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UNITED STATES INDUSTRIAL COUNCIL

FIGHTING FOR FREE ENTERPRISE SINCE 1933

Aug. 30, 1974

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Washington Representative
2000 L Street N.W.
Washington, D. C.

Hon. John Marsh
Presidential Counselor
The White House
Washington, D. C.

Dear Mr. Marsh:

In view of the recent discussion of amnesty for deserters and others who refused to serve their country in the armed forces, I would like to call to your attention the fact that our organization is on record as being completely opposed to amnesty. Our directors took this position in adopting a Declaration of Policy at our last board meeting.

The view of our organization, which has 3,000 corporate members employing 3 million people, is that those who deserted their posts or otherwise failed to do their duty as citizens should be subject to the processes and penalties provided in military and/or civil law.

I hope you will bring our organization's position to the attention of the President.

Sincerely,

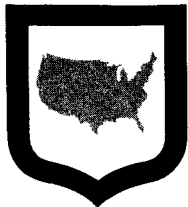
Anthony Harrigan
Anthony Harrigan
Executive Vice President

Copies to Mr. Paul A. Belknap
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Hon. John Marsh
Presidential Counselor
Office of the President
The White House
Washington, D.C.

FCNL



FRIENDS COMMITTEE ON NATIONAL LEGISLATION

245 Second Street, N.E.
Washington, D.C. 20002
(202) 547-4343

August 30, 1974

President Gerald Ford
The White House
Washington, D. C. 20501

Dear President Ford:

As you study the difficult question of amnesty, we believe that the enclosed testimony delivered in our behalf by Harrop Freeman before the House Judiciary Subcommittee this March should be very helpful.

Harrop Freeman, a professor of law at Cornell University, is recognized to be an authority on the subject of amnesty.

Appended to the testimony are statements on the subject from a number of leading Friends' bodies.

It continues to be our belief that unconditional amnesty is right under the circumstances.

Sincerely yours,



Nick Block

NB/ewb
Enclosure

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TESTIMONY OF
HARROP A. FREEMAN
ON BEHALF OF THE
FRIENDS COMMITTEE ON NATIONAL LEGISLATION
IN SUPPORT OF
UNCONDITIONAL AMNESTY
BEFORE THE
HOUSE JUDICIARY SUBCOMMITTEE ON
COURTS, CIVIL LIBERTIES, AND THE ADMINISTRATION OF JUSTICE

March 11, 1974

I am Harrop A. Freeman, Professor of Law at Cornell University and a member of the Policy Committee of the Friends Committee on National Legislation of Washington, D. C., on whose behalf this testimony is being presented. The Friends Committee on National Legislation does not purport to speak for all Friends since the democratic organization and ideals of the Society of Friends make this impossible. But even on this controversial and emotion-charged issue we have found considerable unity. A copy of a statement approved by our General Committee on February 21, 1972,



is attached at the end of my testimony, along with statements from a number of other Friends' bodies.

We commend the chairman and members of this subcommittee for calling this series of public hearings on this issue. This is a matter of importance not only to the young men involved but also to their families and friends and the general public.

We support the intent and purposes of those House bills now under discussion such as H. R. 236, H. R. 3100, and H. R. 5195, which provide for general and unconditional amnesty for all who may be deemed to have violated United States laws with regard to the war in Indochina. For their 300-year history Quakers have been known for their opposition to war, their services for harmony and reconciliation for all people. These services have consistently been furnished without asking who is right and who is wrong in a conflict, as a means of binding up the wounds of conflict, furthering reconciliation between opposing parties and permitting men to assume tasks for the future as one family of humanity. It is this same moral imperative of reconciliation that demands the enactment now of full and unconditional amnesty.

Perhaps at no time in its history has this nation been so divided and in need of reconciliation. Not only are we divided party-to-party, age group-to-age group, and class-to-class by the most unpopular war and the most pervasive government scandals in our history. But we are divided within groups, unable to attract good candidates, unclear in the laws needed, unable to inspire voluntary efforts to solve our energy, inflation, food, and other crises. If there is one single thing we need for America it is a central and reconciled people.

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I hesitate to pose as an authority on the legal question of



amnesty, but I am the first person in over fifty years to research the issue and publish the definitive law review article, "Amnesty Today," in 1971 Law and the Social Order 515 (incidentally alongside an article by Sen. Barry Goldwater on "The President's Warmaking Power"). As that article points out, the ancients well understood the desirability and function of amnesty. Because of the bitterness and legal penalties attached to political opposition or revolt a large segment of the public (often the most politically knowledgeable) would be barred from public office and service. Because such division deprived society of some of its best minds it was desirable that society grant amnesty to all previous political offenders. This was done by the law declaring (as it often does by statutes of limitations) oblivion or forgetting of these offenses. What was intended was not "forgiveness" which would recognize that the person had in fact violated law but was in mercy rehabilitated. Rather, the Greeks attached their word amnesty (same stem as amnesia)--that the law no longer looked upon the act as a wrong or violation. The Hebrews likewise had shorter periods and the sabbatic once every seven years when all wrongs were forgotten.

Gradually, through Roman jurisprudence and into Anglo-American law two concepts took shape--"pardon," lodged in the executive and given on a case-by-case basis by the one charged with law enforcement and representing a continued recognition that a crime had been committed but that the person was "forgiven" so that he did not have to pay the full penalty, and "amnesty," lodged in the legislature by which a new law wiped out the old crimes as to all persons in certain classes, thereby "forgetting" or "obliterating" the crime and fully reconciling the persons to society.



Amnesty is as American as apple pie. It, or a "general" executive pardon which approximates an amnesty, has been given over forty times in the United States for nearly every political offense in our history--for deserters, insurrectionists, rebellion, the Civil War, draft evasion, military court martials, etc. So deeply ingrained in our system is the concept of amnesty that in 1946 we proclaimed amnesty for over two million Japanese and German political offenders. Nor are we alone in this. Nations as diverse as Argentina, Brazil, Canada, Bulgaria, Greece, India, Yugoslavia, the U. S. S. R. likewise gave post World War II amnesties. Wouldn't it be a travesty of American democracy if we could amnesty all these German and Japanese war "criminals" and not amnesty our own sons and daughters, whose only offense in most instances was to see the Vietnam War as constitutionally illegal, morally wrong, and politically unwise far in advance of the general opinion of Congress and the people?

I do not care to here play the numbers game which has become so prevalent on this issue. It would seem enough that we recognize that the number affected is very large. If those receiving less than honorable discharges from the armed services, and if those from former wars unamnestied are included, we are talking about from one to two million persons. Too much attention may have been focused on the men who avoided the draft or left the service and are living abroad. This number is estimated at not over 30,000. On the other hand, those who have less than honorable discharges or who have been arrested in anti-war protests number well over 500,000. Their records currently prevent their employment and often their participation in the governmental process. They are mostly the young, the black, the economically deprived, whose burdens should not be added to. The means they took to protest



may well have been the only means available to them. We must not forget the real service they did to America in making us face the reality of Vietnam.

Furthermore, there has been no general amnesty in America since 1933. Thus nearly all political offenses surrounding World War II, the Korean War, the Vietnam War, the Peacetime Draft, and the status of American troops abroad, have gone unamnestied. While this is not a matter directly before your Subcommittee in the pending legislation, I believe it is time we declare oblivion to all these offenses.

A word needs to be said about the Truman "amnesty" of 1947. Today we hear demands for "case-by-case" treatment of offenders or an amnesty conditioned on alternative service for some period of time. These proposals are embodied in some of the bills currently before this Subcommittee. In 1946 Congress authorized and allowed President Truman to set up an "amnesty board" specifically to consider the cases of 15,000 men convicted of draft evasion in World War II. In over a year's time this committee could process and allow less than ten percent of the cases. Truman had to and did allow general pardons to a vastly greater number of convicted deserters and army men in 1952. It is probably proper for a President in granting pardons to make this on a case-by-case basis and even to attach conditions (as is often done by probation). But the scope and purpose of amnesty is different. Congress grants amnesty by a broad general law; it is intended to forget the crime, not continue to judge it and exact alternative punishment. One does not forget an offense and further reconciliation by continued requirements of alternate service or penalties. Because amnesty has been so long delayed and such a wide variety of offenses are involved, it becomes impossible as a practical matter either to treat the



problem on a case-to-case basis or to devise an alternative service for all instances. Nothing less than a full, unconditional and complete amnesty will suffice.

Henry Steele Commager and Ramsey Clark have pointed out that the argument for amnesty is historical, practical, and ethical. In my law review article to which I have already alluded is the most complete history of amnesty and, as I have stated here, the current situation is a most pressing demand that this history continue, that Congress not forego its rightful powers and defer to the President's views on pardon (or, as he calls it, "amnesty"). Congress has the power of amnesty and Congress should exercise it by enacting legislation which hopefully the President would support by signing.

On the illuminating question of expediency it has many times been pointed out that those who knew the ropes and consulted draft counselors or had the money to hire a lawyer escaped Vietnam service by deferment as students, by enrollment in the Reserve or National Guard, by medical discharge, or various technicalities. These were the service avoiders. But the young man who was poor and black and who knew of none of these "outlets" often found himself trapped in military service with few if any legal courses of action open to express his opposition. There are many practical reasons for amnesty: the numbers involved, the continuing blot on records preventing full participation in the community, the need for the best brain-power and the most socially alive citizens, the impossibility of case-by-case or alternative-service treatment, and the cost to America of carrying so many second-class citizens.

There is also a strong moral imperative for the grant of amnesty. During the Civil War it was the hawks in Congress who demanded



the punishment of all southerners and it was a compassionate president who spoke "with malice toward none, with charity for all" and declared, "No one need expect me to take any part in hanging or killing these men, even the worst of them Enough lives have been sacrificed." There are particularly strong moral reasons for amnesty now. First, we may note that a large portion of those involved were just prematurely right. Some were opposed to the war on moral-ethical grounds but did not sincerely believe they could meet the then court requirement for conscientious objection of belief in a Divine Being (during the war the Supreme Court reversed this law). Another group argued that Congress had been defrauded into adopting the Tonkin Gulf Resolution, that the bombing of Cambodia and the war itself were illegal (Americans generally have come to accept much of this argument). Many within the services found them racist and stacked against the black and poor, and they rebelled (the services belatedly acknowledged and tried to right some of these wrongs). Many prematurely took the position now accepted by Congress and the public--that the war was a mistake and that we should extricate ourselves as completely as possible. For still others the Nuremberg principles declaring the citizen's obligation to refuse to be involved in war crimes and to violate local law if necessary was a real obligation. For any religious persons (and the Supreme Court has declared we are a religious country) the conflict between his obligation to the state and to his God is central to his life. He cannot be a fascist and give complete obedience to the state. Whether he be Jewish ("You shall have no other gods before Me") or Catholic ("I am, sire, the king's good servant, but I am God's good servant first") or Protestant ("God alone is lord of conscience"), the religious person



must place his religious conscience first. And this is of the most importance ultimately to the state. As I have pointed out in "A Remonstrance for Conscience," 1958 U. of Penna. L. Rev., the whole legal structure of the state is based upon a general moral conscience built by the individual consciences. Ultimately on moral conscience rests law, order, justice, and the abandonment of violence.

It is sometimes argued that we dishonor those who served in the war by granting amnesty. Louise Ransom, President of Americans for Amnesty, who lost a son in Vietnam, has replied adequately (as have also many veterans): "The only way we can dishonor those who died is to learn nothing from them."

America needs to rediscover its own soul. Not to go on with some post-Vietnam coverup that pretends we have done no wrong and continues to punish those who earliest called us to a moral position. Enough of Watergate--like coverups. Only by a complete, unconditional, and universal amnesty can we regain our legal integrity, our intellectual sanity, our political reality, and our national soul.



STATEMENTS OF SOME QUAKER BODIES ON AMNESTY

Friends Committee on National Legislation, Washington, D. C.

Friends have long realized the wounds of war are sustained by both combatants and non-combatants. A nation suffers because of the moral burden warfare thrusts on the individual and his conscience. The moral and religious dilemmas posed by war and conscription result in an additional casualty list.

The war in Indochina is increasingly recognized by Americans as immoral, illegal, and unjust, carried on in violation of the United Nations Charter and the United States Constitution. Our first priority remains to stop the killing in Indochina.

The Nuremberg principles, supported by the United States, the U.S.S.R., France, and Great Britain, and subsequently approved by the United Nations, emphasize that final responsibility for participation in morally reprehensible acts against humanity rests with the individual.

We believe most persons who have refused to participate in military service or have opposed conscription during the course of the war in Indochina have done so on the ground that they were conscientiously opposed to the war or wartime military service. However, proof of conscience is inherently difficult, and experience has proved that efforts to judge conscientiousness have been marked all too often by refusals to recognize sincere beliefs. We therefore urge that all persons who have refused military service or conscription should not be punished for such refusal, whether it took place before, during, or after military service.

We urge the President and Congress, in a spirit of reconciliation, to join in a full and unconditional amnesty for all those who are deemed to have violated U. S. laws in this regard. Thus, the government should:

(1) permit the return of those now outside the United States, either to stay or to visit; (2) provide for prompt release of all currently held in civilian



or military prisons; (3) drop pending and potential prosecutions; and (4) restore civil rights to all who have completed prison terms or otherwise lost such rights due to their opposition to the war.

(Approved by the General Committee, February 21, 1972)

American Friends Service Committee, Philadelphia, Pennsylvania

For over three hundred years Friends have refused to participate in war, and have supported those who were conscientious objectors to war. For the past decade we have cried out against the immoral Indochina war, and have supported those who in a variety of ways opposed it.

The American Friends Service Committee strongly urges a broad, general, and plenary amnesty for those whose opposition to the Indochina war led them to leave the country, take illegal action against the war, or go underground. Amnesty for objectors to the Indochina war would cover those who are in prison, those who have served prison sentences, those who have a criminal record (though not incarcerated), those being prosecuted, deserters from the armed forces, and those in exile.

Amnesty involves wiping the slate clean after a given historical situation has passed. The word means literally to forget the past, to act as though the past had never been.

Amnesty is definitely not forgiveness. Opposition to the war requires no forgiveness. The war has been and continues to be the sin.

Amnesty is not a device for bringing men back into the country to perform two or three years of conscript labor or to face a court-martial with the ensuing verdict wide open. Such an "amnesty" would, in fact, tend to legitimize the war.

Sound arguments for granting genuine amnesty suggest themselves:



(1) Young men should not be penalized indefinitely for actions taken in a specific war situation--in some cases as long as eight years ago.

(2) Refusal to participate in the Vietnam war was the only way in which these men could avoid violation of the Nuremberg principles which emphasize that final responsibility for participation in morally reprehensible acts against humanity rests with the individual.

(3) The skills, sensitivity, and convictions of these war objectors are badly needed in our society.

(4) Amnesty may help to effect a reconciliation of other dissenting young people, as well as the men directly involved.

(5) Even from the viewpoint of those who believe they should have behaved differently, objectors have already (whether in prison, abroad, or underground) been sufficiently punished for their conduct.

(Approved by AFSC Board of Directors, June 10, 1972)

Philadelphia Yearly Meeting of the Religious Society of Friends

Introduction:

In the conflict between the rights of conscience and the regulations of the Selective Service and military systems, we reaffirm our belief in the Peace Testimony which calls for opposition to all wars and conscription. Although the final burden of decision about the extent of resistance to war rests with each individual, we declare that our first allegiance is to the God of love. If this allegiance is challenged by the demands of the state, we must obey God rather than the state. The violators of Selective Service Regulations or the Universal Code of Military Justice, in exile, in hiding, or in prison, deserters from the military, soldiers released with less than honorable discharges, and resisters with prison records include those who, by reason of conscience, refused to participate in the violence inherent in



imposing this nation's will upon an alien culture.

In war there are no victors, only victims. Participants and non-participants alike suffer the emotional damage of disunity and discord. After the most divisive war in our history we must understand that our overriding national need is for reconciliation. Amnesty, we believe, is a first step towards reconciliation. Amnesty is "legal oblivion" as distinct from "pardon." It would erase injustices of the past and thus help us face the future without bitterness.

Minute:

Philadelphia Yearly Meeting of the Religious Society of Friends
(Quakers) urges the President and the Congress of the United States:

1. To bring about a general and unconditional amnesty for all who disobeyed laws and orders which, if observed, would have involved them in the war system during the Indochina war.
2. To expunge their criminal records.
3. To restore their civil liberties.
4. To drop all present and future prosecutions and to free those currently under legal restraint.

If this nation is to regain a sense of unity and common purpose, nothing less will do.

(Adopted by Philadelphia Yearly Meeting of the Religious Society of Friends in annual session, March 30, 1973)

New York Yearly Meeting of the Religious Society of Friends

The anger and hatred engendered by the war in South East Asia must be healed. Our American Society needs a redirection of emphasis towards social and psychological reconciliation and reconstruction. Our energies are most urgently needed in the conservation of all resources, human and environmental.



Our love and reconciling spirit must reach out to all who have been involved in this tragic episode in the life of our Nation including those who chose military service as well as those who could not in good conscience accept such service.

Although we believe most persons who refused to participate in military service or have opposed conscription during the course of the war in Indo-china have done so on the ground that they were conscientiously opposed to the war or wartime military service, proof of conscience is inherently difficult. Experience has proved that efforts to judge conscientiousness have been marked all too often by refusals to recognize sincere beliefs. We therefore urge that all persons who have refused military service or conscription should not be punished for such refusal, whether it took place before, during, or after military service.

Illegal acts have been committed both in the prosecution of the war in South East Asia and in resistance to the war. We urge Friends to join in the call for a universal and unconditional amnesty for all those who are deemed to have violated U.S. laws relating to military service. We seek "malice toward none and charity toward all."

(Approved by New York Yearly Meeting August 3, 1973)

New England Yearly Meeting of Friends

New England Yearly Meeting of Friends, standing on the historic Quaker peace testimony, denies all war and violence between persons and nations. As we have supported our members who have conscientiously opposed the U.S. war in Indochina, we now support all those who need amnesty because of violations of law in their acts of protest.

We urge the President and Congress to grant full and unconditional amnesty to all those who face or have suffered criminal penalties for evading or resisting the draft or military service, whether under Selective Service



or military law: that is,

1. to permit the return of those outside the U. S. ;
2. to provide for prompt release and restoration of full civil rights of all currently held in civilian or military prisons;
3. to drop pending and potential prosecutions; and
4. to restore full civil rights to all who have completed prison terms or otherwise lost such rights due to their opposition to the war.

(Approved by New England Yearly Meeting of Friends at its annual sessions held July 28-August 4, 1973)

Baltimore Yearly Meeting of the Religious Society of Friends

Although the direct participation by United States armed forces in the Indochina conflict appears to be drawing to a close, the wounds of that war will take many years and much effort to heal. Not only Indochina has suffered; many Americans have been killed or wounded, while the moral and religious dilemmas posed by the war and conscription have resulted in still other casualty lists. Americans have been imprisoned for non-cooperation with the selective service act, for nonviolent actions against the war machinery, and for peacefully demonstrating their opposition to the policies of our government. Others have been forced into hiding or exile. Some acquired new insights while in active military service and refused to engage in what they had come to consider crimes against humanity. This often resulted in imprisonment, dishonorable discharge, or desertion.

We realize that complete healing of the wounds of war can come only in a spirit of reconciliation. We remember that the word "amnesty" comes from the same root as "amnesia," meaning the forgetting of past actions, and that it is to be distinguished from the legal term "pardon," which is the forgiving of past actions. We urge the President and the Congress to join in



declaring full and unconditional amnesty for all who are deemed by the government to have violated United States laws with respect to the war in Indochina and the draft. Thus, we ask our government to:

1. permit the return of those in exile;
2. provide for the prompt release of all prisoners;
3. drop pending and potential prosecutions;
4. restore civil rights and honorable discharges.

The Baltimore Yearly Meeting of the Society of Friends reaffirms its 300 year old testimony against all war, and maintains that war is the greatest crime that can be perpetrated against mankind. We feel compassion for those who have participated in this war, as well as for those who face punishment for obeying a higher law and refusing to participate. We look toward peace and understanding among all men, and ask others to join with us in this move toward reconciliation.

(Approved by Baltimore Yearly Meeting in annual session, August 5, 1973)

Western Yearly Meeting of Friends Church

War is abhorrent to all mankind. It is contrary to the teachings of Christ and is inconsistent with productive, happy lives of all men. (See Western Yearly Meeting Friends Peace Testimony, 1868.)

Affirming the brotherhood of all mankind in a spirit of reconciliation and Christian love, and without being judgmental, we recognize our responsibility to all of those affected by the war in Indochina. We urge Western Yearly Meeting of Friends and Friends everywhere to support the F. U. M. Indochina Appeal or other similar aid projects which attempt to alleviate the need and suffering of the people of Indochina.

For those with whom we are more closely associated at home we urge a reconstruction of lives which were significantly and adversely disrupted



by our Indochina involvement.

To this end we urge that the government

1. establish policies which will be conducive to a normal re-entry into civilian life for those members of the armed forces who may have been injured mentally, physically, or spiritually and thus are suffering from a lack of the freedoms of life.
2. establish procedures whereby those may return to their normal lives and stature who chose to exercise the alternative of temporarily re-establishing their residence during the period in which armed personnel were engaged in military conflict in Southeast Asia and those who chose to remain in their established residence and were incarcerated as a result of failure to comply with conscription laws.
3. establish prompt procedure for a return to a normal productive life for those persons whose cases have not been brought to trial or against whom charges may not yet have been brought.

(Approved by Western Yearly Meeting at annual sessions August 1973)

Wilmington (Ohio) Yearly Meeting

Wilmington Yearly Meeting rejoices in the reduction of the American involvement in Indo-China, and earnestly prays for the total cessation of war in our world. Our thoughts turn to the ministry of reconciliation and love to all of God's people and thus to the issue of amnesty.

We remember that the word "amnesty" comes from the same root as "amnesia," meaning the forgetting of past actions, and that it is to be distinguished from the legal term "pardon" which is the forgiving of past actions. We urge the President and the Congress to join in declaring full and unconditional amnesty for all men and women who are deemed by the



government to have violated U. S. laws with respect to the war in Indo-China and the draft. Thus, we ask our government to:

1. permit the return of those in exile,
2. provide for the prompt release of all prisoners,
3. drop pending and potential prosecutions,
4. restore civil rights and honorable discharges.

The religious heritage which we share as members of the Society of Friends and the freedoms which we share as citizens of the United States of America compel us to make this request.

(Approved by the Yearly Meeting August 1973)



Paul Deats
BOSTON UNIVERSITY
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745 Commonwealth Avenue
Boston, Massachusetts 02215



President Gerald R. Ford
The White House
Washington, D. C.

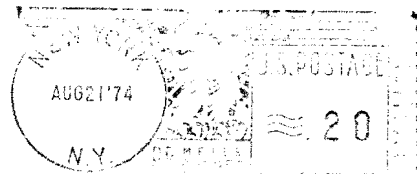


THE UNITED PRESBYTERIAN CHURCH

IN THE UNITED STATES OF AMERICA

Office of The General Assembly

ROOM 1201, 475 RIVERSIDE DRIVE, NEW YORK, N.Y. 10027



The President

The White House

Washington, D.C. 20500

THE WHITE HOUSE
WASHINGTON

8/29

Jim -

Hold these until
After Sat. meeting -
What is status of letters
reply?

HJK



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 28, 1974

MEMORANDUM FOR: JOHN MARSH
FROM: WARREN RUSTAND
SUBJECT: Requests for meetings with President
on subject of amnesty.

For your handling, please.

Thank you.



Interview

The White House
Washington

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3 2025442350 TDMT WASHINGTON DC 389 08-22 0101P EDT

4 PMS PRESIDENT GERALD FORD

5 WHITE HOUSE

6 WASHINGTON DC 20500

7 DEAR MR PRESIDENT WE WERE DEEPLY MOVED BY YOUR STATEMENT

8 REGARDING LENIENCY FOR THOSE IN LEGAL JEOPARDY BECAUSE OF THE

9 WAR IN SOUTHEAST ASIA. IT WAS COURAGEOUS AND SENSITIVE. YOU

10 COULD NOT HAVE CHOSEN A MORE IMPORTANT ISSUE WITH WHICH TO CHALLENGE

11 ALL AMERICANS TO JOIN YOU IN BEGINNING TO "BIND UP THE NATIONS

12 WOUNDS"

13 WE RESPOND TO YOUR REQUEST WITH JOY AND THANKSGIVING. FOR THE

14 PAST SEVERAL YEARS WE HAVE TRIED TO MINISTER TO THOSE WHO HAVE

15 BEEN DEEPLY AFFECTED BY THE WAR-BOTH VIETNAM ERA VETERANS AND

16 THOSE WHO WOULD NOT PARTICIPATE IN THAT WAR. IN ADDITION, MOST

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OF OUR RELIGIOUS BODIES HAVE EXAMINED AND DISCUSSED AT GREAT LENGTH THE QUESTION OF HOW HEALING IN OUR NATION MAY BE ACHIEVED OUT OF THE EXPERIENCE OF OUR MINISTRY AND CONCERN, AND IN RESPONSE TO YOUR REQUEST "TO JOIN IN REHABILITATING ALL THE CASUALTIES OF ALL THE TRAGIC CONFLICTS THAT ARE PASSED", WE WOULD APPRECIATE AN OPPORTUNITY TO MEET WITH YOU BEFORE SEPTEMBER 1, TO SHARE WITH YOU OUR CONCERNS AND OUR VIEWS REGARDING AMNESTY WE WELCOME YOUR OPENNESS AND YOUR INITIATIVE ON THIS MATTER SO CRITICAL TO THE NATION.WOULD YOU GIVE US THE OPPORTUNITY TO RESPOND TO YOU OUT OF OUR EXPERIENCE WITH THE WOUNDS WE ALL SEEK TO HEAL

WE WOULD APPRECIATE YOUR RESPONSE TO EITHER OF THESE TWO PEOPLE WHO ARE HANDLING THIS MATTER IN OUR BEHALF: REVEREND RICHARD C KILLMER OR E WILLIAM GALVIN JR SPECIAL MINISTRIES/VIETNAM



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GENERATION ROOM 766 NATIONAL COUNCIL OF THE CHURCHES OF CHRIST
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REVEREND W STERLING CARY PRESIDENT NATIONAL COUNCIL OF CHURCHES
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PRESIDENT BOARD OF CHURCH AND SOCIETY CHAIRMAN BISHOPS CALL
FOR PEACE AND SELF DEVELOPMENT OF PEOPLE UNITED METHODIST CHURCH
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CHRIST DR WILLIAM T THOMPSON STATED CLERK UNITED PRESBYTERIAN
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The White House
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THE PRESIDENT OF THE UNITED STATES

WHITE HOUSE WASHINGTON DC

BDEAR MR PRESIDENT.

ON AUGUST 19TH YOU ANNOUNCED THAT YOU HAD REQUESTED THE ATTORNEY
GENERAL AND SECRETARY OF DEFANCE TO REPORT TO YOU BEFORE SEPTEMBER
FIRST ON POSSIBLE PRESIDENTIAL ACTION REGARDING DRAFT RESISTORS AND
DESERTERS. IT IS OUR HOPE THAT YOU WILL BE WILLING TO MEET WITH
REPRESENTATIVES OF THOSE DIRECTLY AFFECTED, SO THAT YOU MAY OBTAIN





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4 A FULLER PICTURE OF THE ISSUES AND VIEWPOINTS INVOLVED. IF SAFE
5 CONDUCT CAN BE ARRANGED FOR USBN WE WILL BE HAPPY TO MEET WITH YOU
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7 AT YOUR CONVENIENCE TO DISCUSS THIS MATTER. AWAITING YOUR REPLY.

8 JACK COLHOUN GERRY NONDON THE ORGANISATION AMEX CDA MAGAZINE
9
10 PUBLISHED BY AMERICANS EXILED IN CANADA
11 MIKE POWERS AMERICAN DESERTERS COMMITTEE (SWEDEN)
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13 DARRYL ADAMS VANCOUVER AMERICAN EXILES ASSOCIATION.

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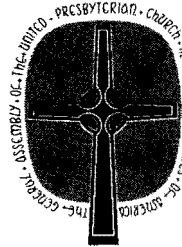
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Audience
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No Amnesty

THE UNITED PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA
1201 INTERCHURCH CENTER, 475 RIVERSIDE DRIVE, NEW YORK, N.Y. 10027
Telephone 212-870-2005



William P. Thompson, Stated Clerk
Otto K. Finkbeiner, Associate Stated Clerk and Treasurer
Rev. Robert F. Stevenson, Associate Stated Clerk
Rev. Robert P. Johnson, Associate Stated Clerk

August 21, 1974 ASTON

T/D
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DATE RECEIVED
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GENERAL ASSEMBLY
SPENDING BOARD
SECRET
OFFICE

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The Rev. Robert C. Lamar, Moderator of the 186th General Assembly of The United Presbyterian Church in the United States of America, and I wish to express our gratitude at your decision to throw the weight of your "Presidency into the scales of justice on the side of leniency."

Your adoption of a policy of clemency for draft resisters and deserters during the Vietnam period is indeed a great step forward in the process of binding up the wounds of our nation. However, on behalf of the General Assembly of the United Presbyterian Church we urge that you give further consideration to the option of true amnesty. Four General Assemblies of this Church have favored amnesty without condition. The most recent expression of this position was adopted by the 186th General Assembly meeting in Louisville, Kentucky, in June of this year. I enclose a copy of the action taken by that body.

The Old and New Testaments alike reveal our God as the One who blots out our transgressions, who remembers our sins no more. The concepts of God's vengeance and of man's need to earn remission by penance or other acts of merit are found only in the most primitive portions of the biblical record. Certainly the Gospel of Jesus Christ offers grace freely to us all.

We urge that the similarly gracious prospect of amnesty for draft resisters and deserters be more carefully considered. Young citizens now alienated from their homeland, many of them motivated by conscience, should be welcomed back freely. Our nation needs them desperately.

Although a period of service to the nation as a condition for acceptance into our society once again may at first consideration seem equitable, it is not really so because the circumstances which prompted the original act of defiance were not equitably experienced by our young people. The vast majority of young Americans were not called for military service either through privilege or chance. Rather than requiring the few to pay the price of being readmitted to society, the General Assembly has expressed its view that service freely given to the nation is vastly to be preferred to labor exacted to avoid further punishment. Let us invite them rather than compel them.



The President

August 21, 1974
Page Two

We also raise serious questions regarding the practicality of attempting a case by case review of the vast numbers of potential recipients of amnesty, especially so long after the fact. The Truman Amnesty Board, dealing with only 15,000 cases, showed that any such attempt on a national scale could not deal justly and equitably with even that number. Moreover, our experience with the Selective Service System, in which local bodies made adjudication of individual cases under a supposed common national policy, gives no evidence whatever that a case by case review could be made fair under a decentralized scheme.

Only a general amnesty will free us and these victims of the war for a hopeful future. While we applaud your decision for leniency, we appeal for true amnesty.

Either Mr. Lamar or I would be pleased to discuss this matter with you, should you feel that such a conference would be helpful.

Sincerely,



William P. Thompson
Stated Clerk

WPT:jg

Enclosure

cc: The Hon. William B. Saxbe
Attorney General of the United States
The Hon. James R. Schlesinger
Secretary of Defense



THE UNITED PRESBYTERIAN CHURCH IN THE U.S.A.

The 186th General Assembly (1974) responded to an overture requesting the federal government to grant unconditional amnesty to all dissenters from the Vietnam War, by adopting the following recommendations:

The committee responds to Overture 28 with the following recommendations:

- A. That the statement included as Appendix "A" become a statement of the 186th General Assembly.
- B. That the 186th General Assembly reaffirm the amnesty pronouncements of the 181st General Assembly (1969), the 183rd General Assembly (1971), and the 185th General Assembly (1973).
- C. Call upon all judicatories and congregations of the church to continue with their prayerful study of the many aspects of the amnesty issue, including as a resource "Testimony on Amnesty," submitted by the Stated Clerk on behalf of the General Assembly to the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary of the United States House of Representatives, and other resource material available.
- D. Request the Program Agency to continue to provide adequate study materials and to communicate affirmatively to the church at large the urgency of the need for study and the availability of such resource materials.
- E. Caution United Presbyterians not to confuse genuine amnesty with proposals for "conditional amnesty"; which would establish "compulsory service" and/or case by case review boards, which would aptly refer to "earned immunity".
- F. Request Congress to enact a proper amnesty by permitting all those who dissented from our Vietnam war policies to resume their full and unprejudiced citizenship in the United States.
- G. Caution United Presbyterian employers against misusing the category of discharge as an index employability, or discriminating against those who opposed the war.
- H. Therefore be it resolved that the 186th General Assembly urge the Program Agency in consultation with the Advisory Council on Church and Society to explore an appropriate means of symbolizing the increasing concern for amnesty in our nation, such as bracelets, medallions or pins.



APPENDIX "A"

AMNESTY

The war has touched all of us. The wounds are deep. When we discuss amnesty, the pain of the memories and the consequences are present to us. The issue divides families, the church, and the society. It raises questions of patriotism, honor, courage, and masculinity, the meaning of our previous war experience, our sense of fairness and guilt.

The legal concern for amnesty must be separated from these deeply felt issues. Among those Americans hurt by the war in addition to the 300,000 wounded, and the over 55,000 dead, and the sufferings of their families, there are hundreds of thousands of veterans who are disadvantaged by their involvement in the war. There are also those who suffer, together with their families, because they opposed the war.

These comprise Selective Service violators including hundreds of thousands of non-registrants, and those who committed offences while in the armed forces, several hundred thousand who are marked for life by other than honorable discharges. The poor and minorities are disproportionately represented among these victims who would benefit from amnesty.

Amnesty is the most sublime of moral and religious acts. It is at the heart of the Christian faith. God's mercy toward us is an amnesty. God not only forgives us, but his way of forgiving is a way of blotting out our guilt. What is more, God will uphold those who have sought a higher righteousness. He is an advocate of those who seek peace. Christians are called to witness in their own lives this peace that God has brought us through the cross.

The Biblical witness for amnesty is much stronger than our political tradition embodies. The evolution of our understanding of what God requires moves steadily from the Old Testament notion of a God of vengeance to a God of love and grace. God's claim on us as believers, of course, does not diminish, but calls us to higher orders of obedience to the reality He has made flesh in Jesus Christ. The picture of a God who demands the destruction of those who opposed the children of Israel in the Old Testament changes by the time of the writer of Isaiah 43:25; "I am He who blots out your transgressions for my own sake, and I will not remember your sins." The practical wisdom of the preacher acknowledges that there is "a time to kill, and a time to heal; a time to break down, and a time to build up." (Ecclesiastes 3:3)

In the New Testament the tradition is appropriated as the witness to Jesus as the Christ the one who reveals what God is about. Jeremiah is recalled in Hebrews 10:12 that God has now placed his law in an inner obedience rather than in an outward conformity. God is not so much concerned with our pretensions as with our intentions, and no matter how late we come to our senses, He still rejoices in our salvation. Following the divine example would be good public policy — to reward our best motives and to blot out our worst ones.

There will be a tendency for us to want to balance the scales of justice, to compensate those who were hurt by the war by hurting others. As two wrongs do not make a right, so we must counter evil with good, healing the wounds of all who have been



injured in this war We must comfort the widow and the orphan, welcome home all veterans and restore them to full functioning in our society, and by amnesty include those with other than honorable discharges in the reconciliation we seek.

For those who resisted the war in whatever way we must also provide an amnesty. Such a true amnesty will be restorative rather than retributive. "Vengeance is mine" saith the Lord.

Judging the motives of those who at various points in their involvement decided against the war is a task exceeding the wisdom of Solomon. We look on the outward signs; God alone sees our hearts. Persons from many different backgrounds, the young, the minorities, and those at all levels of moral awareness made judgments that may indeed have included expediency, fear for their own safety, a sense of revulsion at what they were being required to do, a knowledge of the conflict of international and moral law with the orders they were given, or from the inner promptings of the Spirit. The mixture of motives and circumstances are beyond our discovering or recovering so long after the events.

To attempt a case by case review of the million cases that might be considered, would far exceed our resources in the entire judicial system and insure that due process would never be achievable. Our experience with the Selective Service System, in which local bodies made adjudication of individual cases under a supposed common policy, gives no evidence whatever that a case by case review could be made fair under a decentralized scheme. Who is to play God at so late a date? Only a general amnesty will free us and these victims of our war for a hopeful future.

Amnesty is an act of grace by the sovereign authority whereby certain offenses committed by a class of persons are no longer to be regarded as crimes. The slate is wiped free to begin again. It is an unqualified act of restoration to all civil liberties and not a moral judgment.

There are many informal "amnesties" built into our legal system operative today, such as plea bargaining, statute of limitations, and the discretionary right of a prosecutor not to prosecute.

Clemency is distinguished from amnesty in that it grants through parole or pardon reduced sentence or conditional termination of punishment for a prior conviction. Clemency reduces a punitive sentence, often conditionally, but the conviction remains on the record. Amnesty, on the other hand, simply erases the record, regardless of whether convictions has or has not occurred.

Amnesties are ordinarily extended either after the occasion for continuing to commit the offense has passed, or when there was political disagreement involved, or if moral ambiguity clouded the issues. Each condition is sufficient for amnesty. All three are fulfilled.

The war is over for many. It is time for the healing of our nation.



17
Pres. Comm. on
Audience
Proc. Comm. on



BOSTON UNIVERSITY

SCHOOL OF THEOLOGY
745 Commonwealth Avenue, Boston, Massachusetts 02215

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22 August 1974

President Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

My wife and I were deeply moved by the words and the mood of your inaugural remarks. Now we find ourselves heartened by your forthright remarks on amnesty. We congratulate you on your strategic choice of audience and we support the direction of your statement: that you reject revenge in favor of leniency, that you seek to be President of all the people, and that you want to bind up the nation's wounds.

I write to encourage you to lead the nation a second step up this road of forgiveness and reconciliation. I write as a clergyman and teacher in a seminary, with appreciation for the sincerity of your religious convictions.

I am sure you are aware that President Chesterfield Smith spoke with equal forthrightness at the American Bar Association for the idea of a more comprehensive amnesty. Most of our major religious bodies* have also appealed for an amnesty which does not require further service as a condition, which condition is seen by many as punishment.

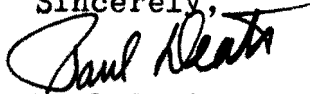
I am taking the liberty of enclosing a copy of a sermon published in the Methodist Engage/Social Action for January 1974. I preached this after a number of discussions in seminary and Boston area churches, in which I became persuaded that there is no way to assure equality of suffering on the part of those to be granted amnesty, any more than there was equal sacrifice by all who were in the Armed Forces. And certainly there were many who evaded service by student and other deferments.

But my main point concerns the meaning and importance of forgiveness and reconciliation in the marked sections.



In the event that you do read this letter - and sermon, and are inclined to explore the idea further, let me take a further liberty within the framework of your policy of openness. I would be pleased if I could help bring together a group of religious leaders to consult with you about amnesty and perhaps to provide public support in the event you proclaim a general amnesty. I trust that you will not see this offer as too presumptuous.

Sincerely,

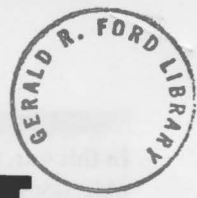


Paul Deats

Professor of Social Ethics

*The statements of 26 national religious bodies are included in the Hearings on Amnesty conducted by a subcommittee of the House Committee on the Judiciary, March 1974, Serial # 35, pages 485-521.





AMNESTY: FORGIVING NOT FORGETTING



by PAUL K. DEATS, JR.

I BELIEVE IN amnesty—not for all those accused and/or convicted of all offenses—but in unconditional and universal amnesty for all those who have suffered or who now face criminal or administrative penalties from the government for *nonviolent* acts of evasion or resistance to the draft, to or within military service, as related to the war in southeast Asia. I have held this belief for a long time.

But I am convinced that we can no longer settle for amnesty in its literal meaning of amnesia or for-

getting. We must also ask, seek, and grant *forgiveness*. I invite you to reflect with me on the meaning of amnesty, for whom we seek amnesty, and on why amnesty is not enough. But first I need to set the stage, to see the context for any discussion of amnesty in the war in Indochina.

Background and Precedents

Indochina raised new questions about opposition to war in this country. It involved among other things the extension of the right of

**In this war, never declared,
objections were made, first, to the
goals of the war itself --
never clearly defined by those who
made the war,
and never clearly agreed upon
by those who opposed the war.**

*Paul K. Deats, professor of social ethics,
Boston University School of Theology,
preached this sermon last September.*

conscientious objection to non-religious objectors. The earlier exemption was restricted to those who held membership in certain religious bodies, or who could provide evidence of religious training and belief, or of belief in a supreme being. The Supreme Court decision which changed this came only in 1965, well into the war in Vietnam.

There is another change; conscientious objection changed in its intent and focus, from concern only with the rights of the individual conscientiously opposed to bearing arms to opposition to the war itself. This change was, first, in the direction of opposing the policy of war—to seek not exemption for the self but to stop the course of the war; and, second, in the direction of *selective* conscientious ob-

jection against this war without being against all war. Indeed, there were Jehovah's Witnesses in World War II who were opposed to all war until Jehovah would enlist them in his final triumphant war. And there had been Jews who would fight for Israel but declined to fight in Vietnam.

But in this war, never declared, objections were made, first, to the *goals* of the war itself—never clearly defined by those who made the war, and never clearly agreed upon by those who opposed the war. But objection was also to the *means* of war. The objection was not to *any* exercise of violence, but to violence which defied criteria of proportion and discrimination—napalm, defoliation, carpet bombing, use of sensors in the “electronic battlefield.” Those of us who opposed the war were also increasingly frustrated, especially after 1968, because we could not seem to be heard or listened to. All these factors add up to one part of the context.

But there is another. For we must look at the setting also in the light of the precedents for amnesty. As I read them, the precedents deal not only with deserters from armies, but also with those who engaged in acts of insurrection, of piracy, if you please, acts of rebellion by enemies of the state. Now in this war the nominees for amnesty began not as enemies but as citizens, or citizen soldiers, whose opposition to the war made them at least temporarily enemies of the state, or exiles from the state.

Another difference: amnesty has typically been extended after a victory as an act of grace to those who were defeated or who were on the wrong side in the struggle; but in this war, as we are reminded over and over again, there was *no victor*, there were *only victims*.

There is still another difficulty with the precedents cited. In the Civil War amnesty was interpreted as forgetting, and our nation, supposedly reunited, forgot not only the offenses but also the causes, union and slavery, so the states were held together only by keeping the south as a colony, and by keeping blacks from emancipation in both south and north. We still struggle with the unfinished business of that war. These understandings of context affect my understanding of amnesty and my change of mind about forgiveness.

The Meaning of Amnesty

The American Civil Liberties Union defines amnesty as the discretionary action of a sovereign state of deciding to abstain from prosecuting groups of citizens (classes) who may be in conflict with the law for political reasons. There are variations: Amnesty may be prospective immunity from prosecution. It may be pardon, when the penal consequences are already in operation, so that means forgiveness, wiping the slate clean. Or it may be an act of oblivion to, or refusal to make an investigation of, matters with a view to punishment, or an act of grace to restore those

Amnesty has typically been extended after a victory as an act of grace to those who were defeated or who were on the wrong side in the struggle; but in this war there was no victor, there were only victims.

who may have been guilty to a position of innocence. The precedents go back to fifth-century Athens, where the body itself had been sundered by a conflict of principle and where the children of the defeated tyrants were restored to membership in the state.

For whom is amnesty sought?

- The exiles who fled rather than face induction or prison, many of whom did not know that their rights under the law had changed.
- The military deserters who refused assignment, to or further service in, Vietnam.
- Persons indicted or imprisoned for draft evasion or resistance.
- Veterans with less-than-honorable discharges and those who went underground and disappeared from sight as they evaded or protested the draft. All

I am not sure whether there can ever be equalization of sacrifice, unless in a war we would require that all die.

But the demand for equality of suffering appeals neither to justice nor to mercy, and sounds more like the elder brother in the story of the prodigal son.

such persons should be granted amnesty.

The only condition I would attach would affect those charged with acts of *violence*. These would require judicial scrutiny, case by case—whether the perpetrators of My Lai, or those who fraged officers, or civilians who bombed buildings. I know the violent-nonviolent distinction is difficult to make; but my insistence on it is in agreement with the amnesty bill introduced by Bella Abzug and with the major organizations seeking amnesty.

What are the arguments? Those who *favor* amnesty argue, first, that we should recognize the rights of conscience expressed by those who opposed the war. This is the argument for civil liberties. The second kind of argument is that we should acknowledge and vindicate the “premature morality” of those who saw the war was wrong before the

rest of us saw the war was wrong. This means we admit the war was wrong, so it is no longer just a civil liberties issue. Third, we should grant amnesty to bring the country back together and to heal our wounds.

Those who *oppose* amnesty argue, first, that we must uphold respect for the law and not weaken any future draft by leniency to past evaders of the draft. Second, we should acknowledge that we have achieved “peace with honor” and not call into question the justice of the war. Third, bringing back the offenders without conditions will not reconcile and bring us together, but rather will open new wounds with the prisoners of war and with the bereaved. Even some who paid no real price in the war, insist there must be equality of suffering—exiles must pay their price.

Four Critical Issues

The crucial issues seem to me to be four: (1) equality of suffering, (2) respect for law, (3) the meaning of the war, and (4) the meaning of reconciliation.

1. At a press conference early in 1973, President Nixon stated, “Amnesty means forgiveness.” So far so good. “We cannot provide forgiveness” So far *not* so good. “Those who served paid their price. Those who deserted must also pay their price, and it must be more than a junket in the Peace Corps.”

I have serious logical and theological questions if forgiveness can be granted only *after* punishment is

exacted. Here we should note that all justice is *selective* in terms of who is arrested, who is convicted and who is paroled. But military conscription was a special kind of justice—or perhaps injustice—which discriminated systematically against the poor, against the less-educated and articulate, and against minorities. Many men who evaded the draft by legal means, and did not serve, suffered no consequence. And the grounds for granting discharges and conscientious objection changed in the course of the war itself.

Furthermore, if conditional amnesty were to be awarded case by case, rather than as a class, it would needlessly postpone justice, and it would discriminate *again* against those less articulate and those who could not afford counsel. Further than this, I am not sure whether there can ever be equalization of sacrifice, unless in a war we would require that *all* die. But still further, the demand for equality of suffering appeals neither to justice nor to mercy, and sounds more like the elder brother in the story of the prodigal son (Luke 15:11-32).

2. What about the matter of vindicating the law? Respect for law and law observance rests not mainly upon how strictly each law is prosecuted. That may be a part of it, but respect for law rests upon the justice of the system of law itself and upon the policies which the laws seek to support and vindicate. Respect for the law as such is strengthened when the people

amend unjust laws, having admitted they are unjust.

Respect for the draft, I think, raises a different question—whether in a democracy an unpopular war which requires conscription to secure soldiers deserves to be fought. That's not the issue. Rather, we have to recognize that, *as a people*, we have not decided whether those who opposed the war were guilty of premature morality or of mistaken morality. The *justice* of the war, itself, the *means* by which it was prosecuted and the *way* in which it was ended, if indeed it was ended—these are issues which we must not ignore, or treat as settled. We have yet to face together these issues of the war.

3. and 4. Forgetting is not enough. What amnesty specifically proposes is that we forget the *offense*. What Mr. Nixon suggested in January was that he was willing to forget the *offender*, the person, to let the exiles stay where they were and the prisoners stay in prison. This kind of forgetting would leave the reminders of dissent out of our common life.

This is the danger of forgetting, that it might spread from the offense to the offender. I am sure we must not forget these persons, the offenders. Further, I worry lest in forgetting the offense, we also forget the message, the issue, the unresolved business that still confronts us as a people. Robert Musil, a former Army captain working for the Central Committee for Conscientious Objectors, reminds us of

the dangers of forgetting, of putting psychic distance between us and the victims, the kind of psychic distance we find in the electronic battlefield, which means we don't even know when we are killing people. We must probe, Bob Musil says, our collective memory and our souls concerning the meaning of responsibility for this war.

I want to suggest that forgiveness means that we face together this responsibility. This is not former Vice President Agnew's understanding of forgiveness. Amnesty, Mr. Agnew said in March, was only for those who recognize their mistakes, admit they were wrong and their country was right, and accept punishment like men. Some exiles, or some spokesmen for exiles, take that same position, and stand it on its head: "Those who could not

participate in an immoral war do not wish forgiveness from those who waged it."

You may sympathize more with that feeling, as I do, but both feelings suffer from a fundamentally wrong premise. What is ultimately at issue is not the *intent* of the exiles to return, or their *desire* to return, but their *right* to return. The issue is more than a matter of *legal status*, important as that is. The issue in forgiveness has to do with the restoration of relationships, the overcoming of alienation.

Forgiveness and Repentance

Mr. Agnew raised another question—the question of how repentance is related to forgiveness. I am not sure enough about Mr. Agnew's status as a theologian to know whether or not he intended to raise that question theologically. I think he intended to raise it politically and emotionally. Here I turn to read the most provocative and illuminating word that I know on repentance, the word of Alan Paton of South Africa, from *Instrument of Thy Peace*.

"The sequence 'offense-punishment' was once considered complete. The punishment cancelled out the offense in some mysterious way, even when the offender had for the rest of his life to declare his offense on certain official documents, such as an application for a passport. Even more baffling was the question of what happened to the moral order of the universe when the offender was

The issue is more than a matter of legal status, important as that is. The issue in forgiveness has to do with the restoration of relationships, the overcoming of alienation.

never caught.

"The Christian sequence is quite different. It runs 'offense-forgiveness-restoration'. It is doubtful even whether repentance is an essential term in the sequence. . . In (Jesus') injunction that we should love our enemies, and pray for them that despitefully use us. There is no mention of their repentance, and in fact the implication is that they do not repent. We must therefore learn to forgive unconditionally. We must even eschew the use of that fascinating statement, *I forgive, but I do not forget*.

"The sequence is, however, quite different when we ourselves are the offenders. Whether God requires repentance before he forgives I do not presume to know. But I presume to know that for ourselves repentance is essential before we can feel forgiven and this seems to be the belief of the church also."


Who Forgives Whom?

The question in the light of Alan Paton then becomes, "who forgives whom?" I return to the parable of the prodigal son, and it is not the prodigal son upon whom I would focus attention. It is also the loving father, and that stands in the background of what we are talking about. It is also the parable of the self-righteous elder brother who asks: Why don't those who do right in their own sight have the fatted calves for themselves? There is no suggestion here that the US government is the loving father, even though I propose that the govern-

ment extend amnesty as a part of forgiveness. We need a reminder from the 103rd Psalm, that God has not dealt with *us* according to *our* iniquities.

But amnesty is not enough. What is needed further is that kind of reconciliation, of bringing together, in which all ask and receive forgiveness of one another, not waiting for repentance one from the other even as we make our own confession of our involvement. We *all* need forgiveness—those who made the war from whatever motive or intent, those who fought the war with whatever regrets, those who fled the war for whatever reasons, and those of us who opposed the war but too late, too feebly, and too unsuccessfully. Reconciliation means bringing us back together, yes, but without glossing over or forgetting the issues which separated us at first.

Amnesty as forgetting may simply be a change of status, and that's important. But amnesty as forgiveness, will require a changed relationship of persons with varying kinds and degrees of offenses. I support that amnesty and commend it to you.

There is still one other matter of context. We cannot attain forgiveness *from* the victims of the war in Indochina, but our granting of amnesty as forgiveness in this country might, indeed *should*, lead us to cease our support of the continuing oppression of victims in South Vietnam, political prisoners there, as well as South Vietnam exiles. 

e/sa READERS RESPOND TO QUESTIONNAIRE

Should anyone pick a name at random from a list of those who subscribe to *engage/social action (e/sa)*, the designated name would probably belong to a white, male parish minister, 45-years-old and married, who earns approximately \$12,000 per year. The readership survey conducted by *e/sa* (an informal subscription questionnaire in July 1973 issue) also revealed that the owner of that random name lives in a city of 30,000 people in Pennsylvania, California, Illinois or Ohio, voted Democratic in the last election, and works for a salary.

But while he may be "typical" statistically, in actual fact, he

would have a good deal of company among regular *e/sa* readers who don't fit into precisely the same categories.

For instance, the informal *e/sa* poll indicated that 27 per cent of those who responded are female (to the "sex" question 1 per cent answered either "yes" or "both"). And 40 per cent reported themselves as not-clergy, the overwhelming majority engaged in the professions and business.

Definitely Middle Class

Economically, *e/sa* readers are definitely middle class. Fifty per cent have incomes between

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CONTENTS

Colonialism in Appalachia—Don Prange.....	6
<i>An analysis of the workers' strike at Pikeville Methodist Hospital.</i>	
After the Coup.....	15
<i>An interview with two people on the recent developments in Chile.</i>	
Perspective: The Middle East—Eugene V. Rostow	27
<i>A look at the long-range problems and immediate issues.</i>	
Amnesty: Forgiving, Not Forgetting—Paul K. Deats, Jr.	39
<i>A social ethics professor reflects on the question of amnesty.</i>	
Readers Response to Questionnaire.....	46
VIEW FROM THE HILL—Public Financing of Campaigns	49
UN REPORT—The US, the USSR and the Middle East	52
ESSAY—Identifying with Saint or Caesar	55
UNDER 30—NCC: A Reflection.....	57
MEDIA.....	59
en-tale	64

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An analysis of the strike of non-professional workers at the Methodist Hospital, Pikeville, Kentucky

Colonialism

by DON PRANGE

Collegiate staff member of the Commission on Religion in Appalachia



12 B Oak Street
Maxwell Air Force Base
Alabama 36112



Mr. Jack Marsh
The White House
Washington
D.C.

Amnesty

12 B Oak Street
Maxwell A.F.B., Ala.
27 August 1974

Mr. Jack Marsh
The White House
Washington, D.C.

Dear Mr. Marsh,

Congratulations on your new job! I know you will do an excellent job as one of Mr. Ford's councillor's. It certainly will be demanding work, but the rewards and self-satisfaction should outweigh all else.

On the news last week I heard the synopsis of Mr. Ford's speech regarding amnesty. I do not agree with him at all. I feel the men (?) who decided to run away from their responsibilities as citizens broke the law - pure and simple. When a man chooses to rob a bank and gets caught, he serves a term in prison. Therefore, the same should go for a draft dodger. They made their bed, so they should lie in it.

Also, what will happen if we go to war again---have a majority of weak individuals decide they can get a free ride in Canada or Sweden, knowing full well they will be returning as heroes in several years? I feel very strongly that Mr. Ford should reconsider the amnesty problem and not be swayed by the Press or anyone else who is trying to shape public opinion.

Our regards to Glen Ann and the family. If you are ever in Montgomery, look us up.

Sincerely,

GEE GEE

Mrs. George Pasquet



Hon. John O. Marsh,
Assistant to the President,
White House,
Washington, D.C.



Tom

Ferry P. Murphy, Box 55,
McGeheysville, Va. 22840
8/28/74

Hon. John C. Marsh,
Assistant to the President,
White House,
Washington, D.C.



Dear Friend Jack:—

Just a line not only to offer my sincere congratulations, but to also express myself regarding a few problems with which I am very concerned.

First, the general feeling here regarding Amnesty is definitely against granting free re-entry to the United States. The boys who sacrificed their lives in Indonesia didn't for, or received any special treatment— The church should not inject their leadership into this delicate problem. As you know, my son died in Pearl Harbor.

The disparity in the various money values throughout the world should be studied very closely and seriously to bring about a more unified parity.

The haphazard raising the prices on all commodities should be checked! Certainly the producers of goods, do not directly by the crazy prevalent prices!

2/ The wage and price freeze that we experienced some while back, if it had been enforced properly. It was too loosely handled.

As you are very well aware, the Economy is governed by two things— supply and demand. Unions should be asked to cooperate with the government in regard to perpetual strikes, because it doesn't take a Philadelphia lawyer to realize that higher wage demands forces industry to raise prices for goods and services in order to keep in business!

High interest rates preclude all business expansion because it is a bad thing! Most business men with whom I am conversant say that they are holding on asking for loans to add new additions, which will, in turn create more jobs, are just not trying to spend to bring plants up to date.

Jack, please take this note in the manner in which it is intended— To help in my small way to inform you as to the feeling and attitude here.

Very sincerely yours
Larry P. Murphy.



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Justice

PRESIDENT GERALD FORD
WHITE HOUSE
WASHINGTON DC 20500

*To John Marsh
to handle*

9/52

DEAR PRESIDENT FORD A NUMBER OF FAMILY MEMBERS OF WAR RESISTERS FROM ACROSS THE COUNTRY ARE TRAVELING TO WASHINGTON THIS THURSDAY AUG 29 FOR THE EXPRESS PURPOSE OF MEETING WITH YOU BEFORE YOU CONSIDER ANY AMNESTY RECOMMENDATIONS. WE RESPECTFULLY REQUEST A PERSONAL MEETING WITH YOU AT ANYTIME DURING THAT DAY

WE FEEL THAT IT IS IMPERATIVE THAT YOU HEAR DIRECTLY FROM THE FAMILIES OF THOSE AFFECTED BY AMNESTY BEFORE YOU PROPOSE ANY AMNESTY FORMULATION I WILL CALL YOUR OFFICE TO ARRANGE AN APPOINTMENT SINCERELY

MRS LORA SOWDERS FAMILIES OF RESISTERS FOR AMNESTY 156 5TH AVE
NEW YORK NY 10010 TELEPHONE 2122427440

15135 EDT

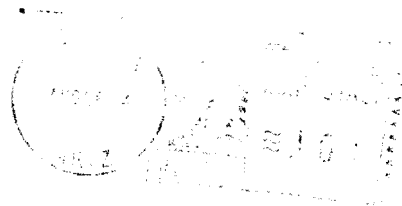
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*Sue
Amnes to file*





OFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA 85007



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

14

Amnesty



OFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA 85007

JACK WILLIAMS
GOVERNOR

IN REPLY
REFER TO:

August 26, 1974

John Marshall

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

Dear Mr. President:

Your recognition of me as the Governor of Arizona at the reception Friday, following the Bill Signing Ceremony was thoughtful. The protocol demands upon your office are multiplied greatly over those of a Governor -- but, we have some of the same demands.

Also, as Governor I've been always pleased to have comments from those living outside of the Capitol City.

Let me please express my warning against too lenient amnesty. I have noticed a tendency in our country over recent years to have great sympathy for the criminal who is incarcerated in jail and to forget entirely the rights or welfare of his victim.

This has been a strange development in our nation based upon a humane society that in the end will destroy itself.

We have an organization for prisoner's rights; but we have forgotten the victim's rights.

And, as with amnesty, we forget those who lost their lives because someone whose number came up refused to go. I am sure you are familiar with all the arguments, but I wanted to tell you that in our country, there is great concern.

Warmest personal regards,

Sincerely,

Jack Williams
Jack Williams
Governor of Arizona

JW:ls





Amnesty

national council of the churches of christ in the U.S.A.

475 Riverside Drive

New York, N.Y. 10027

Rev. W. Sterling Cary, President

Claire Randall, General Secretary

August 21, 1974

President Gerald Ford
White House
Washington, D.C.

Dear Mr. President:

We were deeply moved by your statement Monday regarding leniency for those in legal jeopardy because of the war in Southeast Asia. It was courageous and sensitive. You could not have chosen a more important issue with which to challenge all Americans to join you in beginning to "bind up the nation's wounds."

We respond to your request with joy and thanksgiving. For the past several years we have tried to minister to those who have been deeply affected by the war -- both Vietnam era veterans and those who would not participate in that war. In addition, most of our religious bodies have examined and discussed at great length the question of how healing in our nation may be achieved.

Out of the experience of our ministry and concern, and in response to your request "to join in rehabilitating all the casualties of all the tragic conflicts that are past," we would appreciate an opportunity to meet with you before September 1, to share with you our concerns and our views regarding amnesty.

We welcome your openness and your initiative on this matter so critical to the nation. Would you give us the opportunity to respond to you out of our experience with the wounds we all seek to heal.



We would appreciate your response to either of these two people who are handling this matter in our behalf:

Rev. Richard C. Killmer

or

E. William Galvin, Jr.
Special Ministries/Vietnam Generation
Room 766
National Council of the Churches of Christ
475 Riverside Drive
New York, New York 10027

Sincerely,


Rev. W. Sterling Cary

For:

Bishop A. James Armstrong
President, Board of Church and Society;
Chairman, The Bishop's Call for Peace and the Self Development
of People, United Methodist Church

Rabbi Irwin M. Blank
President, Synagogue Council of America

Mr. S. Loren Bowman
General Secretary, Church of the Brethren

Rt. Rev. Edmond L. Browning
Executive, National World Mission, Executive Council,
Episcopal Church

Dr. Robert C. Campbell
General Secretary, American Baptist Churches in the United
States of America

Dr. Robert V. Moss
President, United Church of Christ



Dr. Kenneth L. Teagarden
President and General Minister, Christian Church (Disciples
of Christ)

Dr. William P. Thompson
Stated Clerk, United Presbyterian Church in the United States
of America



THE WHITE HOUSE
WASHINGTON

9/3/74

Amnesty

To: John Marsh

From: Phil Buchen



*Letter from
James Reston, which
has not been
acknowledged*

26 Seventh St. S.E.
Washington, D.C. 20003
September 2, 1974

Philip Buchen
Assistant to the President
White House
Washington, D.C.

Dear Mr. Buchen:

I'm writing you because I know that you are consulting with the President on his amnesty proposal, but more pointedly, because I read that you saw well before the transition how important a gesture of generosity by the new President could be in his first days of power.

As something of an expert on this matter, having written a book and quite a few articles on it, I am very disturbed at the direction that the amnesty initiative seems to be headed. I believe sincerely that if President Ford declares a conditional amnesty of the sort reported in the press, the Administration will end up with an administrative nightmare, which will be neither just nor practical nor reconciling in the end. Furthermore, I am greatly disturbed that the Attorney General would say last week,

"I don't think we're going to see a great many of them coming back under any amnesty program even though the President is determined to open the door to them."

It would appear that Mr. Saxbe is intent on proposing a plan that the exiles can't accept. Very little attention seems to be paid to the delicate matter of pride that exists with the resisters, and if President Ford truly wants the exiles to return, he will have to be sensitive to the emotional commitment that they have in their course of action.

Therefore, I take the time to enumerate what I see as the practical problems with a conditional amnesty.

1. Alternative service. Alternative service is intended as a penalty for war resistance and will always be viewed as such by the returning exile, regardless of how it is packaged. It amounts to forcing a person to do humanitarian work against his will. Imagine the headaches of any hospital administrator or inner city Vista supervisor who has a grudge-bearing exile on his hands for two years. What will the supervisor do if the exile walks off the job in a huff? Does he call the police?

2. Regional boards. Regional boards, even the draft boards, have been suggested for the job of judging the cases of returnees. But just as the treatment of conscientious objectors was woefully uneven in different sections of the country during the war, it would be just as difficult to standardize treatment now. This raises the old spectre of "good boards" and "bad boards", suggesting the possibility that the boy from New York gets leniency whereas the North Carolina boy gets a stiff penalty.



2.

3. Case Load. Handling this problem on a case by case basis sounds good, but it is overlooked that tens of thousands of cases are involved. Case by case analysis can go two ways. Either a board can do the best it can, gathering all the evidence, taking testimony good and bad, as it tries to get to the true motivation for an act taken years before---that process would take years. Or it can follow the precedent of the Truman Amnesty Boards and spend five minutes per case---that process would be a sham.

4. Severity of the mistake. President Ford said in his VFW speech that there were differences in the mistakes that were made. I assume this was an allusion to desertion vs. draft evasion. But separating the deserter from the draft evader opens up the charge of elitism. I'm sure you know that the evader tends to be better educated and more articulate about his act of resistance. He is more familiar with the principles of Ghandi and Thomas Aquinas, and therefore, is far better equipped to defend his act before any tribunal, than is the deserter who is usually working class. But the act of war resistance can come just as legitimately after one enters the service as before, and I think it is unrealistic to expect that a person suddenly becomes someone quite different after they step across a line at the mustering station.

5. Pardon brokers. If boards of any kind are set up, where pleading takes place, it will bring into existence a system of pardon brokers who will reap benefits from the agony of the returning exile. Such a system was in full bloom during the three years that Andrew Johnson tried conditional amnesty, before he abandoned the effort in his Universal Amnesty Proclamation of 1868. We don't need to see advertisements again like we had then offering the services of "able and influential gentlemen" who could speed an application through state and White House channels. Not only will the lawyers benefit, but also psychiatrists, private investigators, and the bureaucrats who will have to handle the paper work.

6. Act of contrition. Attorney General Saxbe indicated that at least an "act of contrition" will be required of the exiles. But the experience with mea culpas or loyalty oaths as a matter of public policy is not good. Much time, thought, emotion, and considerable misery has gone into the exiles' course of action. To force a public display of contrition is to add insult to injury. Mr. Saxbe should remember the words of the Act of Contrition in the Catholic Church:

"Oh my God, I ~~am~~^{am} heartily sorry for having offended thee. I detest all my sins, most of all, because they have offended thee, My Lord, who are all good and deserving of all love...."

7. Refighting the Vietnam War. If the Ford Administration insists on an act of contrition for mistakes, it may open up all the old rhetoric of who was mistaken for what. It could



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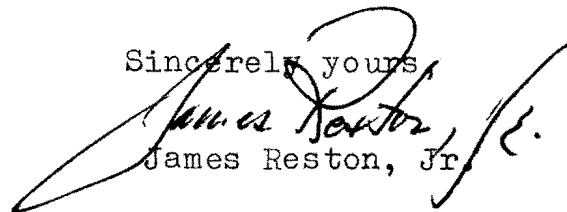
bring back the pickets and the peace rallies and breathe new life into the peace lobby of the Sixties. It will raise again the standard question which tore apart the Vietnam generation: can I serve in an immoral and undeclared war? Such an unproductive discussion is unnecessary in solving this basically human, post-war problem.

8. Moral standing. This is a tough one to say to you, but Gerald Ford has the reputation of a hawk. His record in support of the Vietnam war is consistent throughout. If his Administration devises an elaborate system with the task of judging moral motivation or defining different categories of mistakes, it may expose itself to the charge of hypocrisy from many quarters. Few now claim moral superiority for their actions during the Vietnam Era. President Ford may find it more practical and the country more responsive if he should take the stance of the Lord's Prayer:

"Forgive us our trespasses, as we forgive those who trespass against us."

As you've guessed by now, I'm a believer in cutting this matter cleanly and putting it behind us once and for all. Even though I don't expect the Administration to adopt that position immediately, I'm confident it will eventually, and I ask you at any rate to take these practical problems with a conditional amnesty seriously.

Sincerely yours,


James Reston, Jr.

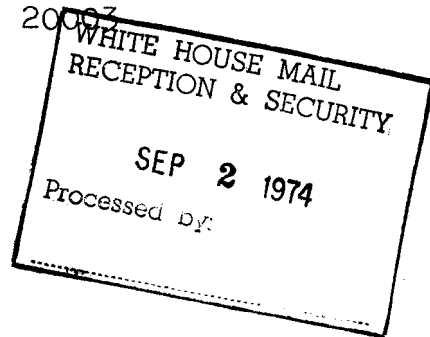


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CHAPEL HILL, N. C. 27514

26, 7th St. S.E.
Washington, D.C. 20003

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HAND

Philip Buchen
Assistant to the President
The White House
Washington, D.C. 20003



Jack Marsh

File
Amnest
The White House
Washington

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8 PMS JACK MARSH, COUNSELOR TO THE PRESIDENT, DLR
9 WHITE HOUSE
10 WASHINGTON DC 20500



11 URGENTLY REQUEST BRIEF MEETING WITH THE PRESIDENT ON AMNESTY
12 BEFORE END OF WEEK, FOR SMALL DELEGATION OF LEADERS OF THE BAR,
13 BUSINESS, INDUSTRY, LABOR, MINORITY AND COMMUNITY ORGANIZATIONS
14 TO EXPRESS STRONG SUPPORT FOR PRESIDENT'S INITIATIVE IN HIS
15 OBJECTIVE OF NATIONAL RECONCILIATION. DELEGATION WANTS TO SUBMIT
16 CONSIDERATIONS FOR BROADEST POSSIBLE EFFECT OF PROPOSED AMNESTY
17 AND LEASED ONOROUS CONDITIONS. ON THE MERITS AND ON THE APPEARANCE
18 OF GIVING ALL DECENT SIDEU A HEARING, SUCH A MEETING, WITH IMPORTANT,
19 MODERATE ELEMENTS OF AMERICAN SOCIETY, IS INTENDED TO BE HELPFUL
20 TO PRESIDENT'S PROPOSAL. SENATOR CHARLES GOODELL AND ROBERT
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7 FROEHLKE HAVE BEEN CONSULTED IN RAQUESTING THIS MEETING AND
8 WILL AFFIRM OUR INTENTION RESPECTKULLY TO SUBMIT PROMPTINGS
9 OF GENEROUSITQ AND FAIRNESS TO THE PRESIDENT IN HIS RESOLVING
10 THE AMNASTY PROBLEM. AMONG DELEGATION WILL BE CHESTERFIELD SMITH,
11 IMMEDIATE PAST PREUIDENT, AMERICAN BAR ASSOCIATION; IRWIN MILLER,
12 PRESIDENT, CUMMINS ENGINE COPOINT, COLUMBUS, INDIANA; VERNON
13 JORDAN, DIRECTOR, NATIONAL URBAN LEAGUE; KENNETH B. CLARK, PRESIDENT,
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17 UNION.
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19 HENRY SCHWARZUCHILD DIRECTOR, PROJECT ON AMNESTY AMERICAN
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Law Offices

Conrad, Litten, Sipe and Miller
Harrisonburg, Virginia 22801

LAW BUILDING
218 EAST MARKET STREET

September 4, 1974

George D. Conrad
Donald D. Litten
James R. Sipe
Nathan H. Miller
James V. Lane

Amnesty file
Area Code 703
Telephone 434-5353

The President
The White House
Washington, D.C. 20013

Dear Mr. President:

Congratulations on your ascension to the Presidency. You have my best wishes and I hope to be able to support you for reelection.

Congratulations also on your appointment of Jack Marsh, who is a friend of mine, a fine gentleman, and capable in all respects.

Unfortunately I am in complete disagreement with you on the matter of amnesty. In my opinion it is contrary to the best interest of our country to encourage deserters, draft evaders and phony conscientious objectors by extending leniency.

Every draftee was entitled to a hearing by his local draft board. Those who had sincere religious convictions were excused and did alternative service. Those dissatisfied with the decision of the board had the right to appeal to the courts. If their cases were decided against them and they ran out they were deserters. If they ran out without even having a hearing they were plainly deserters. If they bugged out without any excuse they were contemptible cowards who were willing to let someone else suffer or die in their place. Why should leniency be extended to such people? It would be an insult to every patriotic American who has served or been willing to serve.

Perhaps my feelings are unduly influenced by the fact that I volunteered for combat service at the age of thirty eight (38) in World War II and went overseas in



Conrad, Litten, Sipe and Miller

The President

September 4, 1974

Page 2

1942 with one of the first combat units of the Air Force which suffered extremely heavy losses. Nevertheless, it seems to me that ever since the war this country has been losing its courage and guts, pampering criminals, and declining morally in all respects.

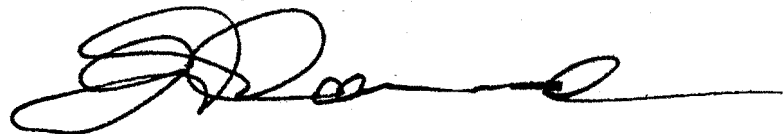
During the Vietnam War I visited Canada and observed a number of these "heroes". My impression was that most of them were dirty hippies who were completely lacking in patriotism. Who needs them?

Why should we pamper these bums and weaken our country by bringing back a bunch of unpatriotic cowards?

What about the next war and the next draft? Why should anyone risk his neck if he can run out and then be forgiven? We surely would have a hell of a time finding enough patriots among the young people today to raise a volunteer army.

I also feel that you are making a serious mistake politically. Almost everyone I have talked to is opposed to amnesty.

Cordially,



George D. Conrad

jar

cc: Senator Harry Byrd

Jack Marsh, Esquire

The Honorable J. Kenneth Robinson



Law Offices
Conrad, Litten Sipe and Miller
Harrisonburg, Virginia 22801

LAW BUILDING
218 EAST MARKET STREET

Jack Marsh, Esquire
The White House
Washington, D.C. 20013