surrounded in the Middle East by unfriendly nations, is not likely

94TH CONGRESS
1ST SESSION

H. R. 6302

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1975

Mr. RYAN (for himself, Mr. REES, Mr. NIX, Mr. CORMAN, Mr. ROSENTHAL, Mr. GUDE, and Mr. HANNAFORD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a United States Amnesty Commission to make recommendations to the President on appropriate action to be taken, on a case by case basis, with respect to certain persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "United States
5 Amnesty Commission Act".

6 FINDINGS AND PURPOSE

7 SEC. 2. (a) The Congress finds that—

8 (1) amnesty has been part of the aftermath of

94TH CONGRESS
1ST SESSION

H. R. 2852

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1975

Mr. RYAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a United States Amnesty Commission to make recommendations to the President on appropriate action to be taken, on a case by case basis, with respect to certain persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "United States
5 Amnesty Commission Act".

6 FINDINGS AND PURPOSE

7 SEC. 2. (a) The Congress finds that—

8 (1) amnesty has been part of the aftermath of

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Pres. Scheduling

May 23, 1975

MEMORANDUM FOR: PHILIP BUCHEN
FROM: WARREN RUSTAND *WSR*
SUBJECT: Schedule Proposal for the President
to Meet with Cong. Leo Ryan, D-Calif.,
to discuss legislation he has introduced
which liberalizes amnesty guidelines

We would appreciate having your comments and recommendation
on the attached proposal.

May 27, 1975

The Administration's position in opposition to
Congressman Ryan's bill has already been presented
when Martin Hoffmann from Defense and Kevin Maroney
from Justice testified in April before the Subcom-
mittee on Courts, Civil Liberties, and the
Administration of Justice of the House Committee on
the Judiciary.

Therefore, I see no justification for having the
Congressman get a special meeting with the President
on the same subject.

P.W.B.
Philip W. Buchen
Counsel to the President



THE WHITE HOUSE

WASHINGTON

May 22, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN

FROM: JAY T. FRENCH

In accordance with your request, I have reviewed the attached schedule proposal that Congressman Ryan meet with the President to discuss H.R. 2852 (H.R. 6302 is the same bill) introduced to create a United States Amnesty Commission. Congressman Ryan's bill proposes the following measures:

-a Commission of twenty-three members similar to the Presidential Clemency Board to consider applications for clemency until 1980.

-an increase in the number of categories of offenses under the Military Selective Service Act and the Uniform Code of Military Justice for which the Commission may recommend clemency. For example Congressman Ryan's bill would provide eligibility for draft card burners who are not eligible for the President's program.

-clemency would only be available for applicants who demonstrate that their violation of law was motivated by their dissent to U.S. policies in Indochina. In contrast, the President's program does not consider motives.



On April 14, 1975, Martin Hoffmann testified for the Defense Department generally on amnesty legislation before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary. Congressman Ryan's bill was one of several amnesty bills before the Subcommittee at that time. On behalf of the Department, Hoffmann opposed this bill on the following general grounds:

- it would provide unconditional amnesty for military deserters thereby weakening future efforts at conscription, and

- it would be unfair to those persons who served in the military during the Vietnam era.

Kevin Maroney of the Criminal Division at the Department of Justice also testified at these hearings. The Department opposed Congressman Ryan's bill on constitutional grounds, and noted that this measure restricted applicants to those who dissented during the war.

It is my recommendation that the President decline to meet with Congressman Ryan because the Administration has already presented its position on his bill. If it is decided to proceed with this meeting, however, I would recommend against the President discussing the merits of this bill.

Both Defense and Justice are sending me copies of their testimony before the Subcommittee.



Pass ^{to} Mr. Jay D.
for his comments
to me.

P.



THE WHITE HOUSE
WASHINGTON

From Eva
to Jay 5/20/75



Monday 5/19/75

*Noted
P.*

11:45 Nancy Braselton in Doug Bennett's office is preparing a schedule proposal for Leo Ryan (Democrat of California) to meet with the President to discuss legislation he has introduced which generally liberalizes amnesty guidelines and creates a broad based citizens' panel known as the U. S. Amnesty Commission -- to be at the convenience of the President.

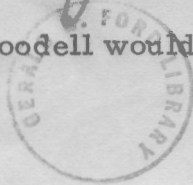
2717

She was asking who on our staff should be included as a participant. I told her I thought it would be you but would check and let her know right away.

yes

Would this be something that Senator Goodell would be invited to????!!!!!!!

No



*Material
now
attached*

THE WHITE HOUSE
WASHINGTON

5/19

EVA:

Attached is the Schedule Proposal
we discussed earlier today.

*Not
sent
with
proposal*

I also included FYI copies of
the bills & some other information.

Nancy
Nancy Braselton
Sec. to Mr. Bennett



THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

Date: May 16, 1975
Thru: Max L. Friedersdorf
Vern Loen VL
From: Douglas P. Bennett DB
Via: Warren Rustand

MEETING: Representative Leo Ryan, D-Calif.

DATE: At the convenience of the President

PURPOSE: To discuss legislation he has introduced which generally liberalizes amnesty guidelines and creates a citizen's panel - the United States Amnesty Commission.

FORMAT: - The Oval Office
- 15 minutes

PARTICIPANTS: The President
Rep. Leo Ryan
Philip Buchen (Staff)
Doug Bennett (Staff)

CABINET PARTICIPATION: None

SPEECH MATERIAL: Talking Points to be furnished

PRESS COVERAGE: White House Photographer only

STAFF: Doug Bennett

RECOMMEND: Max L. Friedersdorf

OPPOSED: None

PREVIOUS PARTICIPATION: None



BACKGROUND:

1. Rep. Ryan first introduced amnesty legislation in February 1975 and then on April 23, 1975, he (along with Representatives Rees, Rosenthal, Corman, Nix, Gude and Hannaford) re-introduced similar legislation, H. R. 6302, which would establish a broad-based citizen's panel to be known as the United States Amnesty Commission.
2. The Commission would upon receipt of applications examine the facts and circumstances of each person's illegal action.
3. The Commission would also make recommendations to the President as to the most appropriate action for him to take with regard to those seeking amnesty.
4. He has indicated that he has discussed this matter with Charles Goodell, Chairman of the President's Clemency Board - which ended on March 31, 1975.
5. Rep. Ryan is presently serving in his 2nd term in the U.S. House of Representatives and is a member of the Foreign Affairs and Government Operations Committees.

APPROVE _____

DISAPPROVE _____



may 1, 1975

In a speech on the floor of the House of Representatives today, Congressman Leo J. Ryan (Dem., San Mateo) compared President Ford's "open door" for thousands of Vietnamese refugees with the President's "closed door" for thousands of American citizens who sought refuge in another country rather than fight in a war they believed to be both futile and immoral.

The San Mateo Congressman announced that he was re-introducing legislation H.R. 6302 to provide amnesty for thousands of American citizens, "who, for their actions in expressing disapproval of United States participation in the war in Southeast Asia, have been convicted or are subject to prosecution under the Federal law for offenses pertaining to military service."

"We can do no less for them", Ryan said, "than we can for the 100,000 Asians we take in." Joining Congressman Ryan as co-sponsors of his bill are Congressman Tom Rees (D-CA), Congressman Benjamin Rosenthal (D-NY), Congressman James Corman (D-CA), Congressman Robert Nix (D-PA), Congressman Gilbert Gude (D-MD) and Congressman Mark Hannaford (D-CA).

"This bill would establish a broad-based citizen's panel, to be known as the United States Amnesty Commission," Ryan said, "which will, upon application by any such person, examine the facts and circumstances of such person's illegal action. It will also make a recommendation to the President as to the most appropriate action for him to take with regard to such person."

* * * * *

Note: Text of Speech is attached.



Mr. B. asked
Jay for this
back-up. Should
I send back to
Jay?

